

Jerome E. McElroy
Executive Director

**NEW YORK CITY'S GUN COURT INITIATIVE:
THE BROOKLYN PILOT PROGRAM**

Project Director
Freda F. Solomon, Ph.D.
Senior Research Fellow

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Project Director

Freda F. Solomon, Ph.D.
Senior Research Fellow

Project Staff:

Geraldine Staehs-Goirn
Information Systems' Department Programmer/Analyst

Elyse J. Revere
Junior Research Analyst

Justin Bernstein
Research Assistant

Raymond Caligiure
Graphics and Production Specialist

Nyota Muhammad
Administrative Assistant

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Freda F. Solomon, Ph.D.
Senior Research Fellow

INTRODUCTION

Serious crime in New York City began to decline in the mid-1990s, in large part as a result of new approaches to crime control. To sustain and improve upon the inroads made by previous City administrations, the Bloomberg administration has pursued a problem solving, integrated system approach to criminal justice policy. Once a problem area has been identified, the Administration works with appropriate criminal justice agencies to develop a coordinated response. A recent addition to these crime control efforts has been the Gun Court initiative. This program is designed to reduce gun-related violent crime by focusing on the arrest, successful prosecution, and swift and consistent punishment of persons in possession of firearms in public places. The key component of this program is to assign felony gun-possession cases to a single, designated Supreme Court Part (i.e. courtroom).

The pilot program for the City's Gun Court initiative began in Brooklyn on April 28, 2003, with the official opening of Supreme Court Part 31 as the dedicated courtroom for the processing of indicted felony gun-possession cases from five precincts in Brooklyn. The program was announced at a May 7, 2003, mayoral press conference. The purpose of the Gun Court, as described in the press announcement, is to "...consolidate, expedite, and assign gun cases to a dedicated judge, increasing the efficiency, consistency, and quality of the judicial disposition of these cases." (Press Release #117-03, May 7, 2003).

Out of Brooklyn's twenty-three police precincts, five were selected for the pilot program, the 67th, 73rd, 75th, 77th and 79th, which encompass parts of the neighborhoods of East Flatbush, Brownsville, East New York, Crown Heights and Bedford-Stuyvesant. These five were chosen because, according to the press announcement, together they "account for more than half of all shootings in the Borough and approximately one quarter of all shootings Citywide."

The arrest and prosecution of weapon-possession cases pose many evidentiary challenges, including the ability of police to identify the presence of a concealed weapon, legally justifying a search, and/or assigning ownership when a weapon is found proximate to more than one individual such as in a vehicle with multiple occupants. As

a result, weapon-possession cases generally have one of the highest rates of court dismissals. As part of the pilot program in Brooklyn, the New York City Police Department (NYPD) was to develop a training program on arrest procedures, with testimonial instruction conducted by the Brooklyn District Attorney's Office, for officers operating in target precincts.

The use of a single judge and a small group of prosecutors to oversee all case processing is designed to achieve the goals of greater consistency and quality in decision making. This is in contrast to the variety of outcomes, and especially diversity in sentencing, found when gun-possession cases are part of the mixed caseloads of felony trial courtrooms. To achieve swifter disposition, the program announcement further set out that cases that qualified for the Gun Court were to be prosecuted with an expedited schedule designed to reach final disposition within 120 days. This is a third more quickly than the 180-day standard for bringing cases to disposition in the Supreme Court system in New York City.

There are four clearly articulated goals for the Gun Court initiative. First is an increase in the successful prosecution of felony gun-possession cases. Second is assignment of indicted cases from the target precincts to the designated Supreme Court part. Third is more consistent sentencing within the statutory mandates of the penal law charges. Last is meeting the goal of reducing case disposition time in the Supreme Court to 120 days, from the Court's standards and goals of 180 days.

RESEARCH DESIGN

This research is designed to evaluate whether the pilot program achieved the goals of the Gun Court initiative. The study examines Brooklyn cases, with selected prosecution and arrest charge characteristics, from the pilot program's five target precincts in the twelve months prior to, and in the first twelve months after, the program's announcement. This pre- and post-program design permits us to test whether the expected changes in case processing and court outcomes have been met, by comparing cases with similar prosecuted and arrest charges prior to, and after, the implementation of the program.

Criminal Court arraignment charge was the first criterion for selecting cases for this study. The top arraignment charge was the key indicator that the District Attorney's Office defined the case as a felony prosecution for weapon possession, the type of case at the core of the Gun Court initiative. Cases were selected if the Penal Law (PL) charge at arraignment in the downtown Kings County (Brooklyn) Criminal Court was either the D- or C-felony severity charge of weapon possession, PL 265.02 or PL 265.03, respectively, the two most common felony weapon-possession crimes. The PL 265.02 charge covers the possession of different types of weapons, or possession of a weapon by those with previous criminal conviction records. The more severe C-felony charge, PL 265.03, contains the same elements for possession of machine guns, loaded firearm, or disguised gun as defined in selected subsections of the D-felony offense, but additionally alleges the intent to unlawfully use the weapon against another.

To ensure that the arrest itself was characterized at the outset as a weapon case, and to select the most similar types of cases for pre- and post-program comparisons, the second case-selection criterion was that the top arrest charge was either the D- or C-felony weapon possession charge, the attempted version of either of these charges, or the A-misdemeanor severity weapon-possession charge, PL 265.01. This latter charge was included at arrest because the prosecuted charge would have been upgraded to felony severity for defendants with prior criminal convictions, a fact that would not have been known until after arrest.

Although the most severe, top arrest charge had to be one of these charges, it was not necessarily the only charge. In some instances cases might have additional charges that could be another weapon charge, a charge of an entirely different offense type, or both. However, by requiring that the most severe arrest charge was one of a limited number of weapon-possession crimes, the selection criteria largely eliminated cases in which the weapon offense at arrest was secondary to a different and more serious type of crime.

The research exclusively focuses on cases in the original five target precincts, even though the Gun Court initiative was expanded to additional Brooklyn precincts (and other boroughs) before the end of the pilot program's first year of operation. For

the purposes of this study, the program's starting point is cases arraigned in the downtown Kings County Criminal Court as of May 1, 2003, immediately after the official operational implementation of the designated Gun Court part, and the pre-program date range is the preceding twelve-month period ending April 30, 2003.

The study begins with a description and comparison of the characteristics of arrestees and arrests in pre- and post-program cases in the target precincts. This ensures that any changes in the composition of defendant or arrest characteristics are accounted for, and that changes found in court processing and case outcomes in the post-program period for target-precinct cases are not the result of unrelated or unanticipated differences.

The research then analyzes Criminal Court case processing and outcomes with a focus on the initiative's first two stated goals. The first goal, an increase in successful prosecution rates, is measured by comparing pre- and post-program indictment rates, i.e., percentages of cases transferred to Supreme Court for disposition. As a corollary, comparisons are made to look for other changes in Criminal Court case processing and outcomes, such as changes in the time or number of scheduled court appearances to Criminal Court disposition, or an increase in post-program convictions to reduced charges as opposed to outright dismissals. The number and percentage of indicted cases from the target precincts arraigned in Part 31 of the Kings County Supreme Court is used as the measure of compliance with the program's second goal, the assignment of indicted cases to the Supreme Court's designated Gun Court part.

For indicted cases, the analysis of Supreme Court case processing and outcomes compares pre-program cases from the target precincts prosecuted in regular felony courtrooms, with program-period target-precinct cases prosecuted in the designated Gun Court. Because the vast majority of all indicted cases end with a conviction, the program should have little or no impact on conviction rates, or on the percentage of cases with convictions to lesser-severity charges, regardless of the time period or courtroom of disposition. However, a third expected change for target-precinct Gun Court cases is more consistent sentencing for convictions, and more cases with sentences of at least one year of imprisonment, in comparison with pre-program non-

Gun Court cases with similar charges. This element is one of the two key goals for the Gun Court. For felony cases with a conviction to a weapon-possession charge, New York State law requires imprisonment of at least one year unless there is a finding of compelling circumstances that would lead to a less severe sentence “in the interest of justice.” Among the reasons for creating the Gun Court initiative was data that suggested that exceptions to mandatory one-year imprisonment sentences were very, and unjustifiably, frequent.

Lastly, the time from Supreme Court arraignment to disposition for Gun Court cases should be shortened. This is measured by comparing the number of days from Supreme Court arraignment to the court appearance of a final disposition (for disposed cases), and also the number of court appearances between these two decision points. Because the same last court appearance cut-off date was used for all cases in the study, the pre-program cases had the opportunity for much longer case processing time, a factor taken into account in measuring both percentages of completed cases, and time to disposition. Specific consideration is given to the percentages of cases disposed within 120 days versus 180 days. Also analyzed is time between conviction and sentencing.

