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**Trends in Felony Case Processing
in the 1990s**

Final Report

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December 2000

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Trends in Felony Case Processing in the 1990s

I. INTRODUCTION

The criminal justice system in New York City has been the subject of much attention and speculation over the years. There have been numerous attempts to characterize the criminal justice system in New York City, from countless perspectives with a variety of goals. Many have attached key words or “sound bites” to epitomize some aspect of the system. Recent attention has focused on increasing arrest volume and on the emphasis on “quality of life” offenses.

Meanwhile, on the national level, the Bureau of Justice Statistics (BJS) of the U.S. Department of Justice has been conducting a bi-annual program, beginning in 1988, focusing on the criminal justice processing of felony-charged defendants in 40 of the largest counties in the country. The State Court Processing Statistics Program (SCPS), administered by the Pretrial Services Resource Center in Washington, D.C., collects data on demographic characteristics, criminal history, adjudication and sentencing, as well as on pretrial release, pretrial detention, and pretrial misconduct, tracking the cases from arrest to sentencing for up to a year.

The New York City Criminal Justice Agency (CJA) has been participating in the SCPS program since its inception. The datasets include approximately 2000 docketed felony arrests selected from particular days in May of each sample year in the four largest NYC counties. These datasets are the basis for the research described in this report. The report focuses on trends in the characteristics of defendants in felony cases and in the course of their processing in the NYC criminal justice system in the 1990s. Specifically, the report assesses trends in arrest, arraignment and disposition, CJA community ties rating, criminal history, arraignment outcomes (both disposition and release status), Criminal and Supreme Court dispositions, and two measures of pretrial misconduct: failure to appear in court as scheduled and rearrest.

A. THE SAMPLES

Felony arrests on the five selected dates in May of each sample year in the 1990s (1990, 1992, 1994, 1996 and 1998) were drawn from CJA's Unified Defendant-Inmate Information System (UDIIS) and matched against a file of arrests on those dates provided by the NYC Police Department (NYPD). Court outcome data were collected from UDIIS and checked against the Office of Court Administration (OCA) computerized records, as available, and against court calendars. Criminal history and rearrest data were taken first from UDIIS, then checked against data from the Division for Criminal Justice Services (DCJS). Data on bail-making between court appearances were provided by the NYC Department of Corrections (DOC). The datasets have been supplemented with additional variables, such as the CJA community-ties based recommendation for release on recognizance and the factors that serve as the basis for the rating, items that are specific to CJA and to NYC and were not requested by SCPS.

B. THE STRUCTURE OF THE REPORT

The findings are presented in six sections, divided roughly by the stages of case processing. The sections are arrest, arraignment, post-arraignment release, disposition, sentencing, and pretrial misbehavior. The arrest section discusses changes in the volume of felony arrests and in the types of charges faced by felony defendants. Demographic factors, such as gender, age, and criminal history, are included in the first section, as well as discussion of the strength of defendants' ties to the community. The second section examines charge reduction entering arraignment, as well as two important arraignment outcomes, disposition and release status. The third section, post-arraignment release, discusses rates of pretrial release, types of pretrial release, and length of detention prior to release. The next section, which focuses on pretrial misbehavior, is divided between failure to appear for scheduled pretrial court dates and pretrial rearrest. The disposition section addresses the court level of prosecution, the disposition itself, the disposition charge, and length of case. The sentencing section examines types of sentences and length of incarcerative sentence, by court level. The report closes with a discussion section that attempts to summarize the trends in the

1990s. Throughout this report, the totals in the tables are displayed as “100.0%,” even when the percentages do not sum to 100.0 due to rounding.

II. RESEARCH FINDINGS

A. ARREST

1. Volume

The volume of felony arrests in the samples was highest in 1990 and did not pass the 2000 mark in any subsequent sample year (Table A.1-1). This is consistent with the data published in the NYPD Statistical Report Series, Complaints and Arrests, showing a 20 percent decline in the 1998 felony arrest volume, compared to the 1990 volume, for the four largest counties combined. However, the decline in the samples was only 15 percent. The samples were not designed to be representative of the full annual felony arrest volume in NYC because the samples were not selected as proportions of the annual volume. Rather, the samples consist of all felony arrests on the sample dates, all in May of the sample years, according to the protocol determined by BJS for the SCPS project.* Thus, the volume of felony arrests declined in each borough, but the percent decreases reported by the NYPD are not exactly those shown for the research samples. Nevertheless, both show sharper decreases in felony arrest volume for Manhattan (NYPD: 24%, samples 27%), followed by Brooklyn (NYPD: 22%, samples: 16%), than for the Bronx (NYPD: 16%, samples: 2%) or Queens (NYPD: 14%, samples: 8%) [data not shown].

* The BJS SCPS research plan provides for the sample data to be representative of national felony filings in May in the aggregate after proportionate weighting procedures. Using US Census data, the 75 largest counties in the country, which account for half of all felony filings nationwide, are identified. A sample of 40 of these counties is drawn after consideration of felony and misdemeanor arrest and filing volume for each county. The SCPS data is collected for a selection of dates in May for these counties. The samples were not intended to be representative for each of the participating jurisdictions.

TABLE A.1-1:
Borough of Arrest by Year of Arrest

Borough	1990		1992		1994		1996		1998		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Brooklyn	628	30.2	484	27.5	578	30.3	630	32.6	529	30.0	2849	30.2
Manhattan	678	32.6	548	31.2	565	29.6	514	26.6	496	28.1	2801	29.7
Queens	320	15.4	283	16.1	289	15.1	276	14.3	295	16.7	1463	15.5
Bronx	<u>454</u>	<u>21.8</u>	<u>444</u>	<u>25.2</u>	<u>477</u>	<u>25.0</u>	<u>510</u>	<u>26.4</u>	<u>446</u>	<u>25.3</u>	<u>2331</u>	<u>24.7</u>
TOTAL Arrests	2080	100.0	1759	100.0	1909	100.0	1930	100.0	1766	100.0	9444	100.0
NYPD Complaints and Arrests	101109		90835		88061		80879		80887			

2. Charges

The severity of the felony charges has changed little across the years. Arrests at the B-felony level account for four of every ten felony arrests (Table A.2-1). The data show a small decline in the proportion charged at the C and perhaps B-felony levels and a small increase in the proportion with E-felony charges.

TABLE A.2-1:
Severity of Most Severe Arrest Charge by Year of Arrest

Severity	1990		1992		1994		1996		1998		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
A felony	51	2.5	60	3.4	60	3.1	46	2.4	53	3.0	270	2.9
B felony	855	41.1	682	38.8	769	40.3	816	42.3	695	39.4	3817	40.4
C felony	254	12.2	249	14.2	252	13.2	196	10.2	171	9.7	1122	11.9
D felony	697	33.5	573	32.6	591	31.0	567	29.4	559	31.7	2987	31.6
E felony	<u>223</u>	<u>10.7</u>	<u>195</u>	<u>11.1</u>	<u>237</u>	<u>12.4</u>	<u>305</u>	<u>15.8</u>	<u>288</u>	<u>16.3</u>	<u>1248</u>	<u>13.2</u>
TOTAL Arrests	2080	100.0	1759	100.0	1909	100.0	1930	100.0	1766	100.0	9444	100.0

In broad strokes, the kinds of felony charges in the samples are strikingly similar from year to year. Close to four of every ten of the felony arrests had drug-related offenses as the most severe arrest charge (Table A.2-2). The much-touted decline in homicide in NYC is evident, from a high of 2.2 percent of felony arrests in 1992 to only .6 percent in 1998, a decline from 38 to 11 arrests per sample year, respectively.

However, there was also a roughly complementary increase in the proportion and volume of arrests with assault charges. The volume of felony arrests with weapon offenses as the most serious charge also declined, paralleling the decline in homicides, from a high of 106 in the 1992 sample, down to only 43 arrests in the 1998 sample.

The table also shows a substantial decrease in both the proportion and volume of felony arrests with charges in two penal law sections; grand larceny, which dropped from a high of 237 arrests (11%) in 1990 down to only 94 arrests (5%) in 1998, and robbery, which dropped from a high of 328 arrests (16%) in 1990 down to only 170 arrests (10%) in 1998. The decreases in these categories seem to reflect the overall decline in felony arrests through the 1990s. The data show an increase in charges of criminal contempt, however, reflecting the recent use of Penal Law 215.51 for violations of orders of protection in domestic violence cases. These data cannot identify the sources of the shifts in the charge composition of the felony arrests. The changes may reflect changes in crime, or changes in crime reports, or in policing strategies, or in charging or arrest practices.

