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**CJA'S QUEENS COUNTY SUPERVISED  
RELEASE PROGRAM: IMPACT ON COURT  
PROCESSING AND OUTCOMES**

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

**FINAL REPORT**

June 2013

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## **ACKNOWLEDGEMENTS**

Just as it takes a village to raise a child, it takes a community of dedicated professionals to conceive, nurture, sustain and evaluate a new initiative in the criminal justice system. Jerome E. McElroy, Executive Director of the New York City Criminal Justice Agency (CJA) and a national authority on pretrial services, has for many years advocated for a program to test the viability of community supervision as an alternative to money bail in New York City, and for changes in New York State's statutory language regarding pretrial release for defendants. CJA's Queens Supervised Release program is a first step in bringing these ideas to fruition.

We are indebted to our funder, the New York City Office of the Criminal Justice Coordinator, under the leadership of John Feinblatt, for its support of this initiative. Special thanks are due to Michele Sviridoff, Deputy Coordinator for Policy and Planning, who worked with us to design a program combining the City's criteria and CJA's ideas, and for her ongoing oversight and insights.

Mari Curbelo, CJA's Director of Court Programs, brought her vision, experience and insights into the workings of the criminal courts into the process of creating CJA's and the City's first supervised release program. She has worked tirelessly to transform a program design into an operationally workable and successful program, and has been involved in every facet of the program from the planning phase forward. This has included creating program protocols, working across Agency departments in the design of data-collection instruments, the creation of a computerized information system for all program activities, and the development of routine reports to stakeholders. This inter-department collaboration extended to the many beneficial comments offered on an earlier draft of this report. She also has assembled the talented onsite group, a program supervisor, courtroom staff and case managers, who carry out the program responsibilities on a day-to-day basis, while also documenting every activity including those needed for research purposes.

In this technological age, we turned to CJA's Information Technology (IT) Department, under the leadership of Barbara Diaz, to build a completely new computerized information system to capture program data from the initial courtroom screening of charge-eligible cases and defendants forward, including developing a case management system for collecting information about clients and their compliance, and re-arrest notification. This effort has been led by Wayne Nehwadowich, Programming Manager of the IT Department.

He also has worked for almost a decade with the Research Department to create an annual data file of arrests and their corresponding case processing milestones and court outcomes. These data are then transformed by research staff, under the direction of Mary Phillips, Ph.D., into an analytic data set available for a variety of research purposes, including providing the basis for the data set used for both program planning

and for testing post-implementation changes in court activity in program cases. I also have been assisted in the development of the data set for program cases used in this report by Geraldine Staehs-Goirn of the IT Department, and as always appreciate the understanding of research needs that she adds to her programming skills.

The Research Department has been involved since the program's planning stages, and has worked with staff across departments in, among other activities, the creation of data collection instruments, quality control and data-entry of information about potentially eligible but non-participant cases and defendants, and the development and design of data sets for pre-program cases and defendants and for the cases of both program accepted and rejected participants. I am most appreciative of the ongoing assistance of Jonathan Carmona, a more recent addition to the research team for the supervised release programs, for all his efforts in working with program data and providing feedback and insights.

Joann DeJesus has too many administrative titles and assumed too many tasks to enumerate in a single paragraph, and even when combined could not adequately account for her invaluable role. She singularly is at the intersection of all CJA departments and staffs involved in the Agency's supervised release activities, as well as serving as our liaison with outside stakeholders. Among the responsibilities that have affected this report is her oversight of collection and entry of program information, work with the IT Department in the development of the program's information system and testing virtually every facet of this system, and preparing the program's routine monitoring reports. I also personally am indebted to Joann for her keen eye and attention to detail which brought to my attention errors in an earlier draft of this report.

A note of appreciation also is due to Annie Su, the Research Department's Administrative Associate, who always can be relied on to bring every research project to the finish line, collated and assembled, and distributed.

Thanks are owed to many, including those who may not have been mentioned by name, whose efforts collectively have resulted in CJA's Queens Supervised Release program as an initiative to test whether pretrial release under community supervision can be a viable alternative to the use of money bail and pretrial detention leaving Criminal Court arraignment. A personal word of thanks also is due all those who offered ideas about research questions and provided feedback on an earlier draft of this report. But in the end I alone am responsible for any errors of commission or omission in the design and data analysis in this study, and for the report's conclusions.

## **CJA'S QUEENS COUNTY SUPERVISED RELEASE PROGRAM**

### **INTRODUCTION**

The New York City Criminal Justice Agency (CJA) is a not-for-profit agency that works under a contract with the City of New York to provide pretrial services to almost all arrested persons prosecuted in the City's adult criminal court system. One of the Agency's principal pretrial services' responsibilities is to provide the courts with a release recommendation based on levels of likelihood of failure to appear (FTA) if a defendant, held in custody from arrest to Criminal Court arraignment, were to be released on recognizance (ROR). This recommendation system is based on an objective validated risk-assessment instrument that combines criminal history and community ties elements. CJA's recommendation system also contains residual categories for policy exclusion or other factors. Additionally, as part of its pretrial services CJA provides court appearance reminders through phone and/or letter notification to released defendants.

On August 3, 2009, CJA introduced an experimental supervised pretrial release program in Queens County designed to provide the courts an opportunity to release some defendants under community supervision as an alternative to bail setting. The Queens Supervised Release (QSR) program is offered to judges at Criminal Court arraignment only in cases prosecuted for selected non-violent felony charges and in which defendants have satisfied a number of conditions during a rigorous pre-arraignment screening process. In addition to charge eligibility, these program criteria include factors related to criminal history, risk of pretrial failure-to-appear (FTA), and verified local-area community ties. These criteria were established through research which identified non-violent charges in which Queens judges were the most likely to set bail at Criminal Court arraignment and in which defendants posed only a medium risk of failure to appear if released.

If a defendant meets all program criteria and is willing to accept the program, it is the responsibility of the defense counsel to request the court's consideration of QSR. If the judge agrees to QSR in lieu of bail, the defendant signs a program contract which becomes part of the court record. This contract requires defendants to appear at the program office for a needs assessment, usually scheduled within one business day of the Criminal Court arraignment, and to comply with program contract requirements.

The key elements of supervision involve regularly scheduled face-to-face meetings and phone contact with the assigned case manager who also will actively engage the client in regard to areas of behavior change or supportive activities such as accepting referrals to, or re-connecting with, drug, alcohol and/or mental health treatment programs or community services as indicated as part of the needs assessment process.

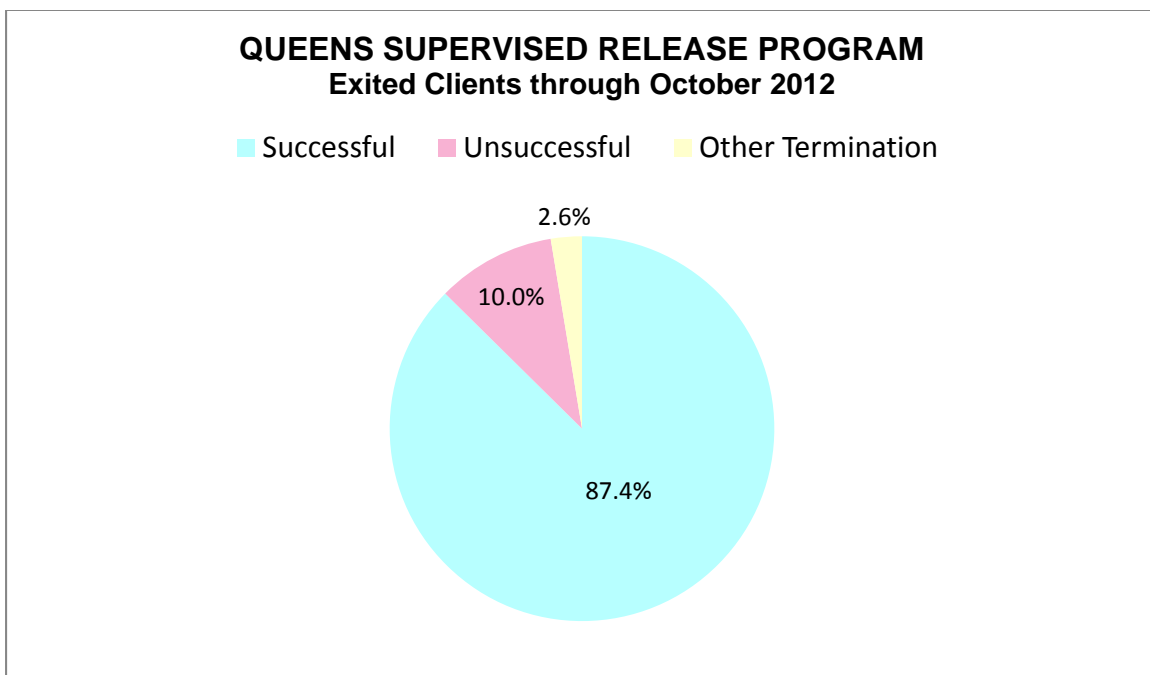
Program clients also must cooperate with program verification of community activities such as employment or school attendance.

The number of face-to-face and phone contacts can be reduced or increased over time based on client performance and other individualized circumstances. Re-arrests while under supervision do not necessarily result in program revocation unless the defendant is detained on the new case. However, re-arrests are an example of the type of misconduct that could result in increased levels of program supervision.

The program's target population was well defined during the planning process, including defendant demographic, criminal history and arraignment charge characteristics. Other program protocols were created to maximize the use of the program in lieu of arraignment bail setting and not as a substitute for recognizance release in order to achieve pretrial jail displacement, one of the program's goals. But by securing the release of this select group of defendants arraigned on non-violent felony charges there were many unknowns about what impact the program would have on case processing and court outcomes for client cases. For example, would the use of pretrial community supervision encourage the courts to extend case processing times or alter the types of dispositions in these cases? This report is designed to address these and related questions about the impact of the program on case processing and court outcomes in completed program client cases.

### COMPLETED PROGRAM CASES

Since the beginning of the program through October 31, 2012, there have been a total of 833 clients who have exited the program.



Of these program participants 728 (87.4%) successfully satisfied QSR's supervision requirements as of the date they exited the program, i.e. *successful*. Among the remaining 105 clients, 83 (10.0% of all exited program participants) had an *unsuccessful* outcome and 22 (2.6%) were *terminated for other than in-program misconduct reasons*, e.g. an immigration or parole hold or because of detention imposed on a previous case.

The point of exit for an overwhelming majority of successful program clients occurred at the court appearance in which a case disposition was entered. The next largest category of program exits occurred when the program transferred the client to the management and supervision of the Treatment Alternatives to Safer Communities (TASC) program in preparation for the defendant's case to be adjudicated in the Queens Drug or Mental Health Treatment Court. Successful program clients in the "other" exit category on the table that follows include two who entered the Veteran's Treatment Court program while the remaining four clients were placed in other programs.

<b>REASON FOR SUCCESSFUL PROGRAM EXIT</b>		
<b>EXIT STATUS: SUCCESSFUL</b>	<b>N</b>	<b>% of Successful</b>
Case Adjudicated	564	77.5%
Supervision Completed, pre-adjudication	5	.7%
Case management and supervision transferred to TASC/QTC	117	16.1%
Case management and supervision transferred to Mental Health Court	6	.8%
Case Management transferred to other court-based ATI	26	3.6%
Case management transferred to Family Court	4	.5%
Other	6	.8%
<b>Total Successful</b>	<b>728</b>	<b>100.0%</b>

Most unsuccessful clients exited the program due to detention on a new arrest or a revocation of participation for a failure to appear and/or other program compliance issues. Over half of all unsuccessful clients (42 cases) were detained on new re-arrest while under program supervision. There were 31 program clients who had their participation revoked by the court with a warrant issued based on a failure to comply with program requirements and/or a failure to appear in the supervised release case. In three additional cases the clients were terminated by the program solely for compliance

issues although in these several cases the court did not formally revoke supervised release or detain the client for program non-compliance.

