CJA **NEW YORK CITY CRIMINAL JUSTICE AGENCY**

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SEMI-ANNUAL REPORT:
Second Half of 2000
(June 26, 2000, to December 24, 2000)

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I. Introduction

This report covers the activities of the New York City Criminal Justice Agency, Inc. (CJA) during the second half of 2000.[1] The Agency is a not-for-profit corporation contracting with the City of New York for the following purposes:

l. To decrease the number of days spent in detention by defendants who could be safely released to the community while awaiting trial;

2. To reduce the rate of non-appearance in court by defendants released from detention and awaiting trial;

3. To maintain a citywide agency providing a variety of informational and research services to criminal-justice agencies, defendants, and the public.

To achieve these goals, CJA engages in three principal activities: 1) providing judges, prosecutors, and defense counsel with background information on arrested defendants in order to assist in determining the likelihood that individual defendants, if released, will return for subsequent court appearances, 2) notifying released defendants of future court-appearance obligations, and 3) performing research and evaluation addressing issues related to the effective operation of criminal-justice processes, particularly in New York City.

Defendant Background Information and Community-Ties Ratings

CJA personnel interview defendants who, after arrest, are held for arraignment in Criminal Court, the lower court in New York City in which most criminal cases are initiated. Normally, the interview takes place in one of the Police Department's central booking facilities in the hours between the arrest and the defendant's first appearance before a judge.

Although CJA interviews the overwhelming majority of defendants, there are certain exceptions which account for a small proportion of arrests citywide.[2] Defendants who receive Desk Appearance Tickets (DATs) are not interviewed because they are not

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[1] *June 26, 2000 to December 24, 2000.*

[2] *CJA does not, for example, interview defendants arrested solely on prostitution-related charges who are being held for arraignment in the downtown Manhattan Criminal Court, nor does CJA ordinarily interview defendants arrested solely on warrants, those arraigned in the hospital without going through a police department central booking facility, or those arrested while in the custody of the New York City Department of Correction. A small proportion of the total number of cases included in this report are cases of defendants not interviewed by CJA but for which CJA received information. Excluded from this report are the cases of defendants interviewed by the Agency that did not reach Criminal Court arraignment because, for example, they were declined prosecution by a District Attorney's Office or were transferred to the Family Court.*

held for arraignment; instead, they are released and scheduled to return for arraignment at a later date. CJA notifies all defendants issued DATs of their arraignment dates and of any scheduled Criminal Court dates after arraignment.

Information on occupation, residence, and family status is obtained from each defendant and verified, whenever possible, through telephone contacts with third parties such as relatives, neighbors, or employers. These data are made available to all parties to the arraignment appearance — judge, prosecutor, and defense counsel. The one-page CJA information sheet also summarizes the defendant's history of previous convictions and alerts the court to the existence of other active cases and warrants.

A summary assessment of every interviewed defendant's community ties also is included on the information sheet and provided to the parties. The assessment relates the strength of the defendant's ties to the community to the likelihood of voluntary return to court. Only a defendant's community ties are incorporated into the rating. Charge, likelihood of conviction, and mental condition of the defendant, all of which may contribute to the judicial release decision under the terms of the New York State statute (CPL 510.30), are not included in this rating.

Adult defendants (i.e., sixteen years of age or older) may qualify for one of two favorable release-on-recognizance (ROR) recommendations: (1) "Recommended" is given for those defendants with verified strong community ties, and (2) "Qualified" ROR recommendation is given for those defendants with unverified — but strong — community ties. Those with weak (or nonexistent) ties to the community receive "No Recommendation." Defendants with active bench warrants, incomplete interviews, unavailable prior arrest records, or those held on bail-jumping charges are not eligible for an ROR recommendation. Information concerning the community ties of defendants charged with homicide or attempted homicide is provided to the court without any recommendation. A separate recommendation basis is used for defendants under the age of sixteen who are being held for Criminal Court arraignment under the State's Juvenile Offender (JO) Law, and for whom the adult recommendation system is not appropriate. Juvenile offenders may qualify for a favorable recommendation, be not recommended due to insufficient community ties, or be ineligible for a release recommendation on exclusionary criteria comparable to those used for adult defendants.

The community-ties model has remained a strong predictor of likelihood of return to court since its development by the Manhattan Bail Project of the Vera Institute of Justice in the early 1960's. Released defendants with weak ties to the community have consistently failed to appear at their scheduled adjournments more frequently than released defendants with verified strong community ties.

Notification

The Agency has the responsibility of notifying by mail or telephone all released defendants, regardless of their community-ties ratings, of all scheduled Criminal Court appearances. Defendants released on desk appearance tickets prior to arraignment are also notified of their scheduled arraignment. The notification system, consisting of defendant check-ins, letters, and reminder phone calls, all supported by a citywide computer system maintained by CJA, has been highly successful. Experiments have shown that the notification system substantially reduces the failure-to-appear rate in all categories.

Research

The Agency has an ongoing program of evaluation and research aimed at improving Agency operations, providing summary data relevant to fundamental criminal-justice policy issues, and investigating special-interest topics in criminal justice. A list of published reports released in the last several years, through this reporting period, can be found in Appendix A.

II. Interview Volume and CJA Release Recommendation

Interview Volume

In the second half of 2000, CJA collected information in the cases of 156,821 defendants held for Criminal Court arraignment, hereinafter referred to as "interviewed cases."[3] Manhattan had the largest volume (31.2%) of interviewed cases,[4] followed by Brooklyn with 27.9 percent,[5] the Bronx with 21.3 percent, Queens with 16.8 percent, and Staten Island with 2.9 percent (Exhibit 1). The citywide average weekly volume of interviewed cases (6032) was 13 percentage points lower than the 6934 average during the previous six-month period. It was only slightly higher than the 6029 average during the second half of 1999. In the second half of 2000, average weekly volume was smaller in every borough than in the first half of 2000. Queens showed the greatest proportion of decrease among the boroughs (Exhibit 2). The average weekly volume had increased in every borough between the second half of 1999 and the first half of 2000. Defendants who were issued desk appearance tickets (DATs) are not included in this section but are discussed in Part V of this report.

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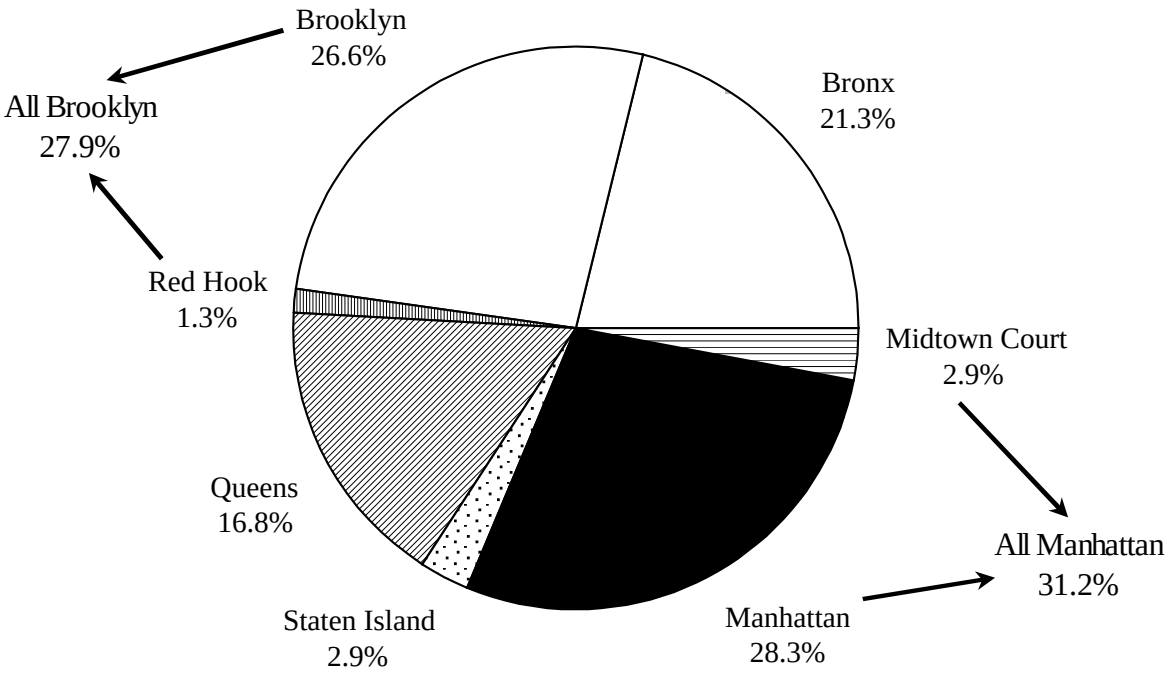
[3] *As noted in the previous section, CJA receives arrest and court information for a small percentage of defendants held for arraignment but for whom CJA interview information is not available. Throughout this report "interviewed cases" include these arrests. However, CJA interview information only is included for defendants arraigned in the Criminal Court; information about interviewed defendants who are not prosecuted or whose charges are brought directly into other court jurisdictions are excluded.*

[4] *Beginning with the Semi-Annual Report for the first half of 1997, the citywide numbers and those reported for the borough of Manhattan include defendants whose cases were arraigned in the downtown Manhattan Criminal Court and those whose cases were arraigned in Manhattan's Midtown Community Court. The Midtown Community Court, begun on October 12, 1993, is a separate weekday arraignment courtroom, located in midtown Manhattan, specializing in the swift disposition of non-violent misdemeanor and lesser-severity offenses. It also has a greater array of alternative sanctions than are available for comparable cases disposed at arraignment in the downtown Criminal Court. The citywide and Manhattan totals reported here are not comparable with those in the Semi-Annual Report series prior to 1997 that excluded the cases of defendants processed in the Midtown Community Court.*

[5] *Includes all cases arraigned in the downtown Brooklyn Criminal Court and 2,109 cases arraigned in the Red Hook Community Justice Center that began operation in early April 2000.*

Exhibit 1
DISTRIBUTION OF INTERVIEWED CASES BY BOROUGH

(Second Half of 2000)



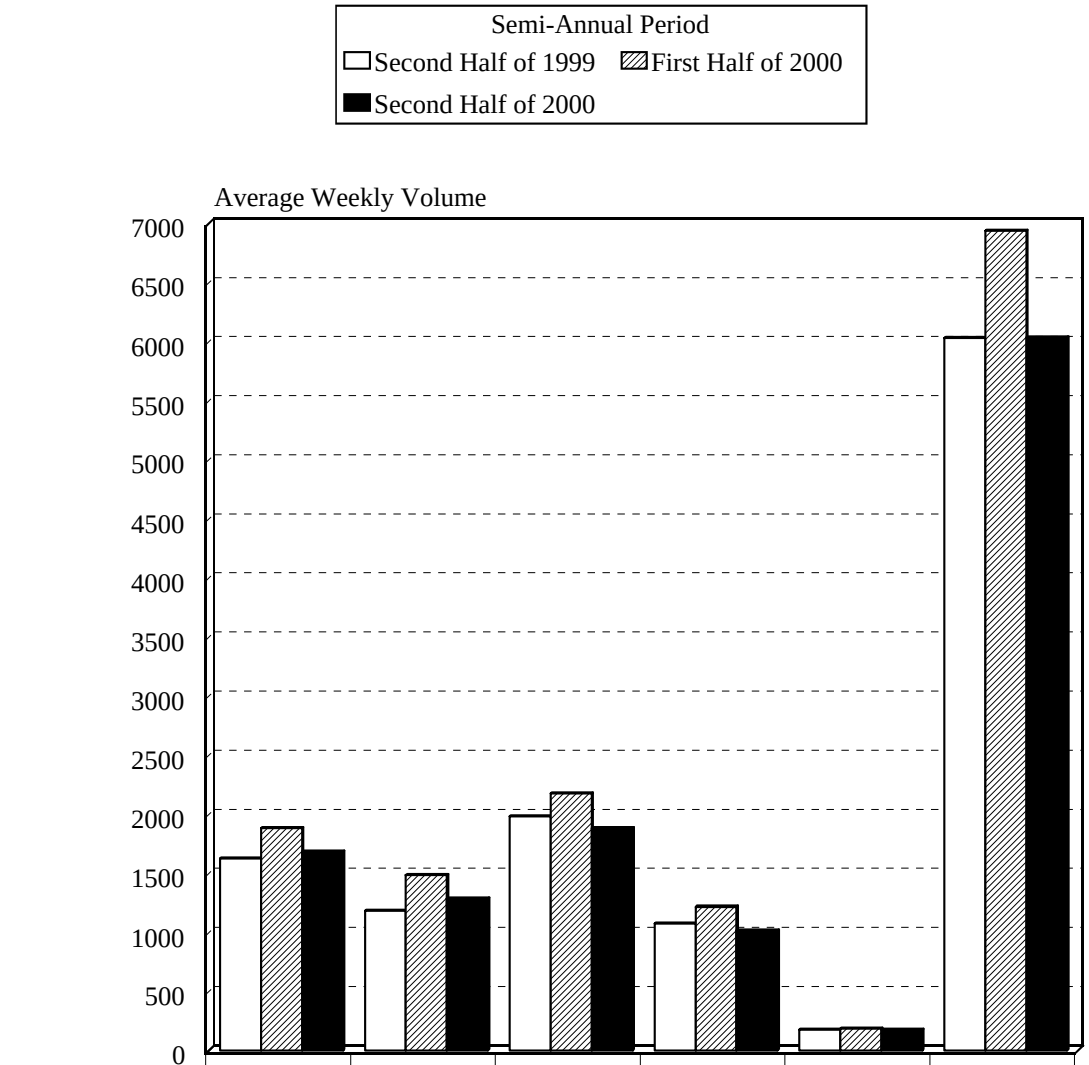
(N=156,821)[1]

[1] Includes approximately 475 prostitution arrests arraigned in the downtown Manhattan Criminal Court, as well as a small proportion of other cases for which interview information was not available.

Exhibit 2

AVERAGE WEEKLY VOLUME OF INTERVIEWED CASES BY BOROUGH

(Second Half of 1999, First Half and Second Half of 2000)



	Brooklyn	Bronx	Manhattan	Queens	Staten Is.	Citywide
Second Half of 1999	1622	1179	1981	1073	174	6029
First Half of 2000	1880	1482	2175	1215	182	6934
Second Half of 2000	1681	1284	1881	1014	173	6032

CJA Release Recommendations

Citywide, 49.4 percent of defendants interviewed by CJA[6] during the second half of 2000 provided information indicative of strong community ties and received one of CJA's favorable recommendations. The proportion reporting strong community ties was lowest in Manhattan (39.1%), followed by the Bronx (50.3%), Staten Island (51.6%) and Brooklyn (52.2%), and was highest in Queens (61.5%) (Exhibit 3). Adult defendants are considered to have such ties if they have a New York City (NYC) area address and meet at least some of the following conditions:

a) There is a phone in the defendant's residence.
b) The defendant has resided at the current address one and one-half years or more.
c) The defendant expects someone (other than the complainant or defense attorney) at arraignment.
d) The defendant lives with parent(s), grandparent(s), legal guardian, or spouse.
e) The defendant is employed, in school, or in a training program full time.

Defendants receive CJA's most favorable rating, "Recommended: Verified NYC Area Community Ties," if any two of these conditions are met, **and** CJA staff are able to verify both a NYC area residence **and** one response ("yes" or "no") from among (b), (d) or (e). Defendants whose responses cannot be verified can receive a "Qualified Recommendation: Unverified NYC Area Community Ties" if they report a NYC area address **and** meet any three of the conditions in items (a) through (e).

For more than two-fifths (42.9%) of the defendants with self-reported strong ties to the community (21.2% of the total defendant population), CJA staff were able to verify the responses to interview items prior to Criminal Court arraignment. These defendants received CJA's most favorable rating, "Recommended: Verified NYC Area Community Ties." The relatively low proportion of favorable recommendations in Manhattan may be partially attributable to the large proportion of out-of-state and transient residents in that borough's defendant population. Out-of-state residents cannot receive a favorable recommendation because they have not reported a NYC area address.

Because the Agency rating is made without consideration of all factors in the New York State bail statute, it is not a categorical recommendation for release. Rather, it indicates to the court that the defendant, if released after consideration of the other statutory factors, has a high likelihood of returning to court.