TABLE A.2-2:
Most Severe Arrest Charge Penal Law Article by Year of Arrest

ARREST CHARGE (Penal Law Article)	1990		1992		1994		1996		1998		Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Assault (PL 120)	256	12.3	234	13.3	247	12.9	270	14.0	278	15.7	1285	13.6
Homicide (PL 125)	30	1.4	38	2.2	32	1.7	23	1.2	11	.6	134	1.4
Sex Offenses (PL 130)	25	1.2	22	1.3	22	1.2	39	2.0	40	2.3	148	1.6
Kidnapping (PL 135)	5	.2	6	.3	9	.5	4	.2	3	.2	27	.3
Burglary (PL 140)	128	6.2	138	7.8	115	6.0	98	5.1	92	5.2	571	6.0
Criminal Mischief (PL 145)	65	3.1	48	2.7	31	1.6	56	2.9	54	3.1	254	2.7
Arson (PL 150)	4	.2	6	.3	13	.7	12	.6	5	.3	40	.4
Grand Larceny (PL 155)	237	11.4	182	10.3	146	7.6	97	5.0	94	5.3	756	8.0
Robbery (PL 160)	328	15.8	262	14.9	313	16.4	230	11.9	170	9.6	1303	13.8
Other Theft (PL 165)	58	2.8	50	2.8	80	4.2	73	3.8	57	3.2	318	3.4
Forgery (PL 170)	37	1.8	15	.9	29	1.5	64	3.3	68	3.9	213	2.3
Prison Contraband (PL 205)	4	.2	0	0	1	.1	4	.2	11	.6	20	.2
Criminal Contempt (PL 215)	7	.3	3	.2	7	.4	14	.7	84	4.8	115	1.2
Drugs (PL 220)	798	38.4	619	35.2	672	35.2	778	40.3	686	38.8	3553	37.6
Gambling (PL 225)	5	.2	16	.9	39	2.0	36	1.9	18	1.0	114	1.2
Weapons (PL 265)	82	3.9	106	6.0	104	5.4	64	3.3	43	2.4	399	4.2
Vehicle and Traffic Law	2	.1	2	.1	39	2.0	48	2.5	19	1.1	110	1.2
Other	9	.4	12	.7	10	.5	20	1.0	33	1.9	84	.9
TOTAL Arrests	2080	100.0	1759	100.0	1909	100.0	1930	100.0	1766	100.0	9444	100.0

3. Demographic Factors: Gender, Age and Criminal History

The proportion of female defendants in felony arrests was higher in the 1998 sample (16%) than in any of the previous felony-arrest samples (Table A.3-1). The difference is small, but statistically significant. The 1992 felony-arrest sample showed the lowest proportion of female defendants (12%).

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Male	86.4%	88.3%	87.4%	86.0%	83.7%	86.4%
Female	<u>13.6</u>	<u>11.7</u>	<u>12.6</u>	<u>14.0</u>	<u>16.3</u>	<u>13.6</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2078	1759	1906	1930	1766	9439
Gender not available	<u>2</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>5</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

The average age of the defendants in felony arrests increased by nearly three years from 1990 to 1998, from an average of 27 years up to an average of 30 years (Table A.3-2). This finding contradicts the media image of increasingly youthful criminals. As shown in the table below, the proportions of defendants in the youngest age categories (under 18 and 18 to 20) show little change. Further, the proportion of defendants concentrated in the 21-to-29 year old category declined by ten percentage points during the 90s. The increase reflects the defendants in the highest age category, aged 40 and over. One in ten felony arrests in 1990 involved a defendant aged 40 or older, compared to almost two in every ten in 1998.

TABLE A.3-2:
Defendant Age by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
17 or under	11.5%	12.4%	12.2%	10.4%	10.2%	11.3%
18-20	13.8	14.4	13.9	13.6	12.6	13.7
21-29	42.8	39.8	35.8	31.6	31.9	36.5
30-39	23.6	23.9	26.4	28.8	28.3	26.2
40 or older	<u>8.3</u>	<u>9.5</u>	<u>11.6</u>	<u>15.6</u>	<u>16.9</u>	<u>12.3</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
TOTAL Arrests	2080	1759	1909	1930	1766	9444
Mean Age	27.4	27.6	28.6	30.0	30.2	28.7
Median Age	26.0	27.0	27.0	29.0	29.0	27.0

Some of the increase in the average age of defendants in felony arrests reflects the shifts in the kinds of arrest charges discussed earlier (Table A.2-2). The decrease in the proportion of defendants charged with robbery (PL 160) at arrest, for example, a charge category typically associated with young offenders, accounts for at least part of the overall increase in average age. The defendants with robbery arrest charges were about five years younger than were the defendants in all felony arrests considered together (Table A.3-3). Even here, however, the mean age for the 1998 sample was higher than the mean for any previous sample.

TABLE A.3-3:
Defendant Age by Year of Arrest for Defendants Charged with Robbery Offenses at Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
TOTAL Robbery Arrests	328	262	313	230	170	1303
Mean Age	23.2	24.3	23.4	24.7	25.1	24.0
Median Age	21.0	23.0	20.0	20.0	21.0	21.0

More than two thirds of the defendants arrested for felony offenses had at least one prior arrest (Table A-3.4). An additional tenth had prior arrests but no prior convictions. Conversely, three of every ten arrestees had one or more prior felony convictions. The mean number of felony convictions increased through the 1990s, from .45 felony convictions in 1990 up to .56 and .55 felony convictions in 1996 and 1998,

respectively. The mean number of misdemeanor convictions also increased in the 1990s, from 1.70 in 1990, to 1.89 in 1996 and 1998.

TABLE A.3-4:
Criminal History by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
No prior arrests	30.5%	32.4%	34.1%	31.9%	29.6%	31.7%
One or more prior arrests, no prior convictions	7.5	9.8	8.3	8.3	9.7	8.7
No convictions, one or more open cases	17.4	13.5	15.5	14.7	15.4	15.4
Misdemeanor convictions only	15.9	13.6	13.2	15.1	16.7	14.9
One or more felony convictions	<u>28.6</u>	<u>30.6</u>	<u>28.8</u>	<u>30.0</u>	<u>28.6</u>	<u>29.3</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Subtotal	2034	1693	1872	1753	1711	9063
Criminal history not available	<u>46</u>	<u>66</u>	<u>37</u>	<u>177</u>	<u>55</u>	<u>381</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444
Mean number of felony convictions	.45	.50	.51	.56	.55	.51
Mean number of misdemeanor convictions	1.70	1.65	1.81	1.89	1.89	1.79

4. Community Ties

Defendants in felony arrests were increasingly likely to receive one of the two highest CJA release recommendations, based on verified or unverified community ties (Table A.4-1). Only 44 percent of the felony arrests in the 1990 sample were rated “recommended” or “qualified” for release on recognizance, compared to 51 percent of the 1998 arrests.

TABLE A.4-1:
CJA Community Ties Release Recommendation by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Recommended: Verified Ties	27.5%	28.8%	29.3%	31.7%	27.2%	28.9%
Qualified: Unverified Ties	<u>16.5</u>	<u>17.9</u>	<u>18.1</u>	<u>18.4</u>	<u>24.8</u>	<u>19.0</u>
Subtotal Recommended	44.0%	45.7%	47.4%	50.1%	51.0%	47.9%
Insufficient Community Ties	32.9	35.5	36.5	32.8	35.0	34.5
Bench Warrant	19.4	14.2	12.7	14.4	12.1	14.7
NYSID Not Available	1.2	0.6	0.6	0.5	0.1	0.6
For Information Only*	1.3	1.7	1.4	1.0	0.4	1.2
Juvenile (under age 16)**	<u>1.3</u>	<u>1.2</u>	<u>1.4</u>	<u>1.1</u>	<u>0.4</u>	<u>1.1</u>
Subtotal	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2039	1702	1868	1767	1722	9098
Not interviewed: DAT	1	9	10	106	7	133
Recommendation not available	<u>40</u>	<u>48</u>	<u>31</u>	<u>57</u>	<u>37</u>	<u>213</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

* For defendants charged with homicide or attempted homicide.

