CJA | NEW YORK CITY
CRIMINAL JUSTICE AGENCY

Understanding the Past, Imagining the Future:

13 Highlights from 30 Years of
New York City Criminal Justice Data

A Report from the Criminal Justice Agency

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Introduction

"Criminal justice data in this country is hard to come by. It can be messy and difficult to understand. And in many cases, the data doesn't exist at all . . . . Missing data is at the core of a national crisis . . . . No credible business would ever make [a large investment in criminal justice] without being able to gauge its success . . . . Information should be available to everyone. It can't be limited to a small group of local professionals, who themselves have only access to an incomplete database or old documents in the basement of a county building."

—Amy Bach, "Missing Criminal Justice Data," *The New York Times*, 3/21/18

Under the leadership of Mayor Bill de Blasio, New York City has sustained, and accelerated, steep drops in crime and incarceration, giving it the distinction of being the safest big city in the country and the jurisdiction with the lowest proportion of its residents in jail. In recent years, the Mayor's Office of Criminal Justice has introduced new reforms that have helped reduce the City's jail population to below 9,000, an impressive decline from the record high of 21,674 inmates held in 1991. One example is the citywide expansion of Supervised Release, which has provided a safe alternative to pre-trial detention for over 6,000 individuals since 2016.

The story behind New York City's crime and incarceration declines has been well told by a number of observers (See note at bottom of page). However, one feature that has perhaps not gotten the attention it deserves is the City's commitment to an evidence-based approach to criminal justice policymaking. New York City has been collecting a robust set of criminal justice outcome data for decades, allowing it to track, and report, progress in hard data rather than merely anecdotally, as well as make mid-course changes in operations in response to emerging trends. Among other things, this allows New York City to chronicle its transformation from a high-crime, high-incarceration city in the late 1980s and early 1990s to where it is today.

One important source of information is held by the New York City Mayor's Office of Criminal Justice through its generous support of the New York City Criminal Justice Agency (CJA), the City's main pretrial services agency. Over the last thirty years, CJA has managed a comprehensive database of information which details criminal cases from the time of arrest through disposition in Court. This database is used by CJA to advance its operational mission and to provide information and research to inform City policymakers and stakeholders.

Note: One example is "Better by Half: How New York City Cut Crime and Incarceration at the Same Time" by Vincent Schiraldi and Judith Green, The Marshall Project, 10.28.18, available at https://www.themarshallproject.org/2016/10/28/better-by-half. "Smaller, Safer, Fairer," a report issued by the New York City Mayor's Office of Criminal Justice (http://www1.nyc.gov/office-of-the-mayor/news/427-17/mayor-de-blasio-smaller-safer-fairer--roadmap-closing-rikers-island-), offers a set of 18 strategies to further reduce the city's jail population.

This database includes records of pretrial interviews CJA staff members conduct with nearly every arrestee in New York City held in custody for the Criminal Court arraignment appearance, as well as data received from the New York City Police Department, the New York City Office of Court Administration and the New York City Department of Correction. CJA also receives supplemental information for DAT cases from District Attorney offices. The defendant's history of felony and misdemeanor convictions, bench warrants, and open cases is transcribed from the rap sheet summary provided by the New York State Division of Criminal Justice Services and entered on the interview report.

Drawing on this rich set of data, CJA has published a Semi-Annual Report almost continuously since 1987 and an Annual Report since 2004. CJA's Semi-Annual and Annual Reports have long been an important resource for criminal justice professionals and policymakers and are available at CJA's website, www.nycja.org.

For the first time, CJA is mining 30 years of trends from its Annual and Semi-Annual Report data with the goal of shedding light on a number of critical questions facing the City. What factors in addition to reduced crime—such as judicial willingness to release more defendants to the community pretrial—drive significant decreases in the City's jail population? How often does CJA (which conducts pre-arraignment interviews with nearly every arrestee in New York City and makes a pretrial release recommendation to the Court) recommend a defendant for release, and how likely are judges to follow that recommendation? How often is bail being set, and how often are defendants able to pay it before being sent to jail? If a high proportion of defendants are being released pre-trial, how often do they come back to court?

The pages that follow seek to offer some insight into these and other questions.