Interview and verification information is presented to the court using the following summary statements:

1. Recommended: Verified NYC Area Community Ties

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[6] *CJA maintains an arrest-based database, whereby a separate record for collecting information about defendants and court-case processing, when available, is created for each arrest eligible for prosecution in the Criminal Court. Although cases and defendants may be used interchangeably in this report, the same defendant may have been arrested and interviewed more than once in this reporting period; however, the CJA recommendation for interviewed defendants prosecuted in more than one case in this report need not be the same.*

2. Qualified Recommendation: Unverified NYC Area Community Ties

3. No Recommendation Due to:
   A. Insufficient Community Ties
   B. Residence Outside NYC Area
   C. Conflicting Residence Information
   D. Interview Incomplete

4. No Recommendation Due to:
   A. Bench Warrant Attached to NYSID
   B. No NYSID Available
   C. Bail-Jumping Charge
   D. For Information Only [7]

Juvenile Offender Recommendation Categories: [8]

J5. Juvenile Offender: Recommended

J6. Juvenile Offender: Not Recommended

J7. Juvenile Offender: No Recommendation Due to:
   A. Bench Warrant Attached to NYSID
   B. No NYSID Available
   C. Murder Charge
   D. Interview Incomplete

For the purpose of presenting the data compactly in this report, certain categories of statements are grouped together: "No Recommendation" includes 3A, 3B, and 3C; "Other" combines 3D, 4B, 4C, and 4D. Also included in the "Other" category is the very small proportion of cases that fall into the juvenile offender, J5 through J7, recommendation categories, applicable to interviewed defendants younger than sixteen years of age who meet the statutory criteria for prosecution in the adult court system. CJA separately provides information about the juvenile offender population in its report series, *Annual Report on the Adult Court Case Processing of Juvenile Offenders in New York City*.

As previous Agency reports have consistently shown, the CJA recommendation is related to both release rates and failure-to-appear (FTA) rates. Defendants recommended on the basis of verified strong community ties for ROR consideration are released at arraignment more often (Exhibit 15) and, when released, are more likely to return to court for subsequent court appearances than those not recommended (Exhibit 17).

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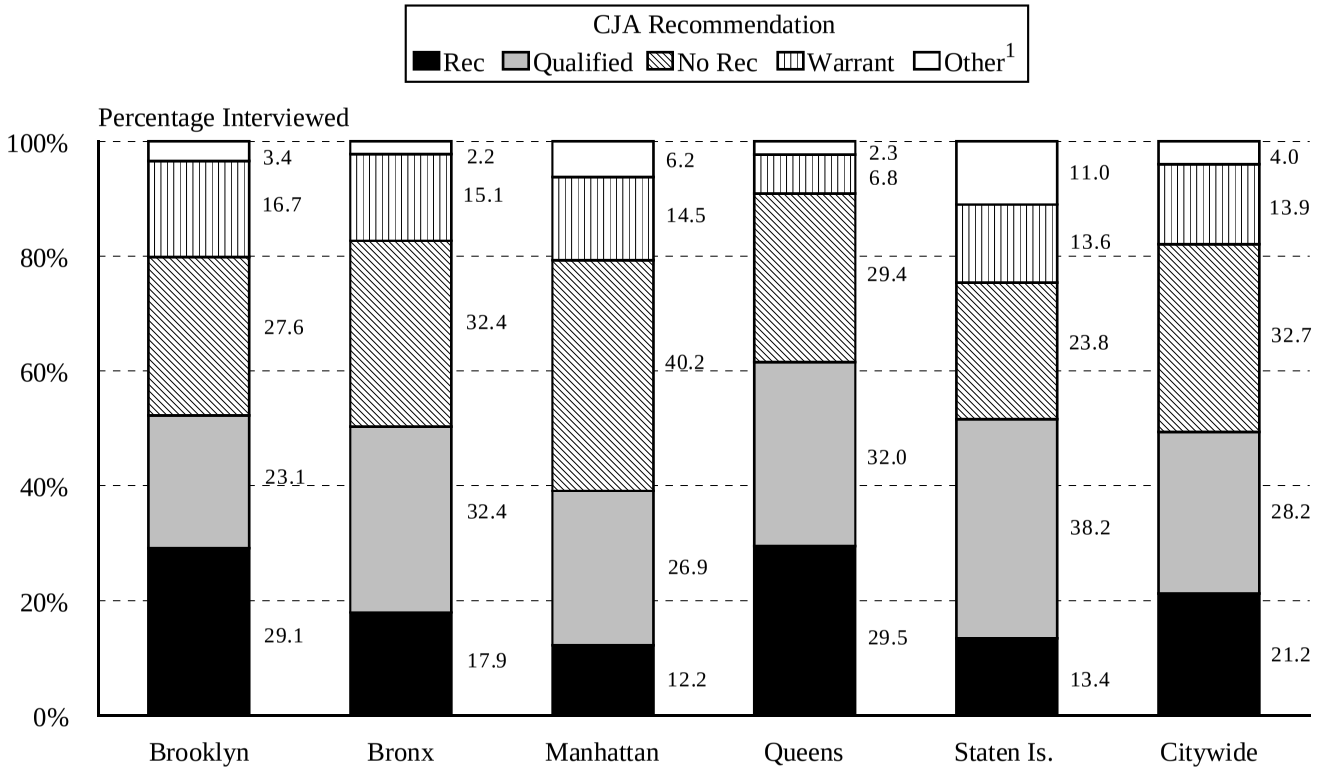
[7] *For defendants charged with homicide or attempted homicide*.

[8] *On April 28, 1996, CJA implemented a separate release-recommendation system for juvenile offenders. Prior to this time information for interviewed juvenile defendants was provided without a release recommendation because the community-ties criteria for recommending defendants for release was applicable specifically to the adult defendant population.*

Exhibit 3
DISTRIBUTION OF INTERVIEWED CASES BY CJA RECOMMENDATION AND BOROUGH
(Second Half of 2000)



	Brooklyn	Bronx	Manhattan	Queens	Staten Is.	Citywide
Subtotal Interviewed (100%)	43,079	32,316	47,205	25,944	4,142	152,686
Rec. Unavailable	616	1,068	1,696	407	348	4,135
Total Interviewed	43,695	33,384	48,901	26,351	4,490	156,821

[1] Other includes defendants who were charged with bail jumping, whose NYSIDs were unavailable, or whose CJA interviews were incomplete or conducted for information only (i.e., charged with homicide or attempted homicide), or who were charged as juvenile offenders.

Charge Severity and Type

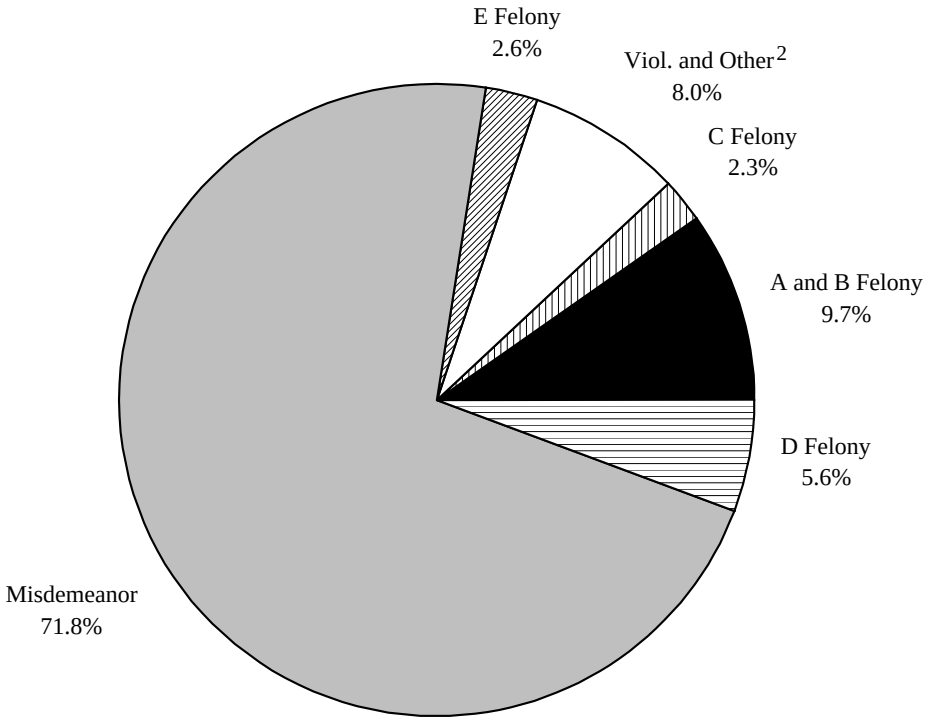
Exhibit 4 shows that more than two-thirds (71.8%) of the interviewed cases had a misdemeanor as the most severe charge (affidavit charge) lodged against defendants in interviewed cases at Criminal Court arraignment. Felonies were the most severe affidavit charge lodged by prosecutors against defendants in more than one-fifth (20.2%) of the interviewed cases, with A- and B-felony charges combined constituting 9.7 percent, and C-, D-and E-felonies combined comprising the other 10.5 percent, of overall volume of interviewed cases. Violation or other-severity charges comprised the most severe charge against defendants in the remainder (8%) of the prosecuted cases in this reporting period.

As shown in Exhibit 5, over one-third (35.1%) of the defendants in interviewed cases were arraigned on drug charges. Almost one-fifth (19.3%) of the defendants were arraigned on charges in the "other" charge-type category, which includes crimes such as fraud, obstruction of justice charges, prostitution-related crimes, and local-law offenses such as unlicensed peddling found in New York City's Administrative Code. Charges involving harm to persons (e.g. assault) or harm to both persons and property (e.g. robbery) accounted for 17.4 percent of defendants' most severe arraignment charges in interviewed cases. Almost 10 percent of defendants were arraigned on property crime (such as burglary or grand larceny) charges.

The boroughs differed markedly in the distribution of charge severities among defendants (Exhibit 6). The proportion of defendants who entered Criminal Court arraignment charged with a felony, for example, varied from less than two of every ten in Brooklyn and Queens, to more than two of every ten in Manhattan and the Bronx, to over three of every ten in Staten Island. In addition, less than one-seventh (13.8%) of all Bronx defendants in interviewed cases had an A- or B-felony severity charge at Criminal Court arraignment. In Queens by comparison, only 7 percent of defendants in interviewed cases had a most serious affidavit charge at Criminal Court arraignment of an A or B felony. Manhattan and Queens had the largest proportions of defendants in interviewed cases arraigned in the least serious charge category, 13.3 and 8 percent respectively for violation and other-severity charges, while this category was the smallest among arraigned defendants in the Bronx at 3.7 percent of defendants in Bronx interviewed cases.

Exhibit 4
DISTRIBUTION OF INTERVIEWED CASES BY AFFIDAVIT CHARGE SEVERITY[1]

(Second Half of 2000)



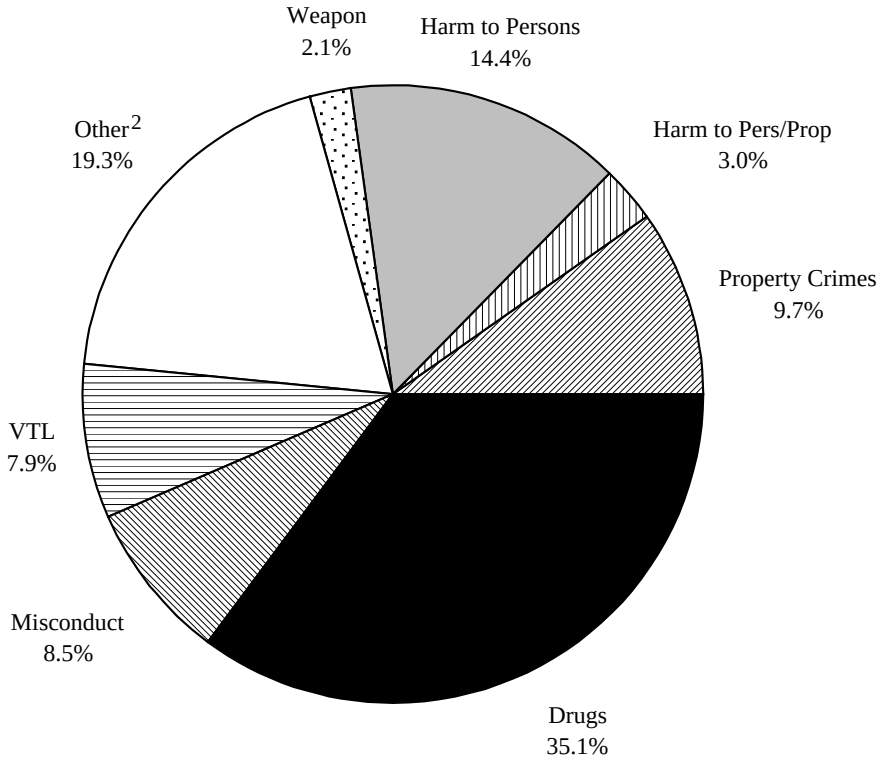
(N=156,821)

[1]Charge is the most severe Penal Law charge entering arraignment.

[2]Other includes charges outside the N.Y. State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

Exhibit 5
DISTRIBUTION OF INTERVIEWED CASES BY AFFIDAVIT CHARGE TYPE[1]

(Second Half of 2000)



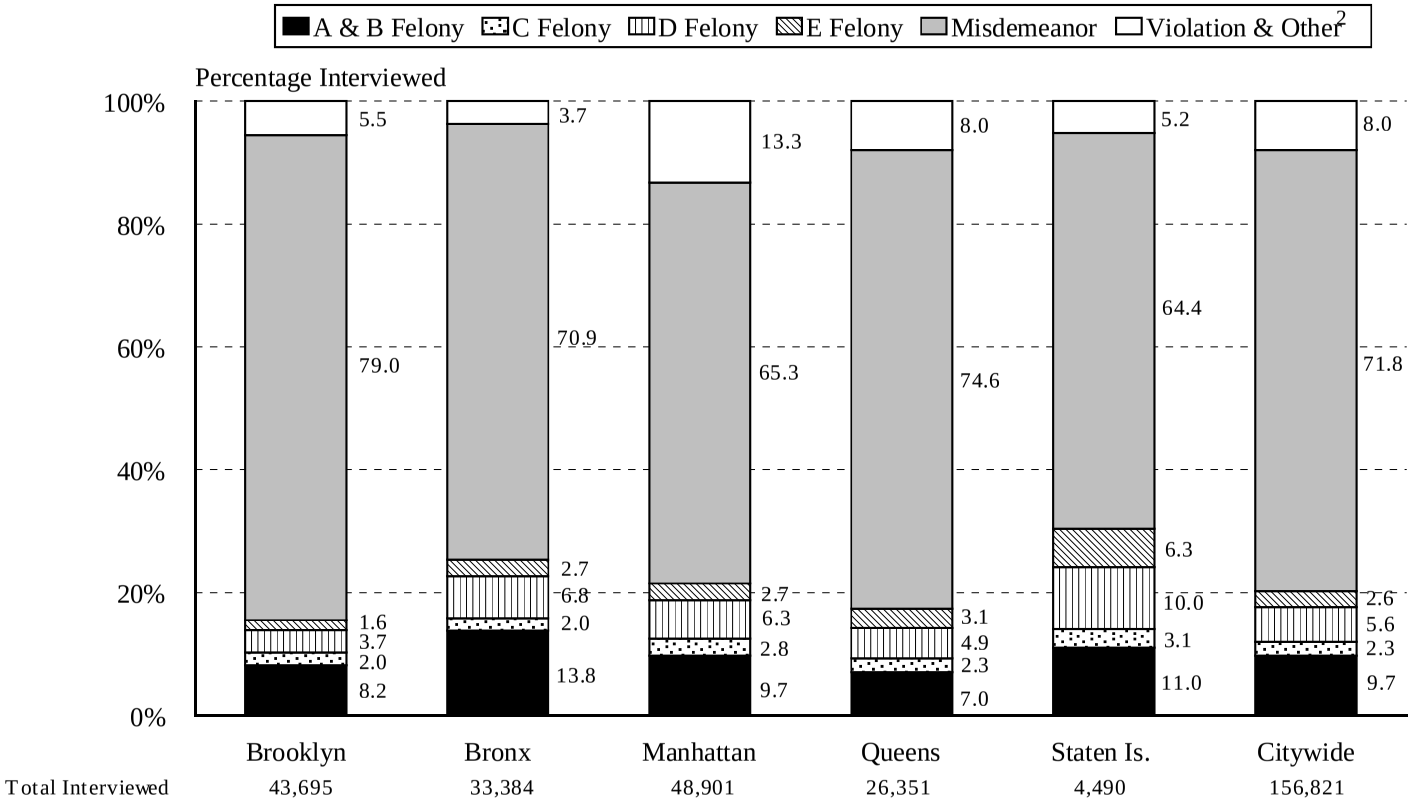
(N=156,821)

[1] Charge is the most severe Penal Law charge entering arraignment.