REASON FOR UNSUCCESSFUL PROGRAM EXIT		
EXIT STATUS:UNSUCCESSFUL	N	% of Unsuccessful
Revoked: Warrant ordered because of program compliance issues and/or failure to appear	31	37.3%
Revoked: Supervision revoked due to detention on a new re-arrest case	42	50.6%
Revoked: New re-arrest AND program participation issues	4	4.8%
Other revocations	3	3.6%
Terminated: Program Compliance Issues	3	3.6%
Total Unsuccessful	83	100.0%

There were 22 instances in which it was necessary to terminate the client's participation for reasons other than any in-program misconduct. In over three-fourths of these cases the clients had a pretrial release status changed to detention in a pending case that *pre-dated* the program case. In one case the court set bail based on the indictment charges independent of the defendant's satisfactory program participation.

REASON FOR OTHER PROGRAM TERMINATION		
OTHER TERMINATION	N	% of Other Termination
Supervision terminated because of previous case and detention	17	77.3%
Supervision terminated because of Immigration/Parole detention	4	18.2%
Supervision terminated because of post-indictment detention	1	4.5%
Total	22	100.0%

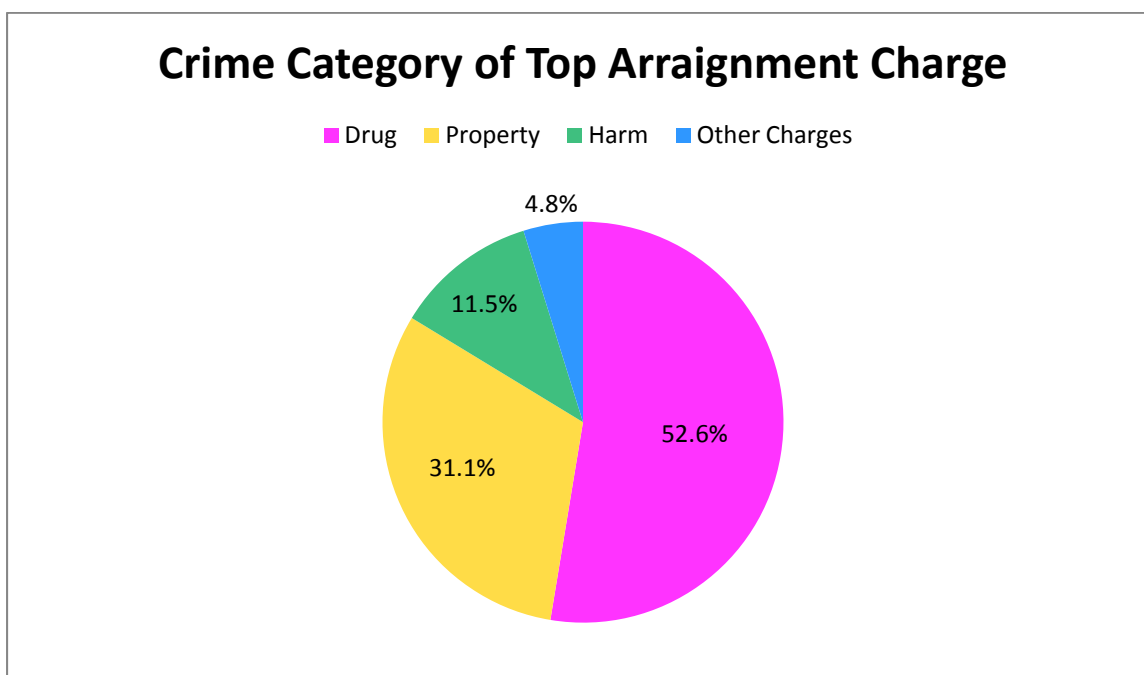
Length of program supervision varied considerably, but successful clients averaged longer in-program time. The in-program time from Criminal Court arraignment to the program exit date for the 728 successful program clients ranged from two to 550 days, with an average of 127.85 days and a median (midpoint) of 111 days. The range for the 83 unsuccessful clients was between 14 and 300 days, with an average of 103.98 days and a median of 90 days. The in-program time for the 22 terminated program clients was between 7 and 305 days, with an average of 89.18 and a median of 84.50 days (data not shown).

## CASE AND DEFENDANT CHARACTERISTICS

### Charges

Over half of all exited program clients were arraigned on a drug charge, and almost another third on a charge in CJA's property crime category. Over three-fourths of all drug category cases were arraigned on either the B-felony charge of possession or sale of non-marijuana narcotics (PL 220.16 or PL 220.39). Almost all of the property-crime cases involved grand larceny or possession of stolen property charges. Combined, these two crime categories accounted for 83.7% of all client cases.

The remaining charges were combined into the other two crime categories shown in the next illustration. The first contains charges involving harm to persons and includes cases with the non-VFO D-felony robbery charge (PL 160.05), other robbery charges under Article 160 of the Penal Law which were accepted by the program at the request of the court, some charges under Article 120, Assault and Related Offenses, including reckless endangerment and two misdemeanor Article 120 cases (also judicial referrals).



There were 40 cases combined into a residual "Other Charges" category. The largest number of these was 13 cases with a top arraignment charge of forgery in the first degree (PL 170.25), a D-felony.<sup>1</sup> Also included in this category are 10 cases with non-violent felony charges not normally proactively screened by court staff.

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<sup>1</sup> Cases with only fraud charges such as forgery are not considered program eligible, but are proactively screened if, as in each of these program cases, there are additional program-eligible non-violent felony charges in the complaint.

The crime category and severity composition of the top charge at Criminal Court arraignment for the exited client cases are shown in the tables that follow, by their program status at the time of exit and overall. The percentages shown in each row are for the relative distributions for successful, unsuccessful, and other termination, and total to 100%, not shown. For example, there were 438 exited program clients arraigned on a drug charge, 395 (90.2%) of these clients were successful exits, 35 (8.0%) were unsuccessful, and 8 (1.8%) had another reason for program termination.

The **TOTAL** columns display the breakdown among all row categories for the item, with the final percentages shown for the column. For example, among the different crime categories for arraignment charges, 52.6% involved a drug charge.

The greatest numbers of clients had a top arraignment charge of a drug crime and the second largest numbers were arraigned on a charge in CJA's property crime category. The successful completion rate for clients in drug cases was only several percentage points greater than for those in property-crime cases, 90.2% versus 86.5%. Similar comparisons are difficult to make for the other crime categories because the numbers are so much smaller, and the mix of charges (including ineligible ones) so much greater.

ARRAIGNMENT CHARGE CHARACTERISTICS	SUCCESSFUL N=728		UNSUCCESSFUL N=83		OTHER TERMINATION N=22		TOTAL N=833	
CRIME CATEGORY OF TOP ARRAIGNMENT CHARGE	N	%	N	%	N	%	N	%
Drugs	395	90.2%	35	8.0%	8	1.8%	438	52.6%
Property	224	86.5%	30	11.6%	5	1.9%	259	31.1%
Harm	75	78.1%	15	15.6%	6	6.3%	96	11.5%
Other Charges	34	85.0%	3	7.5%	3	7.5%	40	4.8%

There are only small differences in success rates among charge severity classifications. Almost two of every five program clients were arraigned on a B-felony severity charge with an 88.5% success rate. The second largest number of clients was arraigned on a D-felony severity charge with an 86.8% successful exit rate. The largest percentage of successful exits (91.7%) is seen among the dozen A-felony cases, all of which involved drug charges, and among the four program clients with an A-misdemeanor arraignment charge (100.0% successful exits) which were court referrals.

ARRAIGNMENT CHARGE CHARACTERISTICS	SUCCESSFUL N=728		UNSUCCESSFUL N=83		OTHER TERMINATION N=22		TOTAL N=833	
	N	%	N	%	N	%	N	%
<b>SEVERITY OF ARRAIGNMENT CHARGE</b>								
A Felony	11	91.7%	1	8.3%	0	-	12	1.4%
B Felony	292	88.5%	30	9.1%	8	2.4%	330	39.6%
C Felony	49	87.5%	5	8.9%	2	3.6%	56	6.7%
D Felony	203	86.8%	26	11.1%	5	2.1%	234	28.1%
E Felony	169	85.8%	21	10.7%	7	3.6%	197	23.6%
A Misdemeanor	4	100.0%	0	-	0	-	4	.5%

Defendant Characteristics

Overall, there appear to be only small differences in successful program completion based on client demographic characteristics. Males comprised 81.6% of the exited client population while 18.4% were females. The successful completion rate for female clients, 92.2%, was higher than for male clients, 86.3%. Program clients who were Hispanic or non-Hispanic White were somewhat more likely to successfully exit the program (90.6% and 91.0%) than Black program clients (84.2%).

CLIENT CHARACTERISTICS	SUCCESSFUL N=728		UNSUCCESSFUL N=83		OTHER TERMINATION N=22		TOTAL N=833	
	N	%	N	%	N	%	N	%
<b>SEX</b>								
Male	587	86.3%	72	10.6%	21	3.1%	680	81.6%
Female	141	92.2%	11	7.2%	1	.6%	153	18.4%
<b>ETHNICITY</b>								
Black	282	84.2%	43	12.8%	10	3.0%	335	40.2%
Hispanic	261	90.6%	19	6.6%	8	2.8%	288	34.6%
Non-Hispanic White	132	91.0%	13	9.0%	0	-	145	17.4%
Other	53	81.5%	8	12.3%	4	6.2%	65	7.8%

There appear to be only small differences in successful program completion by age of defendants, although successful program clients appeared to be slightly older with a mean (mathematical average) age of 27.66 years and a median of 24 years. Overall, the largest number of clients was in the 21-25 age group.

CLIENT CHARACTERISTICS	SUCCESSFUL N=728		UNSUCCESSFUL N=83		OTHER TERMINATION N=22		TOTAL N=833	
	N	%	N	%	N	%	N	%
<b>AGEGROUP</b>								
14-15	5	100.0%	0	-	0	-	5	.6%
16-18	122	81.3%	24	16.0%	4	2.7%	150	18.0%
19-20	90	87.4%	8	7.8%	5	4.9%	103	12.4%
21-25	192	88.9%	18	8.3%	6	2.8%	216	25.9%
26-30	108	85.7%	17	13.5%	1	.8%	126	15.1%
31-35	63	85.1%	7	9.5%	4	5.4%	74	8.9%
36+	148	93.1%	9	5.7%	2	1.3%	159	19.1%
Mean Age	27.66		25.35		24.95		27.77	
Median Age	24.00		22.00		21.50		23.50	

Risk of FTA is an important program criterion, and assessment of this risk begins with a review of CJA's release recommendation. CJA uses a point score system to make proscriptive release recommendations based on predictive rates of FTA, barring exclusionary factors. Those with the highest scores are considered at lowest risk of FTA and are Recommended for ROR; those in a somewhat lower range are rated as Moderate FTA Risk. Not all items in the risk assessment instrument are weighted equally. The most heavily weighted item is assigned to the absence or presence of any prior bench warrant in a defendant's criminal history, and those with any prior warrant can never score sufficient points to be categorized as Recommended for ROR or of Moderate FTA risk. The absence of sufficient community ties alone (or in combination with a prior warrant) also can result in a point score within the High FTA Risk category. Defendants with an outstanding adult court bench warrant or in the situation where the information provided by a third-party verifier conflicts with information provided by the defendant are discrete Not Recommended for ROR categorical exclusions without regard to a point score.

