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## The Impact of Quality-Of-Life Policing

By Freda F. Solomon, Ph.D.

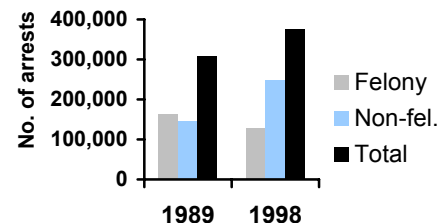
### How the NYPD's new policing strategy of the 1990s affected arrests, defendants, and the criminal courts

In the mid-1990s, New York City embarked on a new era in law enforcement, one that adopted different approaches to community crime issues, and dramatically shifted policing policies, deployment and tactics. Aided by an expanded police department, and using new technologies, a strategy of aggressive enforcement against quality-of-life offenses was initiated. Many of the resulting arrests were for offenses of misdemeanor or lesser severities. CJA undertook a study of the nature and handling of these arrests.

Reflecting law enforcement strategies of the late 1980s and early 1990s, in 1989 over half of all arrests were for felony offenses (Fig. 1). By the mid-1990s the number and proportion of arrests involving felony crime had declined. In 1998, only one-third of

New York City arrests were for felony offenses while total arrest volume was 22% greater than in 1989.

**Figure 1**  
**Arrest Volume 1989 & 1998**



Source: NYPD

This *Research Brief* presents the key findings from a study that compared data about non-felony arrests in 1989 and in 1998. Substantial changes were found between the two time periods not only in the volume of cases, but also in the composition of cases and defendants, and in Criminal Court case processing and outcomes.

Adapted from:

*Summary and Analysis: Trends in Case and Defendant Characteristics, and Criminal Court Processing and Outcomes, in Non-Felony Arrests Prosecuted in New York City* (February 2002) by CJA Senior Research Fellow Freda F. Solomon, Ph.D. For more detailed information, see the full report on the CJA web site: [www.nycja.org/research/research.htm](http://www.nycja.org/research/research.htm)

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## IMPACT ON VOLUME AND SEVERITY OF ARRESTS

For research purposes the study cases included only prosecuted arrests with misdemeanor or lesser-severity charges, and cases of defendants held for Criminal Court arraignment, hereinafter referred to as summary-arrest cases. Vehicle and Traffic Law arrests, and arrests in which defendants were issued Desk Appearance Tickets, were excluded from the analysis. Annual volume was calculated from a CJA database sample of 1989 cases and from a quarterly data set of 1998 cases.

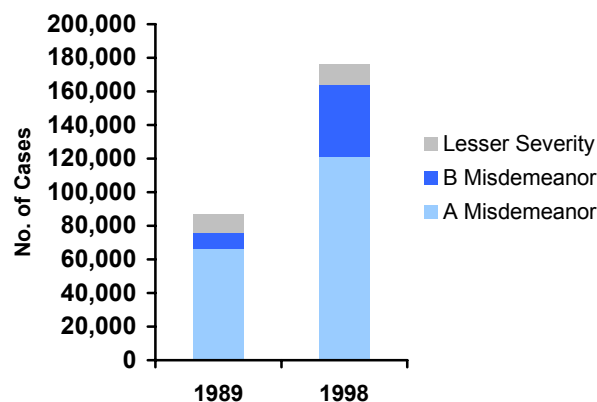
**There were more than twice as many prosecuted arrests for non-felony offenses in 1998 as in 1989 (Fig. 2).**

- In 1998 the calculated volume of non-felony cases was 176,432, versus 86,822 in 1989.

**The proportional increase in B-misdemeanors was greater than the increase in A-misdemeanors.**

- The volume of A-misdemeanor cases in 1998 was less than twice as large as in 1989, whereas there was an almost five-fold increase in B-misdemeanors.
- A-misdemeanors increased from 66,587 in 1989 to 120,685 in 1998; B-misdemeanors went

**Figure 2**  
**Volume and Severity of Prosecuted Non-Felony Cases 1989 & 1998**



from 9,208 in 1989 to 43,540 in 1998. As a result, B-misdemeanor charges constituted a larger proportion of non-felony cases in 1998 (about one in four) than in 1989 (a little over one in ten).

- The increase in B-misdemeanor volume was in large measure a result of an increase in arrests for possession of marijuana in the 5<sup>th</sup> degree, a B-misdemeanor severity crime.