** The community-ties criteria for recommending defendants for release were designed specifically for the adult defendant population. There are too few juveniles in these samples to warrant discussion of the release recommendation system implemented for juveniles.

The factors that are considered in the community ties assessment were also examined for this research. Despite reports of nearly full employment, the proportion of defendants in felony arrests who claim to be employed or attending school full time increased very slightly, reaching 40 percent (Table A.4-2). There was little or no change in the proportions reporting that they lived with a parent, spouse, or legal guardian (56%, Table A.4-3) or that they lived at their primary address for a year or more (63%, Table A.4-4). Far more defendants in felony arrests reported that they had a telephone in their home than in previous years for which the data were available, reaching a high of 62 percent, from a low of only 47 percent in 1992 (Table A.4-5). Fewer defendants expected anyone they knew to attend their arraignment (42%, down from 48% in 1990, Table A.4-6). Ninety percent of the felony defendants in each year sampled claimed a NYC area address, but the address was verified for only a third of the arrests in the 1998 sample, the lowest proportion in any of the previous years (Table A.4-7). It may be of interest to note that the decrease in the proportion with a verified NYC area address occurred at the same time as the increase in the proportion of defendants

reporting a telephone in their home. One might have expected that the increase in telephones might be associated with an increase in verification, but this does not seem to have occurred. Instead, the decrease in verifications reflects the decrease in verification calls caused by the effort to reduce time from arrest to arraignment. The overall increase in the proportion of the defendants in felony arrests who received one of the highest community ties ratings seems to primarily reflect the increase in the proportion who reported the presence of a telephone in their home.

TABLE A.4-2:
Employment Status by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Yes, unverified	20.9%	18.9 %	19.2%	19.2%	24.4%	20.5%
Yes, verified	<u>16.5</u>	<u>15.4</u>	<u>15.0</u>	<u>17.6</u>	<u>15.6</u>	<u>16.0</u>
Subtotal	37.4%	34.3%	34.2%	36.8%	40.0%	36.6%
No, unverified	41.8	40.9	42.5	39.3	41.7	41.3
No, verified	16.3	21.0	18.8	19.3	16.0	18.2
Unresolved conflict	<u>4.4</u>	<u>3.8</u>	<u>4.5</u>	<u>4.6</u>	<u>2.3</u>	<u>3.9</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2008	1680	1820	1736	1694	8938
Not interviewed: DAT	1	9	10	106	7	133
Employment status not available	<u>71</u>	<u>70</u>	<u>79</u>	<u>88</u>	<u>65</u>	<u>373</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

TABLE A.4-3:
Lives with Parent, Spouse or Legal Guardian by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Yes, unverified	28.9%	26.7%	26.4%	24.5%	31.0%	27.5%
Yes, verified	<u>30.2</u>	<u>29.1</u>	<u>29.4</u>	<u>29.5</u>	<u>25.4</u>	<u>28.8</u>
Subtotal	59.1%	55.8%	55.8%	54.0%	56.4%	56.3%
No, unverified	28.9	30.8	32.6	31.7	33.0	31.3
No, verified	7.6	8.6	8.2	10.4	7.5	8.4
Unresolved conflict	<u>4.4</u>	<u>4.8</u>	<u>3.5</u>	<u>3.9</u>	<u>3.1</u>	<u>3.9</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2024	1683	1822	1740	1696	8965
Not interviewed: DAT	1	9	10	106	7	133
"Lives with" not available	<u>55</u>	<u>67</u>	<u>77</u>	<u>84</u>	<u>63</u>	<u>346</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

TABLE A.4-4:
Length of Address Status by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Yes, unverified	36.7%	34.1%	33.5%	35.1%	39.7%	35.8%
Yes, verified	<u>28.8</u>	<u>26.7</u>	<u>26.5</u>	<u>29.0</u>	<u>23.7</u>	<u>27.0</u>
Subtotal	65.5%	60.8%	60.0%	64.1%	63.4%	62.8%
No, unverified	21.5	23.6	26.0	21.7	24.4	23.4
No, verified	7.0	9.7	8.8	8.4	7.7	8.3
Unresolved conflict	<u>6.1</u>	<u>5.8</u>	<u>5.2</u>	<u>5.8</u>	<u>4.5</u>	<u>5.5</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2022	1683	1820	1740	1696	8961
Not interviewed: DAT	1	9	10	106	7	133
"Address" status not available	<u>57</u>	<u>67</u>	<u>79</u>	<u>84</u>	<u>63</u>	<u>350</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

TABLE A.4-5:
Telephone in Home by Year of Arrest

	<u>1990*</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>
Yes, unverified		16.4%	20.8%	21.7%	32.8%
Yes, verified		<u>30.2</u>	<u>32.8</u>	<u>35.6</u>	<u>29.7</u>
Subtotal		46.6%	53.6%	57.3%	62.5%
No, unverified		39.2	35.7	31.9	29.6
No, verified		7.7	5.7	4.6	3.7
Unresolved conflict		<u>6.4</u>	<u>5.0</u>	<u>6.1</u>	<u>4.2</u>
		100.0%	100.0%	100.0%	100.0%
N of cases		1679	1816	1742	1695
Not interviewed: DAT		9	10	106	7
"Telephone" not available		<u>71</u>	<u>83</u>	<u>82</u>	<u>64</u>
TOTAL		1759	1909	1930	1766

* not available

TABLE A.4-6:
“Expects Someone at Arraignment” by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Yes, expects	47.8%	50.3%	45.7%	45.4%	42.1%	46.3%
No	<u>52.2</u>	<u>49.7</u>	<u>54.3</u>	<u>54.6</u>	<u>57.9</u>	<u>53.7</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2015	1672	1813	1734	1688	8922
Not interviewed: DAT	1	9	10	106	7	133
“Expects” not available	<u>64</u>	<u>78</u>	<u>86</u>	<u>90</u>	<u>71</u>	<u>389</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

TABLE A.4-7:
Verified NYC Area Address by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Yes, unverified	52.6%	51.9%	52.0%	51.1%	57.2%	52.9%
Yes, verified	<u>36.5</u>	<u>37.6</u>	<u>36.9</u>	<u>39.6</u>	<u>32.9</u>	<u>36.7</u>
Subtotal	89.1%	89.6%	88.9%	90.6%	90.1%	89.6%
No, unverified	5.7	5.4	7.2	5.1	6.4	6.0
No, verified	1.0	0.5	1.1	1.1	0.6	0.9
Unresolved conflict	<u>4.2</u>	<u>4.5</u>	<u>2.8</u>	<u>3.2</u>	<u>2.8</u>	<u>3.5</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2013	1671	1815	1739	1695	8933
Not interviewed: DAT	1	9	10	106	7	133
“Address” status not available	<u>66</u>	<u>79</u>	<u>84</u>	<u>85</u>	<u>64</u>	<u>378</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

B. ARRAIGNMENT

1. Charge Reduction

Fewer felony arrests reached arraignment with felony-level affidavit charges in 1998 than in any of the previous years (Table B.1). Charges were reduced to misdemeanor or lesser charges for arraignment for three of every ten felony arrests, compared to roughly two of every ten in the early 1990 samples. The decrease in felony-level affidavit charges probably reflects in part the increase in the proportion of arrests at the lower felony severity levels discussed above. It is not clear at this point in the analysis if the decrease might also reflect, for example, a decrease in the quality of felony arrests over time, or an increase in early case quality assessment, or in speed of reaching final disposition charge.

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Felony at affidavit	77.8%	80.5%	72.5%	72.9%	69.9%	74.8%
Less than felony at affidavit	<u>22.2</u>	<u>19.5</u>	<u>27.5</u>	<u>27.1</u>	<u>30.1</u>	<u>25.2</u>
Subtotal	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2077	1758	1906	1921	1765	9427
Affidavit charge not available	<u>3</u>	<u>1</u>	<u>3</u>	<u>9</u>	<u>1</u>	<u>17</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

2. Arraignment Disposition

Nine of every ten cases in the felony arrest samples were continued at arraignment (Table B.2). Each sample year showed a few cases dismissed or adjourned in contemplation of dismissal (ACD) or transferred to Family Court at arraignment, and a few defendants pled guilty at arraignment to reduced charges.