There were in total 295 cases in which defendants were Recommended for ROR by CJA. In 93 cases of Recommended for ROR clients the rap sheet associated with the program case indicated that the program arrest was the first arrest for a crime of misdemeanor or felony severity, colloquially but not always accurately referred to as a "first arrest" for CJA recommendation purposes.<sup>2</sup> In 202 of these cases the defendant's rap sheet indicated some prior arrest history for a criminal charge. For a period of time

<sup>2</sup> A person may be assigned more than one fingerprint identification (NYSID) number over the course of a criminal career. For example, the New York State Division of Criminal History (DCJS) uses a different algorithm in assigning NYSID numbers to an individual younger than 16. In addition, an adult NYSID number may be sealed if the only arrest event assigned to that number results in an outcome favorable to the defendant so that a new NYSID number would be assigned to the person's fingerprints on a subsequent arrest.

after the program's implementation eligibility screening was expanded to all defendants Recommended for ROR in cases that met the charge and criminal conviction history criteria. This was subsequently changed to allow eligibility in cases of defendants Recommended for ROR only when instant case was not the first arrest on the criminal history report ('rap sheet') at the time of the program screened arrest. The likelihood of bail setting for defendants in charge and criminal history eligible cases Recommended for ROR when the screened case was not the first arrest was shown to be very comparable to those in CJA's Moderate FTA Risk recommendation category.

Successful completion for clients in the Recommended (low FTA risk) not first arrest and Moderate FTA Risk categories was almost identical, as shown on the table below, and both were higher than the overall successful completion rate for clients Not Recommended for ROR. The overwhelming majority of Not Recommended for ROR program clients fell into the High FTA Risk category, and like all not recommended cases are subject to rigorous scrutiny. The overall successful completion rate in the High FTA Risk category (83.7%) is only several percentage points lower than shown for exited clients in the Recommended not first arrest and Moderate FTA Risk categories. Because of the very few clients in the other Not Recommended for ROR categories it is not possible to make meaningful percentage comparisons.

CJA RELEASE RECOMMENDATION	SUCCESSFUL N=728		UNSUCCESSFUL N=83		OTHER TERMINATION N=22		TOTAL N=833	
	N	%	N	%	N	%	N	%
Recommended for ROR (Low FTA Risk) and First Arrest	85	91.4%	7	7.5%	1	1.1%	93	11.2%
Recommended for ROR (Low FTA Risk) and Not First Arrest	181	89.6%	14	6.9%	7	3.5%	202	24.2%
Moderate FTA Risk	221	89.5%	22	8.9%	4	1.6%	247	29.7%
Subtotal All Not Recommended for ROR	235	82.5%	40	14.0%	10	3.5%	285	34.2%
<i>Not Recommended: High FTA Risk</i>	216	83.7%	34	13.2%	8	3.1%	258	31.0%
<i>Not Recommended: Bench Warrant</i>	15	75.0%	4	20.0%	1	5.0%	20	2.4%
<i>Not Recommended: Conflicting Residence Information</i>	4	57.1%	2	28.6%	1	14.3%	7	.8%
For Information Only	1	100.0%	0	-	0	-	1	.1%
Juvenile	5	100.0%	0	-	0	-	5	.6%

Approximately two-thirds (66.1%) of all program clients had no previous convictions for crimes of either misdemeanor or felony severity, with most of the remaining clients having only misdemeanor conviction histories (21.0%). In the latter category defendants averaged only two misdemeanor convictions, and virtually all had no more than four.

CRIMINAL CONVICTION HISTORY	SUCCESSFUL N=728		UNSUCCESSFUL N=83		OTHER TERMINATION N=22		TOTAL N=833	
	N	%	N	%	N	%	N	%
No Convictions	485	88.0%	53	9.6%	13	2.4%	551	66.1%
Misdemeanor Only	152	86.9%	19	10.9%	4	2.3%	175	21.0%
Felony Only	32	86.5%	4	10.8%	1	2.7%	37	4.4%
Both	59	84.3%	7	10.0%	4	5.7%	70	8.4%

### COURT OUTCOMES IN COMPLETED PROGRAM CASES

An overwhelming majority of all program client cases ended with a conviction. Among the different exit status categories there are two distinguishing characteristics of note. First, 23 successful program clients initially were convicted but then had their cases dismissed after successful completion of a treatment protocol: there were no dismissals following a conviction among unsuccessful cases. Second, the percentage of unsuccessful client cases with an outstanding bench warrant at the latest court appearance is much greater than for successful program clients. However, in these latter cases the warrant status appearance was *after* the point of exit from the program.

FINAL CASE OUTCOME OR LAST STATUS as of March 2013	SUCCESSFUL		UNSUCCESSFUL		OTHER TERMINATION		TOTAL	
	N	%	N	%	N	%	N	%
CONVICTED & SENTENCED	541	74.3%	58	69.9%	16	72.7%	615	73.8%
CONVICTED/NOT YET SENTENCED	1	.1%	0	-	0	-	1	.1%
CONVICTED + DISMISSAL	23	3.2%	0	-	0	-	23	2.8%
ACD	53	7.3%	0	-	2	9.1%	55	6.6%
DISMISS/ ACQUIT	21	2.9%	3	3.6%	1	4.5%	25	3.0%
WARRANT ISSUED	12	1.6%	12	14.5%	0	-	24	2.9%
ONGOING	71	9.8%	5	6.0%	3	13.6%	79	9.5%
OTHER OUTCOMES (e.g. abated, consolidated)	6	.8%	5	6.0%	0	-	11	1.3%
Total	728	100.0%	83	100.0%	22	100.0%	833	100.0%

When convicted and sentenced, only 10.2% of successful program clients had any imprisonment time imposed in comparison with 72.4% of unsuccessful clients and 75.0% of the sentences for participants in the other termination category. Successful program clients were far more likely than their unsuccessful counterparts to receive a conditional discharge sentence: 58.2% for successful program clients versus 12.1% for unsuccessful clients and 6.2% for clients with an “other termination” reason.

MOST SEVERE SENTENCE TYPE FOR A CONVICTION	SUCCESSFUL		UNSUCCESSFUL		OTHER TERMINATION		TOTAL	
	N	%	N	%	N	%	N	%
IMPRISONMENT IMPOSED	55	10.2%	42	72.4%	12	75.0%	109	17.7%
CONDITIONAL DISCHARGE	315	58.2%	7	12.1%	1	6.2%	323	52.5%
PROBATION	101	18.7%	9	15.5%	3	18.8%	113	18.4%
FINE WITH JAIL ALTERNATIVE	30	5.5%	0	-	0	-	30	4.9%
FINE	40	7.4%	0	-	0	-	40	6.5%
Total	541	100.0%	58	100.0%	16	100.0%	615	100.0%

The differences in the type of sentences imposed are reflective of differences in the severity classifications of the charge at sentencing among the different exit group categories. Among the 541 convicted and sentenced cases with a successful program exit, only 95 (17.6%) were sentenced for a conviction charge of felony severity, while 317 (58.6%) were sentenced for a misdemeanor severity charge and the remaining 129 (23.8%) were sentenced for a non-criminal offense (violation or infraction severity). Among the 58 sentenced unsuccessful program clients, 36 (62.1%) were sentenced for a conviction to a crime of felony severity, 17 (29.3%) for a misdemeanor, and only 5 (8.6%) were sentenced for a conviction to a non-criminal offense.

In the event of an imprisonment sentence, the length of sentences imposed is shown in the table that follows. When sentences involved a minimum and maximum only the minimum time is shown. These reflect times imposed at sentencing and not actual post-conviction time that might need to be served after taking into account pretrial detention and good-time credit.

Not only were successful clients less likely to have any imprisonment sentence imposed, but when this did occur the sentence length was likely to be shorter for successful program clients than for the unsuccessful or other terminated clients. As can be seen in the next table, the greatest numbers of time-served sentences are found in successful client cases.

MINIMUM LENGTH OF IMPRISONMENT IMPOSED	SUCCESSFUL		UNSUCCESSFUL		OTHER TERMINATION		TOTAL	
	N	%	N	%	N	%	N	%
TIME SERVED	9	16.4%	4	9.5%	0	-	13	11.9%
5 days	1	1.8%	0	-	0	-	1	.9%
10 days	1	1.8%	0	-	0	-	1	.9%
15 days	1	1.8%	1	2.4%	2	16.7%	4	3.7%
20 days	1	1.8%	0	-	0	-	1	.9%
30 days	3	5.5%	1	2.4%	0	-	4	3.7%
45 days	0	-	1	2.4%	0	-	1	.9%
60 days	4	7.3%	2	4.8%	0	-	6	5.5%
120 days	2	3.6%	0		1	8.3%	3	2.8%
180 days	5	9.1%	8	19.0%	2	16.7%	15	13.8%
270 days	1	1.8%	2	4.8%	0	-	3	2.8%
300 days	0	-	1	2.4%	0	-	1	.9%
364 days	0	-	2	4.8%	0	-	2	1.8%
365 days (1 year)	21	38.2%	14	33.3%	6	50.0%	41	37.6%
485 days (1 1/3 years)	0		2	4.8%	0	-	2	1.8%
545 days (1 1/2 years)	3	5.5%	1	2.4%	0	-	4	3.7%
730 days (2 years)	1	1.8%	3	7.1%	1	8.3%	5	4.6%
1095 days (3 years)	1	1.8%	0	-	0	-	1	.9%
1825 days (5 years)	1	1.8%	0	-	0	-	1	.9%
Total	55	100.0%	42	100.0%	12	100.0%	109	100.0%

Of the 55 successfully exited program clients who received any imprisonment sentence, fourteen were sentenced on the program exit date, seven of which received time-served sentences. The remaining 41 successfully exited clients with any imprisonment time had the sentences imposed after the program exit date, ranging from five days later to one sentence imposed over two and a half years after the program exit date. Among the 41 clients with an imprisonment sentence imposed after successfully leaving QSR, 16 (39.0%) exited the program when the conviction was entered and the case was adjourned for sentencing, 18 (43.9%) when the program transferred supervision to TASC, six (14.6%) after being transferred to the supervision of another ATI program, and there was one case (2.4%) transferred to DA supervision.

## **COMPARING EXITED PROGRAM AND PRE-PROGRAM GROUPS OF CASES**

As part of the planning for the QSR program, a data set of cases arraigned in the Queens Criminal Court on felony charges calendar year (CY) 2008 was created. These pre-program cases were used in the development of the criteria for selecting cases that would be deemed eligible for program screening and, if all criteria were met, to be pursued further for program consideration.

At the outset, only cases with non-violent felony charges were to be considered eligible for screening. Some types of non-violent crimes, such as those arraigned with Vehicle and Traffic Law charges, were categorically excluded from proactive screening because of law changes that made these cases subject to substance abuse screening by other programs in advance of arraignment. An additional consideration involved excluding cases involving domestic violence situations when this can be determined prior to arraignment.