## IMPACT ON CRIME TYPES

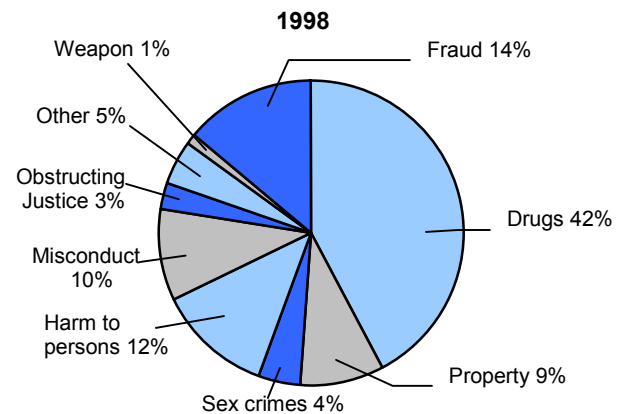
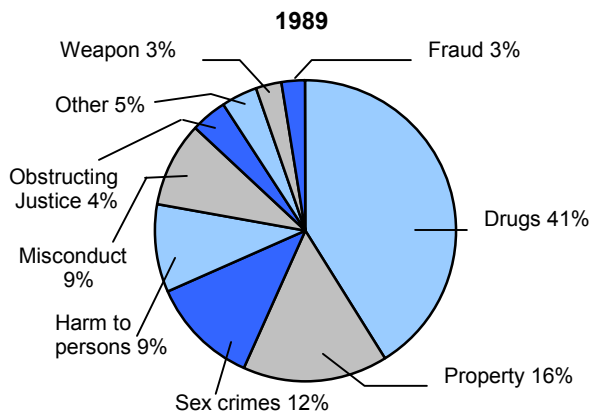
More than merely doubling arrest volume, the crime characteristics of prosecuted non-felony arrests were different during the two periods, with varying representation of types of crimes, and different mixes of charges within some examined crime categories. Fig. 3 shows the distribution of crime categories in 1989 compared to 1998.

- In both time periods over 40% of the non-felony summary-arrest cases involved a drug charge, but the composition of the cases differed substantially. Among the 1989 cases over 95% of all non-felony drug cases were A misdemeanors, and about three-fourths of these were for possession of drugs other than marijuana. In the 1998 data, only about 56% of the non-felony drug cases had an A-misdemeanor charge, and less than half of these were for the non-marijuana possession charge. Another two-fifths of the 1998 drug cases involved the

B-misdemeanor marijuana possession charge, which had been less than 3% of all non-felony drug cases in 1989.

- Property crimes constituted the second largest group of arrests in 1989 (16% of the total), but only the fifth largest in 1998 (9%). In both time periods the large majority of such cases were for petit larceny (i.e., shoplifting).
- One of the greatest shifts occurred in the fraud category. Fraud cases made up one of the smallest crime categories in 1989 (2,187 cases representing 3% of the volume) and the second largest crime category in 1998 (24,579 or 14% of the cases). In 1998 these were almost all (over 90%) the A-misdemeanor charge of theft of services, usually for fare-beating; in 1989, theft of services constituted only three-fourths of the non-felony fraud charges.

**Figure 3**  
**Distribution of Non-Felony Cases by Crime Category 1989 & 1998**



► Sex crimes is a category in which there was both a *decrease* in volume and a change in charge characteristics. In 1989 the sex-crimes category was the third largest (12%), with 10,087 cases. Defendants in about 90% of those cases were charged with prostitution. In 1998 sex crimes was the seventh largest (4%) crime category, with 7,764 cases. Almost a quarter of the cases were for patronizing a prostitute.

► The misconduct category had an increase in both volume and severity. This category, which contains a variety of public order offenses including disorderly conduct, unlawful assembly, and criminal trespass, was more than twice as large in 1998 as in 1989 (17,214 in comparison to 7,868 cases). Further, a greater proportion of misconduct cases were A misdemeanors in 1998.

► There was a greater than two-fold increase in the number of cases in the harm-to-persons crime category in 1998 in comparison to 1989 (and a slight increase in the percentage). Over 95 percent of the arrests in both time periods were of A-misdemeanor severity, the majority of which were cases with an assault arrest charge. The percentage of menacing charges among the remaining cases was greater in 1998 than in 1989.