Differences found between the pre- and post-program cases are measured by tests of statistical significance. Statistical significance measures the extent to which differences between two groups or samples occurred by chance (or sampling error), or because of actual differences between the two groups. The most common confidence level used in the social sciences to determine statistical significance is .05, which is the criterion applied to the analyses throughout this report. This cut-off point means that we are at least 95 percent confident that the differences found between the two groups in the frequency of the characteristic being measured is the result of actual differences, and did not occur by chance. Conversely, there is a probability of not greater than five in one hundred (or five percent) that the differences between the two groups were a chance occurrence.¹ When the direction of the differences (i.e., increase or decrease)

¹ Jack Levin, *Elementary Statistics In Social Research*, Second Edition, (New York: Harper & Row, Publishers, 1977), and Hubert M. Blalock, Jr., *Social Statistics*, Second Edition, (New York, McGraw Hill Book Company, 1972).

was not predicted or expected, a *two-tailed test* of significance was used; when there was a predicted direction a *one-tailed test* was used.²

THE STUDY'S DATA

The data for this study were drawn from the database of the New York City Criminal Justice Agency (CJA). CJA is a not-for-profit organization that, working under a contract with the City of New York, provides pre-trial and information services, and conducts research studies on topical issues.³ As part of its operational activities, CJA collects, and maintains in a computerized database, information about arrests and arrestees, and adult criminal court case processing and outcomes. This information is drawn from independent Agency activities and official sources of information.⁴

Cases were selected for this study if the Criminal Court arraignment occurred in the downtown Kings County Criminal Court between May 1, 2002, and April 30, 2004, and the charge entering arraignment on the first court docket was either PL 265.02, D-felony severity weapon possession, or PL 265.03, C-felony severity weapon possession. The CJA database contains only one charge per Criminal Court docket, almost always the most serious when there are multiple offenses alleged in the complaint. This charge was therefore used to indicate that the prosecution defined the case as one of a felony weapon-possession crime, with any other offenses involved in the arrest as secondary to the weapon crime.

Only very small percentages of prosecuted cases have more than one Criminal Court docket, and most multiple docket cases result from warrants from other pending cases found at the time of a new arrest. Therefore, it is uncommon for different charges associated with an arrest to be calendared with more than one charging instrument (docket). However, selecting cases by charge on the *first* docket eliminated the possibility of including cases where a non-weapon crime was docketed first and

² Blalock, *Social Statistics*, (op. cit.), p. 144.

³ For a more complete, recent description of CJA's activities see the Agency's *Annual Report 2003*, (New York City Criminal Justice Agency, February 2005), available on the Agency web site, www.nycja.org.

⁴ Because of the purpose and timing of data collection, information in the CJA database may differ from that found in the information systems of official criminal justice agencies such as the Police Department, the New York State Division of Criminal Justice Services, or the New York State Office of Court Administration.

separately, with a weapon charge on a subsequent docket. After the Criminal Court arraignment-charge criteria were satisfied, the second, arrest-charge, criteria were applied. This required that the top arrest charge was one of the five previously described weapon-possession crimes in Article 265 of the New York State Penal Law.

The CJA database does not contain charge subsections, so that it was not possible to restrict the selection criteria for arraignment or arrest charges only to those specifying a gun possession outside of a home or business. The absence of charge subsections also meant that it was not possible to distinguish between arrests that involved loaded and unloaded firearms, or violent or non-violent provisions of the selected charges. However, for cases with a Supreme Court conviction, CJA charge information was supplemented with the subsection of the conviction charge obtained from court records. The results of this supplemental research, and a random search of other non-indicted downtown Brooklyn cases with PL 265.02 and PL 265.03 court charges, strongly suggest that the overwhelming number of cases in this study with these two selected weapon-possession charges at Criminal Court arraignment involved subsections specifically relating to street possession of loaded firearms.

Cases with the specified arrest and arraignment charges were then divided into pre- and post-program groups, and further classified by whether or not the arrest occurred in the pilot program's five target precincts. The pre-program cases were those arraigned between May 1, 2002 and April 30, 2003. Cases arraigned in the first twelve months after implementation of the pilot program, May 1, 2003 through April 30, 2004, were assigned to the post-program group. In the course of quality control review a small number of cases were eliminated when it was discovered that the weapon case was subsequently subsumed into the prosecution of another, more serious, felony prosecution. There were a total of 1,798 cases that met the arrest and arraignment selection criteria, 916 for the pre-program period and 882 post-program. From among these, there were 1,047 target-precinct cases, 568 pre-program and 479 post-program cases, which are the subject of the remainder of this study.

There were very few instances in the pre-program or post-program group of target-precinct cases where defendants appeared in more than one study case. Among the

pre-program cases there were six defendants, each with two cases. In the post-program period there was only one individual, with two cases.

For cases in this study, Criminal Court appearances were extracted from the database with a last court appearance reported to CJA as of March 10, 2005 and, when applicable, the latest Supreme Court appearance was as of March 15, 2005.

ARRESTEE AND ARREST CHARACTERISTICS

Cases from the pilot program's five target precincts were selected for this study based on charge selection criteria at arrest and at Criminal Court arraignment. To test the comparability between the pre- and post-program cases, this section of the report examines the characteristics of defendants, and the composition of arrest charges, in the pre- and post-program cases.

CHARACTERISTICS OF ARRESTEES

The characteristics of arrestees in the target precincts' pre- and post-program cases were very similar, and none of the small differences in demographic characteristics, or adult criminal history records, were of statistical significance. For both groups, the population of defendants in cases prosecuted at Criminal Court arraignment for a D- or C-felony weapon-possession crime was almost entirely male and minority, and frequently young adult.

As shown on **EXHIBITS 1a, b and c**, over ninety-four percent of all arrestees in these cases were male, and approximately eighty-eight percent Black, with about ten percent of defendants in both groups identifying themselves as Hispanic. Although too few in number to make any meaningful difference in court processing or case outcome, it is interesting to note that there were more than twice as many women in the pre-program period (33) than in the post-program group (13). In both pre- and post-program cases over a third of the defendants were in the 20-24 age-group category. In pre-program cases a combined total of over half (56.0%) of all defendants were between the ages of 14 and 24, while among post-program cases over sixty percent (62.8%) of the defendants were within this age range. This increase in the proportion of more youthful defendants in post-program cases, although of no statistical significance, could have an impact on criminal records, an issue addressed below.

As part of the interview process, CJA staff review the New York State Division of Criminal Justice Services' (DCJS) criminal history report (i.e. rap sheet) and create a summary count, if any, of the number of adult court cases where the most serious conviction charge was of misdemeanor severity, and the number of cases where the most serious conviction charge was of felony severity, as shown on **TABLE 1**. Also

DEFENDANT CHARACTERISTICS IN TARGET PRECINCTS

EXHIBIT 1a: Sex

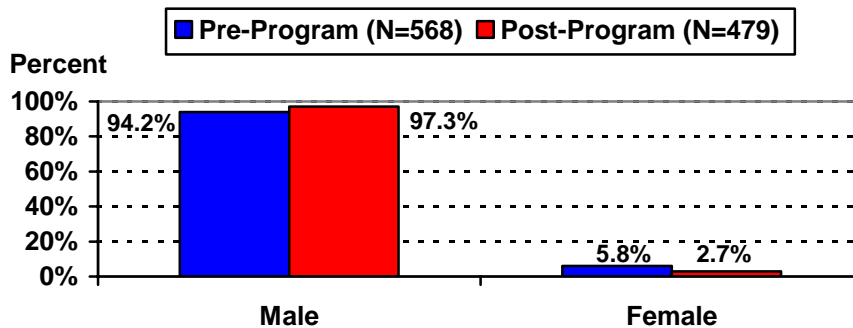


EXHIBIT 1b: Ethnicity

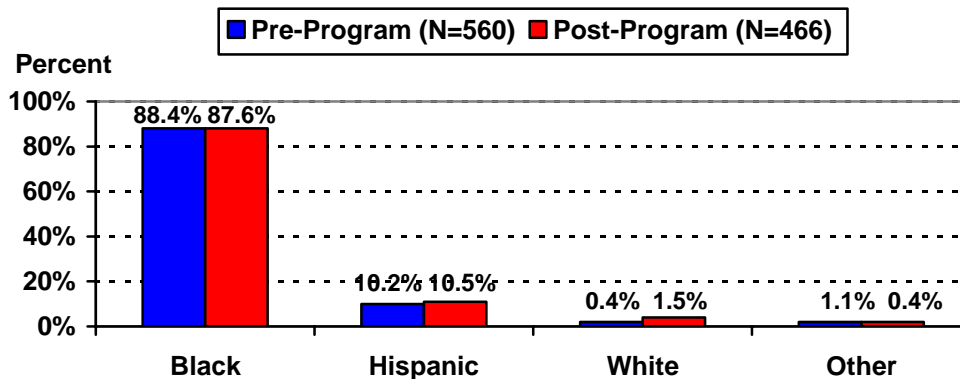
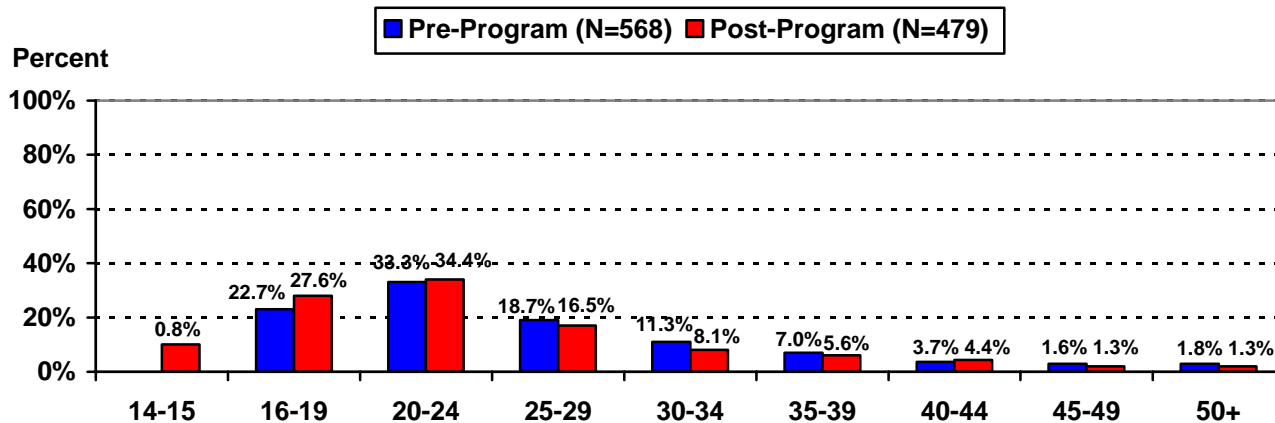


EXHIBIT 1c: Age Group



included in this review of criminal history is a count of the number of other cases, if any, pending in the adult court system.