TABLE B.2:
Arraignment Disposition by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Continued	89.7%	92.9%	88.9%	89.7%	90.1%	90.2%
Warrant ordered	<u>0.0</u>	<u>0.2</u>	<u>0.1</u>	<u>1.3</u>	<u>0.1</u>	<u>0.3</u>
Subtotal continued	89.7%	93.1%	88.9%	91.1%	90.2%	90.5%
Pled guilty	8.0	5.8	9.0	7.1	7.8	7.6
Dismissed-ACD	2.4	1.1	2.0	1.8	2.0	1.9
To Family Court	<u>0.0</u>	<u>0.1</u>	<u>0.1</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Subtotal disposed	10.3%	6.9%	11.1%	8.9%	9.8%	9.5%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2080	1759	1909	1930	1765	9443
Not available	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

3. Arraignment Release Status

The decision to continue rather than to dispose a case at arraignment in Criminal Court brings with it the need to set a release status for the defendant. The defendant may be released on his or her own recognizance (ROR'd) without posting bail, or bail may be set, a bail that the defendant may or may not be able to post, or the defendant may be detained with no bail set. The proportion of defendants ROR'd at arraignment decreased from 46 percent in the 1990 sample to only 37 percent in the 1996 sample, and then rose to 44 percent in 1998 (Table B.3). Bail was set at arraignment for more than half of the defendants in each year sampled. Most of the defendants for whom bail is set are not able to post the bail in court prior to the defendant's transfer to a DOC detention facility. In fact, only two to three percent of the defendants whose cases were continued at arraignment were released on bail that quickly in any sample years.

TABLE B.3:
Release Status at Arraignment in Criminal Court by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
ROR	46.4%	42.9%	38.3%	37.0%	43.6%	41.7%
Bail Posted	2.1	3.4	2.8	3.0	2.5	2.8
Held on Bail	50.7	51.6	56.3	57.4	52.7	53.7
Remanded	<u>0.9</u>	<u>2.1</u>	<u>2.6</u>	<u>2.6</u>	<u>1.2</u>	<u>1.9</u>
Subtotal	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	1863	1633	1697	1726	1582	8501
Disposed at arraignment	215	122	211	172	173	893
Release status not applicable (warrant ordered, direct indictment)	0	3	1	31	7	42
Release status not available	2	1	0	1	4	8
TOTAL Arrests	2080	1759	1909	1930	1766	9444

The average amount of bail set at arraignment rose dramatically through the 1990s from \$2826 in 1990 to \$7734 in 1998 (data not displayed). The median, or midpoint, increased, but somewhat less dramatically, from \$1500 to \$2500.

C. POST-ARRAIGNMENT RELEASE

Pretrial release is defined here as release in recognizance or on bail prior to the disposition of the case. Defendants who are held on bail at arraignment and who are released after they enter a guilty plea are not considered to have been released pretrial. Although a defendant may be released and detained more than once in the course of case processing, only the first pretrial release is tallied.

The proportion of defendants in felony arrests who eventually secured pretrial release fluctuated through the 1990s, but hovered at around three quarters of those whose cases were continued at arraignment in Criminal Court (Table C.1). The vast preponderance of those released secured release on recognizance, rather than on bail (Table C.2). Bail releases were particularly low in 1990 (19%), but remained over 25 percent for the following years. There were a significant number of defendants released

on Desk Appearance Tickets (DATs, or citation releases) in 1996, but this is uncommon for felony arrests. DATs, issued at arrest, are appointments to come to court at a specified future date for a scheduled arraignment. Usually only those with misdemeanor or lesser arrest charges are eligible to be released between arrest and arraignment. The defendants with DATs from the 1996 sample reflect the use of DATs as a mechanism to relieve the pressure on the arrest-to-arraignment processing caused by high arrest volume. Some on-line felony arrests were later released with DATs and a scheduled for arraignment at a subsequent date.

TABLE C.1:
Pretrial Release by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Released pretrial	78.6%	77.6%	73.5%	74.5%	75.9%	76.0%
Not released pretrial	<u>21.4</u>	<u>22.4</u>	<u>26.5</u>	<u>25.5</u>	<u>24.1</u>	<u>24.0</u>
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	1863	1637	1703	1801	1596	8600
Release status not available	<u>2</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>4</u>
Total*	1865	1638	1703	1802	1596	8604

* Includes defendants whose cases are continued at arraignment as well as defendants released on DATs.

TABLE C.2:
Type of Pretrial Release by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
ROR	81.3%	72.8%	70.7%	64.3%	73.1%	72.6%
DAT (Citation)	.1	.7	.8	8.4	.7	2.1
Bail	<u>18.7</u>	<u>26.5</u>	<u>28.5</u>	<u>27.4</u>	<u>26.2</u>	<u>25.2</u>
Subtotal	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	1463	1270	1251	1359	1212	6536
Type of pretrial release not available	<u>2</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>3</u>
Total released pretrial	1465	1270	1251	1360	1212	6539

The average number of days from arraignment to release also varied from year to year in the 1990s, but with no clear trend overall. Further analysis, however, does reveal trends. As shown in Table C.3, the number of days from arraignment to release on ROR has increased (from a mean of 3 to a mean of nearly 5 days) while the number

of days from arraignment to release on bail has decreased (from a mean of 26 days to only 10 days). The findings are stronger when only defendants who were held on bail or remanded with no bail set at arraignment are considered. The mean number of days for a defendant arrested for a felony offense who was detained at arraignment in Criminal Court to secure release on recognizance prior to disposition doubled from the 1990 to 1998 samples, from 11 to 22 days. Conversely, the mean number of days from arraignment to release for comparable defendants who eventually secured release on bail declined by more than half in the 1990s, from 30 days down to less than two weeks.

TABLE C.3:
Number of Days from Arraignment to Pretrial Release by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
All pretrial releases (includes DATs)						
Mean	6.9	5.8	7.1	4.8	6.3	6.2
Median	0.0	0.0	0.0	0.0	0.0	0.0
N of cases	1430	1249	1223	1336	1206	6444
Days not available	<u>35</u>	<u>21</u>	<u>28</u>	<u>5</u>	<u>6</u>	<u>95</u>
Total pretrial ROR releases	1465	1270	1251	1341	1212	6539
ROR						
Mean	3.1	2.4	4.6	4.2	4.9	3.8
Median	0.0	0.0	0.0	0.0	0.0	0.0
N of cases	1185	925	885	858	884	4737
Days not available	<u>4</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>2</u>	<u>9</u>
Total pretrial ROR releases	1189	925	885	861	886	4746
Bail Release						
Mean	25.6	16.2	14.0	8.0	10.2	14.7
Median	5.0	2.0	1.0	1.0	2.0	2.0
N of cases	244	315	328	360	314	1561
Days not available	<u>29</u>	<u>21</u>	<u>28</u>	<u>1</u>	<u>4</u>	<u>83</u>
Total pretrial bail releases	273	336	356	361	318	1644
Held at arraignment						
ROR						
Mean	11.4	9.6	17.0	13.6	22.4	14.4
Median	5.0	5.0	5.0	5.0	5.0	5.0
N of cases	320	228	239	262	195	1244
Days not available	<u>4</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>8</u>
Total pretrial ROR releases	324	228	239	264	197	1252
Bail Release						
Mean	30.5	19.7	16.3	9.3	11.7	16.6
Median	5.0	3.0	2.0	2.0	2.0	3.0
N of cases	205	259	281	314	273	1332
Days not available	<u>29</u>	<u>21</u>	<u>28</u>	<u>1</u>	<u>4</u>	<u>83</u>
Total pretrial bail releases	234	280	309	315	277	1415

D. PRETRIAL MISBEHAVIOR

1. Failure to Appear

Defendants were less likely to fail to appear for a scheduled court date in 1996 and 1998 than they were in the early 1990s (Table D.1-1). Pretrial bench warrants for failure to appear were issued for nearly a third of the defendants who secured pretrial release in the 1990 sample, compared to only about a quarter of the released defendants in the 1996 or 1998 samples. Also, when the defendants did fail to appear, they were far less likely to remain a fugitive* in the more recent samples than in the earlier sample years (Table D.1-2). The data for the early 1990s may somewhat inflate the fugitive rate since data quality has improved markedly in this area over the years, but the sharp decline from 1994 to 1996 and from 1996 to 1998 seems to reflect real strides towards successfully returning to court the defendants for whom bench warrants were ordered.