Another consideration was the likelihood of defendants being held on bail at the Criminal Court arraignment appearance. Only charges within crime categories in which majorities of defendants had bail set at Criminal Court arraignment were deemed eligible for program screening. This requirement led to the exclusion of some types of charges. Cases that fell into CJA's fraud category, with charges such as possession or use of a forged instrument or welfare fraud, were excluded because of the high predictive probability that defendants in these cases in Queens would be released at arraignment. On the other extreme some charges, such as arrests involving out-of-state warrants subject to extradition hearings, were excluded because defendants in these cases routinely are remanded at arraignment.

Within the eligible charge parameters defendant characteristics were analyzed to further refine program criteria based on risk of FTA, criminal history, and community ties. For example, defendants in charge-eligible cases with more than a single felony conviction were excluded from further screening, as were defendants with more than six prior misdemeanor convictions.

An important criterion was CJA's release recommendation which is based on predictive models of FTA. Originally only charge-eligible cases with defendants that fell into the CJA Moderate FTA Risk category were to be screened. However, early on it appeared that this was an overly restrictive definition of what constituted a medium FTA risk and eligibility for screening based on CJA release recommendation was modified based on experimentation and additional research. Cases in which defendants are Recommended for ROR, especially when there are no prior cases with criminal charges, have the greatest likelihood of an ROR. To avoid the possibility of the Court substituting release under supervision in lieu of ROR it was decided that defendants in these cases, even if otherwise charge eligible, should not be actively pursued by the program. Cases of defendants Not Recommended for ROR, especially with warrant

histories, are at highest risk of FTA, and these cases only can be actively pursued based on rigorous evaluation of the number, nature and timing of these warrants. For example, the CJA recommendation system uses a DCJS-provided summary which is not able to distinguish between pretrial and post-adjudication warrants such as a failure to pay a fine, how long ago the most recent warrant may have occurred, or whether the defendant returned within a short period of time to answer for the warrant. By using an actual criminal history report (i.e. "rap sheet") the program is able to evaluate these factors.

The program's criteria were designed to create guidelines for identifying non-violent felony cases and defendants eligible for pre-arraignment screening by program court staff, with the goal of offering the court at arraignment community supervision as an alternative to bail setting for qualifying defendants who would have been at medium FTA risk if released unsupervised on personal recognizance. The data analysis from the planning process also demonstrated that most program-eligible cases would have conviction outcomes, virtually all by pleas as opposed to trial verdicts.

The type of sentence, which is closely related to conviction charge severity, differed considerably by defendant arraignment release status. The imposition of any imprisonment time, commensurate with higher rates of convictions to felony charges, was most likely for convictions in cases of defendants with no pretrial release, less likely when defendants had a post-arraignment pretrial release, and least likely for defendants released at arraignment. When imprisonment time was imposed, majorities of defendants in the program's target population had sentence lengths of a year or less

A key goal of QSR is jail displacement, at the outset by substituting community supervision for bail detention at Criminal Court arraignment. Because of prosecutorial pre-indictment plea policies in Queens it is common for defendants to waive their right to a short, five-day adjournment if held on bail at Criminal Court arraignment. This usually results in a two-week adjournment to the first post-arraignment appearance for bail-detained defendants in Queens. Substituting community supervision therefore would result in an initial jail-cost saving of this first adjournment period, and longer for defendants who would otherwise have remained in pretrial detention. Additional jail displacement would depend on successful program supervision, sanctions for pretrial misconduct, and on the disposition of program client cases most especially imprisonment imposed for convictions.

The pre-program analysis was able to determine many of the characteristics which could identify the cases within charge and other criteria in which majorities of defendants would have had bail set. This research also showed that defendants in about 60% of these cases would have some type of pretrial post-arraignment release, most commonly by securing bail release by the first post-arraignment court appearance, with the remaining not released during pretrial case processing. However, statistical

models were unable to capture useable factors within the target population to distinguish the arraignment held from released.

To better target only those most likely to have bail set the program seeks defense counsel permission to interview defendants for additional screening in cases identified as charge, criminal history and CJA recommendation eligible. Defense counsel most often refuse further program eligibility screening when they believe the defendant will be ROR'd, although there are instances in which defense counsel refuses further consideration of the defendant because of factors that most likely will result in their client being held. Through this defense provided gate keeping function the program is better able to invest its resources in screening the cases in its target population most likely to have bail set.

In addition to informing the planning process, the pre-program dataset also can be used as a baseline to gauge the program's impact on case processing and court outcomes. That is, pre-program cases that meet charge, criminal history and CJA recommendation criteria that match program screening eligibility criteria can be examined in comparison with program cases. However, it is not possible to fully match baseline cases and defendants to actual program participants because not all program criteria are computerized elements in the CJA database.

These pre-program cases also can be distinguished by the type of release status leaving Criminal Court arraignment. The program is intended to provide supervised release as an alternative to detention on bail leaving Criminal Court arraignment, and the program's protocols are designed to preclude the substitution of supervised release for unrestricted ROR. Based on the pre-program analysis it would be expected that a majority of defendants in program cases would have had some pretrial post-arraignment release with the remainder in detention through the pretrial process. Baseline cases with ROR defendants serve as a point of contrast for assessing areas of continuity or change in court processing and case outcomes after the program's implementation. Among the specific questions are:

- Does supervised release in lieu of bail change court outcomes?
- Does supervised release change case processing times in comparison with similar cases of defendants with pretrial release at or subsequent to Criminal Court arraignment?
- What difference might supervised release make on the likelihood of imprisonment sentences or other factors related to sentencing for convictions?

*Overall, conviction outcomes were and continue to be the initial court outcome in overwhelming majorities of cases, and virtually all by pleas.*

In CY 2008 there were 2,799 non-violent charge-eligible felony cases arraigned in Queens County in which defendants would have met the first set of criminal history

criteria making them eligible for additional program consideration. Among these cases 700 had defendants who were in detention from Criminal Court arraignment through to the first appearance of an adjudicated outcome or the latest appearance if the case had no disposition at the time the data set was created, and 766 were cases of defendants with pretrial release subsequent to Criminal Court arraignment. There were 1,333 cases of defendants were released at Criminal Court arraignment.

As can be seen in the table that follows, a conviction was the first adjudicated outcome in 81.7% of these cases. (Convictions include those adjourned for sentencing some of which ultimately may have been dismissed after successful completion of a treatment court program.) The likelihood of a conviction was highest in the cases of defendants who were never released from Criminal Court arraignment through to the appearance at which the initial disposition was entered (93.9%). In comparison, the conviction rate was lowest among the cases of defendants released at arraignment (75.9%) with a higher conviction rate (80.7%) among the cases of defendants who had a pretrial release subsequent to arraignment.

CY 2008 Baseline Queens Felony Cases								
Case Outcome or Last Status	Never Released		Pretrial Post-Arraignment Release		Released At Arraignment		All Baseline Cases	
	N	%	N	%	N	%	N	%
CONVICT	657	93.9%	618	80.7%	1012	75.9%	2287	81.7%
ACD	16	2.3%	73	9.5%	215	16.1%	304	10.9%
DISMISS/ACQ	18	2.6%	41	5.4%	61	4.6%	120	4.3%
NOT YET DISPOSED	5	.7%	30	3.9%	38	2.9%	73	2.6%
OTHER Outcomes	4	.6%	4	.5%	7	.5%	15	.5%
Total	700	100.0%	766	100.0%	1333	100.0%	2799	100.0%

As shown on the next table, a conviction was the first adjudicated outcome in 87.2% of all the exited program cases, greater than the overall conviction rate among baseline cases in the table above. The conviction rate for program cases was higher than every baseline category except for those without any pretrial release. Among successful program client cases the conviction rate was 89.0%. This was slightly lower than among the baseline cases of defendants without any pretrial release (93.9%), somewhat higher than those in the baseline cases with a post-arraignment pretrial release (80.7%) and even higher in comparison with baseline cases with defendants released at arraignment (75.9%).

Program Exited Cases								
Case Outcome or Last Status	Successful		Unsuccessful		Other Termination		All Exited Program Cases	
	N	%	N	%	N	%	N	%
CONVICT	648	89.0%	61	73.5%	17	77.3%	726	87.2%
ACD	53	7.3%	0	-	2	9.1%	55	6.6%
DISMISS/ACQ	21	2.9%	3	3.6%	1	4.5%	25	3.0%
NOT YET DISPOSED	1	.1%	14	16.9%	2	9.1%	17	2.0%
OTHER Outcomes	5	.7%	5	6.0%	0	-	10	1.2%
Total	728	100.0%	83	100.0%	22	100.0%	833	100.0%

Virtually all convictions for both baseline and program cases were by guilty pleas. Out of the 2,287 convicted baseline cases, only ten were by trial verdicts, five of which were in cases of never released defendants, four in cases of defendants with post-arraignment pretrial releases, and one an arraignment release. There was only a single trial conviction among program cases belonging to a successfully exited client.

*Program participation does not have an impact on case processing time from Criminal Court arraignment to the first disposition among adjudicated program cases in comparison with pre-program cases with released defendants.*

The overall mean (mathematical average) time for baseline cases from Criminal Court arraignment to a court appearance with an adjudicated outcome (conviction, ACD or a dismissal or acquittal) was 136.3 days, with a mean (midpoint) of 99 days, including cases of those without any pretrial release. In comparison, the overall mean time for program participant cases was 131.5 days with a median of 105 days. Of greater importance, the mean and median case processing times for successful program participant cases was *less than* the comparable days for the baseline cases with defendants released at Criminal Court arraignment as well as for baseline cases with a pretrial post-arraignment release.

CASE PROCESSING TIMES (in days) FROM CRIMINAL COURT ARRAIGNMENT TO FIRST ADJUDICATED COURT APPEARANCE			
BASELINE ADJUDICATED CASES	mean	median	Number of Cases
Never Released	81.2	54.0	691
Pretrial Post-arraignment Release	179.4	131.5	732
Released at Arraignment	141.3	110.0	1288
All Baseline Adjudicated Cases	136.3	99.0	2711

<b>PROGRAM EXITED CASES</b>	<b>mean</b>	<b>median</b>	<b>Number of Cases</b>
Successful	124.8	102.5	722
Unsuccessful	194.8	164.0	64
Other Terminations	172.9	109.5	20
All Program Adjudicated Cases	131.5	105.0	806

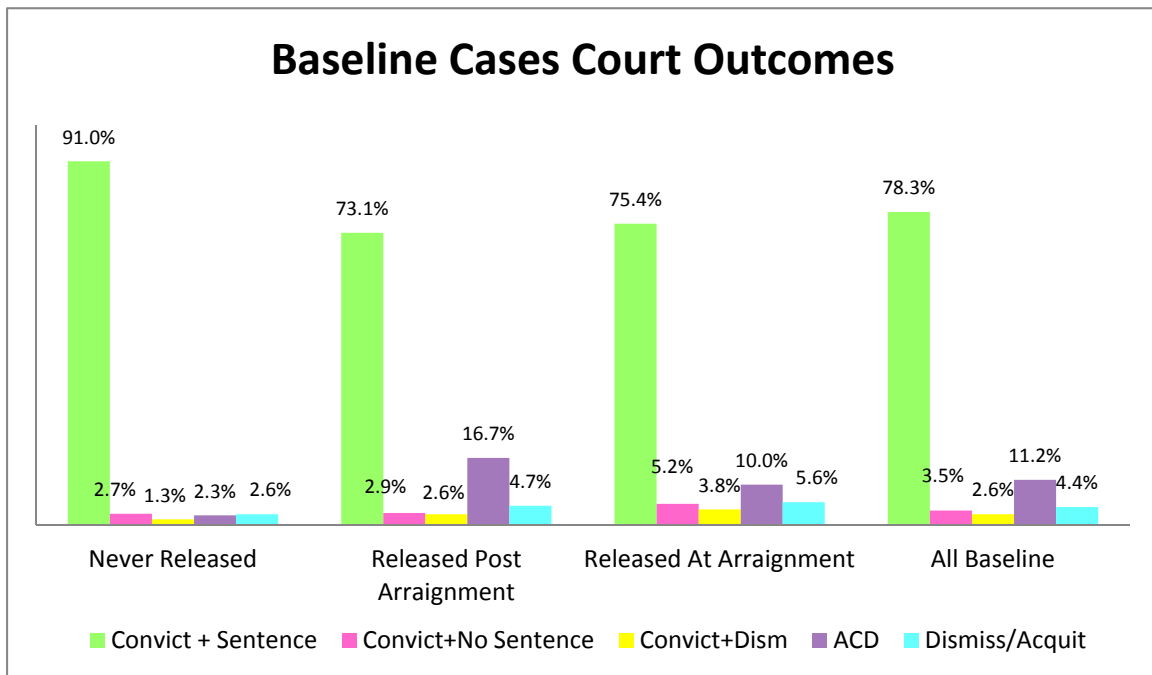
*There appears to be a strong relationship between pretrial release status and conviction charge severity. Released defendants are the most likely to plead to non-felony charge.*