The record of prior adult-court criminal convictions was very similar among defendants in the target precincts in the pre- and post-program periods. Over half of the defendants in both pre- and post-program cases had no prior criminal convictions, 57.6 versus 60.7 percent. There was a single percentage point difference in the proportion of cases in which defendants had only misdemeanor conviction records, while the percentage with only an adult record of felony convictions was identical, 14.4 percent, for defendants in the pre- and post-program cases. Combining defendants in the felony-only group with those in the group with both prior felony and misdemeanor convictions, results in only a two percentage point difference in the percentage of defendants with a felony conviction record, 31.0 percent pre-program in comparison to 29.0 percent post-program.

Conviction History	Pre-Program Cases (N=568)		Post-Program Cases (N=479)	
	N of Cases	%	N of Cases	%
No Prior Convictions	315	57.6	278	60.7
Only Prior Misdemeanor Convictions	62	11.3	47	10.3
Only Prior Felony Convictions	79	14.4	66	14.4
Both Misdemeanor and Felony Convictions	91	16.6	67	14.6
Total Cases with a Rap Sheet Summary	547	100.0	458	100.0
Not Available	21		21	

The similarity in the criminal conviction histories of defendants in the pre- and post-group of cases is important because criminal conviction records can affect the arrest and prosecution charges, the possibility of a plea to a reduced charge, and sentencing, in gun-possession cases. For example, any prior criminal conviction increases the charge for possession of an unloaded firearm from the A-misdemeanor severity gun-possession charge (PL 265.01, subsection 1) to the more severe *non-violent* D-felony criminal possession charge (PL 265.02, subsection 1). However, if there is a conviction to either an A-misdemeanor or any felony severity crime within five years of the current offense, then the possession charge falls under subsection 5 of PL 265.02, and becomes a *violent* D-felony crime. For the purposes of sentencing a defendant convicted of a violent-crime subsection of PL 265.02, there are different rules about imposing a definite sentence of less than one year based on prior conviction record.

Excluding cases of not-interviewed defendants for whom criminal history was unknown, over three-fourths had no other adult court cases pending at the time of arrest, 76.4 and 77.5 percent, respectively, pre- and post-program. In addition, when there were open cases, in at least ninety-five percent of the pre- and post-period cases defendants had only one or two open cases, and the overwhelming majority had only one pending case at the time of the weapon arrest. (Data not shown.)

There were only very small variations, and no statistically significant differences, in responses by defendants in the cases in the two time periods to other items collected as part of the CJA pre-arraignment interview process as shown on **EXHIBITS 2a, b and c**. These are items designed to measure the strength of the defendant's community ties. For most of these questions CJA interviewers attempt to verify defendant responses by telephone with contact persons supplied by the defendant. Answers to verifiable items may be coded as yes verified, yes unverified, no verified, no unverified, or as unresolved conflict when the defendant and contact person give contradictory answers that cannot be resolved. The exception is the response to the question of whether or not the defendant expects someone at Criminal Court arraignment, which cannot be verified in advance of the appearance in court. **EXHIBIT 2** shows the percentage

COMMUNITY TIES

EXHIBIT 2a: Full-Time Work/School/Program

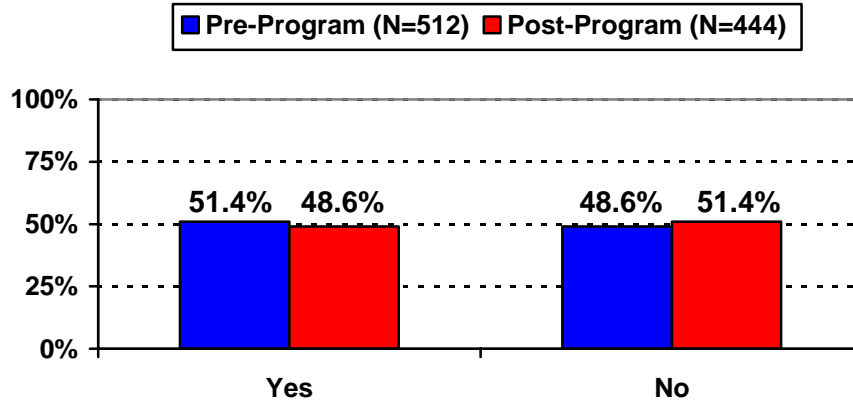


EXHIBIT 2b: Lives With Others

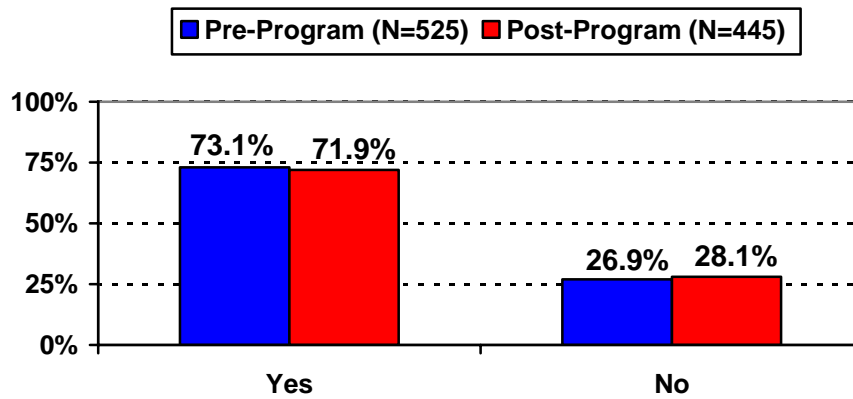
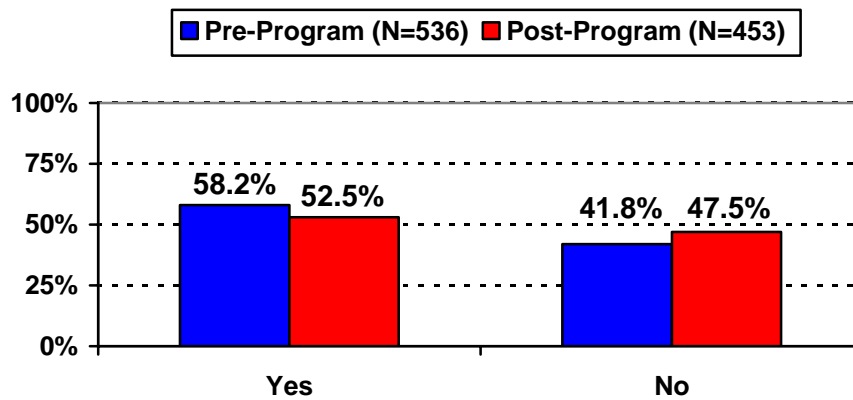


EXHIBIT 2c: Expects Someone At Arraignment



distributions for interviewed defendants when responses were either yes or no, combining verified and unverified responses, and excluding cases where the question was not answered, had an unresolved-conflict response, or the defendant was not interviewed.

Defendants in pre-program target precinct cases were slightly more likely than those post-program to state that they were occupied on a full-time basis in work, school and/or training-program activities, 51.4 versus 48.6 percent. In over seventy percent of the cases in both groups, defendants stated that they lived with others. The largest difference between defendants was the over five percentage point higher “yes” response to the question about expecting someone at arraignment for defendants in the pre-program cases than in the program cases in the target precincts, 58.2 versus 52.5 percent. Although these findings suggest slightly less strong community ties among defendants in the post-program cases, they do not suggest differences that would affect case outcomes.

There were some differences in the proportional distribution of arrests among the precincts in the pre-program and in the post-program cases as shown on [TABLE 2](#). However, for both groups of cases the largest number of arrests occurred in the 75th Precinct, and in each group this precinct accounted for about one quarter of the cases.

Precinct of Arrest	Pre-Program		Post-Program	
	N of Cases	%	N of Cases	%
67	73	12.8	90	18.8
73	122	21.5	80	16.7
75	144	25.4	125	26.1
77	132	23.2	94	19.6
79	97	17.1	90	18.8
Total Cases	568	100.0	479	100.0

TABLE 3 shows the location by zip code of the defendants' residences, when known, for pre- and post-program cases. For both groups, the overwhelming majority of defendants resided in Brooklyn at the time of the study arrest. In only about twelve percent of the pre-program cases, and in ten percent of post-program cases, did defendants live outside of the borough of Brooklyn, including approximately five percent of both groups' cases in which residential zip codes were from outside of the City.

Zip Code of Residence	Pre-Program Cases (N=568)		Post-Program Cases (N=479)	
	N of Cases	%	N of Cases	%
Brooklyn	487	87.4	395	89.8
Queens	28	5.0	13	2.9
Bronx	4	0.7	4	0.9
Manhattan	6	1.1	3	0.7
Staten Island	3	0.5	2	0.5
Outside NYC	29	5.2	23	5.2
Total	557	100.0	440	100.0
Not Available	11		39	

It is not possible to determine the precise number of cases in which defendants with Brooklyn zip codes lived in a specific precinct of arrest, or exclusively within the borders of the five target precincts, because zip code areas are not identical with precinct boundaries. The same zip code may cover residences in more than one precinct, and the same zip code may extend to addresses that fall both within and outside a specific precinct, or within and outside the geographic borders of the pilot program's five target precincts. Of the forty-one Brooklyn zip codes reported for defendants arrested in the target precincts, there were twelve zip codes with at least some addresses within the boundaries of the five target precincts in the Gun Court's pilot program. As a rough measure it can be determined that in cases in which defendants gave a Brooklyn address, over three-fourths had a zip code among the twelve that fell at least partially within the five target precincts—77.6 percent for pre-

program Brooklyn residences and 79.5 percent for post-program Brooklyn residential address. (Data not shown.) This suggests that not only were most defendants in both time periods Brooklyn residents, but that they also had a high likelihood of living in or proximate to the boundaries of the five precincts targeted by the Gun Court initiative's pilot program.