[2] Other includes non-violent sex crimes, fraud, and obstructing justice charges as well as charges outside the N.Y. State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

Exhibit 6
DISTRIBUTION OF INTERVIEWED CASES BY AFFIDAVIT CHARGE SEVERITY AND BOROUGH[1]

(Second Half of 2000)



[1] Charge is the most severe Penal Law charge entering arraignment.

[2] Other includes charges outside the N.Y. State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

Recommendation within Charge Severity and Type

Defendants charged with felonies at Criminal Court arraignment had stronger community ties than those charged with misdemeanor or lesser-severity offenses. The rate of recommendation was therefore lower among defendants charged with misdemeanor or lesser-severity offenses. This relationship is evident regardless of whether affidavit or amended charges (the most serious charge after arraignment) are considered (Exhibits 7 and 8). For example, about 22 percent of the defendants with felony charges compared to 21 percent of those in the misdemeanor (including violation and other-severity offense) category received the highest rating (Exhibits 7 and 8). The proportion of defendants who received favorable recommendations, (Recommended and Qualified Recommendations combined), was highest in the E- felony category (about 58%), followed by the D- and C- (about 55%) felony categories. It is also important to note that a slightly greater proportion of defendants in the misdemeanor category (14%) than in the felony categories (over 13%) were ineligible for a recommendation because of an outstanding bench warrant.

The distribution of community-ties assessments and recommendations also varied by type of most severe charge (Exhibit 9). The strongest community-ties rating was received more often by defendants charged with weapon offenses (28% were "Recommended: Verified Community Ties"), with harm-to-persons (26.9%) and with Vehicle and Traffic Law (VTL) (26.8%) offenses, harm-to-persons-and-property (25.5%), drug (21.1%), property (20.2%), misconduct (17.7%), and other-crime (15.2%) categories. Similarly, the rate of "No Recommendation" ranged from 23.8 percent in the in the weapon category and 23.9 percent in the VTL category, to 37.9 percent in the misconduct category and 39.9 percent among defendants in interviewed cases charged with other offenses. Defendants in the harm-to-persons, VTL, and weapon categories showed lower outstanding warrant rates than defendants in other charge-type categories.

EXHIBIT 7

CJA Recommendation by Affidavit Charge Severity
Second Half of 2000
(June 26, 2000, to December 24, 2000)

AFFIDAVIT CHARGE SEVERITY

CJA RECOMMENDATION	A Felony			B Felony			C Felony			D Felony			E Felony			SUBTOTAL FELONIES			Misdemeanor[1]			TOTAL		
	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%
Recommended	159	18.6%	14.1%	2846	25.9%	20.6%	835	28.8%	23.6%	1993	28.3%	24.1%	879	26.5%	22.5%	6712	26.7%	21.9%	25612	25.6%	21.0%	32324	25.8%	21.2%
Qualified	275	32.2%	24.5%	3700	33.6%	26.7%	1097	37.9%	31.1%	2706	38.5%	32.7%	1268	38.2%	32.4%	9046	36.0%	29.5%	33949	33.9%	27.8%	42995	34.3%	28.2%
Not Recommended	421	49.2%	37.5%	4461	40.5%	32.2%	964	33.3%	27.3%	2336	33.2%	28.2%	1172	35.3%	30.0%	9354	37.2%	30.5%	40630	40.6%	33.3%	49984	39.9%	32.7%
SUBTOTAL	855	100.0%	76.1%	11007	100.0%	79.5%	2896	100.0%	82.0%	7035	100.0%	85.0%	3319	100.0%	84.8%	25112	100.0%	81.8%	100191	100.0%	82.1%	125303	100.0%	82.1%
Warrant	106		9.4%	2144		15.5%	470		13.3%	964		11.6%	431		11.0%	4115		13.4%	17116		14.0%	21231		13.9%
Other[2]	163		14.5%	692		5.0%	165		4.7%	280		3.4%	163		4.2%	1463		4.8%	4689		3.8%	6152		4.0%
SUBTOTAL	1124		100.0%	13843		100.0%	3531		100.0%	8279		100.0%	3913		100.0%	30690		100.0%	121996		100.0%	152686		100.0%
Recommendation Not Available	33			260			114			467			112			986			3149			4135		
TOTAL	1157			14103			3645			8746			4025			31676			125145			156821		

[1]The misdemeanor category also includes violations as well as charges outside the New York State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

[2]Other includes defendants who were charged with bail jumping, whose NYSIDs were unavailable, or whose CJA interviews were incomplete or conducted for information only (i.e., charged with homicide or attempted homicide), or who were charged as juvenile offenders.

EXHIBIT 8

CJA Recommendation by Amended Charge Severity[1]
Second Half of 2000
(June 26, 2000, to December 24, 2000)

AMENDED CHARGE SEVERITY

CJA RECOMMENDATION	A Felony			B Felony			C Felony			D Felony			E Felony			SUBTOTAL FELONIES			Misdemeanor[2]			TOTAL		
	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%
Recommended	158	18.5%	14.1%	2829	25.9%	20.6%	834	28.9%	23.7%	1968	28.4%	24.1%	852	26.5%	22.5%	6641	26.8%	21.9%	25683	25.6%	21.0%	32324	25.8%	21.2%
Qualified	275	32.2%	24.5%	3665	33.6%	26.7%	1094	38.0%	31.1%	2673	38.6%	32.8%	1246	38.7%	32.8%	8953	36.1%	29.5%	34042	33.9%	27.8%	42995	34.3%	28.2%
Not Recommended	420	49.2%	37.4%	4420	40.5%	32.2%	954	33.1%	27.1%	2285	33.0%	28.0%	1122	34.8%	29.6%	9201	37.1%	30.4%	40783	40.6%	33.3%	49984	39.9%	32.7%
SUBTOTAL	853	100.0%	76.0%	10914	100.0%	79.5%	2882	100.0%	82.0%	6926	100.0%	85.0%	3220	100.0%	84.9%	24795	100.0%	81.8%	100508	100.0%	82.1%	125303	100.0%	82.1%
Warrant	106		9.4%	2119		15.4%	468		13.3%	953		11.7%	419		11.0%	4065		13.4%	17166		14.0%	21231		13.9%
Other[3]	163		14.5%	688		5.0%	165		4.7%	272		3.3%	155		4.1%	1443		4.8%	4709		3.8%	6152		4.0%
SUBTOTAL	1122		100.0%	13721		100.0%	3515		100.0%	8151		100.0%	3794		100.0%	30303		100.0%	122383		100.0%	152686		100.0%
Recommendation Not Available	33			257			113			460			111			974			3161			4135		
TOTAL	1155			13978			3628			8611			3905			31277			125544			156821		

[1] Amended charge is the most severe charge at the conclusion of arraignment.

[2] The misdemeanor category also includes violations as well as charges outside the New York State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

[3] Other includes defendants who were charged with bail jumping, whose NYSIDs were unavailable, or whose CJA interviews were incomplete or conducted for information only (i.e., charged with homicide or attempted homicide), or who were charged as juvenile offenders.

EXHIBIT 9

CJA Recommendation by Affidavit Charge Type
Second Half of 2000
(June 26, 2000, to December 24, 2000)

AFFIDAVIT CHARGE TYPE

CJA RECOMMENDATION	Harm to Persons			Harm to Persons and Property			Weapon			Property			Drugs			Misconduct			VTL			Other[1]			TOTAL		
	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%	N	%	%
Recommended	5859	31.6%	26.9%	1159	31.8%	25.5%	896	33.4%	28.0%	2988	24.5%	20.2%	11458	25.4%	21.1%	2309	22.1%	17.7%	3252	30.8%	26.8%	4403	20.0%	15.2%	32324	25.8%	21.2%
Qualified	7426	40.0%	34.1%	1330	36.5%	29.3%	1026	38.2%	32.0%	4225	34.7%	28.6%	15303	33.9%	28.2%	3203	30.6%	24.5%	4412	41.8%	36.4%	6070	27.6%	21.0%	42995	34.3%	28.2%
Not Recommended	5266	28.4%	24.2%	1152	31.6%	25.3%	764	28.4%	23.8%	4970	40.8%	33.6%	18430	40.8%	34.0%	4958	47.4%	37.9%	2901	27.5%	23.9%	11543	52.4%	39.9%	49984	39.9%	32.7%
SUBTOTAL	18551	100.0%	85.1%	3641	100.0%	80.1%	2686	100.0%	83.8%	12183	100.0%	82.4%	45191	100.0%	83.3%	10470	100.0%	80.1%	10565	100.0%	87.1%	22016	100.0%	76.2%	125303	100.0%	82.1%
Warrant	2170		10.0%	617		13.6%	415		12.9%	2007		13.6%	7998		14.7%	2042		15.6%	1235		10.2%	4747		16.4%	21231		13.9%
Other[2]	1082		5.0%	289		6.4%	104		3.2%	601		4.1%	1054		1.9%	558		4.3%	330		2.7%	2134		7.4%	6152		4.0%
SUBTOTAL	21803		100.0%	4547		100.0%	3205		100.0%	14791		100.0%	54243		100.0%	13070		100.0%	12130		100.0%	28897		100.0%	152686		100.0%
Recommendation Not Available	734			162			70			392			767			323			256			1431			4135		
TOTAL	22537			4709			3275			15183			55010			13393			12386			30328			156821		

[1]Other includes non-violent sex crimes, fraud, and obstructing justice charges as well as charges outside the New York State Penal Law and Vehicle & Traffic Law, (e.g., New York City's Administrative Code).

[2]Other includes defendants who were charged with bail jumping, whose NYSIDs were unavailable, or whose CJA interviews were incomplete or conducted for information only (i.e., charged with homicide or attempted homicide), or who were charged as juvenile offenders.

III. Arraignment Outcome

Outcomes at Criminal Court Arraignment

Exhibits 10a and 10b display disposition rates and type of release condition set for defendants whose cases were continued at Criminal Court arraignment, and illustrate borough differences in both disposition and release rates. A case is considered disposed for this purpose if it was dismissed, adjourned in contemplation of dismissal (ACD), transferred to another jurisdiction, or if the defendant pled guilty. For defendants in cases continued at arraignment, the outcomes shown distinguish between those released on recognizance (ROR), and those for whom money bail is set on any docket associated with the case (even if they are ROR'd on other dockets) or for whom no bail is set ("remands"). Exhibits 10a and 10b highlight ROR rates at arraignment, presenting ROR rates both as a proportion of non-disposed cases and as a proportion of all cases arraigned during the six-month period.

Dispositions

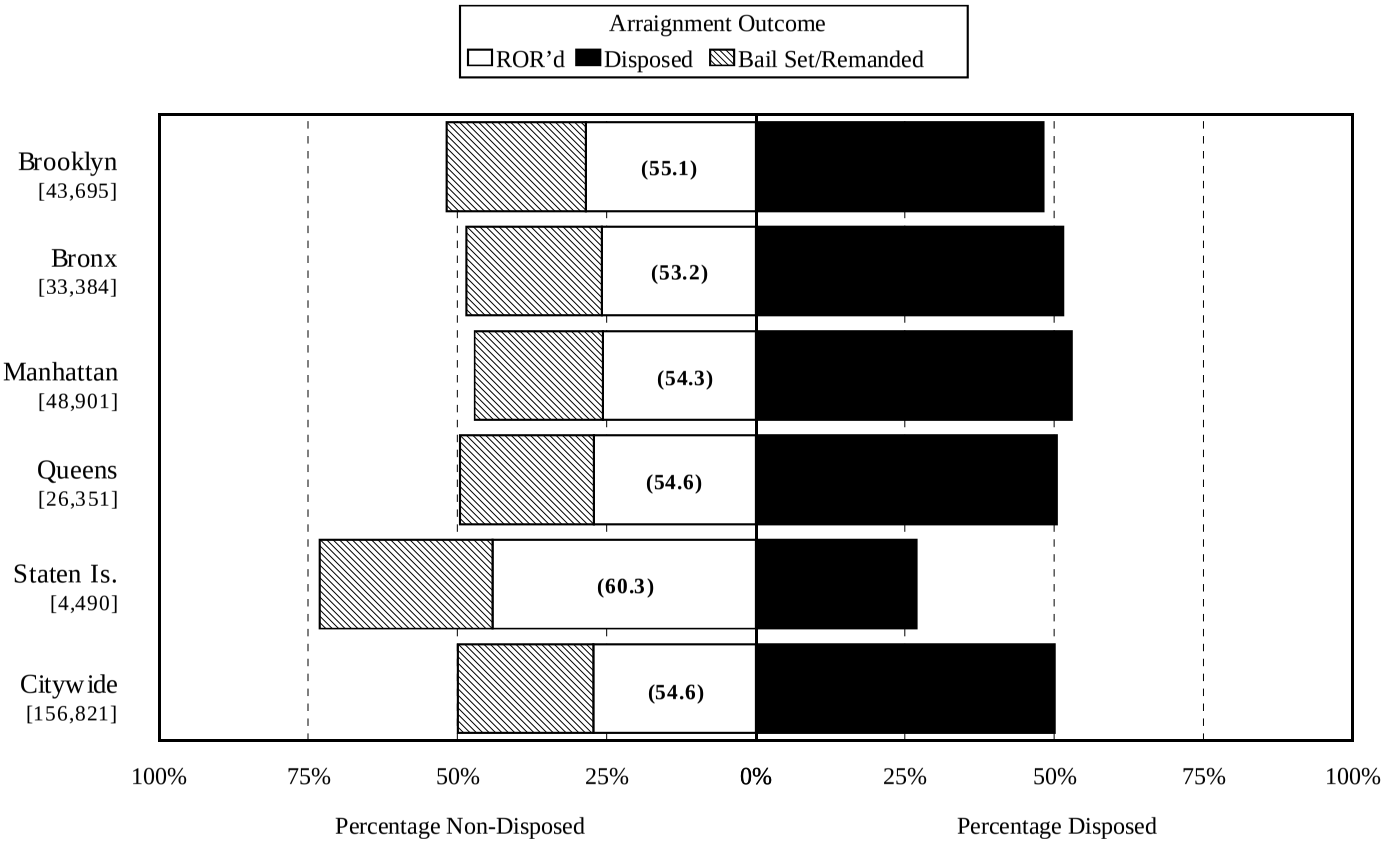
Numerous studies of New York City's criminal-justice process have documented the high rate of case disposition at Criminal Court arraignment. As can be seen in Exhibits 10a and 10b, during the second half of 2000 there was wide borough variation in disposition rates at arraignment. Manhattan had the highest disposition rate (52.9%), followed by the Bronx (51.5%), Queens (50.4%), Brooklyn (48.2%), and Staten Island (26.9%). The citywide average was 50.1 percent.

The nature of the arraignment disposition also varied by borough (Exhibit 11). Citywide, over six of every ten defendants whose cases were disposed at Criminal Court arraignment pled guilty. This includes both defendants who were sentenced at arraignment and those whose cases were adjourned for a sentencing investigation. Among defendants in cases disposed at the Criminal Court arraignment appearance, the proportion of guilty pleas at arraignment was 51 percent in Queens, 52.4 percent in Brooklyn, 55.9 percent in Staten Island, 72.1 percent in Manhattan, and 74.6 percent in the Bronx. Citywide, less than one of every three defendants had their charges dismissed or adjourned in contemplation of dismissal, although this also varied by borough, ranging from a high of 45.4 percent in Queens to a low of 18.7 percent in the Bronx.

Examination of arraignment dispositions as proportions of all arraigned cases reveals a somewhat different perspective on borough differences (Exhibit 12). Manhattan ranked the highest (38.5%) in the proportion of all defendants in interviewed cases who pled guilty at arraignment, followed by the Bronx (38.4%), Queens (25.7%), Brooklyn (25.3%), and Staten Island (15.1%). Thus, a defendant whose case was disposed at Criminal Court arraignment in the Bronx was more likely to plead guilty (74.6%) than one whose case was disposed in Queens (51%). Among all defendants arraigned in the Bronx, the guilty-plea rate (38.4%) was higher than for those arraigned in Queens (25.7%) (Exhibits 11 and 12).

Exhibit 10a
DISPOSITION AND ROR RATES AT ARRAIGNMENT BY BOROUGH

(Second Half of 2000)



Note: Numbers in parentheses are the percentages of non-disposed cases; numbers in brackets are the total interview volumes.