► Weapon charges, a small percentage of prosecuted non-felony severity arrests in both time periods, had both a smaller number and percentage of estimated annual volume in 1998, with 2,049 cases representing 1% of total non-felony summary-arrest volume, in comparison to 2,330 cases, or 3% of case volume, in 1989.

## IMPACT ON DEFENDANT CHARACTERISTICS

Changes in enforcement strategies and the resulting arrest patterns led to noticeable differences in defendant characteristics including criminal record, age, sex, and ethnicity.

### **Criminal record (Fig. 4)**

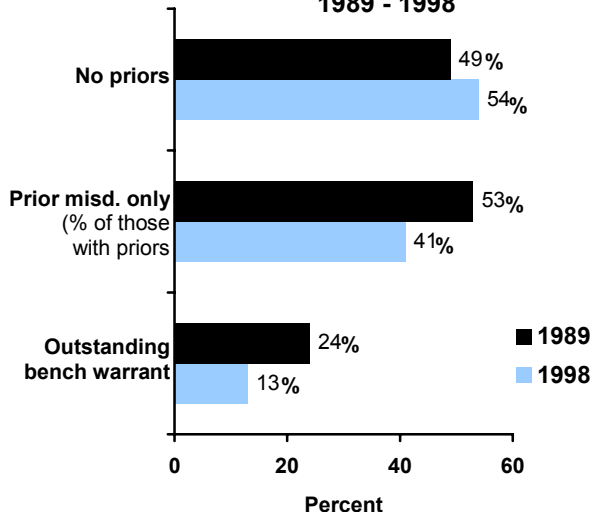
Defendants in the 1989 data were more likely to have a criminal record and to have an outstanding bench warrant, but their prior convictions were for less serious offenses than in 1998.

► In 1989, defendants in 49% out of 77,182 cases had no prior adult criminal convictions, compared to 54% (out of 164,865 cases) in

1998. This comparison is illustrated in the top set of bars in Fig. 4.

► Among those cases in which defendants had a record of prior criminal convictions, defendants in 1989 were more likely to have previously been convicted only of misdemeanor severity crimes. Out of 39,022 cases in 1989 in which defendants had an adult criminal record, 53% had only misdemeanor convictions, compared to 41% out of 75,733 cases in 1998. The middle set of bars in Fig. 4 illustrates this comparison.

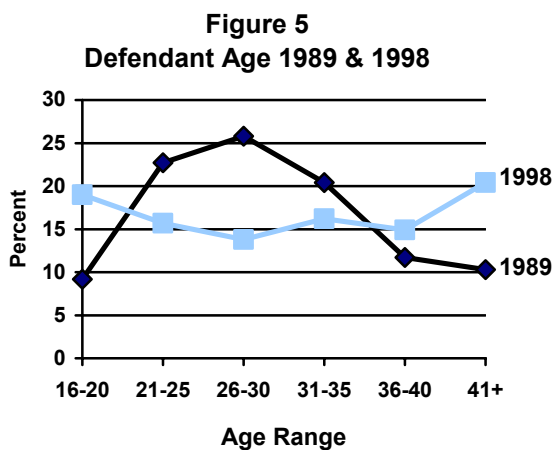
**Figure 4**  
**Defendant Criminal Record**  
**1989 - 1998**



- As shown by the bottom set of bars in Fig. 4, the percentage of defendants with an outstanding bench warrant at the time of the studied arrest was almost twice as large in 1989 (when it was 24%) as in 1998 (when it dropped to 13%).

#### Age (Fig. 5)

- Defendants in the 1998 cases (blue line) were most likely to be either in the youngest, 16-to-20 age group, or in the oldest (41-and-older) age bracket. By contrast, defendants in the 1989 cases (black line) were most commonly between 26 and 35 years of age. This overall pattern could be found in almost every crime category.
- Age and criminal record tend to be related, but the disproportionate increase in the arrest of



young adults without adult criminal records and recidivist offenders in the oldest age group, most likely also reflected an emphasis on specific quality-of-life offenses in the later time period, such as marijuana possession, trespass, and fare beating.