Failure-to-appear rates for defendants arrested for felony-level offenses were generally slightly higher for defendants released on recognizance than for defendants released on bail (Table D.1-1). In the 1998 sample, however, 27 percent of defendants released on bail missed a scheduled court appearance, compared to 25 percent of those released on recognizance. The 25 percent failure-to-appear rate for defendants released on recognizance in 1998 is the low point of a strong trend towards lower missed appearance rates in the 1990s for these defendants, a decline of twenty percent from the high of 32 percent in the 1990 sample. The failure-to-appear rates for bail defendants fluctuated from sample to sample, but did show some overall decline.

The data in Table D.1-3 show that failure-to-appear rates are consistently higher in the upper than in the lower court. The difference tended to widen through the 1990s as failure to appear rates for defendants in felony arrests declined somewhat in the lower court, especially when compared to 1990.

* In this context, a defendant is considered to be a fugitive if there is no return on the warrant before the close of data collection, April 30th of the year following the May sample.

TABLE D.1-1:
Pretrial Failure to Appear Rates by Type of Release and Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
ROR	31.8%	29.4%	28.8%	25.2%	25.2%	28.3%
N of cases	1185	925	885	861	886	4742
FTA not available	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>
	1189	925	885	861	886	4746
BAIL Releases	30.5%	25.3%	28.1%	19.7%	27.4%	25.9%
N of cases	272	336	356	365	318	1647
FTA not available	<u>1</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>3</u>
	273	336	356	367	318	1650
DAT Releases	0.0%	33.3%	20.0%	28.6%	25.0%	27.9%
N of cases	1	9	10	112	8	140
Subtotal	31.6%	28.3%	28.5%	24.0%	25.7%	27.7%
N of cases	1458	1270	1251	1338	1212	6529
FTA not available	5	0	0	2	0	7
Type not available	<u>2</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>3</u>
Total Released Pretrial	1465	1270	1251	1341	1212	6539

TABLE D.1-2:
Fugitive Status for Defendants who Failed to Appear Pretrial by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Fugitive	33.8%	35.8%	31.1%	24.8%	19.6%	29.6%
Returned on warrant	<u>66.2</u>	<u>64.2</u>	<u>68.9</u>	<u>75.2</u>	<u>80.4</u>	<u>70.4</u>
Total Failed to Appear Pretrial	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	461	360	357	322	312	1812

TABLE D.1-3:
Pretrial Failure to Appear Rates by Court of Adjudication and Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Lower Court	30.2	26.9	22.9	19.2	22.3	24.3
N of cases	955	822	798	980	870	4425
Upper Court	33.7	31.1	38.3	36.8	34.6	34.9
N of cases	505	447	453	358	342	2105
FTA not available	5	0	0	2	0	7
	510	447	453	360	342	2112
Both Courts	31.5	28.3	28.5	24.0	25.9	27.7
N of cases	1460	1269	1251	1338	1212	6530
FTA not available	5	0	0	2	0	7
Court not available	0	1	0	1	0	2
TOTAL Pretrial Releases	1465	1270	1251	1341	1212	6539

More time elapsed between release and failure to appear in the upper court than in the lower court (Table D.1-4). In both courts, the average number of days, both mean and median, from the date of the defendant's first pretrial release to the date of the first failure to attend a scheduled pretrial court appearance, is higher for 1998 than for earlier years.

In each sample year, defendants who received CJA's highest release recommendation, based on verified community ties, showed the lowest failure-to-appear rates, followed by the defendants who were recommended for release on recognizance based on unverified community ties (Table D.1-5). Defendants who were not recommended, due to insufficient community ties or because they had an outstanding bench warrant at the time of their arrest, were far more likely to miss a scheduled court appearance. The failure rates for the top recommendation category changed little through the 1990s, but the rate declined for those who qualified for a recommendation based on unverified information and for those with insufficient community ties.

TABLE D.1-4:
Average Number of Days from Pretrial Release to Pretrial Failure to Appear
by Court Level and Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
LOWER COURT						
Mean	58.6	57.9	51.3	55.8	59.3	56.8
Median	42.0	46.0	35.0	43.0	48.0	42.0
N of cases	280	220	180	188	192	1060
Days not available	<u>9</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>16</u>
TOTAL Failed to Appear	289	221	183	189	194	1076
UPPER COURT						
Mean	75.1	76.9	71.0	76.9	82.8	76.0
Median	52.0	50.0	46.0	48.0	55.0	50.0
N of cases	161	134	164	130	115	704
Days not available	<u>11</u>	<u>5</u>	<u>10</u>	<u>3</u>	<u>3</u>	<u>32</u>
TOTAL Failed to Appear	172	139	174	133	118	736
BOTH COURTS						
Mean	64.6	65.1	60.7	64.4	68.1	64.5
Median	46.0	47.0	41.0	46.0	51.0	45.5
N of cases	441	354	344	318	307	1764
Days not available	<u>20</u>	<u>6</u>	<u>13</u>	<u>4</u>	<u>5</u>	<u>48</u>
TOTAL Failed to Appear	461	360	357	322	312	1812

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Recommended:						
Verified Community Ties	19.7%	16.2%	17.3%	15.6%	18.1%	17.4%
N of cases	442	407	404	448	370	2071
FTA not available	<u>2</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>4</u>
	444	407	404	450	370	2075
Qualified:						
Unverified Community Ties	33.5%	26.5%	22.3%	21.9%	23.1%	25.3%
N of cases	248	245	256	247	325	1321
FTA not available	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>
	250	245	256	247	325	1323
Not Recommended:						
Insufficient Community Ties	40.4%	39.9%	40.9%	30.0%	32.7%	37.0%
N of cases	478	414	428	350	388	2058
FTA not available	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
	479	414	428	350	388	2059
Bench Warrant Outstanding at Arrest	35.7%	35.4%	43.5%	39.8%	37.5%	37.8%
N of cases	210	127	92	133	96	658
Other *	25.5%	8.6%	10.3%	4.5%	28.6%	15.2%
N of cases	55	35	39	22	7	158
Subtotal	31.5%	28.0%	28.4%	23.6%	25.7%	27.6%
N of cases	1433	1228	1219	1200	1186	6266
FTA not available	5	0	0	2	0	7
Rec. not available: DAT	1	9	10	106	7	133
Rec. not available	<u>26</u>	<u>33</u>	<u>22</u>	<u>33</u>	<u>19</u>	<u>133</u>
Total Released Pretrial (ROR or bail)	1465	1270	1251	1341	1212	6539

* Other includes defendants whose NYSIDs were not available, those charged with homicide or attempted homicide, and juveniles (under age 16).

2. Rearrest

For this research, a new arrest for a defendant is defined as a “rearrest” if the offense date follows the arrest date and precedes the disposition date for the initial arrest. Only defendants who secured pretrial release are considered to be “at risk” for rearrest. That is, new offenses committed during pretrial detention are not included, nor are arrests after the initial case has reached final

disposition. Thus, rearrests that occur between plea and sentencing are not included.

Rearrest data were collected from two sources, UDIIS and DCJS, using the defendant's NYSID number to attempt to identify subsequent arrests. The use of both sources compensates for the weaknesses of each source alone. UDIIS does not always have the most current NYSID number for the defendants erroneously assigned more than one NYSID number once the NYSIDs are consolidated, and DCJS, while possessing the most accurate NYSID numbers, does not provide CJA with data on arrests that are sealed.

The data show that about a fifth of the defendants who secured pretrial release were rearrested before the initial case reached disposition, or before the cutoff date for data collection on April 30th of the year after sample selection. The proportion of defendants who were rearrested pretrial was a bit lower in 1996 and 1998 than it was in the 1992 and 1994, perhaps reflecting the wider pattern of lower arrest rates for the late 1990s. The rearrest rates tended to be a little higher for defendants released pretrial whose cases reached final disposition in the upper court, compared to the lower court, but that was not true in the 1998 sample (Table D.2-1). As shown in Table D.2-2, rearrests rates varied little by the type of release.