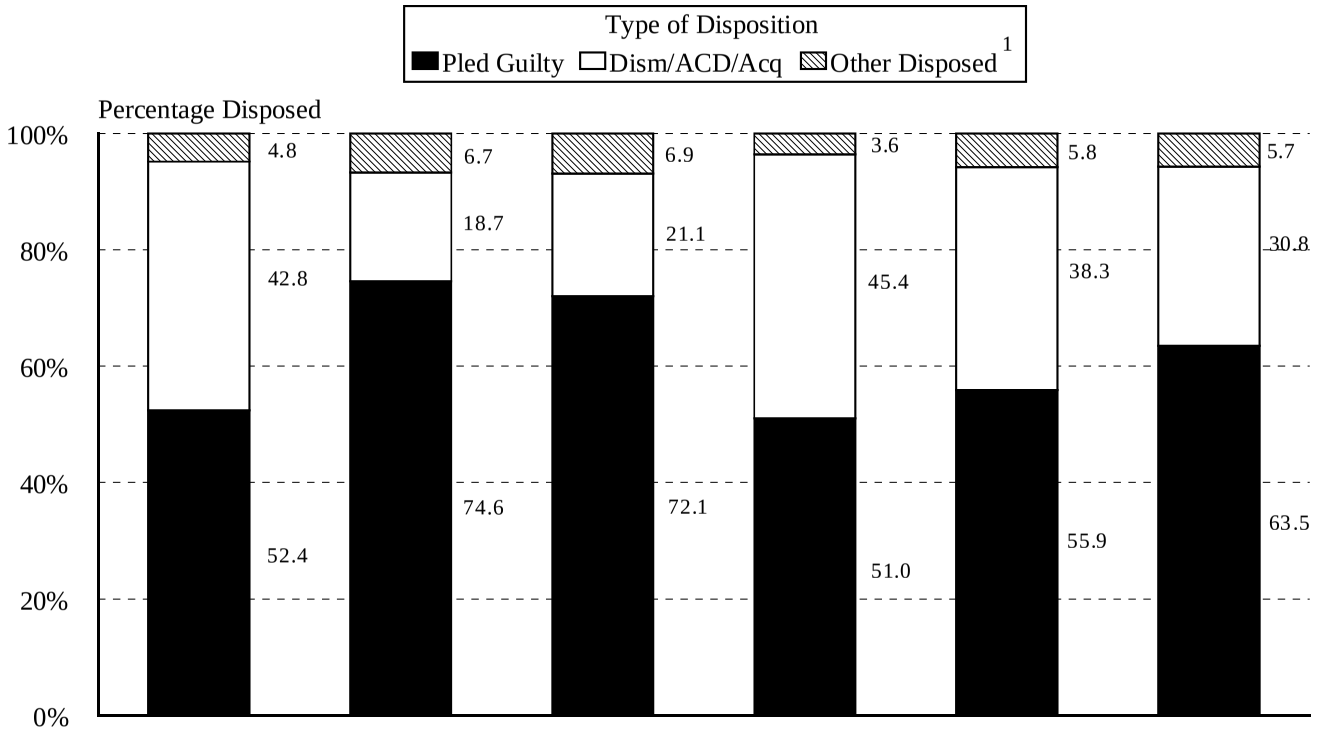
Exhibit 10b

Disposition and ROR Rates by Borough
Second Half of 2000
(June 26, 2000, to December 24, 2000)

ARRAIGNMENT	Brooklyn		Bronx		Manhattan		Queens		Richmond		CITYWIDE	
OUTCOME	N	%	N	%	N	%	N	%	N	%	N	%
ROR	12394	55.1%	8602	53.2%	12298	54.3%	7132	54.6%	1980	60.3%	42406	54.6%
Bail Set and Remand	10110	44.9%	7579	46.8%	10338	45.7%	5942	45.4%	1301	39.7%	35270	45.4%
SUBTOTAL NON-DISPOSED	22504	100.0%	16181	100.0%	22636	100.0%	13074	100.0%	3281	100.0%	77676	100.0%
Release Status Unavailable	150		14		380		2		0		546	
TOTAL NON-DISPOSED	22654	51.8%	16195	48.5%	23016	47.1%	13076	49.6%	3281	73.1%	78222	49.9%
TOTAL DISPOSED	21041	48.2%	17189	51.5%	25885	52.9%	13275	50.4%	1209	26.9%	78599	50.1%
SUBTOTAL INTERVIEWED	43695	100.0%	33384	100.0%	48901	100.0%	26351	100.0%	4490	100.0%	156821	100.0%
Disp. Unavailable	0		0		0		0		0		0	
TOTAL INTERVIEWED	43695		33384		48901		26351		4490		156821	

Exhibit 11
TYPE OF DISPOSITION BY BOROUGH FOR CASES DISPOSED AT ARRAIGNMENT

(Second Half of 2000)

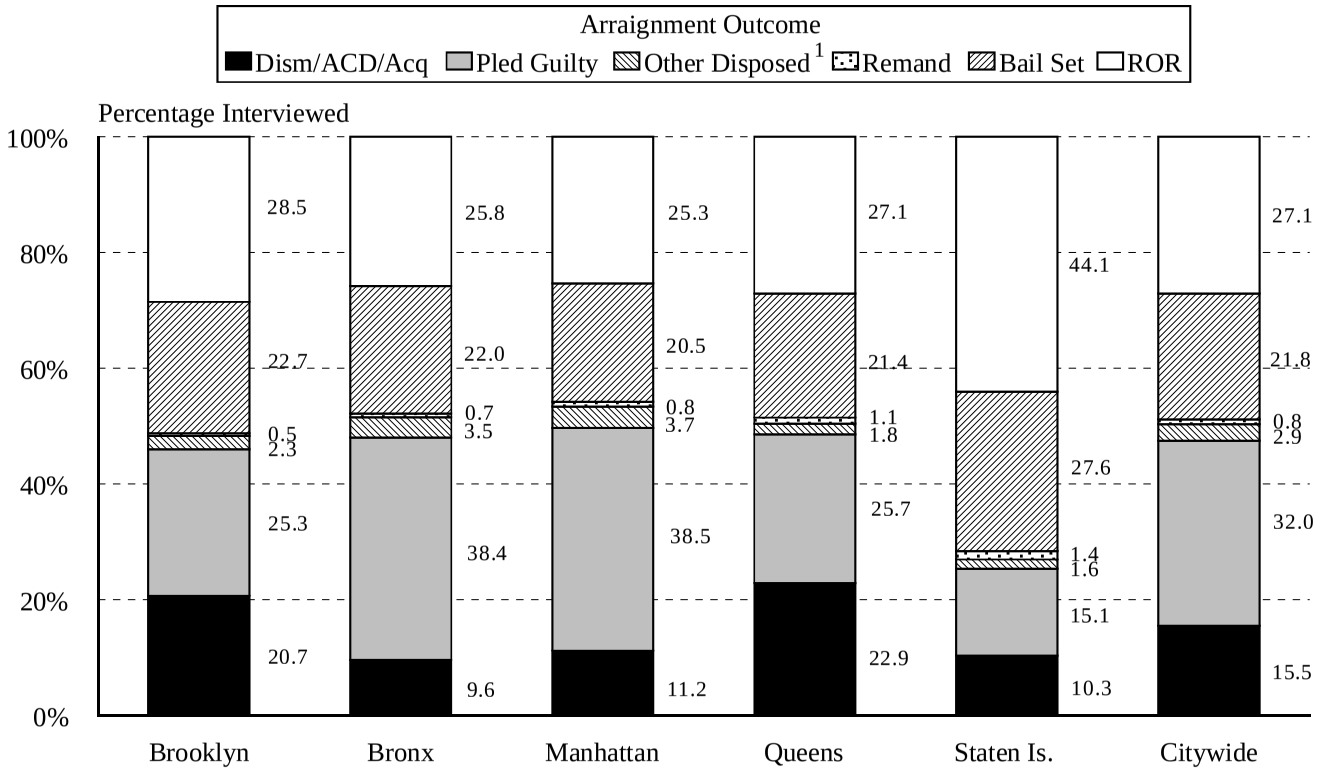


	Brooklyn	Bronx	Manhattan	Queens	Staten Is.	Citywide
Subtotal Interviewed (100%)	21,041	17,189	25,885	13,275	1,209	78,599
Disp. Unavailable	-	-	-	-	-	-
Total Disposed	21,041	17,189	25,885	13,275	1,209	78,599

[1] Other disposed includes cases transferred to Family, Supreme, or other courts, cases awaiting Grand Jury action, and cases abated by death.

Exhibit 12
SUMMARY OF ARRAIGNMENT OUTCOME BY BOROUGH

(Second Half of 2000)



	Brooklyn	Bronx	Manhattan	Queens	Staten Is.	Citywide
Subtotal Interviewed (100%)	43,545	33,370	48,521	26,349	4,490	156,275
Outcome Unavailable	150	14	380	2	-	546
Total Interviewed	43,695	33,384	48,901	26,351	4,490	156,821

[1] Other disposed includes cases transferred to Family, Supreme, or other courts, cases awaiting Grand Jury action, and cases abated by death.

Disposition and Release Rates

As discussed previously, Exhibits 10a and 10b show that the disposition rate for interviewed cases at Criminal Court arraignment was highest in Manhattan, followed by the Bronx, Queens, Brooklyn, and Staten Island. Exhibit 10b also shows that ROR rates, as a percent of non-disposed cases, was highest in Staten Island, followed by Brooklyn, Queens, Manhattan, and the Bronx. However, when ROR rates are examined as proportions of all arraigned cases the borough ordering shows slight changes. Staten Island is still ranked first, and is followed by Brooklyn, and Queens, and then the Bronx, with Manhattan having the lowest ROR rate. (Exhibit 12).

Exhibits 13 and 14 display the relationship between severity of offense (amended charge) and both disposition and ROR rates at the conclusion of the arraignment appearance. More than two-thirds of all misdemeanor and lesser-severity cases, but only a small fraction of felony cases, are reported disposed at arraignment.[9] Among defendants in non-disposed cases, those charged with misdemeanor or lesser-severity offenses were more likely to be granted ROR (68.4%) than were those in felony cases (33.7%). And, as one might anticipate, defendants in the D- and E- felony categories were more likely to be ROR'd than those in the combined, more severe A-, B- and C-felony category. Although the proportion of ROR'd defendants was greater in non-disposed misdemeanor and lesser-severity cases than in non-disposed felony cases, the proportion of ROR'd defendants (25.5%) among all cases with misdemeanor or lesser-severity charges was lower than the overall proportion of defendants ROR'd (33.5%) in felony cases.

The disposition rate also affects the size of the pretrial release and detention populations. In examining only cases not disposed at arraignment, the relative volume of cases becomes more comparable among the boroughs. Manhattan, with the largest volume of interviewed cases (48,901) and the highest arraignment-disposition rate (52.9%) still has the largest volume of interviewed cases continued at Criminal Court arraignment (22,636). Similarly, Staten Island with by far the smallest interviewed case volume (4,490) still has the smallest number of continued cases (3,281) even though it also has the lowest arraignment-disposition rate (26.9%) among the five boroughs. The different disposition rates—in the Bronx 51.5 percent, Queens 50.4 percent, and Brooklyn 48.2 percent—make the actual volume of non-disposed cases more comparable among these boroughs, 16,181, 13,074 and 22,504, respectively, than the volume of interviewed cases, which was 33,384 in the Bronx, 26,351 in Queens, and 43,695 in Brooklyn (Exhibit 10b).

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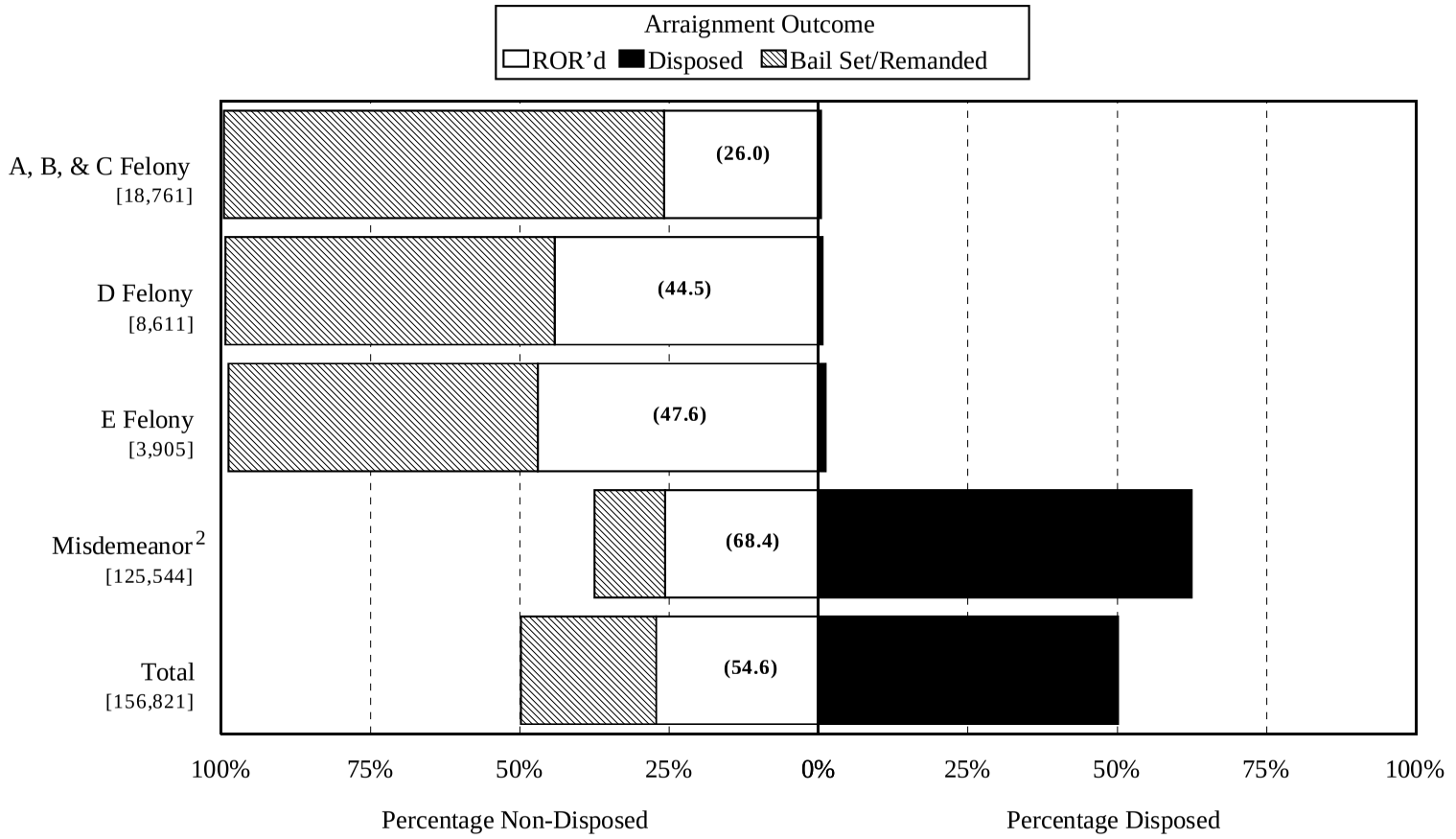
[9] *In New York's two-tiered court system, the criminal courts only have trial jurisdiction over cases having a most serious charge of misdemeanor or lesser severity; cases sustained at the felony level must be brought for prosecution into a superior court. At Criminal Court arraignment, a felony case may be continued, or disposed by dismissal, a transfer to another court's jurisdiction, or by a plea to a reduced (i.e., amended) charge less severe than a felony.*

Exhibit 13
DISPOSITION AND ROR RATES AT ARRAIGNMENT BY CHARGE SEVERITY[1]
(Second Half of 2000)



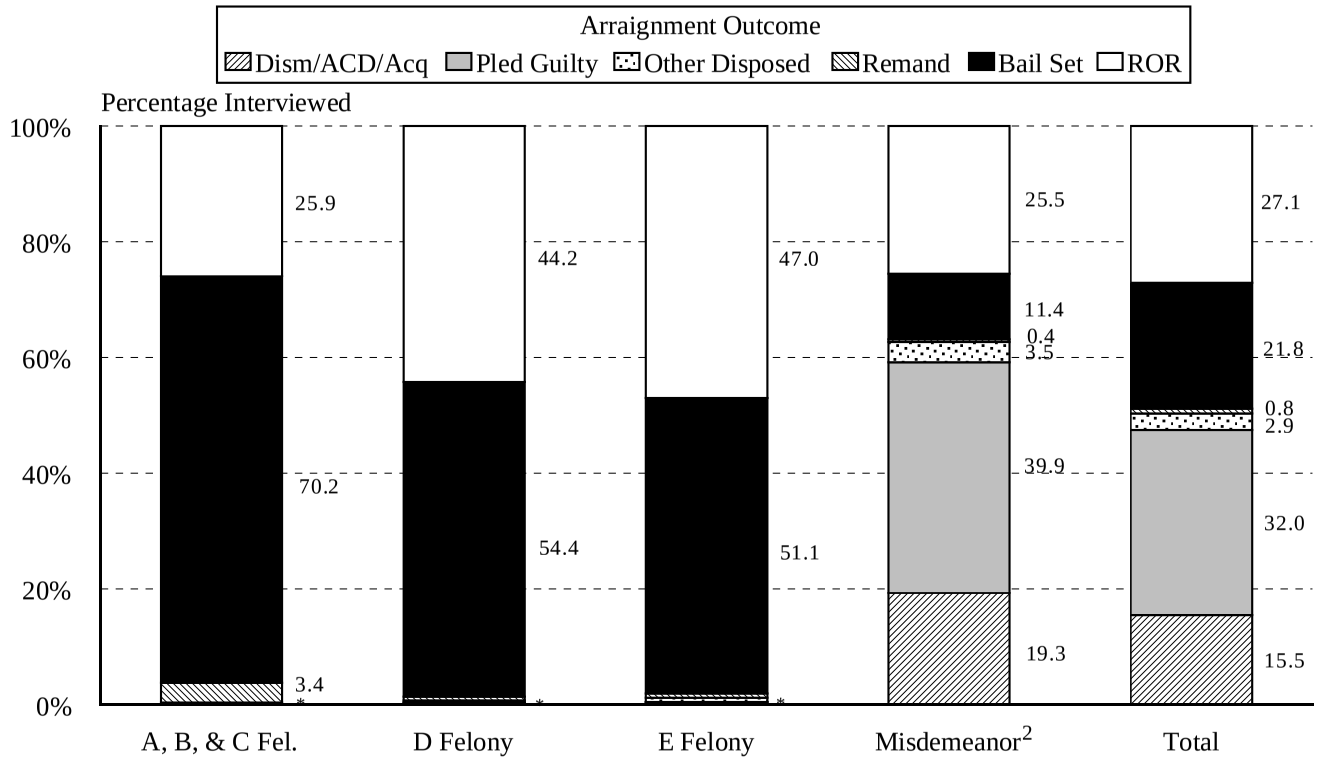
[1] Charge is the most severe Penal Law charge leaving arraignment (amended charge).