A Note on Methodology
With some exceptions, data contained in this report are presented in two overlapping time periods: 30 year (1987 to 2016) and over the last decade (2007 to 2016). This is due to changes in CJA's own data collection procedures. When CJA released a new pretrial release recommendation system in June 2003, it inaugurated a revised and improved Annual Report series that was first released in 2004. That included a change in how court appearance rates were collected that allowed CJA to measure how often defendants make all their court dates (as opposed to measuring the percentage of overall court dates defendants made). In addition, after 2003 CJA was able to gather, and report, much more extensive data about bail and bail making. For ease of understanding, CJA elected to report Annual Report-related data points in a 10-year increment, as opposed to going back to 2004. The exception is data related to impacts of CJA's release recommendations (Highlights #6 and #7), which are presented using 2004 and 2016

data points.

Information Resources

CJA Annual Reports dating back to 2004, and Semi-Annual Reports from 1999 through 2002, are available at www.nycja.org. Paper copies of CJA's Semi-Annual Reports from 1987 to 1998 are available to access by request at CJA's library. CJA is unable to locate Semi-Annual Reports for 1995 or 1996; no reports covering all of 2003 are available due to the transition between the Semi-Annual and Annual Report series.

CJA is developing the Case Analysis Tool (CAT), an interactive data analysis application that will be available on the CJA web site. When complete, users will be able produce custom-made tables and graphs that report on some of the variables in the Annual Report, including defendants' demographic information, details about their arrests, and their case outcomes. CJA will update the data available to users each year.

Acknowledgments

Highlight #1:
CJA's interview volume has fluctuated since 1987.

Number of Prosecuted Summary Arrest Cases, 1987:
209,857

Number of Prosecuted Summary Arrest Cases, 2007:
321,601

Number of Prosecuted Summary Arrest Cases, 2016:
203,346

The number of CJA interviews was lower in 2016 than in 1987.

Note: CJA personnel interview defendants who, after arrest, are held for arraignment in the New York City Criminal Court. The purpose of the interview is to provide judges, prosecutors and defense counsel with background information on defendants in order to assist in determining the likelihood that individual defendants, if released, will return for scheduled court dates.

Highlight #2:

Over the last 30 years, New York City has released on recognizance (i.e., without conditions) a much larger share of defendants pretrial.

ROR Rate: 1987–2016
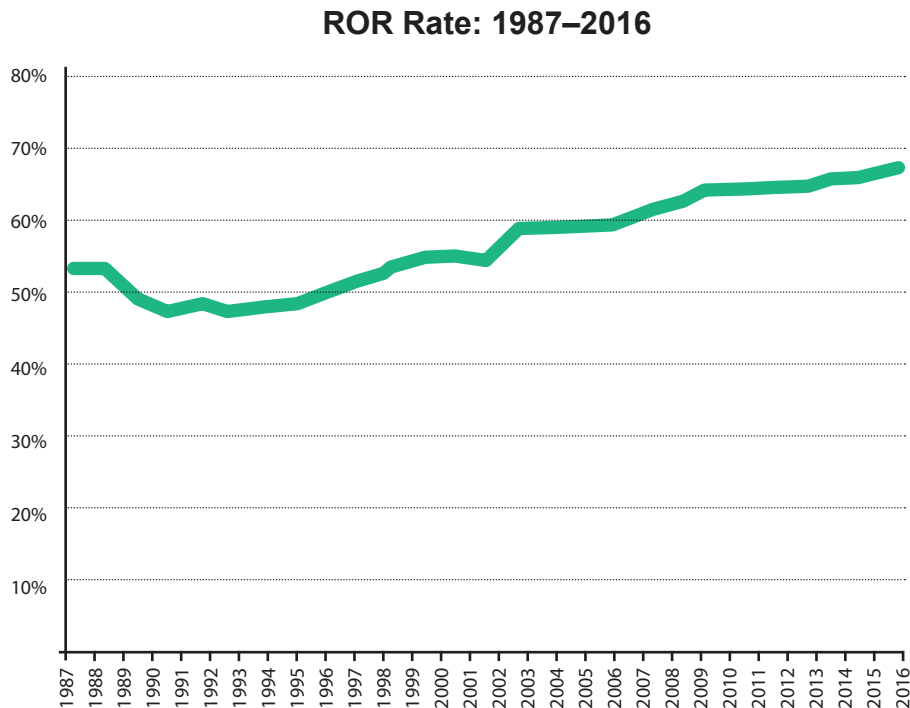
The ROR rate in 1987 was 53 percent and it increased to 67 percent in 2016.

The share of non-felony to felony cases has also sharply increased.