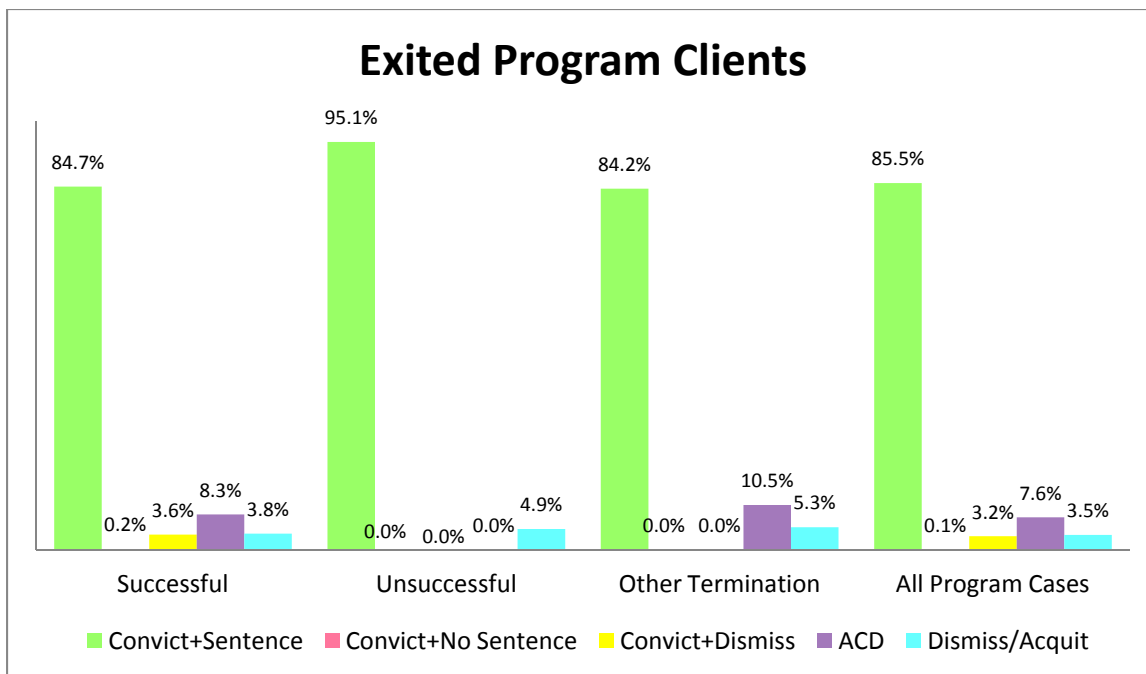
Among the convicted non-violent felony baseline cases about a third had a conviction to a charge of felony severity while over half of the convictions were for charges of misdemeanor severity. The likelihood of conviction to a felony charge was greatest among the cases of never released defendants and only slightly less among cases of defendants with a pretrial post-arraignment release. Convicted cases of defendants released at arraignment were the least likely to have a felony conviction (20.9%) and most likely to be convicted of a misdemeanor charge (64.1%). Among convicted program cases somewhat over a third had a felony severity charge at conviction, and there was a felony-severity conviction charge in less than a third of all convictions for successfully exited clients resulted. The overall likelihood of a conviction to a lesser-severity non-criminal charge (17.2%) among program cases was greater than was found among the baseline cases (10.1%). Among successful program clients 18.5% were convicted of a non-criminal charge, slightly larger than even the percentage of baseline cases of arraignment released defendants 14.9%.

<b>CY 2008 Baseline Queens Felony Cases</b>								
<b>SEVERITY OF CHARGE AT CONVICTION</b>	<b>Never Released</b>		<b>Pretrial Post-Arraignment Release</b>		<b>Released At Arraignment</b>		<b>All Baseline Cases</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
FELONY	295	44.9%	262	42.4%	212	20.9%	769	33.6%
MISDEMEANOR	336	51.1%	302	48.9%	649	64.1%	1287	56.3%
LESSER	26	4.0%	54	8.7%	151	14.9%	231	10.1%
Total	657	100.0%	618	100.0%	1012	100.0%	2287	100.0%

Program Exited Cases								
SEVERITY OF CHARGE AT CONVICTION	Successful		Unsuccessful		Other Termination		All Exited Program Cases	
	N	%	N	%	N	%	N	%
FELONY	212	32.7%	42	68.9%	7	41.2%	261	36.0%
MISDEMEANOR	316	48.8%	16	26.2%	8	47.1%	340	46.8%
LESSER	120	18.5%	3	4.9%	2	11.8%	125	17.2%
Total	648	100.0%	61	100.0%	17	100.0%	726	100.0%

The next set of illustrations look further into the ultimate disposition or last status of cases initially reported with any adjudicated outcome, including cases with a penultimate outcome of a conviction. Although almost all baseline and program cases had a final disposition there were a slightly greater percentage of baseline cases in which defendants were convicted without a final outcome (3.5%) than among exited program cases (0.1%). Unsuccessful program clients were the most likely to have been convicted and sentenced (95.1%).



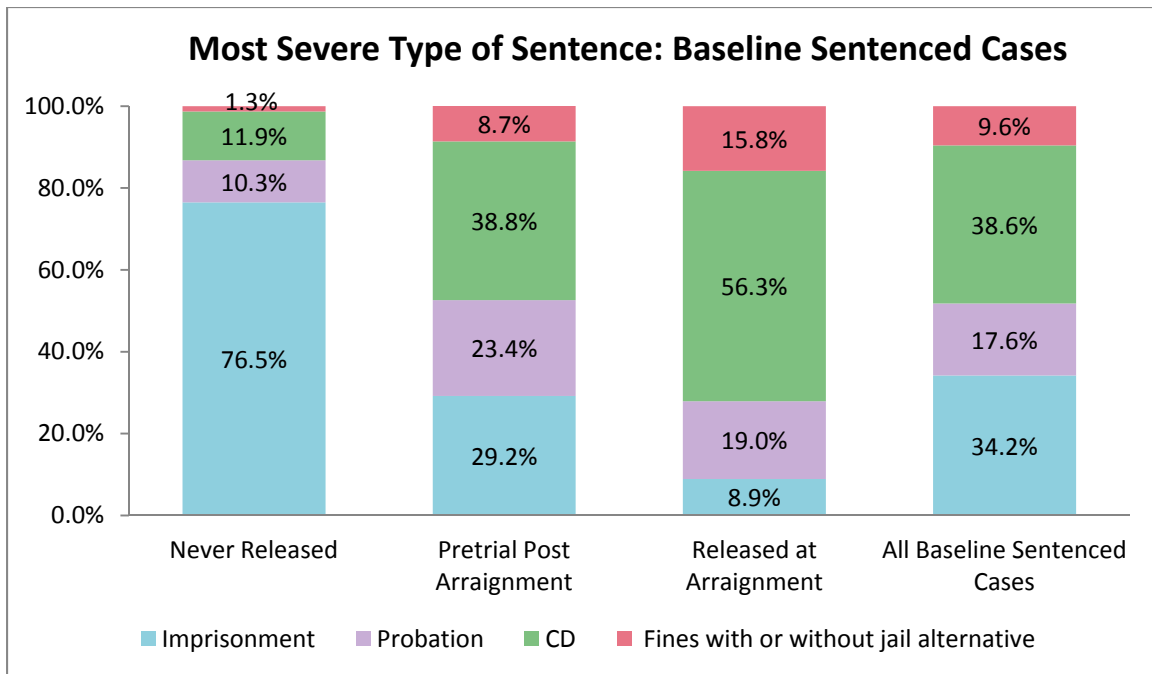


Conviction followed by a dismissal is one type of negotiated plea agreement entered into with defendants for successful completion of a treatment program.<sup>3</sup> Although only relatively small percentages of both program and comparison group cases fall into this category, the percentage of program cases was greater than was found among the baseline cases, and the rate for successful program clients (3.6%) is rivaled only among pre-program cases of defendants released at arraignment (3.8%).

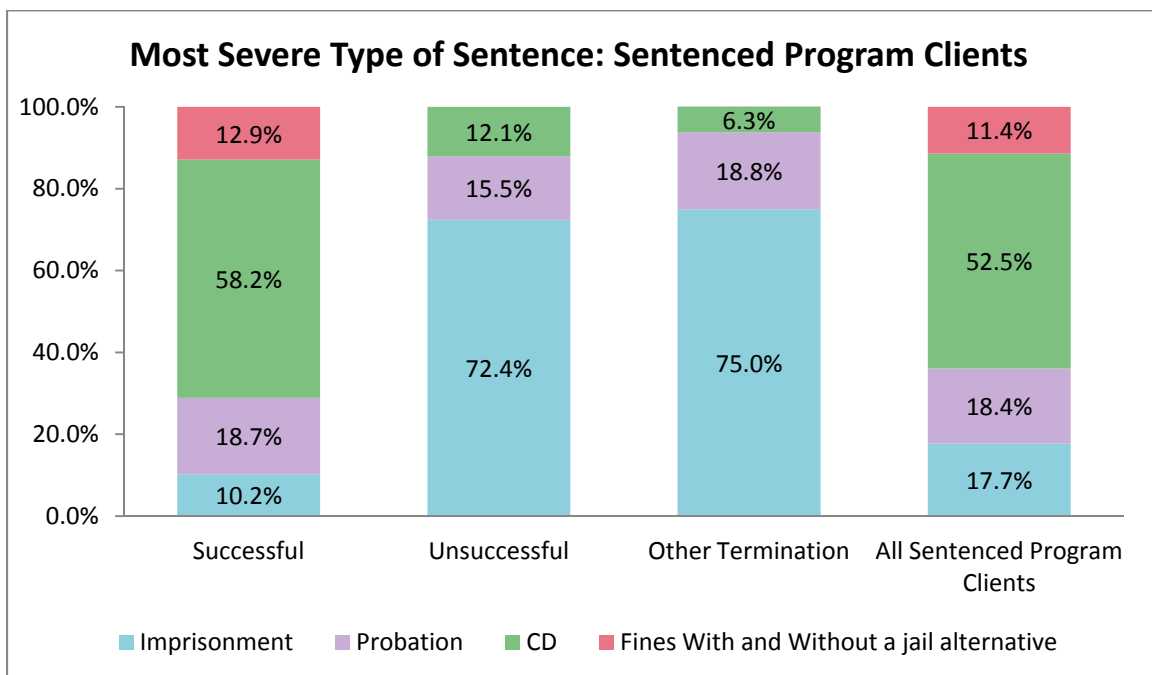
*Program participation affects the type of sentence imposed for conviction, which is associated with severity of conviction charges.*

Program cases sentenced for a conviction were far less likely to have any imprisonment time imposed in comparison with the baseline cases. Approximately a third (34.2%) of all convicted and sentenced baseline cases had an imprisonment. Among never released baseline cases the imprisonment rate was 76.5%, 29.3% in cases of pretrial post-arraignment released cases and 8.9% in the pre-program cases of defendants released at arraignment.