[2] The misdemeanor category also includes violation charges as well as charges outside the N.Y. State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

Note: Numbers in parentheses are the percentages of non-disposed cases; numbers in brackets are the total interview volumes.

Exhibit 14
SUMMARY OF ARRAIGNMENT OUTCOME BY CHARGE SEVERITY[1]

(Second Half of 2000)



	A, B, & C Fel.	D Felony	E Felony	Misdemeanor[2]	Total
Subtotal Interviewed (100%)	18,710	8,568	3,888	125,109	156,275
Outcome Unavailable	51	43	17	435	546
Total Interviewed	18,761	8,611	3,905	125,544	156,821

[1] Charge is the most severe Penal Law charge leaving arraignment (amended charge).

[2] The misdemeanor category also includes violation charges as well as charges outside the N.Y. State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

* Denotes less than five percent for the remaining categories.

As shown on Exhibit 12, the different ROR rates among the boroughs, computed as proportions of all arraigned cases, also exert a similar impact on the pretrial release and detention populations. Manhattan, with the lowest arraignment ROR rate (25.3%) still has the greatest number of released defendants (12,298) while Staten Island, with a 44.1 percent ROR rate, still has the smallest volume of released defendants, 1,980. The Bronx, with a 25.8 percent ROR rate at arraignment released defendants in 8,602 cases in this reporting period, Queens with a 27.1 percent ROR rate released defendants in 7,132 cases, and Brooklyn with a 28.5 percent ROR rate released defendants in 12,394 cases, once again showing markedly less borough variation than the interview volume.

Release Status

Exhibit 15 shows, citywide and for each borough, the relationship between CJA recommendation and ROR rate among cases continued at Criminal Court arraignment. In every borough, defendants with strong community ties (those with "Recommended" and "Qualified" recommendation ratings) are consistently released more often than those without such ties. In addition, those whose ties CJA has been able to verify ("Recommended") are generally released more frequently than those whose community ties remain unverified ("Qualified") at the time of arraignment. Citywide, the release rate for the "Recommended" category was 63.8 percent, and for the "Qualified" recommendation category, 62.2 percent. The ROR rate as a proportion of cases not disposed at arraignment was highest in Staten Island, followed by Brooklyn, Manhattan, the Bronx, and Queens.

Among cases that are not disposed at arraignment, there is a strong relationship between charge severity and release status at arraignment (Exhibit 16). In this reporting period over two-thirds (68.4%) of the defendants in the misdemeanor (including violation and lesser-severity offenses) category, less than half of those charged with an E felony or D felony (47.6% and 44.5%, respectively), and more than one-quarter (26%) of defendants charged with an A, B, or C felony, were released on their own recognizance. Similarly, the proportion of defendants for whom bail was set ranged from less than a third of those charged with misdemeanor and lesser-severity offenses to over two thirds of those charged with the most severe felonies. Remanded defendants represented less than two percent of all defendants whose cases were continued at arraignment, but comprised 3.4 percent of those charged with A, B, or C felonies.

Exhibit 15

ROR Rate by CJA Recommendation and Borough
Second Half of 2000
(June 26, 2000, to December 24, 2000)

CJA RECOMMENDATION	BOROUGH					CITYWIDE
	Brooklyn	Bronx	Manhattan	Queens	Staten Is.	
"Recommended"	66.0% 6839[1]	62.5% 2974	63.1% 3315	61.0% 4054	73.0% 374	63.8% 17556
"Qualified" Recommendation	62.0% 5555	59.7% 5383	63.0% 7000	62.4% 4229	68.8% 1178	62.2% 23345
No Recommendation[2] (Weak NYC Area Ties)	52.7% 5523	54.5% 4457	52.9% 7703	49.8% 3314	55.8% 703	52.8% 21700
Bench Warrant	28.4% 3377	30.9% 2295	28.4% 2812	16.8% 869	32.8% 384	28.2% 9737
Other[3]	46.9% 830	41.5% 414	52.6% 1127	43.1% 343	55.6% 358	48.9% 3072
Subtotal Non-Disposed[4]	55.2% 22124	54.0% 15523	54.5% 21957	55.1% 12809	60.1% 2997	54.9% 75410
CJA Rec. Unavailable Rel. Stat. Unavailable	380 150	658 14	679 380	265 2	284 0	2266 546
TOTAL NON-DISPOSED	22654	16195	23016	13076	3281	78222

[1] Numbers under the percentages are the number of defendants whose cases were not disposed at arraignment. ROR rate is the percent of defendants who were released on recognizance at arraignment. For example, of the 6839 Brooklyn defendants who were "Recommended" whose cases were not disposed, 66 percent were ROR'd.

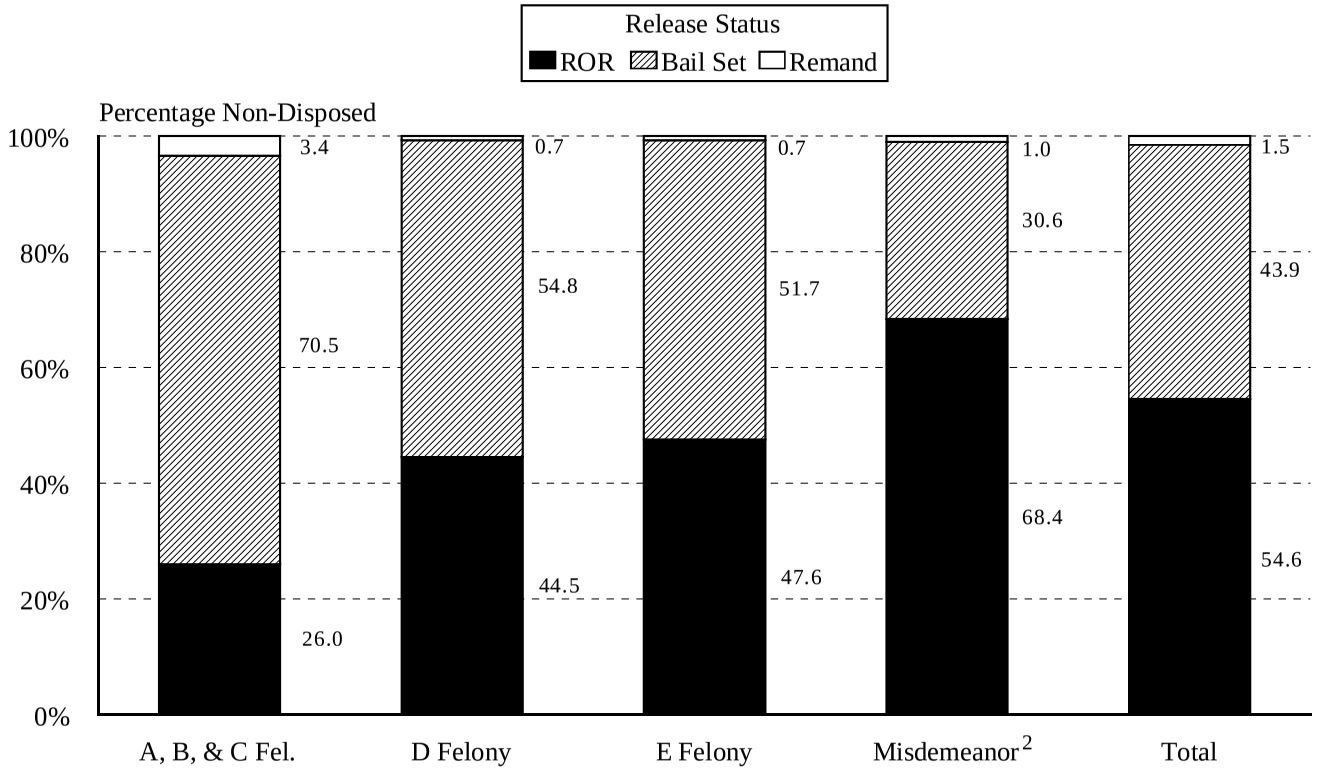
[2] Includes defendants not recommended for release by CJA because of insufficient community ties, conflicting residence information, or residence outside NYC area.

Other includes defendants who were charged with bail jumping, whose NYSIDs were unavailable, or whose CJA interviews were incomplete or conducted for information only (i.e., charged with homicide or attempted homicide), or who were charged as juvenile offenders.

ROR rates differ from that in Exhibit 10b since cases with missing CJA recommendation were excluded here.

Exhibit 16
RELEASE STATUS BY CHARGE SEVERITY[1]

(Second Half of 2000)



	A, B, & C Fel.	D Felony	E Felony	Misdemeanor[2]	Total
Subtotal Interviewed (100%)	18,636	8,512	3,840	46,688	77,676
Outcome Unavailable	51	43	17	435	546
Total Non-Disposed	18,687	8,555	3,857	47,123	78,222

[1] Charge is the most severe Penal Law charge leaving arraignment (amended charge).

[2] The misdemeanor category also includes violation charges as well as charges outside the N.Y. State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

IV. Court Attendance

Failure-to-Appear Rates by CJA Recommendation

Whenever a released defendant fails to appear voluntarily for a scheduled court proceeding a bench warrant is issued by the judge. The Criminal Justice Agency works in two ways to minimize the extent of failure to appear. First, the Agency's rating system provides judges with an assessment, based on aggregate defendant records, of the risk of non-appearance associated with release on recognizance for each defendant.[10] Second, CJA attempts to remind ROR'd defendants of each appearance. Of course, a greater proportion of the favorably assessed defendants may be readily contacted because they have known and often verified telephone numbers and addresses.

Exhibit 17 shows that the rate of appearance at scheduled Criminal Court dates for defendants ROR'd at arraignment and who received the most favorable ROR recommendation rating ("Recommended") was higher than that for defendants released at arraignment without CJA's recommendation. The citywide FTA rate at Criminal Court appearances for defendants who received "No Recommendation" was less than two times greater than the FTA rate at appearances for defendants whose recommendation was "Qualified" on the basis of unverified community ties (10.6% versus 5.8%), and was over two times as large as the rate for those who were "Recommended" (10.6% versus 4.9%). Although the "Recommended" defendants accounted for more than one-quarter of scheduled appearances for defendants ROR'd at arraignment, they were responsible for only about a fifth of the failures to appear in court. The defendants who received "No Recommendation," while generating over a quarter of the appearances, accounted for 38.3 percent of the failures to appear. Although the failure-to-appear rates vary by borough, "Recommended" defendants consistently appeared in court more often than their counterparts who were not recommended.

Exhibits 18 and 19 present failure-to-appear rates for defendants ROR'd at Criminal Court arraignment by Penal Law charge severity and charge type. The failure-to-appear rate was highest for the violation and other category (8.8%), followed by the misdemeanor category (7.8%), and the B-felony category (7.3%). The failure-to-appear rate was lowest for those defendants charged with A felonies (3.7%).

Court appearances for defendants in the morals category, as well as those for defendants charged with other, drug, and property offenses, were missed more often than were appearances for defendants charged with any other type of offense (11.7%, 9.9%, 9.6%, and 9.2% each, respectively). Defendants in the harm-to-persons category showed the lowest rates of non-appearance at all scheduled court dates (5.2%).

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[10] *The Agency presents appearance-based failure-to-appear (FTA) rates. These are calculated by dividing the number of appearances that were missed by the total number of scheduled Criminal Court appearances. For example, if ten of the 100 appearances scheduled in a given time period resulted in the issuance of a bench warrant for non-appearance, the failure-to-appear rate would be 10 percent.*

Exhibit 17

Failure-To-Appear Rate by CJA Recommendation and Borough
Second Half of 2000
(June 26, 2000, to December 24, 2000)

CJA RECOMMENDATION	BOROUGH					CITYWIDE
	Brooklyn	Bronx	Manhattan	Queens	Staten Is.	
"Recommended"	5.7% 13366[1]	4.4% 6937	5.0% 6695	3.8% 7702	7.0% 773	4.9% 35473
"Qualified" Recommendation	6.7% 10207	5.1% 11234	6.0% 12787	4.4% 7390	8.7% 2206	5.8% 43824
No Recommendation[2] (Weak NYC Area Ties)	11.0% 7962	9.3% 7897	12.0% 11049	8.5% 4672	12.6% 969	10.6% 32549
Bench Warrant	15.1% 2312	14.1% 1532	15.4% 1999	14.7% 347	17.9% 352	15.1% 6542
Other[3]	7.6% 1046	8.4% 429	6.6% 1613	3.8% 496	10.3% 603	7.2% 4187
Subtotal Scheduled	7.9% 34893	6.6% 28029	8.3% 34143	5.2% 20607	10.0% 4903	7.4% 122575
CJA Recommendation Unavailable	472	898	945	258	538	3111
TOTAL SCHEDULED APPEARANCES	35365	28927	35088	20865	5441	125686

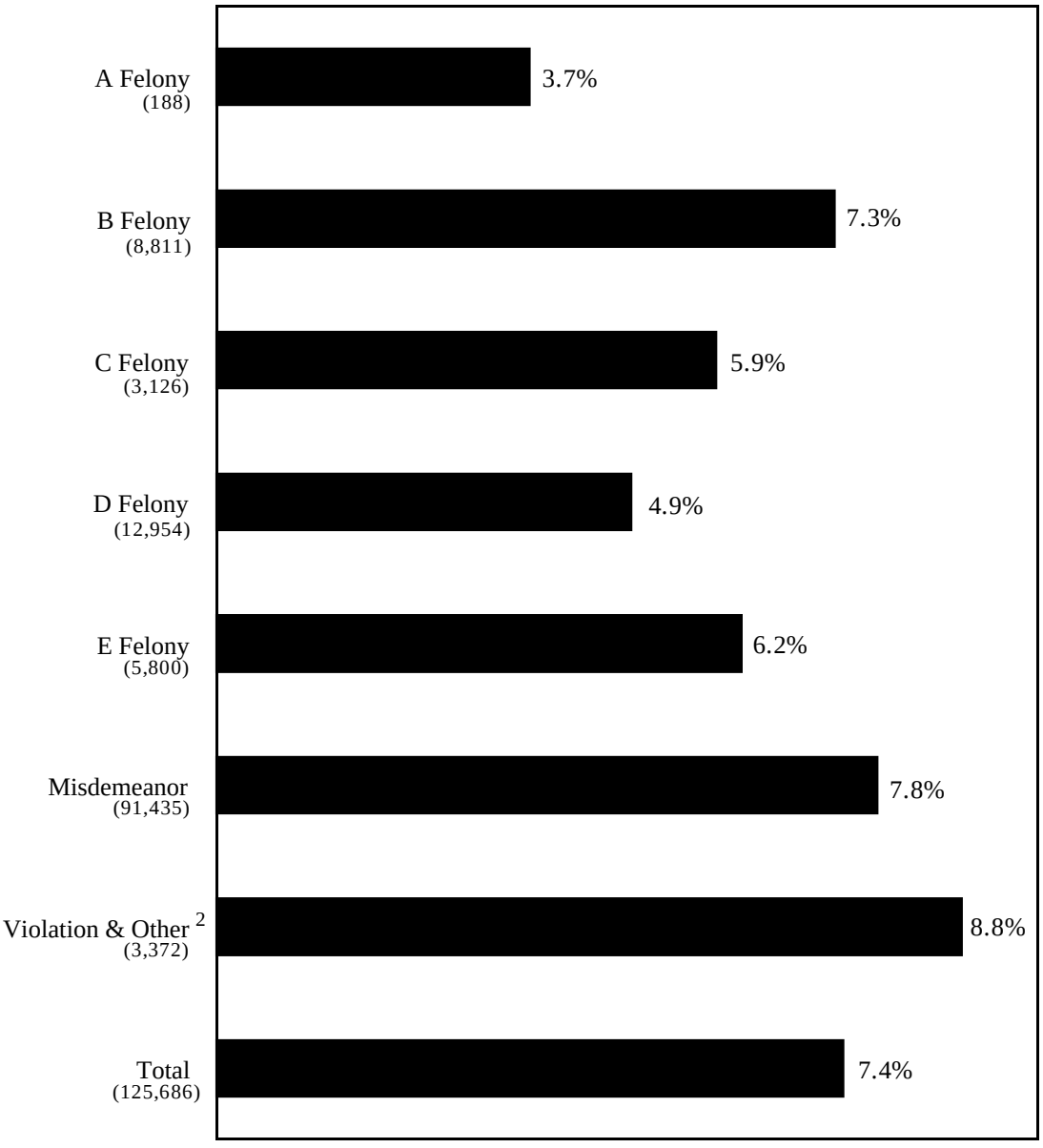
[1] Numbers under the percentages are the number of scheduled appearances during the period. FTA rate is the percent of scheduled appearances that resulted in the issuance of a bench warrant. For example, 5.7 percent of the 13366 appearances scheduled for defendants who were "Recommended" in Brooklyn resulted in the issuance of a bench warrant.