Proportion of Non-Felonies to Total Cases, 1987:
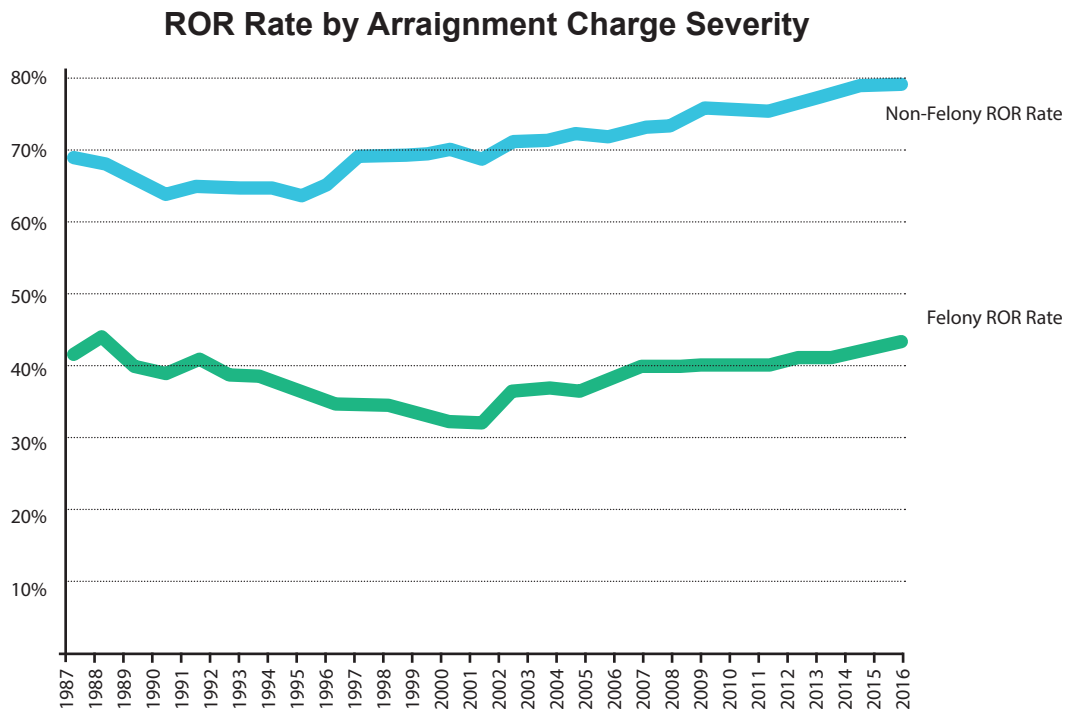
53 Percent

Proportion of Non-Felonies to Total Cases, 2016:

77 Percent

Highlight #3:

Viewed over a 30-year span, ROR rates in felony cases continued at the Criminal Court arraignment have remained flat after initially declining in this time period. ROR rates in non-felony continued cases, however, have gone up.

ROR Rate by Arraignment Charge Severity

Non-Felony ROR Rate

Felony ROR Rate

ROR Rate in Continued Felony Cases, 1987:

42 Percent

ROR Rate in Continued Non-Felony Cases, 1987:

68 Percent

ROR Rate in Continued Felony Cases, 2016:

43 Percent

ROR Rate in Continued Non-Felony Cases, 2016:

79 Percent

Note: DAT arrests are excluded from this analysis.

Highlight #4:

Viewed over the last decade, ROR rates in continued cases have increased significantly.

ROR Rate in 2007:

59 Percent

ROR Rate in 2016:

67 Percent

This has been driven by increases in ROR rates in Felony Cases:

ROR Rate in Continued Felony Cases, 2007:

38 Percent

ROR Rate in Continued Felony Cases, 2016:

43 Percent

And in Non-Felony Cases:

ROR Rate in Continued Non-Felony Cases, 2007:
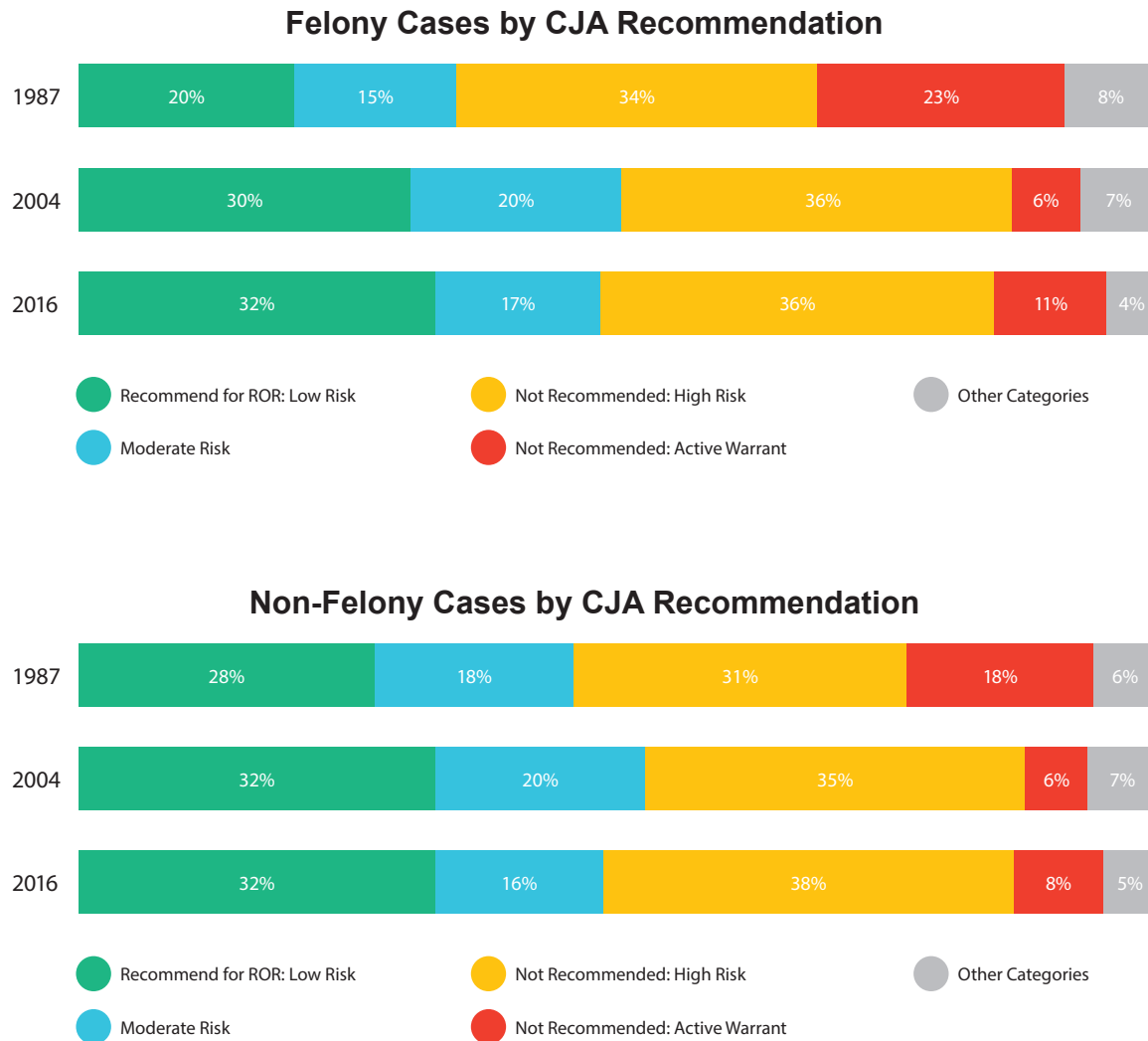
71 Percent