ARREST CHARGE PATTERNS

Although there were almost no differences in demographic, community ties, or criminal-record characteristics of defendants, the composition and configuration of arrest charges in the pre- and post-program target-precinct cases did have some distinguishing characteristics, and often ones of statistical significance. First, there were differences in the charge and severity of the top arrest charge, with post-program cases having a more equal division between top arrest charges of PL 265.02 and PL 265.03. Second, a smaller percentage of post-program cases had more than one arrest charge. Third, although less than half of each group had additional, non-weapon charges, the percentage was greater for pre-program cases. However, there was considerable similarity in the types of non-weapon offenses for cases in which this occurred.

The table on the following page shows the distribution of the top arrest charges and their severities. Over ninety-five percent of both groups' cases had either a top arrest charge of PL 265.02 or 265.03, with an almost identical, small percentage having the A-misdemeanor weapon-possession charge. However, a greater percentage of the pre-program cases had a top arrest charge of PL 265.03, and a smaller percentage had the charge of PL 265.02, whereas the relative proportions of these two charges were almost evenly distributed in the post-program cases. The difference in the distribution of cases between these two charges was statistically significant. This difference also accounted for the statistically significant differences in the severity of the top arrest charge between the two groups of cases.

TABLE 4 TOP ARREST CHARGE AND CHARGE SEVERITIES				
Top Arrest Charge	Pre-Program		Post-Program	
	N of Cases	%	N of Cases	%
C-Felony Weapon Possession PL 265.03	308	54.2	229	47.8
D-Felony Weapon Possession PL 265.02	235	41.4	233	48.7
D-Felony Attempted PL 265.03	9	1.6	1	0.2
E-Felony Attempted PL 265.02	1	0.2	3	0.6
A-Misdemeanor Weapon Possession PL 265.01	15	2.6	13	2.7
Total Cases	568	100.0	479	100.0
Top Arrest Charge Severity	Pre-Program		Post-Program	
	N	%	N	%
C Felony	308	54.2	229	47.8
D Felony	244	43.0	234	48.9
E Felony	1	0.2	3	0.6
A Misdemeanor	15	2.6	13	2.7
Total	568	100.0	479	100.0

Another of the differences in the configuration of the arrest charges in pre- and post-program target-precinct cases was in the percentage of cases with only a single arrest charge. As shown in [TABLE 5](#), there were a greater percentage of post-program

cases where the arrest had a single charge, an almost six percentage point difference that was statistically significant. This is due in large part to a greater likelihood of post-program arrests having only the D-felony PL 265.02 charge, rather than the combination of the C- and D-felony charges, and to a lesser extent the somewhat greater percentage of pre-program cases having additional non-weapon charges.

Number of Arrest Charges	Pre-Program		Post-Program	
	N of Cases	%	N of Cases	%
1	156	27.5	160	33.4
2	222	39.1	188	39.2
3	120	21.1	79	16.5
4	70	12.3	52	10.9
Total Cases	568	100.0	479	100.0

Among the 568 pre-program cases, there were 291 cases (51.2%) with only weapon-possession arrest charges, of which the 156 shown above (53.6%) had only a single charge. In comparison, among the 479 post-program cases, 260 (54.3%) had only weapon arrest charges, of which 160 (61.5%) had only a single charge. (Data not shown.) For arrests that involved weapon-possession plus other types of charges, drug offenses were the most common non-weapon charge.

The CJA database contains up to four charges for each arrest record. Charges are organized in descending severity order, beginning with felony (A through E) charges, followed by misdemeanors (A-, B- and Unclassified-misdemeanor severities), and then lesser-severity offenses. When there are two or more charges of the same severity classification, the ordering of the arrest charges depends on the CJA crime category of the offense. Charges are grouped into one of ten offense categories in a CJA-created typology of crime types. In this typology, crimes against persons, such as murder, rape or assault, are considered the most serious type of offenses, followed by

crimes harming both persons and property, such as robbery. Weapon offenses are considered the third most serious type of crimes followed, in order, by property offenses such as larceny or criminal trespass, drug offenses, non-violent sex crimes such as prostitution, and then categories that capture fraud offenses including fare beating, public order offenses that are incorporated into a misconduct category, obstruction-of-justice offenses such as resisting arrest, and all Vehicle and Traffic Law (VTL) charges grouped into a single, separate category.

Using the CJA charge-severity and crime-type algorithms, **TABLE 6** shows the proportional distribution among CJA's crime categories of the first non-weapon charge for the pre- and post-program cases that had additional, non-weapon arrest charges. As a result of the way arrest charges are ordered in the CJA database, all of the non-weapon charges in the harm-to-persons and property categories had to be of lesser-severity than the weapon-possession charge. For the other categories they could be of equal or lesser severity.

CJA Crime Category	Pre-Program		Post-Program	
	N of Cases	%	N of Cases	%
Harm to Persons	55	19.9	50	22.8
Property	42	15.2	22	10.1
Drugs	97	35.0	87	39.7
Sex	3	1.1	1	0.5
Fraud	9	3.2	6	2.7
Misconduct	12	4.3	10	4.6
Obstructing Justice	34	12.3	27	12.3
VTL	25	9.0	16	7.3
Total Cases	269	100.0	219	100.0

Almost all of the non-weapon charges were of misdemeanor severity (data not shown). After drug offenses, crimes in the harm-to-persons category, most often charges of assault, were the second most common type of non-weapon offense. There were identical percentages of cases with charges in the obstruction-of-justice category, the third largest category for post-program cases and the fourth largest for pre-program cases, and these were almost entirely for the crimes of resisting arrest or for violating an order of protection.

Overall, defendants in the pre- and post-group of cases shared very similar, and in a number of instances nearly identical, characteristics. There were no significant differences in demographic or community-ties measures, and criminal records were sufficiently similar that they should have no independent affect on pre- and post-program case outcomes, especially sentencing decisions for convicted cases. However, there were differences in the types and number of arrest charges.

When exclusively weapon arrests, cases in the pre-program period were more likely to have both the C-felony crime of weapon possession with intent to use, plus the less severe weapon-possession charge; post-program arrests were more likely to have only the D-felony possession charge. It is not possible to determine from the data the extent to which this change in weapon-only arrests simply reflect more accurate charging by police, or genuine differences in the situational context of other factors associated with arrests, for which charge subsection might have been helpful in some instances. In addition, pre-program cases were more likely to have additional non-weapon charges, although when this occurred there was considerable similarity in the types of charges, with crimes such as drug possession, assault, or resisting arrest the most frequent types of additional charges. These differences pose analytic challenges that need to be accounted for as they may have consequences for the prosecutorial charging decision, and for case outcomes in both Criminal and Supreme Courts.

CRIMINAL COURT CASE PROCESSING AND OUTCOMES

The first criteria for case selection for this study was that the top charge on the first docket at Criminal Court arraignment was either the D-felony 265.02 or the C-felony 265.03 charge, of criminal possession of a weapon. As was previously seen in regard to arrest charges, the PL 265.02 charge was more dominant in charging patterns for post-program cases.

DISTRIBUTION OF ARRAIGNMENT CHARGES

At Criminal Court arraignment the overwhelming majority of all defendants were prosecuted for the D-felony weapon-possession crime, PL 265.02, 87 percent pre-program and 91.2 percent of the post-program cases. This was a substantial change from the distribution of top arrest charges for both groups, where less than half of each group's cases had a PL 265.02 top arrest charge. However, as with the difference between the two groups in the proportions of cases with a PL 265.02 charge at arrest, the difference between the two groups of cases with an arraignment charge of PL 265.02 also was statistically significant.

TABLES 7a and 7b compare the top arrest charge with the Criminal Court arraignment charge for each group of cases separately. For both pre- and post-program almost all cases with a PL 265.02 top arrest charge had this as the top charge at Criminal Court arraignment, 91.9 percent pre-program, and 93.1 percent post-program. The major difference is the prosecutorial charging decision for cases with the more serious C-felony arrest charge, the overwhelming majority of which enter Criminal Court case processing with the D-felony weapon-possession charge. Of the defendants in cases with a PL 265.03 top arrest charge, almost 84 percent pre-program and approximately 89 percent post-program had the less severe PL 265.02 charge as the top charge at Criminal Court arraignment.