TABLE D.2-1:
Rearrest Rates for Defendants Released Pretrial by Court Level of Prosecution and Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Lower Court	16.0%	20.9%	22.2%	18.0%	20.1%	19.3%
N of cases	955	822	798	980	870	4425
Upper Court	20.4%	24.4%	21.9%	24.4%	19.0%	22.0%
N of cases	510	447	453	360	342	2112
Both Courts	17.5%	22.1%	22.1%	19.7%	19.8%	20.2%
N of cases	1465	1269	1251	1340	1212	6537
Court not available	0	1	0	1	0	2
Total Released Pretrial	1465	1270	1251	1341	1212	6539

TABLE D.2-2:
Rearrest Rates for Defendants Released Pretrial by Type of Release and Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
ROR	17.5%	22.6%	22.1%	19.9%	19.2%	20.1%
N of cases	1189	925	885	861	886	4746
BAIL Releases	17.2%	20.8%	22.2%	18.8%	21.1%	20.3%
N of cases	273	336	356	367	318	1650
DAT Releases	0.0%	33.3%	10.0%	20.5%	37.5%	21.4%
N of cases	<u>1</u>	<u>9</u>	<u>10</u>	<u>112</u>	<u>8</u>	<u>140</u>
Subtotal	1463	1270	1251	1340	1212	6536
Type not available	<u>2</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>3</u>
Total Released Pretrial	1465	1270	1251	1341	1212	6539

E. DISPOSITION

1. Court Level of Prosecution

More than a third of the felony arrests in the samples were eventually prosecuted in the upper rather than in the lower court. Felony arrests may be disposed in either court, but felony-level convictions, by plea or trial, can only take place in the upper court. The proportion prosecuted in the upper court peaked in the 1992 sample at nearly 39 percent, and dropped to the lowest level across all the sample years in 1998 at only 31 percent.

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Lower (Criminal) Court	66.1%	61.2%	63.6%	64.9%	68.7%	64.9%
Upper (Supreme) Court	<u>33.9</u>	<u>38.8</u>	<u>36.4</u>	<u>35.1</u>	<u>31.3</u>	<u>35.1</u>
Subtotal	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	2080	1757	1909	1927	1766	1939
Court level not available	<u>0</u>	<u>2</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>5</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

2. Final Disposition

Final case dispositions varied little through the 1990s. Slightly fewer cases were pending at the close of data collection for the 1998 felony-arrest sample than for any of the previous samples. This reflects both fewer open bench warrants (3%, down from 8% in 1990) and fewer continued cases (4%, down from nearly 8% in 1996). Among cases that reached final disposition, the 1998 sample showed 64 percent of defendants convicted by plea or trial, with a range from about 63 to 66 percent across the samples.

TABLE E.2-1:
Final Disposition* (as of April 30 of the following year) by Year of Arrest

	1990		1992		1994		1996		1998		Total	
	% N of Cases	% Disposed	% N of Cases	% Disposed	% N of Cases	% Disposed	% N of Cases	% Disposed	% N of Cases	% Disposed	% N of Cases	% Disposed
Dismissed, Acquitted	31.9	37.4	29.9	34.9	30.0	34.0	31.3	35.3	33.3	36.0	31.3	35.6
Convicted	53.4	62.6	55.8	65.1	58.2	66.0	57.2	64.7	59.4	64.0	56.7	64.4
Subtotal Disposed	85.3	100.0	85.6	100.0	88.2	100.0	88.5	100.0	92.7	100.0	88.0	100.0
Continued	6.6	-	7.1	-	5.9	-	7.6	-	4.1%	-	6.3	-
Warrant Ordered	8.1	-	7.3	-	5.9	-	3.9	-	3.2%	-	5.7	-
Subtotal Pending	14.7	-	14.4	-	11.8	-	11.5	-	7.3%	-	12.0	-
SUBTOTAL	100.0		100.0		100.0		100.0		100.0		100.0	
N of cases	2077		1756		1908		1925		1764		9430	
Not available	3		3		1		5		2		14	
TOTAL Arrests	2080		1759		1909		1930		1766		9444	

* Dismissed includes cases that were adjourned in contemplation of dismissal, as well as cases that were transferred to family court or resulted in acquittal. Convicted includes defendants who pled guilty as well as those convicted by trial.

Defendants with felony arrest charges who are prosecuted in the upper court are far more likely to be convicted, by plea or by trial, than are defendants with felony arrest charges who are prosecuted in the lower court. The conviction rate in the upper court approached or surpassed 95 percent in each sample year, but was only half that much in the lower court. Yet nearly half of all of the convictions for the defendants with felony charges at arrest took place in the lower court. The proportion of convictions that took place in the lower court, rather than in the upper court, was higher for the 1998 sample (57%) than in any previous sample (50% to 54%). Dismissals, including adjournments in contemplation of dismissal and the very few transfers to Family Court and acquittals after trial, were overwhelmingly (95%) likely to take place in the lower court. The proportion of dismissals that took place in the lower court varied little by year, ranging from 94% to 96%.

TABLE E.2-2
Conviction Rates by Court Level of Prosecution by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
LOWER COURT						
Convicted	48.1%	49.7%	51.8%	50.1%	51.8%	50.3%
Dismissed, Acquitted	<u>51.9</u>	<u>50.3</u>	<u>48.2</u>	<u>49.9</u>	<u>48.2</u>	<u>49.7</u>
Subtotal Disposed	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	1234	980	1127	1164	1156	5661
Continued, Warrant	140	95	87	85	56	463
Not available	<u>1</u>	<u>1</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>6</u>
TOTAL Lower Court	1375	1076	1214	1251	1214	6130
UPPER COURT						
Convicted	95.9%	93.9%	94.6%	96.1%	93.5%	94.8%
Dismissed, Acquitted	<u>4.1</u>	<u>6.1</u>	<u>5.4</u>	<u>3.9</u>	<u>6.5</u>	<u>5.2</u>
Subtotal Disposed	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	538	524	556	540	479	2637
Continued, Warrant	165	157	138	136	73	669
Not available	<u>2</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>3</u>
TOTAL Upper Court	705	681	695	676	552	3309
BOTH COURTS						
Convicted	62.6%	65.1%	66.0%	64.7%	64.0%	64.4%
Dismissed, Acquitted	<u>37.4</u>	<u>34.9</u>	<u>34.0</u>	<u>35.3</u>	<u>36.0</u>	<u>35.6</u>
Subtotal Disposed	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	1772	1504	1683	1704	1635	8298
Continued, Warrant	305	252	225	221	129	1132
Disposition not available	<u>3</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>9</u>
SUBTOTAL	2080	1757	1909	1927	1766	9439
Court not available	<u>0</u>	<u>2</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>5</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

TABLE E.2-3:						
<u>Court Level of Prosecution by Disposition by Year of Arrest</u>						
	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>TOTAL</u>
CONVICTED						
Lower Court	53.5%	49.7%	52.6%	52.9%	57.2%	53.2%
Upper Court	<u>46.5</u>	<u>50.3</u>	<u>47.4</u>	<u>47.1</u>	<u>42.8</u>	<u>46.8</u>
TOTAL Convicted	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	1109	979	1110	1102	1047	5347
DISMISSED (or ACQ)						
Lower Court	96.7%	93.9%	94.8%	96.5%	94.7%	95.4%
Upper Court	<u>3.3</u>	<u>6.1</u>	<u>5.2</u>	<u>3.5</u>	<u>5.3</u>	<u>4.6</u>
TOTAL Dismissed	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	663	525	573	602	588	2951
TOTAL DISPOSED						
Lower Court	69.6%	65.2%	67.0%	68.3%	70.7%	68.2%
Upper Court	<u>30.4</u>	<u>34.8</u>	<u>33.0</u>	<u>31.7</u>	<u>29.3</u>	<u>31.8</u>
SUBTOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	1772	1504	1683	1704	1635	8298
Continued, Warrant	305	252	225	221	129	1132
Disposition not available	3	1	1	2	2	9
Court not available	<u>0</u>	<u>2</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>5</u>
TOTAL Arrests	2080	1759	1909	1930	1766	9444

Defendants in felony arrests who are convicted in the lower court must be convicted at the misdemeanor or lesser charge severity level, not at the felony charge level. Defendants who are convicted in the upper court can be convicted at any charge severity level. The proportion of lower court convictions at the misdemeanor rather than violation severity level varied widely by year. There were more lower court convictions at the lower severity level in 1996 and 1998 than in the previous sample years for which these data were available. The proportion of defendants in felony arrests who were convicted, by plea or trial, in the upper court, but who were convicted of less-than-felony charges was generally extremely low, but did vary by year. In general, felony-level conviction rates were higher in the early 1990s. Only 2 percent of those convicted in the upper court in 1990 and only 3 percent of those convicted in 1994 were convicted of misdemeanor or lesser charges, compared to 8, 11, and 7 percent, of those convicted in the upper court in 1994, 1996 or 1998, respectively. There are many possible explanations for the shift towards less severe conviction charges. The change may reflect a decline in the quality of felony arrests, or a change in prosecutorial policy with respect to plea bargaining or to circumvent mandatory sentencing requirement.