ROR Rate in Continued Non-Felony Cases, 2016:
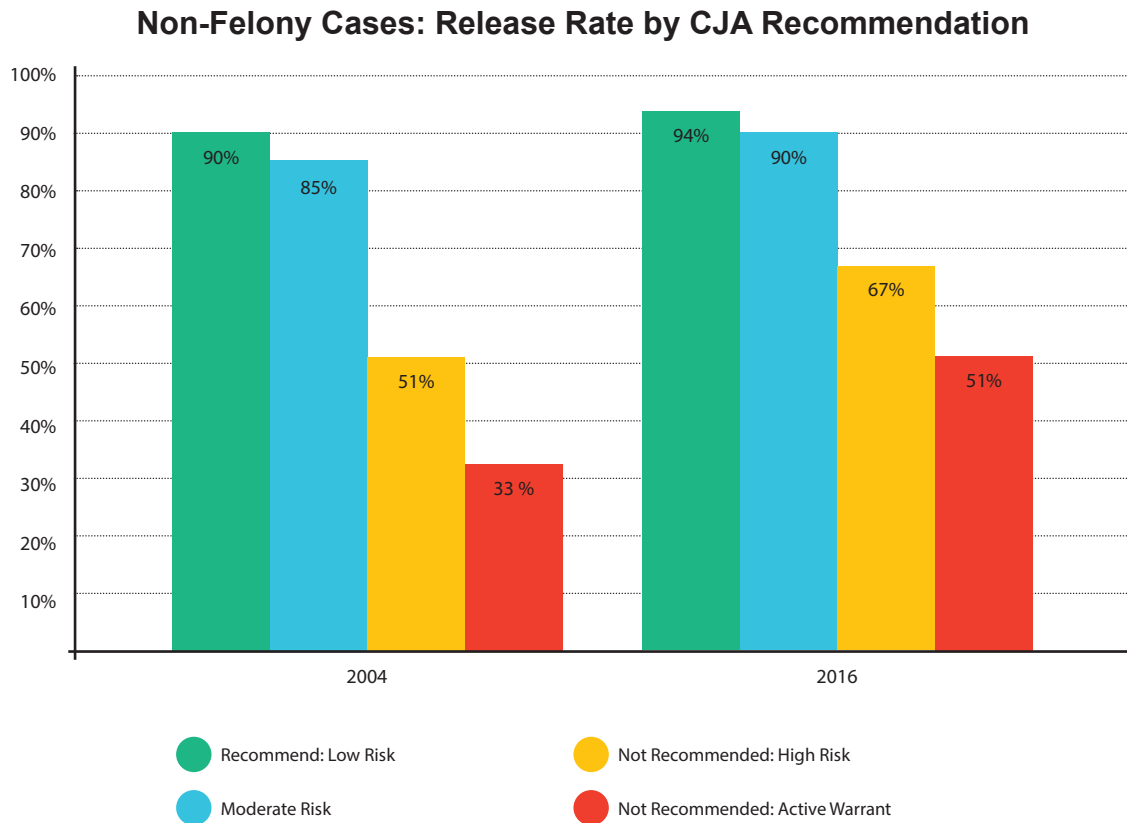
79 Percent

Highlight #5:
Compared to 1987, CJA recommends a larger share of felony and non-felony cases for release.

Felony Cases by CJA Recommendation

Year					
1987	20%	15%	34%	23%	8%
2004	30%	20%	36%	6%	7%
2016	32%	17%	36%	11%	4%

- 🟢 Recommend for ROR: Low Risk
- 🔵 Moderate Risk
- 🟡 Not Recommended: High Risk
- 🔴 Not Recommended: Active Warrant
- ⚪ Other Categories

Non-Felony Cases by CJA Recommendation

Year					
1987	28%	18%	31%	18%	6%
2004	32%	20%	35%	6%	7%
2016	32%	16%	38%	8%	5%

- 🟢 Recommend for ROR: Low Risk
- 🔵 Moderate Risk
- 🟡 Not Recommended: High Risk
- 🔴 Not Recommended: Active Warrant
- ⚪ Other Categories

Note: In June 2003, CJA introduced a new pretrial release recommendation system which better captures the characteristics associated with the likelihood of court appearance, and increases the proportions of defendants recommended for ROR.

Highlight #6:

Judges are more likely to ROR defendants in non-felony cases in every CJA recommendation category since 2004.