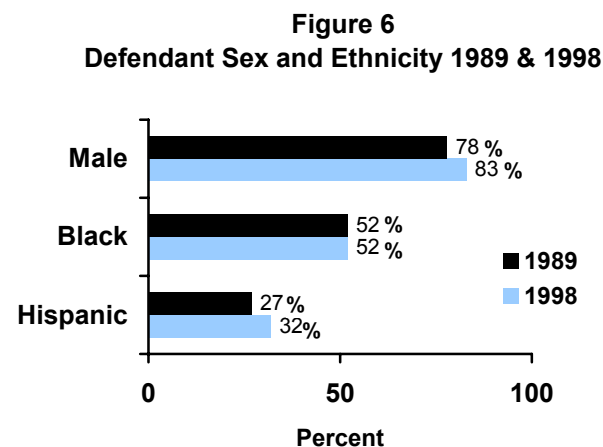
- While the volume of cases involving defendants in the 16-20 age group in 1998 was two and a half times larger than in 1989, the number of cases of 16-20-year-old defendants without prior convictions was more than *five times greater* in 1998 than in 1989 (27,217 versus 5,123).

- In the 1998 data there were almost two and a half times more cases in which defendants had prior adult convictions for crimes of both misdemeanor and felony severities than in 1989 (35,244 versus 14,779), but the number of cases of defendants 41 and older with this type of criminal history was almost *six times greater* in 1998 than in 1989 (10,207 versus 1,724).

- The pattern that emerged in the 1998 data was especially noticeable in the drug, property and fraud crime categories.

#### Sex and Ethnicity (Fig. 6)

- Defendants in both periods were most likely to be male, 78% in 1989 and 83% in 1998.
- About the same percentage (52%) were Black in both years' cases, but there was a somewhat greater percentage of Hispanic defendants in 1998. The number of cases with Hispanic defendants was more than two times greater in 1998 (55,870) than in 1989 (23,222).



## IMPACT ON CASE OUTCOMES

### **IN 1998 COMPARED TO 1989,**

#### **a greater percentage of cases . . .**

- ↑ was disposed at arraignment.
- ↑ had an ACD outcome.
- ↑ had defendants subject to criminal justice supervision after the disposition of their cases.
- ↑ had a reduced charge upon conviction *if* :  
the arrest charge was a B-misdemeanor;  
the defendant had no prior convictions.

#### **a smaller percentage of cases . . .**

- ↓ had a dismissal outcome.
- ↓ had a conviction outcome *if* the defendant had no prior convictions.  
(↑ but a greater percentage had a conviction if the defendant had both misdemeanor and felony priors).
- ↓ had jail sentences for convicted defendants.

**The court appearance at which cases were completed, and the types of dispositions, differed in the two time periods.**

- In a system long characterized by substantial arraignment disposition rates in non-felony cases, an even larger percentage of the cases in 1998 were disposed at the Criminal Court arraignment. In 1998 73% of the cases, compared to 62% in 1989, had a determinative outcome reached at the Criminal Court arraignment.
- Overall, the conviction rate was lower in 1998 (59%) than in 1989 (over 72%). At the same time, dismissal rates were also somewhat lower in 1998 (9%, compared to 12%). Because of the greater volume of cases in 1998 than in 1989, there still were almost 42,000 more cases in 1998 in which there was a conviction outcome, and over 5,000 more cases dismissed.
- The most important changes in case dispositions between the two time periods occurred in the use of adjournments in contemplation of dismissals (ACDs), a legal procedure by which defendants can have the case disposed after a statutorily set period of time (usually six or

twelve months) providing they meet agreed upon conditions. In the 1998 cases, 30% (52,956) were disposed by an ACD, over 80% of which occurred at the Criminal Court arraignment. In the 1989 cases only 11% (9,895 cases) were disposed by an ACD, slightly more than half of which occurred at arraignment.

➤ Although there was a lower conviction rate in 1998, the lower outright dismissal rate and the higher ACD rate for case disposition meant that defendants in a substantially larger percentage of the cases in 1998 than in 1989 remained subject to some sort of criminal justice system supervision after the initial disposition of their cases.

➤ The pattern of lower conviction and dismissal rates, and substantially higher use of the ACD, was found in almost every crime category.