[2] Includes defendants not recommended for release by CJA because of insufficient community ties, conflicting residence information, or residence outside NYC area.

Other includes defendants who were charged with bail jumping, whose NYSIDs were unavailable, or whose CJA interviews were incomplete or conducted for information only (i.e., charged with homicide or attempted homicide), or who were charged as juvenile offenders.

Exhibit 18
FAILURE-TO-APPEAR RATES BY CHARGE SEVERITY [1]

(Second Half of 2000)



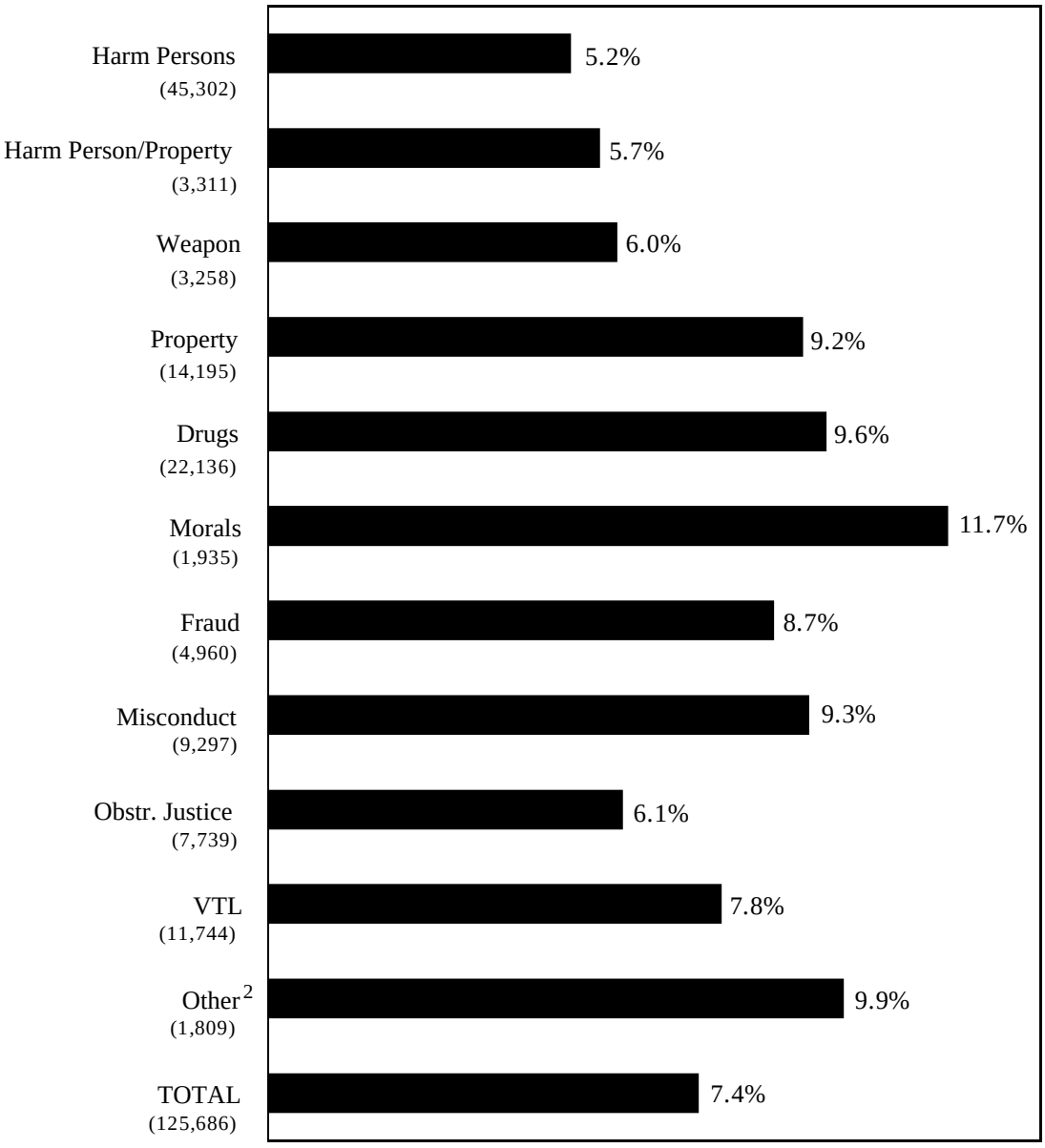
[1] Charge is the most severe Penal Law charge leaving arraignment (amended charge).

[2] Other includes charges outside the N.Y. State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

NOTE: Numbers in parentheses are the number of scheduled appearances.

Exhibit 19
FAILURE-TO-APPEAR RATES BY CHARGE TYPE[1]

(Second Half of 2000)



[1] Charge is the most severe Penal Law charge leaving arraignment (amended charge).

[2] Other includes charges outside the N.Y. State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

NOTE: Numbers in parentheses are the number of scheduled appearances.

Thus far, failure to appear has been discussed solely for pretrial defendants released on their own recognizance at Criminal Court arraignment. In Exhibit 20, however, failure-to-appear rates are compared for pretrial defendants ROR'd at and subsequent to arraignment, and for ROR'd defendants scheduled for post-plea and post-sentence appearances in Criminal Court regardless of when they were ROR'd. The failure-to-appear rate at post-sentence appearances (mostly fine payments) was greater than the rate at post-plea (but pre-sentence) appearances (25.3% versus 9.1%). This latter rate was lower than the pre-disposition non-appearance rate among defendants ROR'd prior to disposition but subsequent to arraignment (11.7%). The failure rate for defendants released after arraignment, however, was higher than the failure rate for those ROR'd with undisposed cases at arraignment (7.4%). For each type of appearance displayed in Exhibit 20, defendants with a felony as the most severe (amended) charge leaving arraignment were less likely to fail to appear than defendants with an amended charge in the misdemeanor category at the conclusion of the arraignment appearance. In addition, the difference between defendants with amended charges in the felony and misdemeanor categories in the proportions of appearances missed was greatest in the post-sentence appearance category.[11]

Aggregate and Willful Failure-to-Appear Rates

The NYC Criminal Justice Agency presents data on two types of FTA rates: aggregate and willful. The "aggregate" FTA rate is the number of missed appearances as a proportion of all scheduled Criminal Court appearances. The Agency also determines how many failures were not rectified by a defendant's return to court. These non-returns comprise the Agency's "willful" FTA rate which is the number of warrants which remain outstanding thirty days after the issuance as a proportion of all scheduled appearances.

The initial defendant failure might be due to a variety of causes, including ignorance of the correct time and place of appearance, illness, fear, forgetfulness, or family troubles, as well as "willful" decisions not to appear. A variety of criminal-justice organizations, including CJA, make efforts to reach defendants for whom bench warrants have been issued to persuade them to return to court voluntarily. Many defendants do return to court voluntarily. Others return involuntarily as the result of an arrest on new charges.

As shown in Exhibit 21, the net result was that the "willful" (or delayed) failure rate was less than half the initial or "aggregate" rate (3% versus 7.4%). The defendants included in the "willful" count were regarded as much more likely to be deliberate absconders. It is interesting to note that the "willful" rate, like the "aggregate" rate, was lowest among the appearances scheduled for CJA's most highly assessed defendants and highest among those defendants who received no recommendation because of outstanding bench warrants (1.4% and 4.9%, respectively).

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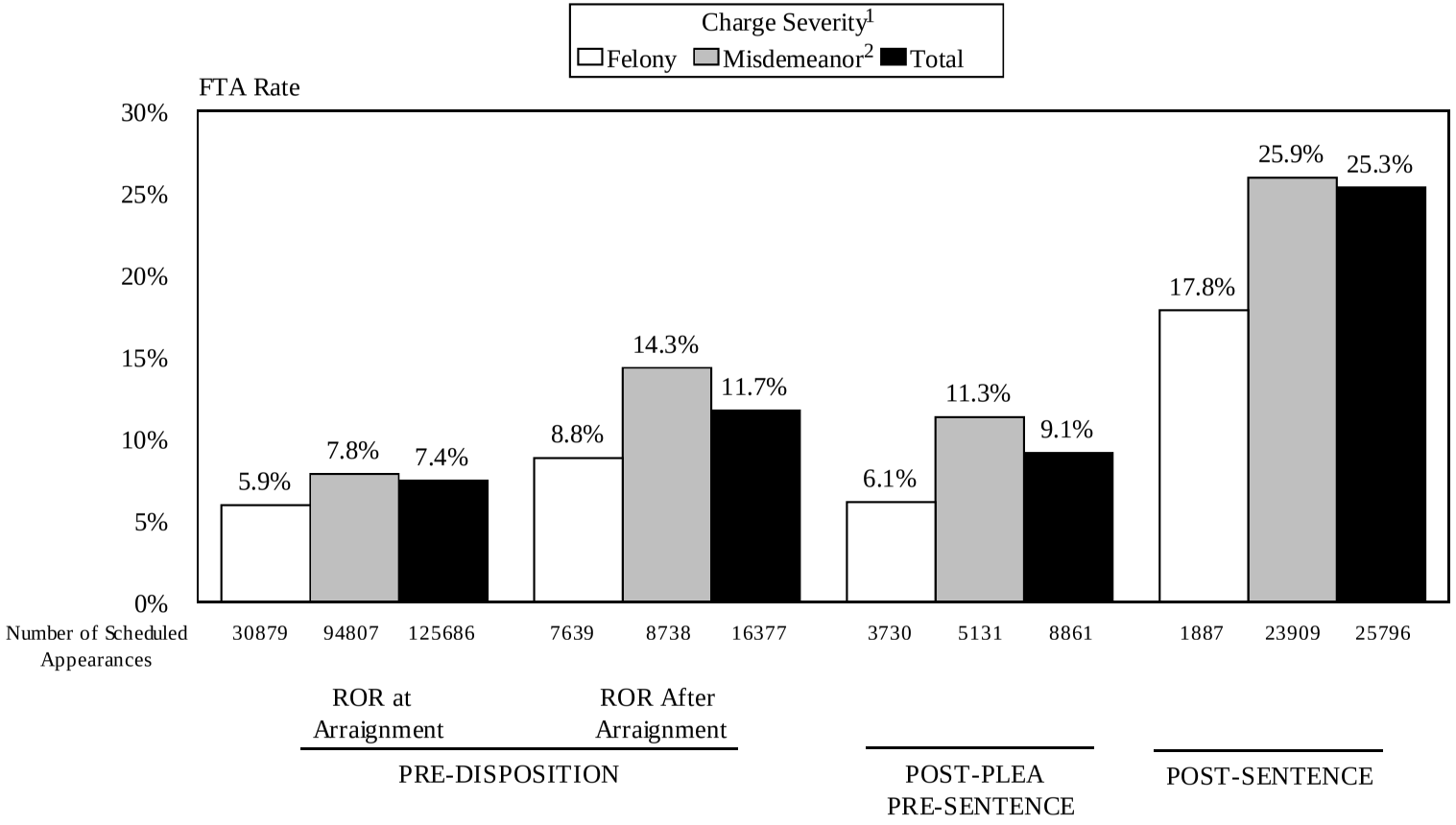
[11] *Because of the limited jurisdiction of the Criminal Court noted previously, any defendant with a felony charge leaving arraignment could only have been sentenced in the Criminal Court if the charge had been reduced to a misdemeanor or lesser-severity offense; cases sustained at the felony-severity level are transferred to the Supreme Court for final disposition.*

Exhibit 20
FAILURE-TO-APPEAR RATES BY TYPE OF SCHEDULED APPEARANCE AND CHARGE SEVERITY
(Second Half of 2000)

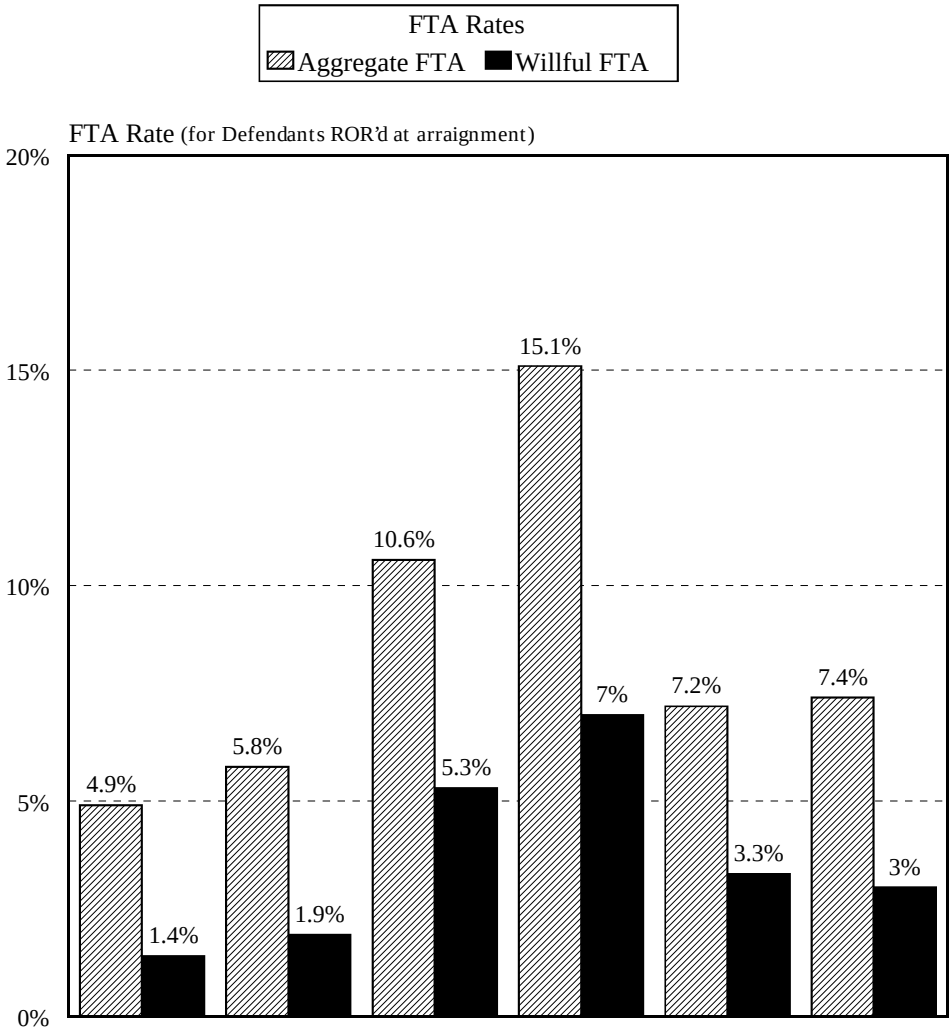


[1] Charge is the most severe Penal Law charge leaving arraignment (amended charge).