Non-Felony Cases: Release Rate by CJA Recommendation

Legend:
- Recommend: Low Risk (green)
- Moderate Risk (blue)
- Not Recommended: High Risk (yellow)
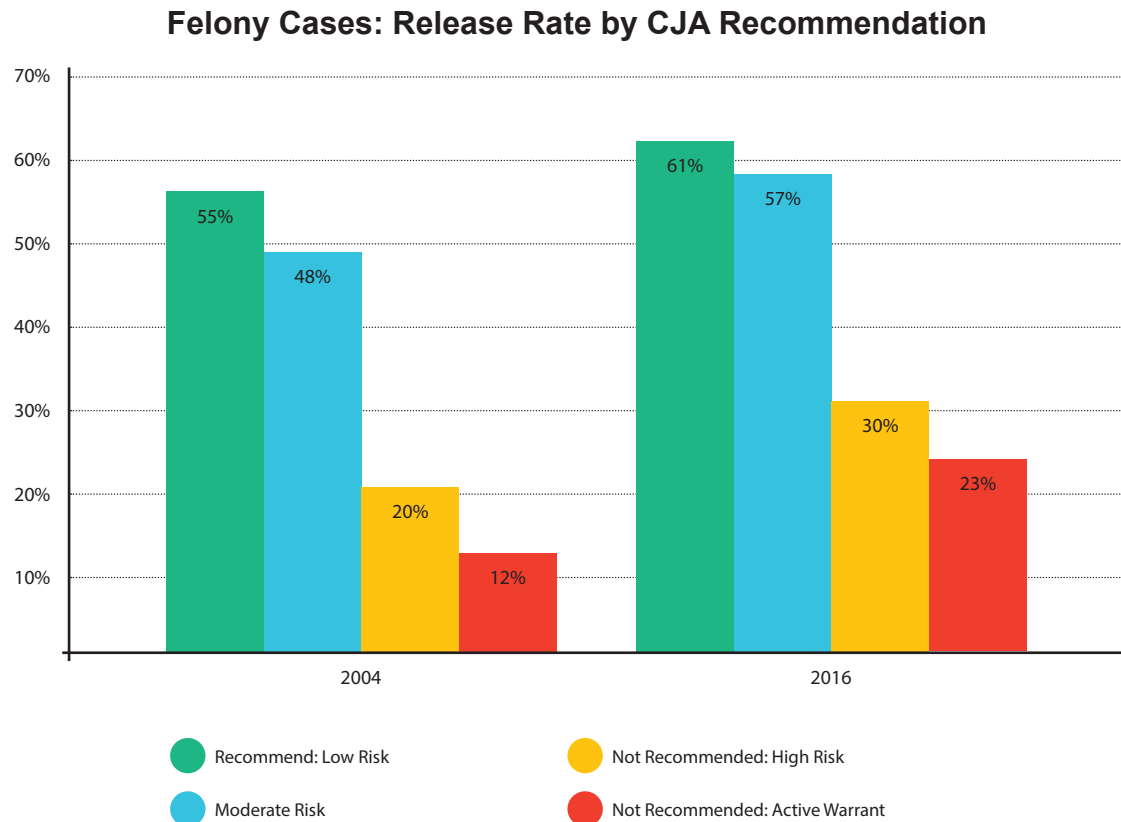- Not Recommended: Active Warrant (red)

2004: 90%, 85%, 51%, 33%
2016: 94%, 90%, 67%, 51%

Highlight #7:

Judges are also more likely to ROR defendants in felony cases in every CJA recommendation category since 2004.

Felony Cases: Release Rate by CJA Recommendation

Legend:
- Recommend: Low Risk
- Moderate Risk
- Not Recommended: High Risk
- Not Recommended: Active Warrant

Judges are more likely to ROR defendants in non-felony and in felony cases recommended for release by CJA since the pretrial release recommendation system was last revised in 2003.

Judges are more likely to ROR defendants in non-felony cases recommended for release by CJA than in felony cases.

Highlight #8:

Over the last decade, bail is being set less often, both numerically and as a proportion of continued felony and non-felony cases.

Bail Set by Severity: 2007–2016

Felony

2007	58%
2016	53%

Misdemeanor

2007	28%
2016	21%

Bailed Cases, 1987:

65,996

Bailed Cases, 2016:

43,259

Felony Bails, 1987:

35,232

Felony Bails, 2016:

24,421

Non-Felony Bails, 1987:

30,764

Non-Felony Bails, 2016:

18,838

Highlight #9:

Compared to 2007, a larger proportion of bails for defendants in non-felony cases are being paid at arraignment.

Percentage of Bails Paid at Arraignment, Non-Felony Cases, 2007:

11.5 percent

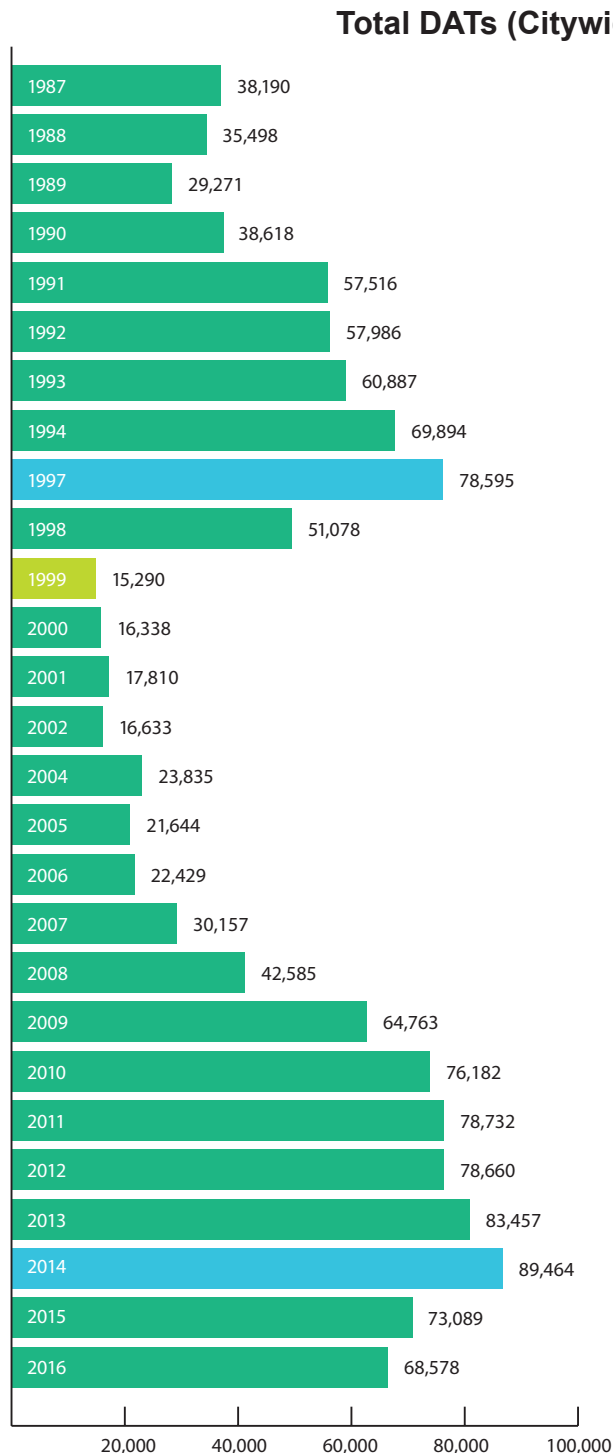Percentage of Bails Paid at Arraignment, Non-Felony Cases, 2016:

15 percent

The proportion of felony bails paid at arraignment has stayed roughly the same— 9.1 percent of all bailed cases in 2007 versus 8.8 percent in 2016.

Note: Average amount for all bailed cases has gone up by 26 percent over the last decade ($1,375 in 2007, $1,736 in 2016). Average amount for all bailed cases paid at arraignment has gone up by 8 percent ($1,030 in 2007 and $1,115 in 2016).

Highlight #10:

The volume of desk appearance tickets has fluctuated since 1987.

Total DATs (Citywide), 1987–2016

Year	Value
1987	38,190
1988	35,498
1989	29,271
1990	38,618
1991	57,516
1992	57,986
1993	60,887
1994	69,894
1997	78,595
1998	51,078
1999	15,290
2000	16,338
2001	17,810
2002	16,633
2004	23,835
2005	21,644
2006	22,429
2007	30,157
2008	42,585
2009	64,763
2010	76,182
2011	78,732
2012	78,660
2013	83,457
2014	89,464
2015	73,089
2016	68,578

DAT issuance peaked at 78,595 in 1997, declined to 15,290 in 1999 and went up to 89,464 (a 30 year high) in 2014.

Highlight #11:

First court appearance rates in DAT cases have ranged substantially since 1987.

DAT First Court Appearance Rates, 1987–2016
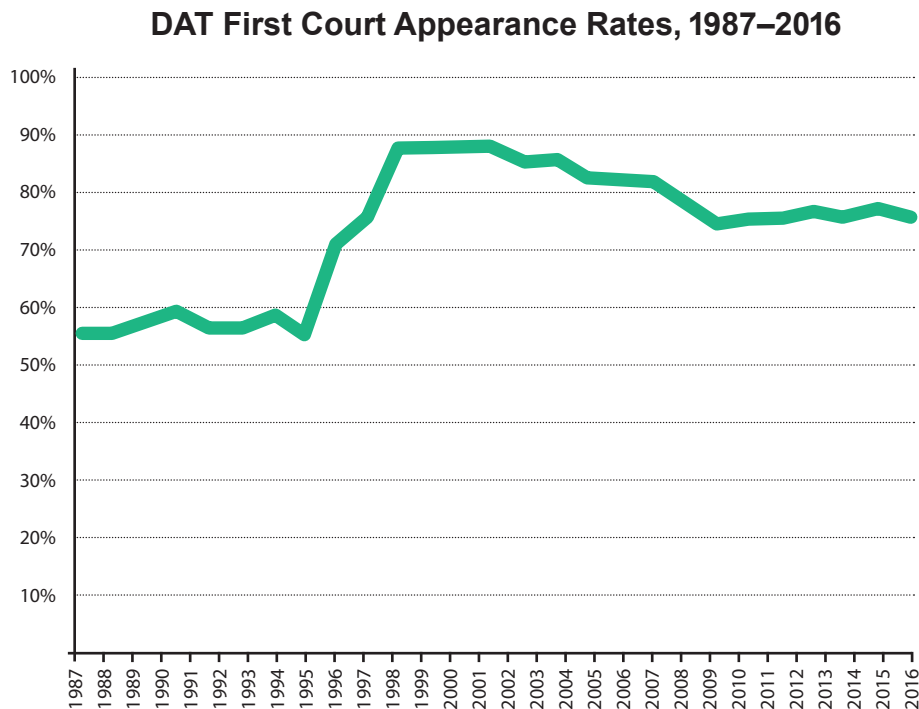
DAT first court appearance rates were lowest in 1994 (in 55.5 percent of 69,884 cases, defendants made their first court date), highest in 1999 (87.6 percent appearance rate in 15,290 DAT cases) and declined in 2014 (76 percent rate in 89,464 DAT cases).