**There were differences in the patterns of changes in charge severity between arrest and conviction.**

- In cases in which there was a conviction in 1998 there was an overall greater likelihood of a change in charge severity between arrest and conviction than in the 1989 cases. In about 54% of the cases in 1998 the arrest and conviction charges were not of the same severity, compared to 47% in 1989.
- There was a slightly higher percentage of cases in 1998 in which both the arrest and conviction charges were of A-misdemeanor severity.
- When there was charge reduction for conviction for an A-misdemeanor arrest charge, the conviction charge severity was somewhat more likely in 1998 than in 1989 to be reduced below the misdemeanor level necessary for a “criminal” conviction under New York State law.
- In cases in which convicted defendants had B-misdemeanor arrest charges, charge reduction was far more prevalent in 1998 than in 1989. There was a charge reduction in 1998 in about two-thirds of the cases with a B-misdemeanor arrest charge, but in only about one-third of the cases in 1989.



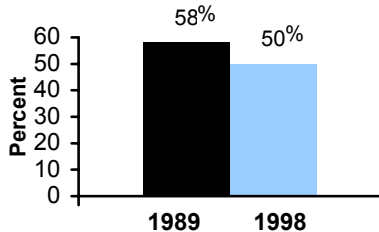
### Case outcomes were affected by defendants' criminal record.

- In both time periods defendants without prior convictions were least likely to be convicted, and most likely to have an ACD disposition, but the patterns differed dramatically between the two years.
- There was a conviction outcome in 62% of cases of defendants without prior adult criminal convictions in 1989, but in only 41% of the 1998 cases. However, because of the much larger volume and greater percentage of cases of defendants without prior convictions in 1998, the lower conviction rate still resulted in a 50% increase in the actual number of cases in which defendants without priors were convicted (23,445 in 1998 versus 36,262 in 1989).
- In 1989 only 19% of cases of defendants without prior adult convictions were disposed by an ACD, compared to 47% in 1998. This resulted in almost six times more cases of defendants without priors having an ACD outcome in 1998 (42,092 compared to 7,278 in 1989).
- There was a higher conviction rate in 1998 in the cases of defendants with combined prior convictions for crimes of both misdemeanor and felony severity, 85% in comparison to 78% in 1989.
- In cases in which there was a conviction, the adult criminal history of defendants was an important factor in charge severity reduction between arrest and conviction charges in both time periods, although the likelihood of charge reduction generally was greater in 1998 than in 1989.
- Charge reduction was far more likely to occur for defendants without prior convictions in the 1998 cases. The extent of charge reduction in most crime categories was more similar between the two periods for defendants with comparable types of prior criminal conviction records.

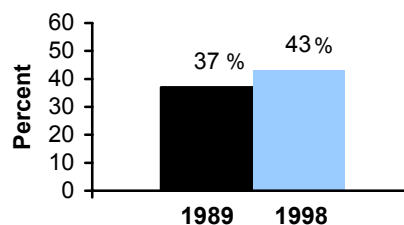
### In 1998 jail sentences were imposed proportionately less often than in 1989 and, when imposed, were shorter. However, in 1998 jail sentences were more likely to include post-conviction time.

- A jail sentence, including time served, was imposed in a greater percentage of the cases in which defendants were convicted in 1989 than in 1998. Jail was the most severe sentence in 1989 in 58% of the cases (out of 62,515 cases of convicted defendants), compared to 50% in 1998 (out of approximately 103,995 cases) (Fig. 7).
- The pattern of higher jail-sentence rates in 1989 was found in almost every crime category except for drug-crime cases.
- Among those receiving a jail sentence, a non-time-served sentence was *more likely* in the 1998 cases. In 1989, post-conviction jail sentences were imposed in 37% of the cases in comparison to 43% of the cases in 1998 (Fig. 8). Translated into annual volume, there were 13,408 cases in 1989, and 22,077 cases in 1998, in which a post-conviction jail sentence was imposed.
- In many, but not all, crime categories post-conviction jail sentences were shorter in 1998. The median amount for all cases in 1998 was 7 days compared to 20 days in 1989 (Fig. 9). This includes jail sentences satisfied by pre-trial detention time.