TABLE E.2-4:						
<u>Severity of Conviction Charge and Court Level of Prosecution by Year of Arrest</u>						
	<u>1990*</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>TOTAL</u>
LOWER COURT						
Misdemeanor	100.0%	69.2%	83.5%	50.0%	53.5%	71.3%
Other	<u>0.0</u>	<u>31.0</u>	<u>16.5</u>	<u>50.0</u>	<u>46.5</u>	<u>28.7</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	591	484	581	578	596	2830
Charge not available	<u>2</u>	<u>3</u>	<u>3</u>	<u>5</u>	<u>3</u>	<u>16</u>
TOTAL Convictions	593	487	584	583	599	2846
UPPER COURT						
Felony	97.9%	96.7%	91.8%	88.6%	93.3%	93.6%
Misdemeanor	2.1	2.8	8.0	10.6	6.7	6.1
Other	<u>0.0</u>	<u>0.4</u>	<u>0.2</u>	<u>0.8</u>	<u>0.0</u>	<u>0.3</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	516	492	525	519	448	2500
Charge not available	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>
TOTAL Convictions	516	492	526	519	448	2501

* Other charges are included with misdemeanor disposition charges in the 1990 sample.

The average number of days from arraignment to disposition has been examined in this report in several ways. Both the mean and the median number of days have been calculated from arraignment to disposition and from arraignment to conviction, for all cases, and separately by court level for each sample year. The length of case for the 1998 sample is consistently longer than the length of case for 1996 or for the total of the five samples but length of case was as long or longer in the early 1990s. In each sample, the means were longer than the medians, and lower court dispositions required fewer days than did upper court outcomes. Convictions in the lower court took longer than did other outcomes there. Convictions in the upper court were so plentiful that the few cases with other outcomes did not have much impact on the measures of overall average length of case.

TABLE E.2-5:
Average Number of Days from Arraignment to Disposition by Court Level and Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Lower Court						
Mean	72.3	77.5	64.3	67.7	76.2	71.5
Median	39.0	49.0	32.0	46.0	49.0	40.0
Total Disposed	1234	980	1127	1164	1156	5661
Upper Court						
Mean	124.1	114.3	106.3	105.8	115.2	113.1
Median	112.0	77.0	82.5	71.0	96.0	88.5
Subtotal Disposed	537	524	556	533	478	2628
Days not available	<u>1</u>	<u>0</u>	<u>0</u>	<u>7</u>	<u>1</u>	<u>9</u>
Total Disposed	538	524	556	540	479	2637
Both Courts						
Mean	88.0	90.3	78.2	79.5	87.0	84.6
Median	57.0	56.5	41.0	46.0	61.0	51.0
Subtotal Disposed	1771	1504	1683	1697	1634	8289
Days not available	<u>1</u>	<u>0</u>	<u>0</u>	<u>7</u>	<u>1</u>	<u>9</u>
TOTAL Disposed	1772	1504	1683	1704	1635	8298

TABLE E.2-6:
Average Number of Days from Arraignment to Conviction by Court Level and Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Lower Court						
Mean	57.2	64.9	50.2	54.1	63.6	57.8
Median	18.0	31.0	18.0	25.0	30.0	24.0
Total Convicted	593	487	584	583	599	2846
Upper Court						
Mean	122.0	110.6	103.1	112.6	113.6	112.3
Median	104.5	72.0	76.0	67.0	96.0	82.0
Total Convicted	516	492	526	519	448	2501
Both Courts						
Mean	87.3	87.9	75.3	81.6	85.0	83.3
Median	49.0	49.0	34.0	39.0	54.0	44.0
Total Convicted	1109	979	1110	1102	1047	5347

F. SENTENCING

Since all of the arrests in this research involve felony charges, Criminal and Supreme Court sentences are first combined for analysis. The findings show some important changes, especially in light of the comparatively small changes in the conviction rates and in the conviction charges. The proportion of felony arrests that receive a sentence that includes incarceration declined through the 1990s, from a high of 62 percent in 1990, to 54 percent in 1998 (Table F.1). The straight imprisonment portion dropped after 1990, remaining between 47 and 49 percent, while the proportion sentenced to a “split sentence” of both imprisonment and probation hovered between 7 and 8 percent through the 1990s until 1998, when the rate dropped to 5 percent. The use of the sentence “fine or imprisonment,” common in the Criminal Court, declined for these samples, from nearly 8 percent in 1990 down to barely 2 percent in 1998, but the increase in the use of straight fines somewhat offset this change. The recent marked increase in the proportion of sentenced defendants receiving conditional discharges, up nearly five percentage points from 1996 to 1998 and up nearly ten percentage points in the 1990s, may reflect the increasing role of alternative-to-incarceration (ATI) programs.

Table F.2 presents the distribution of sentences by sample year separately for the lower and upper courts. Sentences that include imprisonment were twice as frequent in the upper court (79% versus 39%, aggregated across sample years for the upper and lower courts, respectively). The proportion sentenced to jail time in the lower court dropped from 45 percent in 1990 to 35 percent in 1996 but increased to was 41 percent for the 1998 sample. In the upper court, there was a net decline of eight percentage points from 1990 to 1998. The decline in the proportion sentenced to “fine or imprisonment” was even sharper for defendants convicted in the lower court than for all convicted defendants considered together. Nearly 14 percent of sentences in the lower court in the 1990 sample but only 3 percent of those in the 1998 sample were sentenced to “fine or imprisonment.” The increase in conditional discharges was also far more evident in the lower court (up from 36% in 1990 to 46% in 1998) than in the upper court (0.2% in 1990, up to 2.7% in 1998).

TABLE F.1:
Type of Sentence (as of April 30 of the following year) by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Imprisonment	54.7%	48.7%	48.1%	47.3%	48.7%	49.6%
Intermittent imprisonment	.0	.1	.5	.1	.1	.2
Imprisonment and probation	<u>7.2</u>	<u>8.4</u>	<u>7.8</u>	<u>7.5</u>	<u>5.1</u>	<u>7.2</u>
Subtotal Sentenced to Time	61.9%	57.2%	56.4%	54.9%	53.9%	57.0%
Probation	10.1%	13.9%	10.8%	11.4%	11.2%	11.4%
Fine or imprisonment	7.6	5.8	6.6	4.6	1.8	5.3
Fine only	.7	1.0	2.2	4.6	3.5	2.4
Conditional discharge	19.7%	22.1%	24.1%	24.5%	29.7%	24.0%
SUBTOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	1072	932	1050	1031	966	5051
Type of sentence not available	2	0	0	1	0	3
Sentence pending: case continued	14	32	36	60	77	219
Sentence pending: open warrant	<u>21</u>	<u>15</u>	<u>24</u>	<u>10</u>	<u>4</u>	<u>74</u>
TOTAL Convicted	1109	979	1110	1102	1047	5347

TABLE F.2:						
<u>Type of Sentence (as of April 30 of the following year) by Court Level and Year of Arrest</u>						
LOWER COURT	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Imprisonment	44.8%	38.2%	37.2%	34.6%	41.1%	39.2%
Intermittent imprisonment	0.0	0.0	0.2	0.0	0.0	0.0
Imprisonment and probation	=	=	=	=	=	=
Subtotal Sentenced to Time	44.8%	38.2%	37.4%	34.6%	41.1%	39.2%
Probation	4.1%	7.3%	4.7%	6.1%	4.2%	5.2%
Fine or imprisonment	13.9	11.2	11.8	8.1	2.9	9.5
Fine only	1.2	1.5	3.8	8.0	5.4	4.1
Conditional discharge	36.0%	41.9%	42.3%	43.3%	46.5%	42.0%
SUBTOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	583	482	575	578	596	2814
Type of sentence not available	-	-	-	-	-	-
Sentence pending: case continued	1	1	2	3	3	10
Sentence pending: open warrant	9	4	7	2	-	22
Total Convicted Lower Court	593	487	584	583	599	2846
UPPER COURT	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Imprisonment	66.5%	60.0%	61.3%	63.6%	60.8%	62.5%
Intermittent imprisonment	.0	.2	.8	.2	.3	0.3
Imprisonment and probation	15.7	17.3	17.3	17.0	13.2	16.2
Subtotal Sentenced to Time	82.2%	77.5%	79.4%	80.8%	74.3%	79.0%
Probation	17.2%	21.1%	18.1%	18.3%	22.4%	19.3%
Fine or imprisonment	.2	.0	.2	.0	.0	.1
Fine only	.2	.4	.2	.2	.5	.3
Conditional discharge	.2	.9	2.1	.7	2.7	1.3
SUBTOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	489	450	475	453	370	2237
Type of sentence not available	2	0	0	1	0	3
Sentence pending: case continued	13	31	34	57	74	209
Sentence pending: open warrant	12	11	17	8	4	52
Total Convicted Upper Court	516	492	526	519	448	2501