<sup>3</sup> In Queens some treatment court agreements require an initial plea to the top felony charge which is then vacated and replaced by a conviction to a non-felony charge upon successful completion of the agreed upon treatment protocol.



The overall imprisonment rate for program cases, 17.7% was about half that of the baseline cases. The overwhelming majority of program cases exited under successful conditions of compliance, and less than ten percent of these cases had any imprisonment time imposed at sentencing. When unsuccessful or terminated for other reasons, the likelihood of an imprisonment sentence was only slightly lower than for baseline cases with never released defendants.



Type of sentence is strongly associated charge severity.<sup>4</sup> Imprisonment sentences are most prevalent among convictions to felony crimes and conditional discharge sentences most commonly imposed when the conviction is for a misdemeanor or lesser severity, non-criminal charge. Conditional discharge sentences were most frequent among baseline cases with defendants released at arraignment, in which less than a fifth of the cases had a felony conviction charge. This is most similar to the conviction severities and sentence type in successfully exited client cases.

In addition to replacing pretrial bail setting and detention with recognizance release with community supervision, the sentencing data suggest there is a post-conviction jail displacement effect from the QSR program. However, the actual displacement time or jail savings cannot be determined from the available data. This would require more information than is collected by CJA about factors that go into determining a release date after sentencing.

### **COMPARING BASELINE AND PROGRAM CASES ARRAIGNED ON FELONY DRUG AND PROPERTY CRIME CHARGES**

Arraignments for drug and property crimes made up the overwhelming majority of program cases, as anticipated during the program's planning process. Separately examining baseline and program cases in these categories can provide a better comparative view of court processing and case outcomes.

The tables that follow in most instances display case processing and court outcomes for program clients overall and by program exit status. However, because overwhelming majorities of program were in program compliance at the time of program exit, many of the comparisons in this section focus on successfully exited client cases in comparison with the baseline cases within different pretrial release statuses during court processing. In almost all instances there simply are too few cases in the other exit status categories to discern meaningful patterns.

#### Drug Cases

The arraignment charges and defendant characteristics between baseline and program cases shared many commonalities. However, for the purposes of comparison some additional refinements to the comparison groups were made. Specifically, only cases with a B- or D-felony severity drug arraignment charge were selected for the

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<sup>4</sup> The CJA database does not always capture the charge at sentencing which may be different than the charge at the conviction appearance. This almost exclusively affects treatment court cases in which the plea agreement is a reduction from a felony to non-felony charge, rather than an outright dismissal of the case, for successful completion of the treatment program. Although the charge at sentencing always is collected for program cases, it is not possible to make direct comparisons between charge at sentencing for baseline and program cases.

baseline and program groups. B- and D-felony severity drug charges made up the overwhelming majority of both group's drug cases. In addition, cases in which defendants were Recommended for ROR with a first arrest indicator of yes were excluded. Defendants in this CJA release recommendation category were not always eligible for QSR and this recommendation category would have made up a comparatively larger percentage of the baseline cases.

Almost all baseline and program cases had at least an initial adjudicated outcome, defined as a conviction, adjournment in contemplation of dismissal (ACD), or a dismissal or acquittal, at the time the data sets were assembled for this research. (This includes convicted cases not yet sentenced or that subsequently may have been dismissed.) As shown on the tables that follow, only 23 (2.4%) of the 953 baseline drug cases did not have an adjudicated outcome, 21 of which were still pending and two had another outcome (e.g. abated, covered by another prosecution). In comparison 354 of the 361 exited program client drug cases had an adjudicated outcome with the remaining seven (1.9%) still pending a disposition.

Among the drug cases, the conviction rate was 86.2% for baseline cases and 89.0% for program cases. The conviction rate for successful program cases was 88.5%. This is most similar to the conviction rate among the baseline drug cases with defendants having pretrial post-arraignment releases (87.2%) but over ten percentage points greater than the conviction rate among the baseline cases with defendants released at Criminal Court arraignment (77.8%). Only the conviction rates among never-released baseline cases (94.0%) and the unsuccessful program client cases (96.0%) were higher.

QUEENS B & D FELONY CY 2008 BASELINE DRUG CASES								
Case Outcome or Last Status	Never Released		Pretrial Post-Arraignment Release		Released At Arraignment		TOTAL	
	N	%	N	%	N	%	N	%
<b>CONVICT</b>	<b>284</b>	<b>94.0%</b>	<b>273</b>	<b>87.2%</b>	<b>245</b>	<b>77.8%</b>	<b>802</b>	<b>86.2%</b>
<b>ACD</b>	<b>7</b>	<b>2.3%</b>	<b>25</b>	<b>8.0%</b>	<b>55</b>	<b>17.4%</b>	<b>87</b>	<b>9.4%</b>
<b>DISMISS/ACQ</b>	<b>11</b>	<b>3.6%</b>	<b>15</b>	<b>4.8%</b>	<b>15</b>	<b>4.8%</b>	<b>41</b>	<b>4.4%</b>
<b>Adjudicated</b>	<b>302</b>	<b>100.0%</b>	<b>313</b>	<b>100.0%</b>	<b>315</b>	<b>100.0%</b>	<b>930</b>	<b>100.0%</b>
NOT YET DISPOSED	0	-	13	-	8	-	21	
OTHER Outcomes	0	-	1	-	1	-	2	
Subtotal Other	0	(0.0%)	14	(4.3%)	9	(2.8%)	23	(2.4%)
Total	302	100.0%	327	100.0%	324	100.0%	953	100.0%

<b>QUEENS B &amp; D FELONY QSR PROGRAM DRUG CASES</b>								
Case Outcome or Last Status	Successful		Unsuccessful		Other Termination		Total Client Cases	
	N	%	N	%	N	%	N	%
<b>CONVICT</b>	<b>284</b>	<b>88.5%</b>	<b>24</b>	<b>96.0%</b>	<b>7</b>	<b>87.5%</b>	<b>315</b>	<b>89.0%</b>
<b>ACD</b>	<b>30</b>	<b>9.3%</b>	<b>0</b>	<b>-</b>	<b>1</b>	<b>12.5%</b>	<b>31</b>	<b>8.8%</b>
<b>DISMISS/ACQ</b>	<b>7</b>	<b>2.2%</b>	<b>1</b>	<b>4.0%</b>	<b>0</b>	<b>-</b>	<b>8</b>	<b>2.2%</b>
<b>Adjudicated</b>	<b>321</b>	<b>100.0%</b>	<b>25</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>354</b>	<b>100.0%</b>
NOT YET DISPOSED	1	-	6	-	0	-	7	-
OTHER Outcomes	-	-	-	-	-	-	-	-
Subtotal Other	1	(0.3%)	6	(19.4%)	0	(0.0%)	7	(1.9%)
Total	322	100.0%	31	100.0%	8	100.0%	361	100.0%

Among baseline drug cases, cases of never-released defendants averaged the shortest time from Criminal Court arraignment to an adjudicated outcome court appearance, 67.7 days. In comparison, the average time for cases of arraignment released defendants was about twice as long, 132.4 days, and longer still in cases with pretrial post-arraignment releases, 160.8 days. The average case processing time for program drug cases, 126.8 days, was only several days longer than for baseline cases. Court processing times for successful program clients, 118.9 days was slightly shorter than for the baseline cases of defendants released at arraignment. Program clients in the unsuccessful and other termination exit categories had the longest mean and median times from arraignment to the first adjudicated court appearance, but these averages are computed on very small numbers of cases.

<b>CASE PROCESSING TIMES (in days) FROM CRIMINAL COURT ARRAIGNMENT TO FIRST ADJUDICATED COURT APPEARANCE FOR B &amp; D FELONY DRUG CASES</b>			
<b>BASELINE ADJUDICATED CASES</b>	<b>mean</b>	<b>median</b>	<b>Number of Cases</b>
Never Released	67.7	49.0	302
Pretrial Post-arraignment Release	160.8	122.0	313
Released at Arraignment	132.4	100.0	315
All Adjudicated Drug Baseline Cases	121.0	88.0	930
<b>PROGRAM EXITED CASES</b>	<b>mean</b>	<b>median</b>	<b>Number of Cases</b>
Successful	118.9	98.0	321
Unsuccessful	208.8	166.0	25
Other Termination	187.9	165.0	8
All Exited B & D Felony Drug Cases	126.8	104.5	354

Among the adjudicated drug cases, majorities of convicted baseline program cases had the conviction entered in a dedicated narcotics court part (N or N60), although the percentage was much greater among baseline cases, 80.8% in comparison with 60.3% for exited client cases. The difference between the baseline and program cases is largely driven by the far greater number and percentage of successful program clients in drug cases in which the conviction was entered in a treatment courtroom in comparison with any of the release status categories found among the baseline drug cases. Among successful program clients in drug cases, over a quarter (28.5%) had their conviction entered in a treatment courtroom. Only 6.2% of the defendants in the baseline cases had the adjudicated outcome entered in the treatment court.

<b>COURT PART OF ADJUDICATION OR LAST COURT APPEARANCE FOR CY2008 BASELINE B &amp; D FELONY DRUG CASES</b>								
Case Outcome or Last Status	Never Released		Pretrial Post-Arrest Release		Released At Arrest		Total Baseline	
	N	%	N	%	N	%	N	%
Treatment Court	10	3.5%	23	8.4%	17	6.9%	50	6.2%
Narcotics Part	239	84.2%	206	75.5%	203	82.9%	648	80.8%
All Other Court Parts	35	12.3%	44	16.1%	25	10.2%	104	13.0%
<b>Total</b>	<b>284</b>	<b>100.0%</b>	<b>273</b>	<b>100.0%</b>	<b>245</b>	<b>100.0%</b>	<b>802</b>	<b>100.0%</b>

<b>COURT PART OF ADJUDICATION OR LAST COURT APPEARANCE FOR QSR B &amp; D FELONY CLIENT DRUG CASES</b>								
Case Outcome or Last Status	Successful		Unsuccessful		Other Termination		Total Client Cases	
	N	%	N	%	N	%	N	%
Treatment Court	81	28.5%	3	12.5%	0	-	84	26.7%
Narcotics Part	171	60.2%	14	58.3%	5	71.4%	190	60.3%
All Other Court Parts	32	11.3%	7	29.2%	2	28.6%	41	13.0%
<b>Total</b>	<b>284</b>	<b>100.0%</b>	<b>24</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>	<b>315</b>	<b>100.0%</b>

When convicted and sentenced, a much greater percentage of baseline drug cases had imprisonment as the most severe type of sentence imposed in comparison with program cases, 48.0% and 19.4% respectively. An imprisonment sentence was most likely to be imposed in the baseline B & D felony drug cases of defendants never released pretrial, 80.3%, and among the QSR exited B & D felony drug cases of unsuccessful program clients (75.0%) and in all the seven cases of program clients exited for other termination reasons. These also were the drug cases in which defendants were the most likely to be convicted of a felony-severity charge.