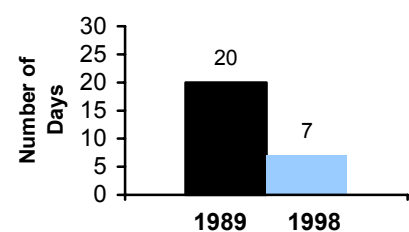
**Figure 7**  
% of Convicted Defendants  
Who Received Jail Sentence  
1989 & 1998



**Figure 8**  
% of Jail Sentences that  
Included Post-Conviction Jail  
1989 & 1998



**Figure 9**  
Median Length  
of Jail Sentence (in days)  
1989 & 1998



## ANALYSIS & CONCLUSIONS

The premise that guided New York City policing throughout the eight years of the Giuliani administration was that disorder in public spaces instills fear of crime, and citizen behavior in response is to abandon streets and public spaces, creating opportunities for more and more serious crime. The configuration of non-felony arrests in 1998 is representative of the intended focus and deployment of resources set out in a series of police department strategy papers that formed a blueprint for the City's quality-of-life policing initiative.

One of the consequences is that what began as innovation has become the norm in New York. Police continue to pursue the tactics of arrests for misdemeanor and lesser-severity offenses to accomplish the goals of order maintenance and deterrence.

Second, these tactics have swept into the criminal courts large numbers of older, chronic offenders, and young people. Among the disorderly and derelict defendants arrested for minor offenses are an older population with myriad social problems, such as drug and alcohol addiction, mental and physical health problems, homelessness, low educational achievement, and limited employment opportunities. Another distinctive population is the large numbers of youths, often from minority communities and without adult criminal records, arrested for

low-level drug offenses. Other research presents evidence of treatment needs for substance abuse in the defendant population, but it is unclear how many young adults arrested for possessing small quantities of marijuana have substance abuse problems that may lead to more and more serious criminal activity.

Third, the arrest policies initiated in the mid-1990s have had a major impact on the criminal court system. As this research has shown, the court system adapted to greatly increased volume by disposing of even greater percentages and numbers of cases at the Criminal Court arraignment. A majority of defendants were convicted, almost entirely by negotiated guilty pleas, in both time periods. However, a point of particular difference in court outcomes was an enormous expansion of the use of the ACD for case disposition, a change that most affected the court outcome for defendants without prior convictions.

Fourth, aggressive order-maintenance tactics harmed police-community relations in some neighborhoods. The Police Department's subsequent "Courtesy, Professionalism & Respect" campaign was an initiative recognizing this effect.

Lastly, court responses also gave rise to some dissatisfaction with the quality of justice emanating from the criminal courts, and perceptions of an unending cycle of revolving-door justice.

## POLICY IMPLICATIONS

The findings of this study raise issues about the efficacy with which existing criminal laws and punishment, and legal institutions, can respond to the mix of cases and defendants brought about through aggressive order-maintenance policing.

To fashion more effective responses, the court system increasingly is turning to the use of specialized courts. Drug treatment courts, premised on a drug-crime connection by which treatment of addicted offenders will reduce both drug and non-drug crime, are being joined by courtrooms dedicated to other types of crime and offender populations, such as specialized court parts for domestic violence and the mentally ill. The proliferation of problem-solving courts is poised to transform the very nature of criminal courts and create dramatically different legal processes and courtroom activity.

The growth of specialized courts raises management and resource issues for the court system. It also has provoked discussion about whether the criminal courts can and should become the focal point for solving the social problems often presented by offenders and offenses being brought into the courts through statutory and police policy changes.

To the extent that the criminal justice system will continue to be asked to address complex social problems, an emerging policy challenge is crafting a more holistic, integrated approach among criminal justice agencies.

The findings also have implications for program development and implementation sensitive to perceptions of injustice and a lack of fairness in the criminal justice system, especially in minority communities.

Already published in this series:

No. 1 (December 2002): *Jail Displacement for ATI Programs*  
by Mary T. Phillips, Ph.D.

No. 2 (April 2003): *The Impact of Felony ATI Programs On Recidivism*  
by Jukka Savolainen, Ph.D.

Forthcoming:

The next Research Brief will summarize and update (with new data) the results from three recent studies of domestic violence by CJA's Associate Director for Research, Richard R. Peterson, Ph.D.

The full summary report is available on our web site:

- *Combating Domestic Violence in New York City:  
A Study of DV Cases in the Criminal Courts* (April 2003)

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

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