[2] The misdemeanor category also includes violation charges as well as charges outside the N.Y. State Penal Law and Vehicle & Traffic Law (e.g., New York City's Administrative Code).

Exhibit 21
AGGREGATE AND WILLFUL FAILURE-TO-APPEAR RATES
BY CJA RECOMMENDATION

(Second Half of 2000)



	Rec	Qualified	No Rec	Warrant	Other [1]	Subtotal
Number of Scheduled Appearances	(35,473)	(43,824)	(32,549)	(6,542)	(4,187)	(122,575)

Rec. Unavailable	3,111
TOTAL	125,686

[1] Other includes defendants who were charged with bail jumping, whose NYSIDs were unavailable, or whose CJA interviews were incomplete or conducted for information only (i.e., charged with homicide or attempted homicide), or who were charged as juvenile offenders.

NOTE: Numbers in parentheses are the number of scheduled appearances during this period. FTA rate is the percent of scheduled appearances that resulted in the issuance of a bench warrant. Aggregate FTA reflects all bench warrants issued for all failures to appear. Willful FTA reflects only those who did not return to court within 30 days.

V. Desk Appearance Tickets

The previous sections of this report have discussed the cases of defendants who were detained pending Criminal Court arraignment and have excluded those issued desk appearance tickets (DATs).[12] CJA provides arraignment notification to defendants issued DATs in all boroughs. The notification is based upon address and arraignment date information provided by the Police Department.

This section of the Semi-Annual Report examines failure-to-appear (FTA) rates and Criminal Court arraignment outcome by charge type and borough for defendants who received DATs. It should be noted that there are more DATs issued by the City's various law-enforcement authorities than are actually filed (docketed) for arraignment or reported here. After arrest, some cases are declined by the prosecutor and some are handled through mediation programs.

Failures to Appear[13]

About an eighth (12.9%) of the defendants who received DATs failed to appear for their scheduled Criminal Court arraignments. Exhibit 22 reveals defendants' wide variation in failure-to-appear rates by type of charge. FTA rates were lowest for defendants charged with harm-to-persons offenses (7.2%). The highest proportion of missed arraignments occurred among defendants arrested for drug (20.5%), other (15.4%), or VTL offenses (15%). Drug offenses, which accounted for more scheduled DAT arraignments than any other crime type (representing almost one-fifth of all scheduled DAT arraignments), also had the highest proportion of missed arraignments.

FTA rates for DAT arraignments varied substantially by borough (Exhibit 23). Defendants issued DATs in the Bronx and Brooklyn failed to appear at arraignment more frequently (21% and 15.9%, respectively) than DAT defendants in other boroughs. More than a fifth of the DAT defendants in the Bronx, less than a sixth of DAT

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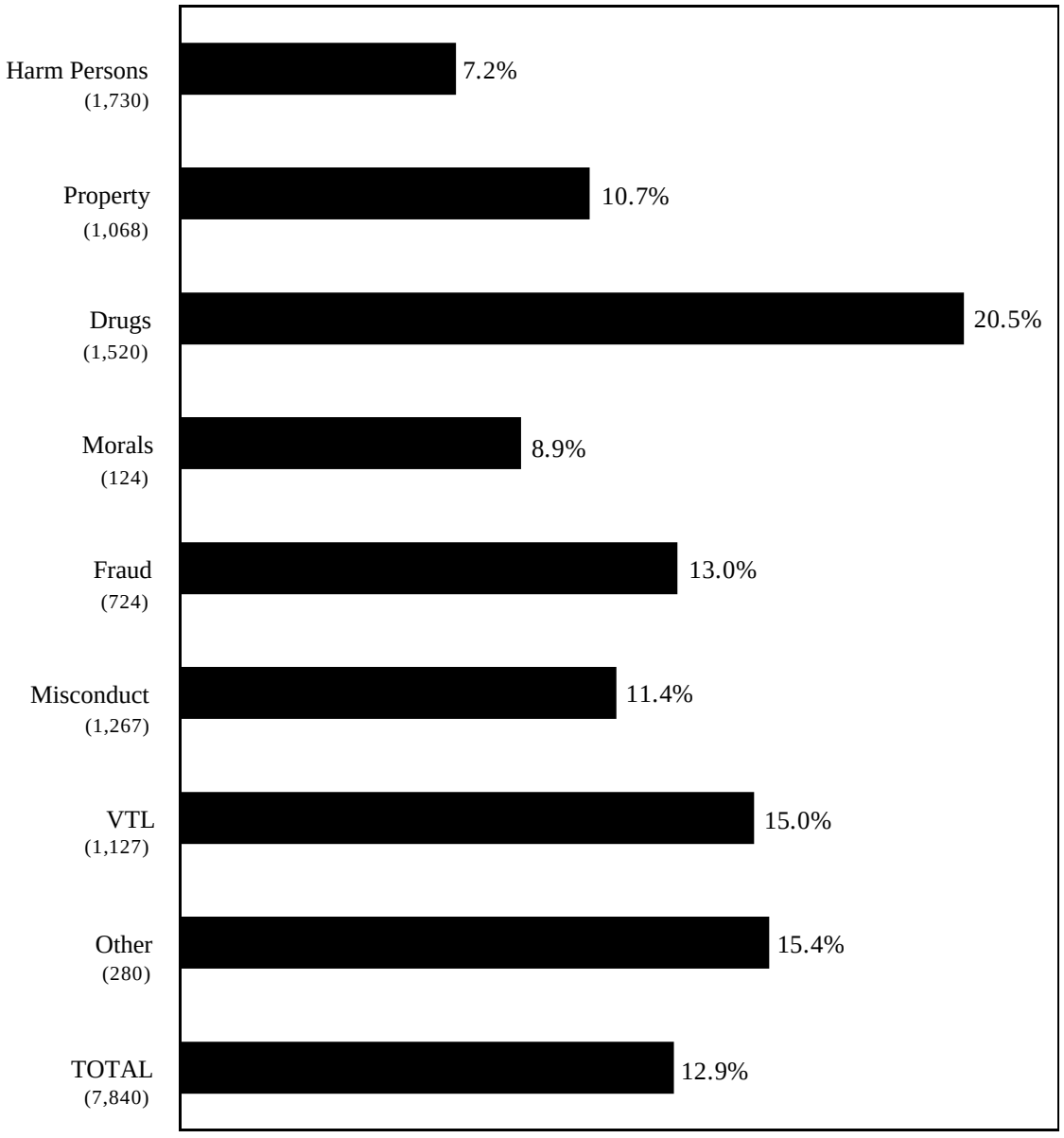
[12] *A desk appearance ticket (DAT) is a written notice issued by the New York City Police Department (NYPD) or another authority for the defendant to appear in the Criminal Court for arraignment at a future date. Under the New York State Criminal Procedure Law (150.20) a DAT may be issued for any non-felony and some non-violent E-felony arrest charges. The NYPD imposes some additional restrictions, for example denying DATs to defendants found to have outstanding warrants, or to most defendants arrested on any of a class of charges known as photographable offenses.*

[13] *The FTA rate is calculated as the number of DAT defendants who failed to appear for their scheduled Criminal Court arraignments in any particular category. For example, if ten of the 100 arraignments scheduled for DAT defendants resulted in the issuance of a bench warrant, the FTA rate is calculated as 10 percent. DAT failure rates are not comparable to the rates for defendants ROR'd at Criminal Court arraignment which are presented in earlier sections of this report because the base number for DAT rates includes only a single scheduled appearance (the arraignment) per defendant; elsewhere the base figures are comprised of all post-arraignment appearances prior to disposition.*

Exhibit 22
DOCKETED DAT DEFENDANT FAILURE-TO-APPEAR RATES BY CHARGE TYPE[1]

(Second Half of 2000)

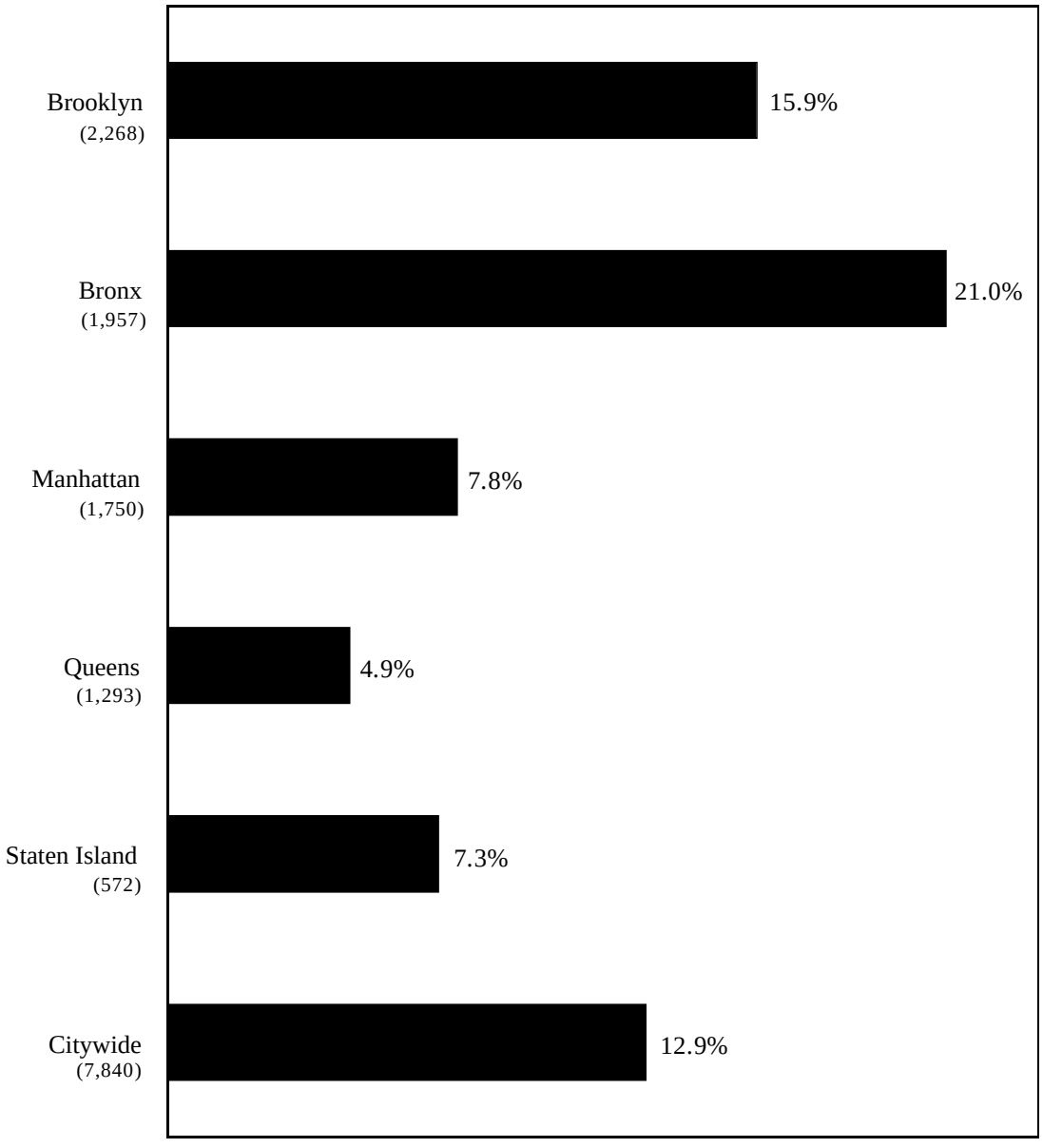


[1]Charge is the most severe Penal Law arrest charge.

NOTE: Numbers in parentheses are the number of scheduled appearances.

Exhibit 23
DOCKETED DAT FAILURE-TO-APPEAR RATES BY BOROUGH

(Second Half of 2000)



NOTE: Numbers in parentheses are the number of scheduled appearances.

defendants in Brooklyn, and less than a tenth of DAT defendants in Manhattan, Staten Island, and Queens failed to appear for their scheduled arraignments.

DAT Arraignment Outcome

Exhibit 24 displays DAT defendants' arraignment outcomes citywide and by borough as a proportion of arraigned DAT defendants. The outcomes are presented separately for defendants who appeared at their scheduled arraignments (Exhibit 24a) and for those arraigned following their return after a warrant had been issued because of an initial failure to appear as scheduled (Exhibit 24b). Citywide, among DAT defendants who were arraigned as scheduled, 21.7 percent pled guilty, 33 percent had their cases dismissed or ACD, and the remainder were continued for subsequent adjudication. Defendants who returned after a warrant had been issued showed higher plea rates (32.6%) and lower rates of dismissal (27%) than for defendants arraigned as scheduled. Defendants charged with misdemeanors or lesser-severity offenses and held pending arraignment (Exhibit 13) showed a citywide arraignment disposition rate over thirteen percentage points higher than that of all arraigned DAT defendants (68.4% versus 55.3%, respectively) (Exhibit 24c). The type of disposition was also different for DAT defendants than for those held for arraignment. As can be seen by comparing Exhibits 14 and 24a, defendants held for arraignment on misdemeanor or lesser-severity offenses showed a lower proportion of dismissals than occurred for DAT defendants who appeared for arraignment as scheduled (19.3% versus 33%); the proportion of pleas at arraignment between these two groups of defendants was higher for defendants held for arraignment (39.9% versus 21.7%).

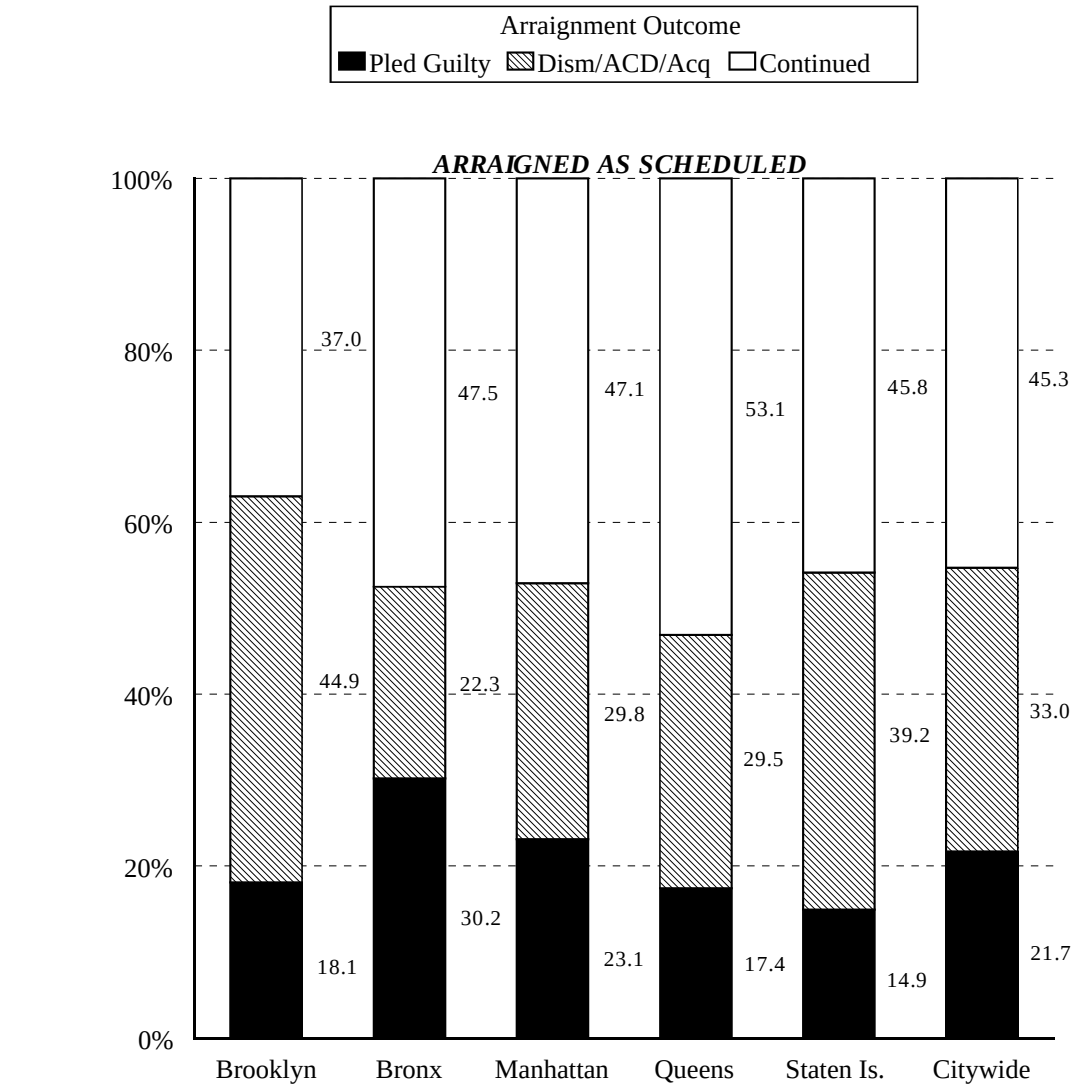
As occurred for defendants held for arraignment, there are borough differences in the type of arraignment disposition for DAT defendants, although the borough patterns between these two groups differ somewhat. The disposition rate for all arraigned DAT defendants in the second half of 2000 was highest in Brooklyn (62.1%), followed by Manhattan (55.5%), Staten Island (54.7%) and the Bronx (53%), and was lowest in Queens (46.7%). Brooklyn showed the highest dismissal rate (43%) while the Bronx (31.4%) showed the greatest proportion of pleas (Exhibit 24c).