TABLE 7a						
ARRAIGNMENT CHARGE BY TOP ARREST CHARGE: PRE-PROGRAM CASES						
Pre-Program						
Arrest Charge	Arraignment Charge 265.02		Arraignment Charge 265.03		Total Arraigned	
	N of Cases	%	N of Cases	%	N of Cases	%
265.03	258	83.8	50	16.2	308	100.0
265.02	216	91.9	19	8.1	235	100.0
Attempted 265.03	7	77.8	2	22.2	9	100.0
Attempted 265.02	1	100.0	0	0.0	1	100.0
265.01	12	80.0	3	20.0	15	100.0
Total Cases	494	87.0	74	13.0	569	100.0

TABLE 7b						
ARRAIGNMENT CHARGE BY TOP ARREST CHARGE: POST-PROGRAM CASES						
Post-Program						
Arrest Charge	Arraignment Charge 265.02		Arraignment Charge 265.03		Total Arraigned	
	N of Cases	%	N of Cases	%	N of Cases	%
265.03	204	89.1	25	10.9	229	100.0
265.02	217	93.1	16	6.9	233	100.0
Attempted 265.03	0	0.0	1	100.0	1	100.0
Attempted 265.02	3	100.0	0	0.0	3	100.0
265.01	13	100.0	0	0.0	13	100.0
Total Cases	437	91.02	42	8.8	479	100.0

CRIMINAL COURT OUTCOMES

TABLE 8 below shows the Criminal Court outcomes for pre- and post-program cases. For the purposes of comparability, percentage distributions were computed only for pre- and post-program cases with a final outcome in Criminal Court at the time the data were extracted from the CJA database. This excludes four pre-program cases, three of which had an outstanding warrant for the defendant, and one that was ongoing. Cases were defined as indicted, (transferred to Supreme Court for continued prosecution), if the case had either an indictment by the Grand Jury, or was transferred to the Supreme Court by consent of the parties using a Superior Court Information, thereby bypassing the grand jury process. The dismissal category includes cases moved out of the Criminal Court's jurisdiction pending indictment, but then returned to the Criminal Court for an entry of a dismissal prior to Grand Jury presentment.

TABLE 8 CRIMINAL COURT OUTCOMES				
Criminal Court Outcome: All Cases	Pre-Program		Post-Program	
	N of Cases	%	N of Cases	%
Indicted	304	53.5	196	41.3
Dismissed	236	41.5	245	51.6
Convicted	26	4.6	23	4.8
Adjourned in Contemplation of Dismissal (ACD)	2	0.4	7	1.5
Other Outcome	0	0.0	4	0.8
Total Disposed	568	100.0	475	100.0
Pending/Warrant	0		4	
Total Cases	568		479	

Against program expectations, there was not a higher indictment rate for target-precinct post-program cases, and the more than twelve percentage point lower post-program indictment rate was statistically significant. Furthermore, almost all of the

decrease in the indictment rate was offset by an increase in dismissals. Few cases had other outcomes, with little more than a percentage point difference between the two groups in the combined percentages of cases with other types of dispositions (convicted, ACD, or other outcomes such as Transfer to Family Court).

Because of the differences in the charge configuration both at arrest and at arraignment, Criminal Court outcomes were compared separately by arraignment charge, in combinations of top arrest and arraignment charges, and then for different configurations of arrest charges. In all of these comparisons the indictment rate was lower, and the dismissal rate was higher, among post-program cases.

The lower indictment rate for post-program cases occurred for cases with the PL 265.02, and for cases with the PL 265.03 charge at arraignment, as shown separately in TABLES 9a and 9b, respectively. Almost all the differences in indictment rates were offset by a corresponding change in the percent of dismissal outcomes, and the differences in the proportions of indictments versus dismissals between pre- and post-program cases was statistically significant for both arraignment charge categories.

TABLE 9a CRIMINAL COURT OUTCOME FOR CASES WITH A PL 265.02 CHARGE AT ARRAIGNMENT				
Court Outcome	Arraignment Charge PL 265.02			
	Pre-Program N of Cases	%	Post-Program N of Cases	%
Indicted	262	53.0	180	41.6
Dismissed	212	42.9	225	52.0
Convicted	19	3.8	20	4.6
ACD	1	1	5	1.1
Other Outcome	0	0.0	3	0.7
Total Disposed	494	100.0	433	100.0
Pending/Warrant	0		4	
Total Cases	494		437	

TABLE 9b CRIMINAL COURT OUTCOME FOR CASES WITH A PL 265.03 CHARGE AT ARRAIGNMENT				
Arraignment Charge PL 265.03				
Court Outcome	Pre-Program Cases		Post-Program Cases	
	N of Cases	%	N of Cases	%
Indicted	42	56.7	16	38.1
Dismissed	24	32.4	20	47.6
Convicted	7	9.5	3	7.1
ACD	1	1.4	2	4.8
Other Outcome	0	0.0	1	2.4
Total Disposed	74	100.0	42	100.0
Pending/Warrant	0		0	
Total Cases	74		42	

This pattern, of lower indictment and higher dismissal rates for post-program cases, was consistent when tested for different combinations of arrest and arraignment charges, such as when both the top arrest and arraignment charge were PL 265.02, or both had a PL 265.03 arrest and arraignment charge, or in combinations when the top arrest charge was different than the top arraignment charge. There were too many variations to display, and often Criminal Court outcome categories had too few cases for meaningful comparisons or statistical measures. However, although the relative percentages varied, in each comparison the pattern of lower indictment and higher dismissal rates was replicated for post-program period cases in the target precincts in comparison to pre-program cases.

In addition, there was no difference in this finding depending on the top charge when there was only a single arrest charge, on whether cases had only weapon arrest charges or the number of such charges, or whether cases had both weapon and non-weapon charges at arrest. Although the indictment rates varied among all these

permutations of arrest charges, the indictment rate always was higher for pre-program cases, as shown on **TABLE 10**.

TABLE 10 INDICTED VERSUS DISMISSAL OUTCOMES IN CRIMINAL COURT BY TYPE AND NUMBER OF ARREST CHARGES				
Type of Arrest Charge	Pre-Program (N=568)		Post-Program (N=479)	
<i>Weapon Only: 265.02 Only Arrest Charge</i>				
	N of Cases	%	N of Cases	%
Indicted	55	57.9	36	40.4
Dismissed	40	42.1	53	59.6
<i>*Weapon Only: 265.03 Only Arrest Charge</i>				
	N of Cases	%	N of Cases	%
Indicted	25	52.1	22	45.8
Dismissed	23	47.9	26	54.2
<i>**Total Weapon Only, One Arrest Charge Only</i>				
	N of Cases	%	N of Cases	%
Indicted	86	56.6	64	43.5
Dismissed	66	43.4	83	56.5
<i>Weapon Only: More than One Arrest Charge</i>				
	N of Cases	%	N of Cases	%
Indicted	71	54.6	43	45.3
Dismissed	59	45.4	52	54.7
<i>All Weapon-Only Cases</i>				
	N of Cases	%	N of Cases	%
Indicted	157	55.7	107	44.2
Dismissed	125	44.3	135	55.8
<i>Weapon and Non-Weapon Charges</i>				
	N of Cases	%	N of Cases	%
Indicted	147	57.0	89	44.7
Dismissed	111	43.0	110	55.3
*The difference between the indictment versus dismissal rate for pre- and post-program cases in this category was not statistically significant.				
**The total number of cases in the weapon-only one-charge category is greater than the total of one-charge cases with either the 265.02 or 265.03 charge because of a few cases with another Article 265 top arrest charge.				

For every arrest charge type tested, the indicted rate for pre-program cases was never lower than 52.1 percent. The highest pre-program indictment rate, 57.0 percent, was found for cases with weapon plus non-weapon charges. For post-program cases the indictment rate always was in the forty-percent range, with the lowest indictment rate (40.4%) for cases with only the PL 265.02 charge at arrest, and the highest, 45.8 percent, for cases with only the PL 265.03 charge. Because a greater percentage of all post-program single-charge cases had only the PL 265.02 charge than was found among pre-program cases, the over seventeen percentage point difference in the indictment rates in this category is of particular interest. Only in the charge-type category with the smallest numbers of cases, those with the sole arrest charge of the more serious C-felony PL 265.03 charge, was the larger indictment rate for pre-program cases not statistically significant.

Overall, there were a total of 540 pre-program cases with a Criminal Court disposition of either a dismissal or indictment, 282 of which had only weapon charges at arrest, and 258 had additional non-weapon charges. The pre-program indictment rate for cases with weapon-only charges was 55.7 percent, with a 57.0 percent indictment rate for cases with weapon plus other charges. Among post-program cases there were a total of 441 cases with either a dismissal or indictment disposition, of which 242 had only weapon arrest charges and 199 had weapon plus non-weapon charges. The post-program indictment rate for weapon-only cases was 44.2 percent, with a 44.7 percent indictment rate for the weapon-plus cases.

These findings suggest that the Brooklyn District Attorney's office was more selective in pursuing indictments against defendants in weapon-possession cases from the post-program target-precinct cases, even when considering the different composition of arrest charges between the pre- and post-program period cases.

CRIMINAL COURT CASE-PROCESSING TIMES

Further investigation into Criminal Court case processing revealed other changes associated with indictment versus dismissal case outcomes between the pre- and post-program cases. For both groups of cases indictments came in less time and in fewer appearances than did dismissal outcomes. However, for the post-program cases, indictments occurred more quickly than for pre-program cases. Conversely, post-program cases took longer, and more appearances, to reach a dismissal outcome in Criminal Court. These patterns were found even when case processing time was controlled to account for the longer time available for pre-program cases to reach disposition. The pre- and post-program differences in the time and number of appearances to indictment, and the difference in pre-and post-program time and number of appearances to dismissal, all were statistically significant.

For both pre- and post-program cases, indictments came sufficiently quickly that the potentially longer court processing time for post-program cases was not a factor. Post-program cases had an average (mean) of 22 days to indictment, a third more quickly than the 32.2 days to indictment for pre-program cases. Both pre- and post-program cases reached indictment in five or fewer court appearance, but over half of all post-program cases were indicted by the second court appearance, while less than forty-five percent of pre-program cases were indicted by the second appearance. Cumulatively, indictment occurred within three appearances in slightly more than seventy percent of pre-program cases, and in approximately eighty-nine percent of post-program cases. (Data not shown.)