Successful program defendants in drug cases were the most likely to receive a conditional discharge sentence, 58.3%, greater than even the percentage with conditional discharge sentences among the baseline cases with defendants released at arraignment, 51.9%. As was found in the general comparison of successful program client and baseline cases, the likelihood of a conviction to a non-felony charge among successful program clients in drug cases was most similar to baseline drug cases of defendants released at Criminal Court arraignment.

<b>MOST SEVERE SENTENCE TYPE IMPOSED FOR CONVICTION IN CY 2008 BASELINE B &amp; D FELONY DRUG CASES</b>								
Case Outcome or Last Status	Never Released		Pretrial Post-Arraignment Release		Released At Arraignment		Total Baseline	
	N	%	N	%	N	%	N	%
Imprisonment	220	80.3%	95	38.9%	37	17.1%	352	48.0%
Conditional Discharge	31	11.3%	76	31.1%	112	51.9%	219	29.8%
Probation	20	7.3%	47	19.3%	36	16.7%	103	14.0%
Fine with Jail Alternative	0	-	4	1.6%	4	1.9%	8	1.1%
Fine	3	1.1%	22	9.0%	27	12.4%	52	7.1%
Total	274	100.0%	244	100.0%	216	100.0%	734	100.0%

<b>MOST SEVERE SENTENCE TYPE IMPOSED FOR CONVICTION IN QSR B &amp; D FELONY DRUG CLIENT CASES</b>								
Case Outcome or Last Status	Successful		Unsuccessful		Other Termination		Total Client Cases	
	N	%	N	%	N	%	N	%
Imprisonment	23	10.6%	18	75.0%	7	100.0%	48	19.4%
Conditional Discharge	126	58.3%	4	16.7%	0	-	130	52.6%
Probation	27	12.5%	2	8.3%	0	-	29	11.7%

Fine with Jail Alternative	19	8.8%	0	-	0	-	19	7.7%
Fine	21	9.7%	0	-	0	-	21	8.5%
Total	216	100.0%	24	100.0%	7	100.0%	247	100.0%

Among the baseline drug cases with an imprisonment sentence imposed 41 (11.6%) were for time served, 22 among the never released, 8 in the cases of arraignment released defendants, and 11 among the pretrial post-arraignment released cases. Among program exited cases with imprisonment imposed 7 (14.6%) were time-served sentences, 5 among successful program client cases and 2 among the unsuccessful.

For the 311 baseline drug cases with time imposed greater than time served, the mean sentence length imposed was 309.6 days with a median of 300 days. For the baseline drug cases of never released defendants, the only category with substantial numbers of cases with imprisonment sentences, the mean time was 276.82 days with a median of 270 days. Among the 41 program drug cases with sentences greater than time served, the mean time imposed was 323.2 days with a median of 365 days.

### Property Crime Cases

The second largest numbers of program cases were arraigned on property-crime charges, and this is the only other crime category with sufficient numbers of program cases for comparison. For comparative purposes, and as with drug category cases, cases with defendants Recommended for ROR with a first-arrest indicator of yes were excluded from the analysis.

In comparing arraignment charge characteristics in property-crime cases some differences were found between baseline and program cases, including a small number of baseline cases with a top charge at Criminal Court arraignment not found among all categories of exited program client cases. These cases were excluded from the comparison analysis in order to make the charge characteristics even more similar.

Among the studied cases the overwhelming majorities of both baseline and program cases were arraigned on a grand larceny charge, although a greater percentage of program clients were arraigned on the E-felony severity grand larceny charge (PL 155.30) than was found among baseline cases, 41.91% versus 30.5%. Conversely, a somewhat smaller percentage of program clients were arraigned on the more severe D-felony grand larceny charge (PL 155.35), 15.7% versus 21.3%. There was less than a percentage point difference between defendants in program and baseline cases arraigned on the E-felony possession of stolen property charge (PL 165.45), 14.8% versus 15.4% respectively. A somewhat greater percentage of program clients were arraigned on the D-felony burglary charge (15.3%) compared with baseline cases (11.3%).

Almost all property-crime cases analyzed had at least an initial adjudicated outcome. Among the baseline case 18 were not yet disposed, and there were four additional cases with another type of outcome (e.g. abated, consolidated) at the time the baseline data set was created. (In addition, among the 508 convicted cases 23 were still pending sentencing, and two had a dismissal subsequent to the conviction.) Only two QSR program cases were still pending, both among the unsuccessful exited clients, and the only three cases with another outcome also were found among the unsuccessful exited category. (Among the 218 convicted cases, 14 had not yet been sentenced, 12 of these cases of successful exited clients.)

Almost all adjudicated property-crime cases had a conviction outcome. Among the baseline cases the overall conviction rate was 91.5%. The conviction rate among adjudicated program client cases in the property-crime category was 94.4%, and 94.1% among successful clients. These are slightly lower percentages than is found among baseline convicted property-crime cases with no pretrial release, 97.4%, but greater than the conviction rate among the baseline cases of defendants released either at or subsequent to the Criminal Court arraignment appearance, 87.7% and 91.9% respectively.

<b>QUEENS FELONY CY 2008 BASELINE PROPERTY CRIME CASES</b>								
Case Outcome or Last Status	Never Released		Pretrial Post-Arraignment Release		Released At Arraignment		TOTAL	
	N	%	N	%	N	%	N	%
<b>CONVICT</b>	<b>154</b>	<b>97.4%</b>	<b>125</b>	<b>91.9%</b>	<b>229</b>	<b>87.7 %</b>	<b>508</b>	<b>91.5%</b>
<b>ACD</b>	<b>2</b>	<b>1.3%</b>	<b>6</b>	<b>4.4%</b>	<b>25</b>	<b>9.6%</b>	<b>33</b>	<b>6.0%</b>
<b>DISMISS/ACQ</b>	<b>2</b>	<b>1.3%</b>	<b>5</b>	<b>3.7.%</b>	<b>7</b>	<b>2.7%</b>	<b>14</b>	<b>2.5%</b>
<b>Adjudicated</b>	<b>158</b>	<b>100.0%</b>	<b>136</b>	<b>100.0%</b>	<b>261</b>	<b>100.0%</b>	<b>555</b>	<b>100.0%</b>
NOT YET DISPOSED	3	-	8	-	7	-	18	-
OTHER Outcomes	3	-	0	-	1	-	4	-
Subtotal Other	6	(3.6%)	8	(5.6%)	8	(3.0%)	22	(3.8%)
Total	164	100.0%	144	100.0%	269	100.0%	577	100.0%

<b>QUEENS FELONY QSR PROGRAM PROPERTY CRIME CLIENT CASES</b>								
Case Outcome or Last Status	Successful		Unsuccessful		Other Termination		Total Client Cases	
	N	%	N	%	N	%	N	%
<b>CONVICT</b>	<b>190</b>	<b>94.1%</b>	<b>23</b>	<b>95.8%</b>	<b>5</b>	<b>100.0%</b>	<b>218</b>	<b>94.4%</b>
<b>ACD</b>	<b>5</b>	<b>2.5%</b>	<b>0</b>	<b>-</b>	<b>0</b>	<b>-</b>	<b>5</b>	<b>2.1%</b>
<b>DISMISS/ACQ</b>	<b>7</b>	<b>3.5%</b>	<b>1</b>	<b>4.2%</b>	<b>0</b>	<b>-</b>	<b>8</b>	<b>3.5%</b>
<b>Adjudicated</b>	<b>202</b>	<b>100.0%</b>	<b>24</b>	<b>100.0%</b>	<b>5</b>	<b>100.0%</b>	<b>231</b>	<b>100.0%</b>
NOT YET DISPOSED	0	-	2	-	0	-	2	-
OTHER Outcomes	0	-	3	-	0	-	3	-
Subtotal Other	0	-	5	(17.2%)	0	-	5	(2.1%)
<b>Total</b>	<b>202</b>	<b>100.0%</b>	<b>29</b>	<b>100.0%</b>	<b>5</b>	<b>100.0%</b>	<b>236</b>	<b>100.0%</b>

For the pre-program baseline property-crime cases the average case processing time from Criminal Court arraignment to the first court appearance with a disposition was shortest for the cases of defendants without any pretrial release, 80.1 days, with a median of 60 days. The average time for the cases with defendants released at Criminal Court arraignment was 163.9 days with a median of 126 days, or about twice as long as the cases of defendants never released,.

For program exited clients the average case processing time from Criminal Court arraignment to the first appearance with a disposition for the property-crime cases was 134.3 days with a median of 108 days. For successful program client cases the mean time was 128.69 days with a median of 103 days, times that fall between the never released and released at arraignment baseline groups. The mean and median times for the small numbers of program clients with an unsuccessful or other termination exit were longer than for the baseline released at arraignment but shorter than the times for the baseline property-crime category cases with a pretrial post-arraignment release.

<b>CASE PROCESSING TIMES (in days) FROM CRIMINAL COURT ARRAIGNMENT TO FIRST ADJUDICATED COURT APPEARANCE FOR PROPERTY CRIME CASES</b>			
<b>BASELINE ADJUDICATED CASES</b>	<b>mean</b>	<b>median</b>	<b>Number of Cases</b>
Never Released	80.1	60.0	158
Pretrial Post-arraignment Release	197.4	155.0	136
Released at Arraignment	163.9	126.0	261
All Adjudicated Baseline Property Cases	148.2	107.0	555

<b>PROGRAM EXITED CASES</b>	<b>mean</b>	<b>median</b>	<b>Number of Cases</b>
Successful	128.7	103.0	202
Unsuccessful	186.4	150.0	24
Other Termination	108.8	105.0	5
All Exited Property Crime Cases	134.3	108.0	231

Imprisonment sentences were imposed in 30.6% of the baseline convicted and sentenced property-crime cases and in 17.6% of program cases. The imposition of an imprisonment sentence among the baseline cases was greatest among the never released, 74.5% and smallest among the cases of defendants released at Criminal Court arraignment, 7.6%, with an imprisonment sentence in 20.9% of the cases with post-arraignment pretrial releases. The imposition of an imprisonment sentence for program cases was greatest for unsuccessfully exited client cases, 72.7% and smallest for successful exited defendants, 10.1%.

A conditional discharge was the most prevalent type of sentence for both baseline and program convicted and sentenced program cases, 40.4% and 53.9% respectively. A conditional discharge sentence was imposed in 58.3% of defendants in the baseline cases released at Criminal Court arraignment and in 60.7% of successful program clients and received conditional discharge sentences. These also were the cases in which there was the greatest likelihood of a conviction to a non-felony charge.