Among DAT defendants who appeared for arraignment as scheduled, arraignment outcome also differed markedly by type of charge (Exhibit 25). The proportion of cases continued at arraignment was highest for DAT defendants in the harm-to-persons category (82.6%). The continuance rates were lowest for defendants charged with drugs and fraud (10.9% and 9.7%, respectively).

Similarly, DAT defendants charged with offenses involving harm to persons pled guilty at arraignment less often than defendants charged with other offenses. Plea rates were highest for defendants facing VTL (55.1%), morals (40.7%), or other (30.4%) charges. The dismissal rate was lowest for defendants in the harm-to-persons category (13.3%). The highest dismissal rates occurred for defendants in the fraud (79%), drug (68.5%), and other (28.3%) categories.

Exhibit 24a
DOCKETED DAT DEFENDANT ARRAIGNMENT OUTCOME BY BOROUGH

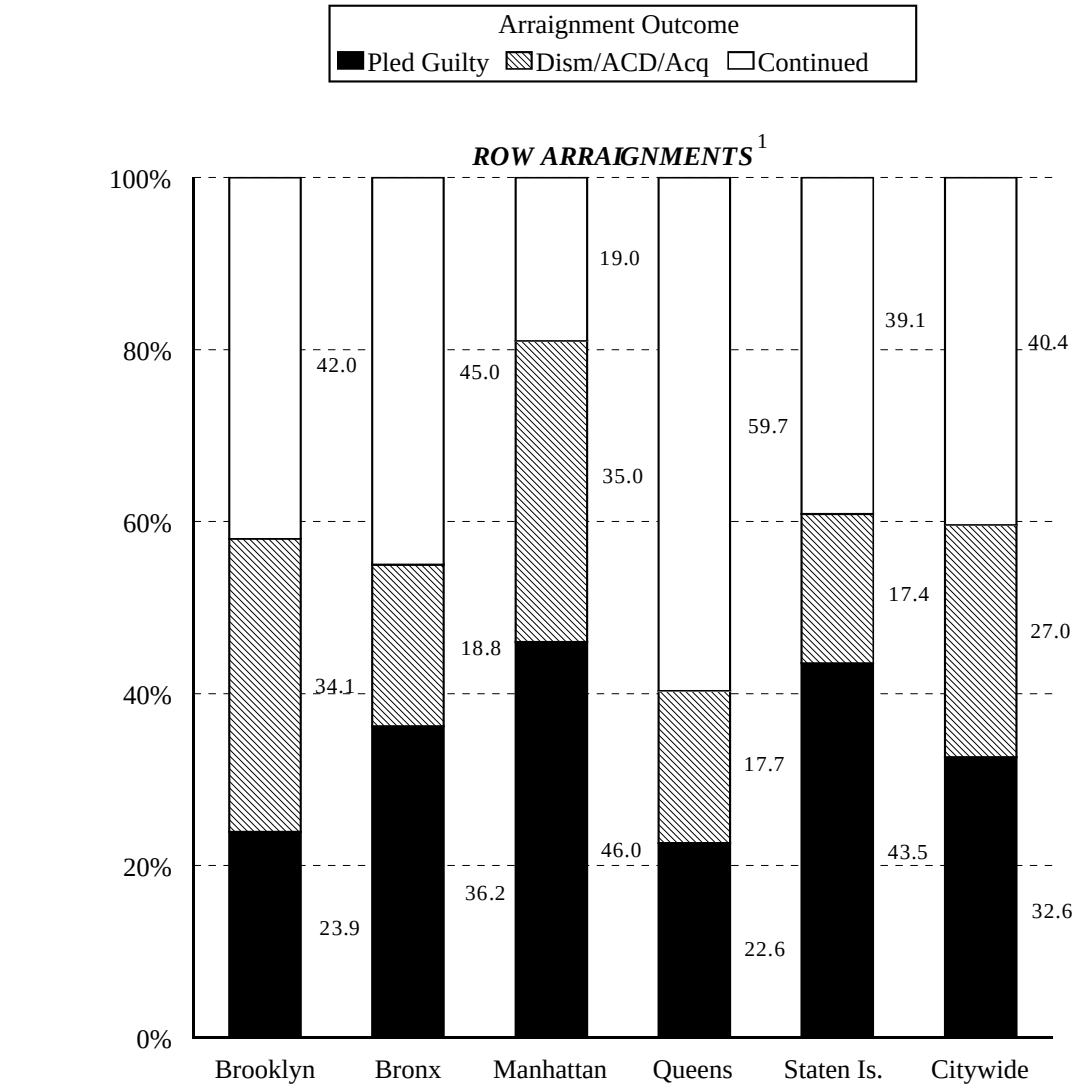
(Second Half of 2000)



	Brooklyn	Bronx	Manhattan	Queens	Staten Is.	Citywide
Subtotal (100%)	1,908	1,546	1,613	1,229	530	6,826
Disp. Unavailable	-	-	1	1	-	2
Total Arraignments	1,908	1,546	1,614	1,230	530	6,828

Exhibit 24b
DOCKETED DAT DEFENDANT ARRAIGNMENT OUTCOME BY BOROUGH

(Second Half of 2000)

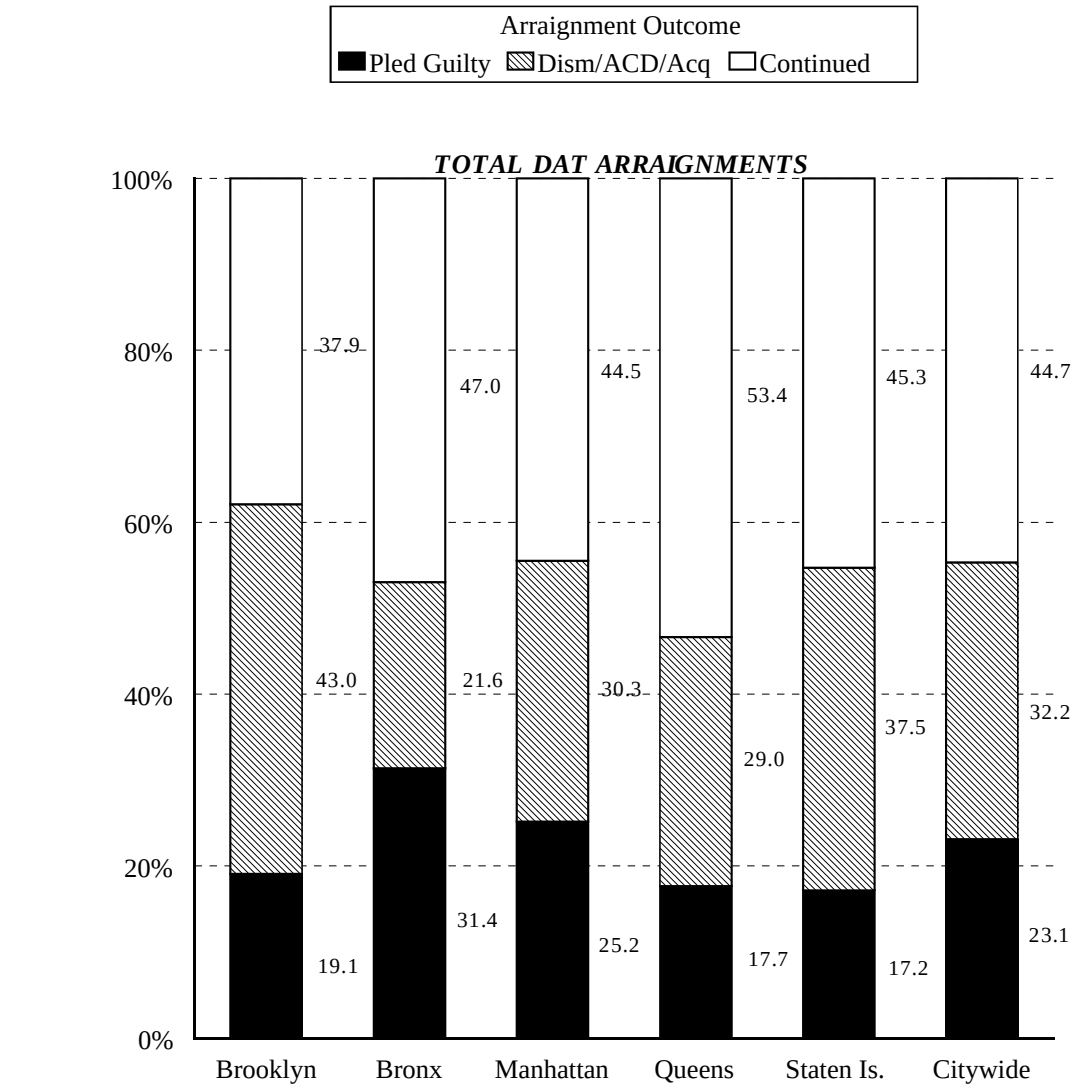


	Brooklyn	Bronx	Manhattan	Queens	Staten Is.	Citywide
Subtotal (100%)	393	373	163	62	46	1,037
Disp. Unavailable	2	2	-	-	-	4
Total Arraignments	395	375	163	62	46	1,041

[1] Return on Warrant (ROW), a court calendar term for defendants appearing after a warrant has been issued.

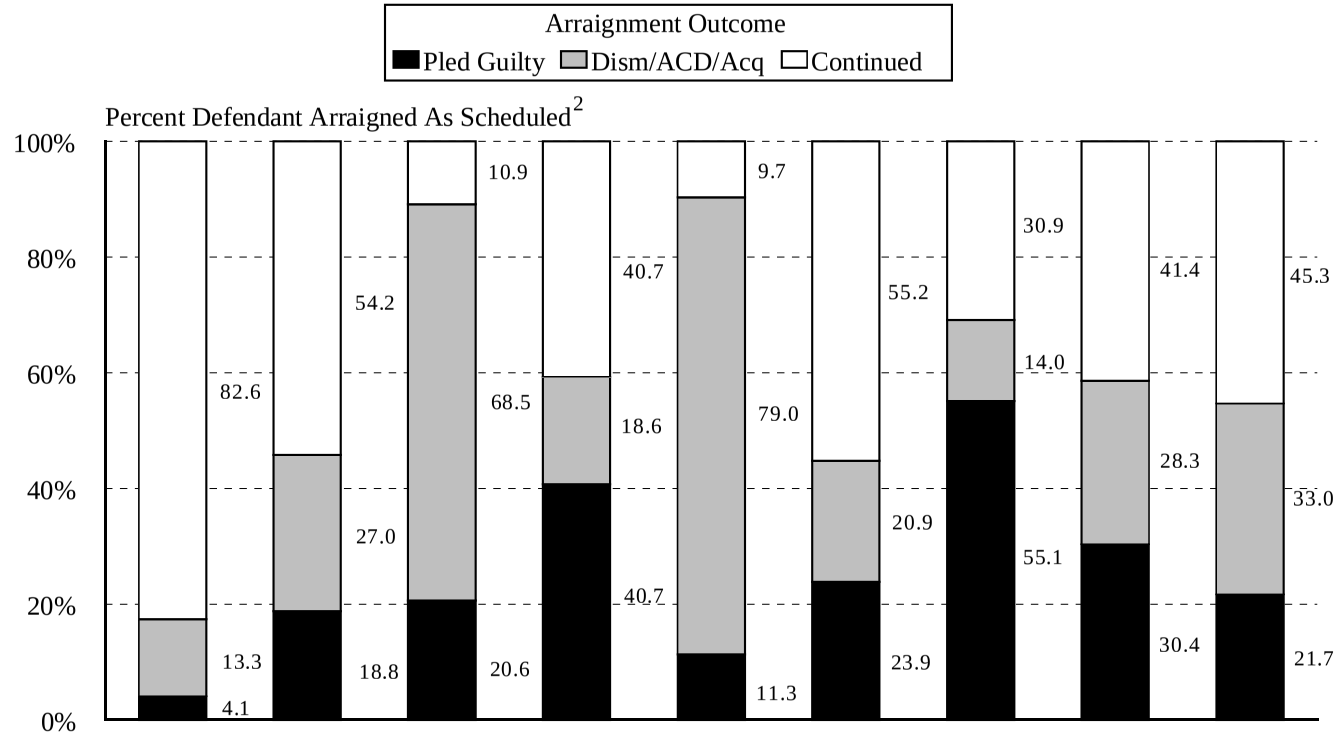
Exhibit 24c
DOCKETED DAT DEFENDANT ARRAIGNMENT OUTCOME BY BOROUGH

(Second Half of 2000)



	Brooklyn	Bronx	Manhattan	Queens	Staten Is.	Citywide
Subtotal (100%)	2,301	1,919	1,776	1,291	576	7,863
Disp. Unavailable	2	2	1	1	-	6
Total Arraignments	2,303	1,921	1,777	1,292	576	7,869

Exhibit 25
DOCKETED DAT ARRAIGNMENT OUTCOME BY CHARGE TYPE[1]
(Second Half of 2000)



	Harm to Persons	Prop.	Drugs	Morals	Fraud	Misconduct	VTL	Other	TOTAL
Subtotal (100%)	1,605	954	1,209	113	630	1,120	958	237	6,826
Disp. Unavailable	-	-	-	-	-	2	-	-	2
Total Arraigned as Scheduled	1,605	954	1,209	113	630	1,122	958	237	6,828

[1] Charge is the most severe Penal Law affidavit charge.

[2] Excludes defendants for whom warrants were issued at arraignment, defendants who returned on a warrant, and defendants for whom disposition was unavailable during the period.

APPENDIX A

Research Reports: January 1997 to December 2000

RELEASE DATE		REPORT TITLE
1997	May	Assigned Counsel Eligibility Screening Project: Final Report
	October	Implementation of a Release-On-Recognizance Recommendation System for Juvenile Offenders Arraigned in New York City Adult Courts: A Report on Arraignment Outcomes in the First Eight Months (April 28 Through December 31, 1996)
1998	February	Annual Report on the Adult Court Case Processing of Juvenile Offenders in New York City, January through December, 1996
	July	Trends in CCSS Releases to Alternative-to-Incarceration Programs for FY98
1999	February	Annual Report on the Adult Court Case Processing of Juvenile Offenders in New York City, January through December, 1997
	June	Trends in the Prosecution at Criminal Court Arraignment of Arrests in New York City in 1995 and 1996
	August	Release-on Recognizance Recommendation System for Juvenile Offenders Arraigned in New York City Adult Courts, Part I: Validation Study
	September	Release-on-Recognizance Recommendation System for Juvenile Offenders Arraigned in New York City Adult Courts, Part I: Validation Study, Executive Summary
	November	Assessing Risk of Pretrial Failure to Appear in New York City: A Research Summary and Implications for Developing Release-Recommendation Schemes
	December	Juvenile Offender Cases in Specialized and Non-Specialized Court Parts in New York City's Supreme Courts: 1994-95 and 1995-96
2000	March	Release-on-Recognizance Recommendation System for Juvenile Offenders Arraigned in New York City Adult Courts: Part II
	May	Annual Report on the Adult Court Case Processing of Juvenile Offenders in New York City, January through December, 1998
	October	Prediction of Pretrial Failure to Appear and Alternative Pretrial Release Risk-Classification Schemes in New York City: A Validation Study