The lengthier case processing time for pre-program cases was a factor in time to dismissal, because several pre-program cases had exceedingly long times, far beyond the maximum time any post-program case had to reach a final disposition. To achieve greater comparability between pre- and post-program groups, time and number of appearances to dismissals were analyzed only when this occurred within 383 days of Criminal Court arraignment, the greatest number of days to a dismissal outcome for any post-program case. Within this time interval, it took almost three times as long for post-program cases to be dismissed. The average time to dismissal for post-program cases

was almost 90.8 days, in comparison to about 30.2 days for pre-program cases. In addition, almost ninety percent of all pre-program dismissals occurred within three Criminal Court appearances. In comparison, the dismissal decision occurred within three Criminal Court appearances in only about sixty percent of post-program cases.

ASSIGNMENT OF INDICTED CASES TO PART 31, THE DESIGNATED GUN COURT

The Gun Court initiative established Part 31 of the Kings County Supreme Court as the designated courtroom for case processing of indicted cases from target precincts. To assess compliance with this aspect of the pilot program we examined the number and percentage of indicted cases that were arraigned in Part 31. Of the post-program target-precinct cases, 196 were indicted. Of these, 164 or approximately 84 percent were arraigned in the designated Gun Court part, although not all continued to be processed to disposition (or latest appearance if not disposed) in the designated court part. Approximately half of the thirty-two cases not sent to the Gun Court were both arraigned and disposed in Part 30 of the Kings County Supreme Court. Of the remainder, many were arraigned in other special-purpose courtrooms, such as Part 10, a designated courtroom for, among other things, high-profile cases, and the “felony-waiver” part for cases transferred immediately to Supreme Court for entering a felony plea. If one excludes cases that may have gone to other specialized Supreme Court parts by design rather than random assignment, the rate of correct assignment of pilot program cases would be approximately 90 percent.

SUPREME COURT ANALYSIS

For this section of the study several additional conditions were added to case selection in order to maintain consistency in comparing court decision making for pre- and post-program cases. Among indicted pre-program cases, sixty-seven were excluded from the Supreme Court analyses because they were processed in Part 31, the Gun Court. These were target-precinct cases assigned to the Gun Court after the initiative began, although their arrests pre-dated the start of the program. An additional two pre-program cases were excluded because it was evident that the outcome in Supreme Court was concurrent with an unrelated non-weapon case. From the program-period cases 51 were excluded from analyses because the disposition (or last Supreme Court appearance for non-disposed cases) did not occur in Part 31. Therefore, of the 304 pre-program cases with an indicted outcome leaving Criminal Court, 235 are included in the Supreme Court analyses of decision making. From the 196 indicted post-program indicted cases, this section of the study reports on decision making in 145 cases.

SUPREME COURT CASE PROCESSING AND OUTCOMES: FROM ARRAIGNMENT TO DISPOSITION

TABLE 11 compares the top indictment charge, and charge severity, at Supreme Court arraignment for pre-program non-Gun Court cases, and post-program Gun Court cases. The left-side columns show the distribution of the top indictment charges and charge severities for the pre-program cases. The right-side columns show the distribution of top indictment charges and severities at Supreme Court arraignment for the post-program Part 31 cases. As was seen in Criminal Court arraignment charges, D-felony weapon possession (PL 265.02) was the dominant Supreme Court arraignment charge, and more uniformly so for post-program cases. The percentages of pre- and post-program cases with a top indictment charge of 265.02 versus non-265.02 are almost the same as the percentage distributions for 265.02 and non-265.02 at Criminal Court arraignment. However, because of the small number and percentages of non-265.02 cases at Supreme Court arraignment, especially in the post-program group of cases, no meaningful comparison can be made between these two

charge categories. The dominance of the 265.02 charge at arraignment is also reflected in the severity distribution of the top indictment charge.

Top Indictment Charge	Pre-Program Non-Gun Court		Post-Program Gun Court	
	N of Cases	%	N of Cases	%
265.02	204	86.8	134	92.4
265.03	30	12.8	9	6.2
265.01	0	0.0	1	0.7
Other Charge Type	1	0.4	1	0.7
Total Cases	235	100.0	145	100.0
Top Indictment Charge Severity	N of Cases	%	N of Cases	%
C Felony	30	12.8	9	6.1
D-Felony	205	87.2	135	93.1
A-Misdemeanor	0	0.0	1	0.7
Total Cases	235		145	

In over 90 percent of pre-program cases with a PL 265.02 top indictment charge, and in almost 98 percent of post-program Gun Court cases, this also was the top Criminal Court charge in the case immediately prior to indictment; in the remaining few cases the charge leaving Criminal Court was the more severe, C-felony weapon-possession crime, PL 265.03, (data not shown).

TABLE 12 shows the Supreme Court outcomes for the pre-program cases and the post-program Gun Court cases at the time the court outcomes were extracted from the CJA database. The percentage distribution was calculated for cases with a final outcome; the parenthetical percentage at the bottom of the table compares the percentage of each group's cases without a final outcome. Almost all the cases had a final outcome and, as was expected, among completed cases almost all had a conviction outcome. With very few exceptions—12 pre-program and 4 post-program—convictions were by guilty pleas. Among the small number of cases in the dismissal-

acquittal category, there was a total of eight, four each in the pre- and post-program groups, with acquittals.

Outcome	Pre-Program Non-Gun Court		Post-Program Gun Court	
	N of Cases	%	N of Cases	%
Conviction	198	86.8	127	91.4
Dismissal-Acquittal	28	12.3	12	8.6
Other Disposition (abated)	2	0.9	0	
Total Disposed	228	100.0	139	100.0
Continued	2		5	
Warrant	5		1	
Total Not Disposed	7	(3.0)	6	(4.1)
Total Cases	235		145	

The overwhelming majority of convictions in Supreme Court were to a charge of the same severity, almost always the same charge, as the top indictment charge. In the small percentages of each group's cases when indictment and conviction charges were of different severities, the conviction was almost always to a charge of lesser severity.

For pre-program cases 72.7 percent, and for post-program cases 82.7 percent, had top arraignment and conviction charges of identical severities. The percentages of both groups' cases with conviction charges of the same severity as the indictment charge was even higher when the indictment charge was of D-felony severity, almost without exception the 265.02 charge. For convicted cases with D-felony severity top indictment charges, 78.6 percent of pre-program and 86.3 percent of post-program cases had D-felony severity conviction charges. (Data not shown.) These percentage differences indicate an even smaller likelihood of charge reduction for post-program cases with a conviction, and smallest for Gun Court cases with the PL 265.02 charge.

However, there were only a very small numbers of cases with convictions to reduced charges, and these differences were not statistically significant.

In addition, almost every case with a conviction to the PL 265.02 charge involved subsection 4 of this charge. This subsection, which is classified as a violent felony offense, involves possession of a loaded firearm at a location other than in a home or business. Out of 136 pre-program cases with a 265.02 conviction charge, and out of 105 post-program cases, there were only three cases in each group where the subsection was not 4. Further, all but 11 pre-program, and five post-program, also had the PL 265.02 as the most serious, top indictment charge. (Data not shown.)

Differences between the charge characteristics of pre- and post-program cases narrowed even further for indicted cases, although there continued to be greater uniformity among post-program cases. They had a higher percentage of cases with a most severe indictment charge of PL 265.02 at Supreme Court arraignment, but for both groups there were only relatively small numbers of cases with any other top indictment charge. For both groups there was an exceedingly high likelihood of conviction, almost all by a guilty plea, with conviction to the top indictment charge. The near certainty of these outcomes was only slightly higher for defendants in post-program cases, a finding influenced at least in part by the apparently greater selectivity in indictments for post-program cases. With very few exceptions, convictions to the PL 265.02 charge were to the same, subsection 4. As a result, almost all convicted cases were subject to the same penalties at sentencing, the subject of the next section of the report.

SUPREME COURT SENTENCING

To examine sentencing, we continued our distinction between program cases adjudicated in Part 31, and pre-program cases from the target precincts processed outside the Gun Court. For program cases, sentencing was analyzed only when both the conviction *and* the sentencing occurred in Part 31. Comparisons were made with pre-program cases in which all of the key decision points, including conviction and sentencing, occurred in other Supreme Court parts.

The first analysis was to determine how many of each group's cases received an imprisonment sentence. Two types of sentences were categorized as imprisonment.

The first was split sentences. By statute, split sentences involve jail time that for felony conviction charges cannot exceed six months, plus five years of probation, and for conviction to a crime of A-misdemeanor severity a maximum jail sentence of sixty days, plus three years of probation. The second imprisonment category was for what is referred to as a straight imprisonment sentence. This type of sentence includes fixed-length definite sentences of no more than one year or determinate sentences greater than one year, and indeterminate sentences that have both a minimum and a maximum sentence length. The straight imprisonment category includes those with or without additional conditions, such as a period of post-release parole supervision. Excluded from imprisonment sentences are three pre-program cases with sentences of intermittent imprisonment. There were 182 sentenced pre-program non-Gun Court cases, of which all but 21 (11.5%) had a sentence of some type of imprisonment. Out of 104 program cases with Gun Court convictions and sentences, all but four (3.8%) had an imprisonment sentence.