<b>MOST SEVERE SENTENCE TYPE IMPOSED FOR CONVICTION IN CY 2008 BASELINE FELONY PROPERTY CRIME CASES</b>								
Case Outcome or Last Status	Never Released		Pretrial Post-Arraignment Release		Released At Arraignment		Total Baseline	
	N	%	N	%	N	%	N	%
Imprisonment	108	74.5%	24	20.9%	17	7.6%	149	30.6%
Conditional Discharge	16	11.0%	50	43.5%	130	58.3%	196	40.6%
Probation	19	13.1%	34	29.6%	51	22.9%	104	21.5%
Fine with Jail Alternative	1	.7%	2	1.7%	11	4.9%	14	2.9%
Fine	1	.7%	5	4.3%	14	6.3%	20	4.1%
Total	145	100.0%	115	100.0%	223	100.0%	483	100.0%

<b>MOST SEVERE SENTENCE TYPE IMPOSED FOR CONVICTION IN QSR FELONY PROPERTY CRIME CLIENT CASES</b>								
Case Outcome or Last Status	Successful		Unsuccessful		Other Termination		Total Client Cases	
	N	%	N	%	N	%	N	%
Imprisonment	18	10.1%	16	72.7%	2	50.0%	36	17.6%
Conditional Discharge	108	60.7%	2	1.9%	0	-	110	53.9%
Probation	44	24.7%	4	18.2%	2	50.0%	50	24.5%
Fine with Jail Alternative	6	3.4%	0	-	0	-	6	2.9%
Fine	2	1.1%	0	-	0	-	2	1.0%
Total	178	100.0%	22	100.0%	4	100.0%	204	100.0%

A time served sentence was found in 25 of the 149 baseline property-crime cases with an imprisonment sentence imposed, 16 among the never released, three in arraignment released cases, and six in the pretrial post-arraignment released category. The mean time when the sentence imposed was greater than time served was 284.28 days with a median of 270 days. For the never released, the baseline category with most of the imprisonment-sentenced cases, the mean sentence length when greater than time served was 253.46 days with a median of 240 days. There were in total 36 program client cases with an imprisonment sentence, four of which were for time served, two each in the successful and unsuccessful exit categories. Among the remaining 32 cases the mean sentence length imposed was 236.97 days with a median of 225 days.

## **SUMMARY AND CONCLUSIONS**

CJA's Queens Supervised Release program is an experiment in offering an option of release with enhanced community supervision as an alternative to the use of money bail at Criminal Court arraignment. The program is designed for use in selected non-violent felony cases of defendants most likely to have money bail set as the arraignment release condition who would be at medium risk of failure-to-appear (FTA) if released pretrial. In addition, the pre-program research also showed that over a majority of defendants in these cases would be released at some pretrial point subsequent to arraignment either on recognizance or money bail. Further, although there was a high likelihood of conviction in the charge-eligible cases, these also were cases in which sentences of incarceration, if imposed at all on defendants meeting program criteria, would typically be one year or less.

A number of factors in addition to charge are considered by program court staff during the course of pre-arraignment eligibility screening, which serves to exclude those

with the lowest and highest FTA risks. Defense counsel consent to interview defendants who meet charge, FTA risk and criminal history eligibility criteria also is required. Because consent routinely will be refused if the defense counsel expects a recognizance release, this gate-keeping function serves to better restrict the program option only to those eligible cases of defendants with the greatest likelihood of bail setting. For interviewed prospective defendants the program requires verification of sufficient local-area community ties for confidence in the program's ability to maintain ongoing contact with defendants. Only after all of these screening protocols have been met can the program option be offered to the court as part of the arraignment process. If the court and defendant agree to supervised release the program works not only to ensure court attendance, but the program's case managers, all social workers, attempt to engage the client and encourage voluntary use of referrals to treatment or other programs to the extent they are determined to be appropriate.

As this research and the program's routine monitoring reports show, the overwhelming majority of program clients leave the program under successful conditions of participation. As of October 2012, 728 out of a total of 833 clients (87.4%) were deemed to have successfully satisfied program conditions at the time they exited program supervision. Among the unsuccessful, 38 had their supervision ended for reasons that included program compliance issues, alone or in combination with new arrests, while another 42 had bail set in a re-arrest case independent of program performance. Twenty-two program clients were terminated due to other circumstances, such as a pretrial change from release to detention in a pending case that preceded admission to the program.

To what extent, if any, community supervision in place of bail at arraignment would change case processing and/or court outcomes were unknown. To begin to answer these questions case processing and court outcomes for exited program clients were compared with those in a data set of Queens cases having similar charge and defendant characteristics prosecuted in calendar year 2008, the latest full year prior to the start of QSR in August 2009.

Majorities of all baseline and program cases ended with a conviction, virtually all by guilty pleas. In this regard community supervision in lieu of detention on bail leaving Criminal Court arraignment has not altered the initial adjudication or method of obtaining convictions in the felony cases of QSR program participants. The overall conviction rate for program exited cases was higher than the overall conviction rate among baseline cases. Among successful program clients, the conviction rate was greater than in the baseline cases of defendants with some pretrial release, but lower than the conviction rate for baseline cases with never released defendants (89.0% versus 93.9% respectively).

Case processing times from Criminal Court arraignment to an adjudicated outcome for program client cases averaged about 132 days with a median of 105 days. These times were similar (although slightly shorter) to pre-program cases of defendants released at arraignment, approximately 141 days with a median of 110 days. Times for program cases also were shorter than in baseline cases with a post-arraignment pre-trial release, which averaged approximately 179 days with a median of 131 days.

QSR appears to have affected sentencing patterns which are strongly influenced by conviction charge severities. The imposition of an imprisonment sentence, most often in conjunction with a conviction to a charge of felony severity, is most commonly found among defendants without pretrial release. An imprisonment sentence was imposed in approximately 75% of the convicted and sentenced pre-program baseline cases of never released defendants, and in a very similar percentage among the small numbers of unsuccessful or other termination program exits. Imprisonment sentences were found in 29.2% of baseline cases with a pretrial post-arraignment release, while an imprisonment sentence was imposed in approximately 8.9% of baseline sentenced cases of defendants released at arraignment and in 10.2% of successful program cases.

Convictions to non-felony charges and the use of conditional discharge sentences are far more prevalent among cases of released defendants. A conditional discharge sentence was found in 56.3% of the baseline cases of defendants released at Criminal Court arraignment and in 58.2% of the cases of successful program clients. Among the convicted and sentenced baseline cases of defendants with a pretrial post-arraignment release a conditional discharge sentence was imposed in 41.1% of the cases, but in only 13.9% of the cases of never released defendants.

These patterns continued when comparisons were made between baseline and program cases arraigned on similar drug and on property crime charges, the two categories with the greatest number and percentage of program cases.

Overwhelming majorities of all drug cases studied initially ended with a conviction, although clients in successful drug cases were the most likely to enter pleas in designated treatment courtrooms. Case processing times to a first adjudicated court appearance for successful program clients in drug cases most closely resembled, but were still less than, the times for pre-program cases of defendants released at Criminal Court arraignment. Convicted and sentenced successful program clients were the most likely to receive a conditional discharge sentence, 58.3%. This was an even higher conditional discharge sentence rate than was found among convicted and sentenced defendants in the baseline drug cases released at arraignment, 51.6%. Imprisonment sentences were most likely to be imposed in the baseline cases in which defendants had no pretrial release and in the small numbers of program clients who fell into the unsuccessful or other termination categories.

Overwhelming majorities of all baseline and program client cases arraigned on property-crime charges ended with a conviction. The conviction rate for successful program clients, 94.1% in this crime category, was higher than for the baseline groups of released defendants but lower than the conviction rate for cases in the pretrial never released baseline group, 97.4%. Case processing times for successful program cases was about thirty days shorter than for baseline cases of defendants released at arraignment, 129 versus 163 days, which in turn was shorter than among baseline cases with post-arraignment releases, 197 days.

When convicted and sentenced the likelihood of an imprisonment sentence being imposed, and conviction to a felony crime, was found among the baseline cases of never released defendants and in the small numbers of program clients with an unsuccessful exit status or an exit for another termination reason. Conditional discharge sentences for successful program clients, 60.7%, was virtually identical to those for baseline cases of defendants released at arraignment, the cases most likely to have been sentenced for conviction to either a misdemeanor or non-criminal charge (violation or infraction severity). A conditional discharge sentence was imposed in 44.2% of baseline cases with defendants with a post-arraignment pretrial release, and in only 11.0% of the baseline cases of defendants with no pretrial release.

Although the pre-program cases do not provide identical comparison groups for analysis with program cases, they do provide sufficient information from which to draw some preliminary inferences about the impact of the QSR program on case processing and court outcomes.

First, release of program defendants at Criminal Court arraignment does not appear to affect the ability of the Queens District Attorney's (QDA) Office to successfully prosecute these cases. There was and continues to be a very high convictions rate and convictions continue to be almost entirely by guilty pleas.

Second, release of program defendants does not prolong case processing times in comparison with the length of case processing times among pre-program cases in which there was a pretrial release of defendants either at or subsequent to arraignment. In fact, case processing times for client cases was slightly shorter than was found among released pre-program cases, although longer than the time required to adjudicate cases of never released defendants.

Third, pretrial release status has a strong relationship with conviction charge severities and sentencing patterns. Among the baseline cases those without any pretrial release were the most likely to have convictions for felony charges and/or have an incarceration sentence imposed. Defendants released at arraignment had the greatest likelihood of conviction to non-felony charges and conditional discharge sentences. The conviction and sentencing patterns for program cases, especially among the overwhelming majorities of successful exits, most closely resemble pre-

program cases of defendants released at Criminal Court arraignment. In this regard the program does appear to have altered court outcomes.

Among drug cases, the program to date has experienced a noticeably higher rate of adjudication in a treatment courtroom for successful program clients in comparison with the pre-program cases of defendants arraigned on a B or D felony drug charge. One of the program's mandates from the City was for early assessment of participant drug and mental health treatment needs. Diagnostic tools for these types of needs are incorporated into the extensive assessment process conducted by QSR case managers, which is a condition of participation defendants must agree to in the contract entered into with the court and program at arraignment, almost immediately after program admission. Case managers use motivational techniques to encourage program clients with treatment needs to accept referrals, or to re-engage with treatment programs for those having an existing relationship. To what extent the program intervention contributes to the higher rates of adjudication in a treatment court cannot be statistically studied from the available data. However, it is an intriguing finding and one that would be consistent with the research into drug treatment courts which show the beneficial impact of individualized engagement with drug-involved defendants.

Jail displacement is among the goals of the supervised release program and in this regard the program appears to be successful. Virtually all cases arraigned on a felony charge in New York City are continued at the Criminal Court arraignment appearance. Under New York's speedy trial procedures, defendants held at arraignment in felony prosecutions are expected to have their first post-arraignment appearance scheduled within five days, at which time the defendants in continuing cases are entitled in most circumstances to be released on recognizance if the District Attorney's Office has not secured an indictment or plea agreement.

However, Queens County case processing in felony cases differs from that elsewhere in the City because of a QDA office policy to not accept pleas to reduced charges after an indictment. As a result, in Queens County defendants held at Criminal Court arraignment waive their right to the speedy trial adjournment in over 80% of felony cases, with a usual first adjournment period of two weeks instead of five days. The Queens Supervised Release program therefore serves at the outset to displace this initial period of pretrial detention for defendants who otherwise would be in custody.

As shown in the court outcome patterns among the baseline pre-program cases, pleas to non-felony charges and non-incarceration sentences were far more likely to be imposed for a conviction among released defendants, and highest among defendants released at Criminal Court arraignment. An unknown when CJA began this program was whether the same patterns would apply to program participant cases. An alternative hypothesis was that sentences for conviction in program cases would simply substitute post-conviction imprisonment time for the absence of pretrial detention time.

The latter clearly has not happened. By securing the release of program defendants, over 87% successful exits, a conditional discharge sentence is imposed in the overwhelming majority of sentenced program cases. In this regard one can conclude that there is a jail displacement effect beyond just the first adjournment period, although it is not possible to determine the magnitude of this displacement because of an absence of information about the amount of post-sentence time defendants might need to serve after accounting for pretrial detention and other factors which affect incarceration time.