There have been large changes in the length of imprisonment sentences meted out to defendants with felony arrest charges (Table F.3). The huge recent increase in the proportion of defendants sentenced to imprisonment who are sentenced to “time served” is most striking. Nearly a third of the defendants in the 1998 sample who received sentences that included imprisonment were not required to serve additional time, compared to a fifth of those in the 1996 sample and only 12 to 16 percent in

previous years. The amount of time credited to each sentence is not available for this research. This change in the proportion of defendants sentenced to time served is so large that the table below displaying the length of minimum sentences has been calculated two ways. For each sample year, the first column includes all defendants sentenced to an incarcerative sentence, including those sentenced to time already served in the “0 days” category, while the second column presents the distribution of the minimum sentence only for defendants who face new incarceration to fulfill their sentence.

The pattern of changes in length of minimum sentence is complex. The median is the midpoint of the distribution of the number of days in the minimum sentence. When sentences of time served are included as “0 days,” the median number of days dropped from six months through most of the 1990s to only one month in 1998. If “time served” sentences are excluded, the median for the 1998 sample matches the previous median of one year. The mean, the average number of days in the minimum sentence, generally increased through the 1990s. The increase is particularly dramatic when “time served” sentences are excluded. The mean sentences for these defendants increased over 5 months, from 14 months in 1990 to more than 19 months in 1998.

Comparison of the means and medians tells only part of the story; they mask the details of the trends in the 1990s. Considering just the column of minimum sentences of one day or more, there are increases in the 7-14 and 15-29 day categories. If these categories are taken together, the proportion with sentences between 7 and 29 days increased from 5 percent in 1990 up to 18 percent in 1998. Conversely, there are decreases in the 90-179, 180-365, and 365-day categories. When these three categories are taken together, the proportion sentenced to a minimum of three months to one year declined from 42 percent in 1990 to only 24 percent in 1998. The pattern changes again for the highest categories of length of minimum sentence length. The proportion of defendants sentenced to incarceration who received a minimum of more than one year up to 5 years increased seven percentage points, up to 39 percent, and the proportion sentenced to a minimum over 5 years more than doubled from only 2 percent in 1990 to 5 percent in 1998.

	<u>1990</u>		<u>1992</u>		<u>1994</u>		<u>1996</u>		<u>1998</u>		<u>Total</u>	
	% (with TS=0)	% (1 day or more)	% (with TS=0)	% (1 day or more)	% (with TS=0)	% (1 day or more)	% (with TS=0)	% (1 day or more)	% (with TS=0)	% (1 day or more)	% (with TS=0)	% (1 day or more)
0 days - TS ("time served")	16.4		12.0		13.2		19.6		32.2		18.4	
1-6 days	3.5	4.2	3.2	3.6	2.2	2.5	3.7	4.6	1.7	2.6	2.9	3.5
7-14 days	0.6	0.7	1.7	1.9	4.4	5.1	4.8	5.9	4.6	6.8	3.1	3.8
15-29 days	3.6	4.3	4.9	5.5	6.4	7.4	9.0	11.2	7.9	11.6	6.3	7.7
30-59 days	6.4	7.6	6.8	7.7	6.8	7.8	6.2	7.7	6.0	8.8	6.4	7.9
60-89 days	5.6	6.7	6.2	7.0	6.8	7.8	0.9	1.1	1.0	1.4	4.2	5.1
90-179 days	6.2	7.4	4.1	4.7	5.4	6.3	2.3	2.9	1.5	2.3	4.0	5.0
180-364 days	10.3	12.3	9.9	11.3	12.2	14.1	8.0	9.9	4.6	6.8	9.1	11.2
365 days (1 year)	19.1	22.8	18.8	21.3	14.9	17.2	16.6	20.7	10.4	15.3	16.1	19.7
366 days to 5 years	26.7	31.9	30.4	34.5	25.3	29.1	26.7	33.2	26.6	39.2	27.1	33.2
Over 5 years	<u>1.7</u>	<u>2.0</u>	<u>2.1</u>	<u>2.3</u>	<u>2.4</u>	<u>2.7</u>	<u>2.3</u>	<u>2.9</u>	<u>3.5</u>	<u>5.1</u>	<u>2.4</u>	<u>2.9</u>
SUBTOTAL	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
N of cases	660	552	533	469	590	512	566	455	519	352	2868	2340
Length of minimum sentence not available	<u>3</u>		<u>0</u>		<u>2</u>		<u>0</u>		<u>1</u>		<u>6</u>	
SUBTOTAL Sentenced to incarceration time	663		533		592		566		520		2874	
Sentenced - No incarceration time	409		399		458		465		446		2177	
Convicted - Sentence pending	35		47		60		70		81		293	
Sentence not available	<u>2</u>		<u>0</u>		<u>0</u>		<u>1</u>		<u>0</u>		<u>3</u>	
TOTAL Convicted	1109		979		1110		1102		1047		5347	
Mean days of minimum sentence	355.8	425.4	403.8	458.9	385.7	444.5	415.3	516.6	398.5	587.6	390.4	478.4
Median days of minimum sentence	180.0	365.0	270.0	365.0	180.0	180.0	180.0	365.0	30.0	365.0	180.0	365.0

Table F.4 further explores the change in the use of sentences to "time served." When data are aggregated for the five sample years in the 1990s, two of every ten such

sentences had been given by the upper rather than the lower court, and that is about the rate for the 1990 sample. The 1992 and 1994 samples show about four of every ten “time served” sentences were given by the upper court. In the 1996 and 1998 samples, the proportion falls to roughly one of every ten given by the upper rather than the lower court.

TABLE F.4:
Court Level for Defendants Sentenced to Time Served by Year of Arrest

	<u>1990</u>	<u>1992</u>	<u>1994</u>	<u>1996</u>	<u>1998</u>	<u>Total</u>
Lower (Criminal) Court	77.8%	60.9%	56.4%	89.2%	92.2%	79.5%
Upper (Supreme) Court	<u>22.2</u>	<u>39.1</u>	<u>43.6</u>	<u>10.8</u>	<u>7.8</u>	<u>20.5</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
N of cases	108	64	78	111	167	528

III. DISCUSSION

Thus far, this report has assessed trends in felony case processing in the 1990s in a very discrete fashion. We now summarize the major trends of the 1990s. Volume was down, arrest charges shifted, felony arrest charges were increasingly likely to be reduced to less than felony affidavit charges, yet disposition rates at arraignment did not change. By the end of the 1990s, defendants in felony arrests were older, and they showed more prior felony and misdemeanor convictions. Recommendations for release on recognizance based on community ties increased while release rates at arraignment decreased then rose. Bail amounts were up. The proportion of defendants who secured pretrial release fluctuated, with no net difference from 1990 to 1998. Release on bail was less common in 1990 than in subsequent years. The length of detention until pretrial release increased for defendants who were eventually released on recognizance and decreased for those who eventually posted bail. Fewer felony arrests were prosecuted in the upper court in 1998 than in previous years. Fewer cases were left open, continued or with open bench warrants, but conviction rates among those disposed varied little by year. Once convicted, the proportion sentenced to imprisonment declined through the 1990s, while the proportion sentenced to a conditional discharge grew. Among those sentenced to imprisonment, nearly a third of those in the 1998 sample were sentenced to “time served,” a far higher proportion than ever before. Pretrial failure to appear rates showed a decline, and pretrial rearrests may be lower as well.