TABLE 13 shows the type and length of imprisonment sentences. When there was an indeterminate sentence, it was categorized by the minimum time. For example, both definite sentences of one year, and indeterminate sentences of 1-3 years, appear in the one-year category. For cases in which defendants received imprisonment sentences, there were substantial, and statistically significant, differences in both the type of imprisonment sentence, and the amount of time imposed, between the two groups. Unlike the pre-program cases in which approximately a third of the cases had a split sentence, there were only five cases (5.0%) with a split sentence in the Gun Court. Because almost the identical percentages of pre- and post-cases had imprisonment sentences greater than one year, the enormous increase in the proportion of cases in the one-year sentence category—a little over a quarter for pre-program cases compared to over one half of the Gun Court cases—can be attributed almost entirely to the difference in sentence lengths of less than one year and in the use of the split sentence.

TABLE 13 TYPE AND LENGTH OF IMPRISONMENT SENTENCES FOR ALL CONVICTED CASES WITH AN IMPRISONMENT SENTENCE				
Type of Sentence	Pre-Program Non-Gun Court		Post-Program Gun Court	
	N of Cases	%	N of Cases	%
Split	53	32.9	5	5.0
Straight Imprisonment	108	67.1	95	95.0
Total	161	100.0	100	100.0
Length of Imprisonment	N of Cases	%	N of Cases	%
Less than one year	64	39.7	6	6.0
One-Year (or one-year minimum)	42	26.1	58	58.0
More than One-Year	55	34.2	36	36.0
Total	161	100.0	100	100.0

Examining imprisonment sentences only for cases with a conviction charge of PL 265.02, subsection 4, illustrates even more dramatically the change in sentencing policy for target-precinct cases in the Gun Court. By law, this is a violent felony offense that requires a fixed-length imprisonment sentence of at least one year, with exceptions based on the prior criminal conviction history of the defendant. For defendants without a criminal conviction record, the sentence may be less than one year if, in the judgment of the court, such a sentence would be unduly harsh. For defendants with a criminal conviction record, the court must find (and state) mitigating circumstances for imposing a sentence other than at least a definite one-year jail sentence. When exceptions are made, split sentences are the preferred form of imprisonment sentence as they permit keeping the defendant under criminal justice supervision for an extended period of time after release from jail. However, sentences of less than a year, regardless of its form, should be the “exception” in sentencing defendants convicted for this crime.

In the pre-program non-Gun Court cases, exceptions to the mandatory minimum one-year sentence were common, but disappeared almost entirely in the Gun Court. As shown in the **TABLE 14** below, there was an almost thirty-seven percentage point change in split versus straight imprisonment sentences between the pre-program and Gun Court cases. Further, whereas half of all pre-program cases received a jail sentence of less than a year, only the four (4.9%) split-sentence Gun Court cases received a sentence of less than a year's imprisonment.

TABLE 14 TYPE AND LENGTH OF SENTENCE WHEN THE CONVICTION CHARGE WAS PL 265.02.04, A D-FELONY VIOLENT FELONY OFFENSE				
Type of Sentence	Pre-Program Non-Gun Court		Post-Program Gun Court	
	N of Cases	%	N of Cases	%
Split	50	41.7	4	4.9
Straight Imprisonment	70	58.3	77	95.1
Total Imprisonment	120	100.0	81	100.0
Length of Imprisonment	N of Cases	%	N of Cases	%
Less than one year	60	50.0	4	4.9
One-Year (or one-year minimum)	33	27.5	55	67.9
More than One-Year	27	22.5	22	27.2
Total	120	100.0	81	100.0

These large differences between the two groups, in both the use of split sentences and in sentences of more or less than one year, when there was a conviction to the identical charge, were statistically significant. They also underscore the criticism of sentencing practices that provided part of the impetus for the initiative, and for the creation of a single, designated courtroom for processing of felony gun cases.

SUPREME COURT CASE-PROCESSING TIMES

In addition to more consistent outcomes, the Gun Court initiative also set out the goal of using an expedited schedule to bring cases to disposition more swiftly. Investigation into this facet of the initiative shows that pilot-program cases from the target precincts were disposed more quickly, and in fewer appearances, in the Gun Court in comparison to Supreme Court case-processing time for pre-program cases not processed in Part 31.

Among pre-program non-Gun Court cases, the mean (mathematical average) time from Supreme Court arraignment to any final disposition was approximately 161 days, with a median (mid-point) of 124 days. However, as discussed in the Criminal Court section of this report, pre-program cases arraigned in the year prior to the pilot Gun Court program had a far longer opportunity to reach disposition. To create a more precise comparison for Supreme Court processing, we re-analyzed case processing time but restricted the comparison only to both pre- and post-program cases with a final disposition within 383 days of Supreme Court arraignment, the longest pre-program time from Supreme Court arraignment to any final disposition. This excluded 16 of the 228 pre-program cases with a final disposition beyond the cut-off point.

For pre-program non-Gun Court cases the overall average time to disposition (within 383 days) was reduced to 131.2 days, with a median of 112.5 days. In comparison, Gun Court cases averaged 80.9 days, with a median of 63 days, a statistically significant difference from pre-program cases. Although Gun Court cases were disposed in fewer court appearances, an average of 4.7 in comparison to an average of 5.4 appearances for pre-program non-Gun Court cases, this relatively small difference was not statistically significant. (Data not shown.) In addition, there was almost no difference in the relative proportions of pre- and post-program cases disposed at the first, arraignment appearance, as can be seen on **TABLE 15**. These findings suggest that the faster time to disposition in the Gun Court cases was the result of shortening time between scheduled court appearances, as opposed to changes in courtroom processes.

In addition, and in contrast to the court system's standards-and-goals of Supreme Court cases reaching an adjudicated outcome within 180 days from arraignment, the stated goal for the Gun Court initiative was to achieve case disposition within 120 days. **Table 15** shows the number and percentages of cases disposed at different intervals (in days). For pre-program non-Gun Court cases disposed within 383 days of Supreme Court arraignment, a total of somewhat over half (52.8%) were completed within 120 days, and a cumulative total of 69.3 percent were disposed within 180 days. For post-program Gun Court cases, 74.1 percent reached disposition within the stated program goal of 120 days, and a cumulative total of 89.2 percent reached disposition within 180 days.

Days from Arraignment to Disposition	Pre-Program Non-Gun Court		Post-Program Gun Court	
	N of Cases	%	N of Cases	%
0 (Disposed at Arraignment)	38	17.9	24	17.3
1-30	10	4.7	19	13.7
31-60	28	13.2	23	16.5
61-90	17	8.0	22	15.8
91-120	19	9.0	15	10.8
121-180	35	16.5	21	15.1
181-270	36	17.0	12	8.6
271-383	29	13.7	3	2.2
Total Disposed	212	100.0	139	100.0

Case processing times from Supreme Court arraignment to the conviction appearance were analyzed separately. For pre-program cases with a conviction within 383 days of arraignment, the average time to conviction was 124.3 days, with a median of 105 days. In comparison, post-program cases averaged 75.5 days to conviction in Part 31, with a median of 56 days, differences that also were statistically significant.

There was only a small, and not statistically significant, difference in the average number of appearances to conviction, 5.0 for pre-program cases versus 4.4 for Gun Court cases, again suggesting that the difference in time to disposition was a result of shorter time between adjournments. Among pre-program cases, 55.9 percent of convictions occurred within 120 days, and a cumulative total of 71.5 percent had a conviction within 180 days of arraignment. In comparison, convictions came far more swiftly in the Gun Court. For 77.2 percent of the Gun Court cases conviction occurred within 120 days of Supreme Court arraignment, with 91.3 percent of all convictions having occurred within 180 days. (Data not shown.)

Among the very small number of cases with dismissal-acquittal outcomes, the pre-program cases averaged 118 days, and the post-program cases averaged 138 days, to dismissal. However, there were too few of these cases, and too many of them by trials that affect case-processing time, for any valid comparisons to be made. (Data not shown.)

Another case processing item investigated was time from conviction to sentencing. The program did not address this time interval, and no change was expected. With very few exceptions, a pre-sentence investigation and report are required by New York State's Criminal Procedure Law (CPL 390.20) prior to sentencing defendants convicted of a felony crime, and also may be required for misdemeanor convictions. As a result, there normally will be a fairly consistent interval between the conviction and sentencing court appearances. For this analysis the cut-off time period, based on post-program cases, was a maximum of 294 days from the conviction to the appearance at which sentence was imposed. Within this range the mean times for both pre- and post-program cases was identical, approximately 59 days. (Data not shown.)

The Gun Court well met its goal of bringing cases to disposition more quickly. In addition, for cases completed within 383 days of Supreme Court arraignment, Part 31 had a somewhat higher percentage of cases completed within the new expedited schedule, in comparison to the proportions of pre-program non-Gun Court cases completed within the usual standard that was a third longer. The Gun Court succeeded in meeting the new standard of 120 days from Supreme Court arraignment to

disposition for almost three-fourths of its disposed cases, and over three-fourths of the cases with a conviction outcome. In comparison, in the pre-program period with the longer standard, the Kings County Supreme Court (excluding Gun Court cases) disposed of just under seventy percent of its cases within 180 days, and only about seventy-two percent of convictions were within this time interval.

SUMMARY AND CONCLUSIONS

This research set out to test the four key components of the City's Gun Court initiative: increase in successful prosecution of gun-possession cases; utilization of the designated Supreme Court part for indicted program cases; more consistent sentencing; and more swift dispositions. The study examined cases from the five Brooklyn precincts that were the target areas selected for the initiative's pilot program from the year prior to, and in the first year, of the Gun Court's operation. In all but one respect, indictment rates, the outcomes met the program's goals. The overwhelming majority of indicted program-period cases were sent to Part 31, the designated Gun Court courtroom. In comparison to indicted pre-program target-precinct cases with outcomes outside of the Gun Court, Part 31 greatly increased the percentages of cases with the mandatory imprisonment sentence of at least one year, and completed cases more swiftly.

Cases were selected when the prosecuted charge at Criminal Court arraignment was either D- or C-felony weapon possession, the most common charges associated with the initiative's objective of reducing neighborhood levels of violence by identifying and prosecuting those in possession of guns. To further refine case selection, only arrests with top arrest charges of the same two weapon-possession court charges, the attempted version of the charges, or the A-misdemeanor weapon-possession charge were included in the data set analyzed.

These selection criteria resulted in cases with very similar defendant characteristics, but some differences in the composition and number of arrest charges. Among pre-program period cases, over half had a top arrest charge of the more severe C-felony weapon-possession charge (PL 265.03) as the top arrest charge, and about forty percent had the D-felony weapon-possession charge (PL 265.02). In addition, a greater percentage of pre-program cases had both of these charges at arrest. Among the post-program cases, there was a more equal distribution between these C- and D-felony weapon-possession charges, in part a reflection that there were a greater percentage of post-program cases with only one of these charges as opposed to the 265.03 charge in combination with the 265.02 charge. In addition, a slightly greater

percentage of pre-program cases had other non-weapon secondary charges, although when this occurred, there was considerable similarity in the types of non-weapon charges. It was not possible to tell from the data the extent to which the differences in the configuration of arrest charges were a result of different circumstances of arrests, more precise charging by police, or other factors.

At Criminal Court arraignment, there was far less of a difference between the two groups in the proportions of cases with PL 265.02 versus PL 265.03 as the top charge entering court processing. Whatever the differences in the police description of the arrest circumstances, the overwhelming percentage of both groups' cases were prosecuted with the PL 265.02 as the top arraignment charge, although the percentage was higher for post-program cases, and the difference statistically significant.

In these weapon-possession cases, Criminal Court dispositions were either indictment or dismissal; few cases had any other outcome. In comparison to pre-program cases, the post-program cases had a lower indictment rate and higher dismissal rate overall, and lower indictment and higher dismissal rates when tested separately for each of the two selected arraignment charges. All of these differences between pre- and post-program period cases were statistically significant. This pattern also was found when the differences in Criminal Court indictment versus dismissal outcomes were examined separately by different types and combinations of arrest charges.

Although the percentages varied somewhat depending on the configuration and number of arrest charges, pre-program cases consistently had an indictment rate in the mid- to upper-fifty percent range, and post-program cases were in the low to mid-forty percent range. With the exception of one arrest charge category with very small numbers of cases, the difference between pre-and post-program cases in the proportions of indictments versus dismissals was always statistically significant. These findings strongly suggest that there was a change in prosecutorial decision making in target-precinct cases during the first year of the Gun Court's pilot program which affected Criminal Court outcomes, and had implications for Supreme Court decision making.

An unanticipated finding was that indictments came more swiftly, and in fewer court appearances, for post-program cases. Conversely, dismissals in post-program cases took longer than for pre-program period cases.

In comparing post-program Gun Court cases with pre-program cases in which key decisions—arraignment, disposition and when applicable sentencing—occurred in other Supreme Court parts, the differences between court charges and case outcomes for indicted cases narrowed. The PL 265.02 charge dominated, and there were too few study cases with the more severe 265.03 indictment charge at Supreme Court arraignment to measure the differences in Supreme Court top indictment charge at arraignment charge between the two groups. As expected, the overwhelming majority of all disposed cases had a conviction outcome, more so for post-program Gun Court cases, although the difference was of no statistical significance. In addition, only small percentages of convictions were to reduced charges; less so when the charge was 265.02 and less so for post-program cases, but neither were differences of statistical significance.

For convicted cases, there were substantial and statistically significant differences in sentencing patterns. Almost all of the sentenced cases had a conviction charge which by law required a sentence of imprisonment of at least one year, barring compelling reasons for a lesser sentence in the interest of justice. The lack of consistency in mandatory sentencing was a critical issue in the development of the Gun Court initiative, and a criticism that was substantiated by the pre-program findings of this study.

Exceptions to the mandatory minimum were made in almost forty percent of pre-program non-Gun Court cases, in comparison to only a handful and single-digit percentage (6.0%) for post-program cases convicted and sentenced in the Gun Court. In pre-program non-Gun Court cases, a sentence of less than a year was commonly imposed as a split sentence, which limits jail time for felonies to no more than six months accompanied by five years of probation, and lesser jail and years of probation for misdemeanor convictions. With the almost complete elimination of less than one-year sentences in the Gun Court, the split sentence also almost completely

disappeared. Because very similar percentages of Gun Court and non-Gun Court cases received sentences of greater than a year, the difference between the two groups of cases was almost entirely the difference between one-year, and less-than-one-year, sentences.

This difference in one-year versus less-than-a-year sentencing practices for pre-program non-Gun Court cases and Gun Court cases was even more dramatic when sentences for cases with a conviction to subsection 4 of the 265.02 charge, a violent D-felony offense, were examined separately. Where half of the pre-program sentences for this charge were for less than one year, fewer than five percent of the Gun Court cases received a sentence of less than a year's imprisonment. Among pre-program cases, less than thirty percent, but over two-thirds of the Gun Court cases, received a one-year sentence for this conviction charge.

Without a doubt, the Gun Court achieved the goal of greater consistency in sentencing as evidenced by the proportion of post-program cases with one-year sentences. However, what cannot be determined is the extent to which some of the *magnitude* of the difference in sentencing for pre- and post-program cases was the result of differences that may have led to more jail-bound worthy cases being indicted in the post-program period. If indicted, Gun Court defendants faced an even higher certainty of conviction than pre-program defendants, and a near certainty of mandatory imprisonment of at least one year. However, because of the higher dismissal rate for post-program target-precinct cases, it is possible that some defendants who in the pre-program period would have been indicted, convicted, but sentenced to shorter (or even no jail) instead had their cases dismissed.

The Gun Court also succeeded in accomplishing its second goal of more speedy dispositions through the use of an expedited schedule for case processing. Standardizing case-processing time for both groups to cases disposed within 383 days of Supreme Court arraignment, the Gun Court disposed of almost three-fourths of its completed cases within 120 days, and over three-fourths of cases with conviction outcomes within this same time interval. By contrast, a smaller percentage of the pre-program non-Gun Court cases was completed within the normal standard of 180 days,

a third longer time interval. For all pre-program cases completed outside the Gun Court within 383 days, less than seventy percent overall were completed, and a little over seventy percent had convictions, within 180 days. In addition, the average case-processing time to disposition in the Gun Court was approximately 90 days overall, with an average time of about 76 days for those cases with a conviction. In comparison, pre-program non-Gun Court cases had an average time to disposition of approximately 131 days, and 124 days for those with a conviction outcome.

Use of special-purpose courtrooms has been a growing trend in New York's courts for more than a decade in both the civil and criminal justice systems. This trend has been accelerated on the criminal side by the problem-solving court movement which has led to a proliferation of special-purpose courtrooms in New York City, including community-based courts in Midtown Manhattan and in the Red Hook neighborhood of Brooklyn, drug treatment courts, designated courtrooms for domestic violence cases, and more recently integrated domestic violence courtrooms joining matters previously under the jurisdiction of both the Family and adult Criminal Courts. Now added to this list both in Brooklyn and other boroughs is a designated courtroom in the Supreme Court for felony weapon-possession cases. What all these special-purpose courts have in common is the development of a courtroom workgroup with shared expectations about case processing and outcomes. As seen in the work of the Brooklyn Gun Court for the pilot program's target-precinct cases in the first program year, the goals of more certain, consistent and swift outcomes were met for indicted cases.

However, an interesting side note to this greater uniformity in meeting sentencing mandates for conviction to felony weapon crimes is that the Brooklyn Gun Court narrowed the range of consequences for defendants. Pre-program non-Gun Court cases were more likely to be indicted, almost always convicted, but had more diversity in sentencing. As a result, there was a wider array of consequences for defendants in pre-program target-precinct cases. Conviction, especially for a felony charge, has serious implications for recidivist defendants, especially in regard to increased sentence lengths for any subsequent felony conviction. In addition, although a far greater proportion of pre-program defendants received jail sentences no greater than six

months, because of the frequency of split sentences a substantial proportion of pre-program defendants remained at risk for additional sanctions during the years of probation. By contrast, for defendants in post-program target-precinct cases there was for the most part only one of two types of consequences—dismissal, or indictment with the near certainty of conviction and an imprisonment sentence of a year (or more), after which a large percentage of defendants would be returned to the community without further criminal justice supervision.

It remains to be seen whether the findings of this pilot program study will continue into the future in the target precincts, or will be equally applicable to all Brooklyn cases now that the initiative has been expanded to all the borough's precincts. Among the subjects for future research is whether the changes found in arrest and court charge composition, Criminal Court outcomes, and Supreme Court Gun Court outcomes and sentencing for conviction, will be replicated for cases from outside these target precincts. Such a study might compare pre- and post-events for the previously non-targeted precincts, or compare the original target precincts and the other Brooklyn precincts after the program's expansion. Another line of inquiry is to investigate the experiences in the Bronx, and in Queens, which now also have a designated Gun Court part for felony weapon cases in their counties' Supreme Courts. One might easily predict that because of the nature of how specialized court parts operate, defendants in indicted cases will face the same certain, consistent and swift justice in the Bronx and Queens Gun Courts as was found in Brooklyn for pilot program cases. However, it remains to be determined whether similar arrest and prosecutorial differences will emerge after the program's implementation in these boroughs. Lastly, another and different issue for future research is whether the pilot program has led to a reduction in gun-related violence in the Brooklyn precincts originally selected because of neighborhood crime patterns.