Highlight #12:

Since 2007, attendance at first court appearance in DAT cases has declined.

DAT First Court Appearance Rates, 2007 (30,157 total DATs)

82 Percent

DAT First Court Appearance Rates, 2016 (68,578 total DATs)

76 Percent

This translates to over 10,000 more warrants for failing to appear at first court appearance.

Warrants for First Court Date Non-Appearance, 2007

5,434

Warrants for First Court Date Non-Appearance, 2016

16,439

Highlight #13:

Over the last ten years, court appearance rates for defendants in non-DAT cases have increased, from a high baseline.

Court Appearance Rates, 2007 (made all court dates)

84.2 Percent

Court Appearance Rates, 2016

86.2 Percent

The "adjusted" court appearance rate is even higher.

Adjusted Court Appearance Rate, 2007

93.1 Percent

Adjusted Court Appearance Rate, 2016

93.3 Percent

Note: Court appearance rates are calculated by looking at the percentage of defendants who make all their scheduled court dates. Court appearance rates are "adjusted" to account for those defendants who FTA but return to court within 30 days.

About the New York City Criminal Justice Agency

In partnership with the New York City Mayor's Office of Criminal Justice, the Criminal Justice Agency (CJA) is New York City's main pretrial services agency, combining operations, demonstration projects, and research under one roof. CJA has four primary areas of focus in seeking to improve how the pretrial justice system operates:

Pretrial Release: CJA interviews nearly all defendants held in custody before they see a judge (over 200,000 annual interviews) and makes release recommendations to the court in these cases. In part as a result, 70 percent of defendants are released pretrial on a simple promise to return to court, a proportion far higher than in most other jurisdictions in the country. CJA works to build confidence in this release option, operating an extensive notification system (a mix of reminder phone calls, letters and text messages) to increase defendant appearance rates. The Mayor's Office of Criminal Justice is working with CJA to update its risk assessment instrument to allow for more accurate pretrial release recommendations.

Pretrial Detention Alternatives: Working with CJA, the Mayor's Office of Criminal Justice piloted Supervised Release in Queens in 2009, and in Manhattan in 2013, and expanded the program citywide in 2016. Supervised Release gives judges an option to release low and medium-risk defendants who would otherwise be subject to bail and pretrial detention. To date, CJA's Queens program has served over 3,500 Queens defendants with a 93 percent success rate in defendants returning to court.

Bail Payment: The City also invests in CJA's Bail Expediting Program, which helps facilitate the payment of bail for 5,000 defendants annually. CJA helps defendants contact family members and friends who can pay bail, works closely to assist the City's nonprofit bail funds in their efforts to pay bail for misdemeanor defendants, and seeks to prevent unnecessary days of jail by increasing the likelihood that bail is paid at court.

Knowledge Building: CJA and the City have also worked to build knowledge about how the bail system operates and opportunities for reform. In addition to the Semi-Annual and Annual Report series, this includes publishing regular research reports on release and bail, case processing, court appearance, domestic violence, pre-trial re-arrest and adult court case processing of juvenile offenders. This research is widely cited, both locally and by national researchers.

A CJA Research Brief Sampler

For these and other reports in CJA's Research Brief series, and for full study reports, check out the publications section of the Agency's web site www.nycja.org

Release and Bail
Research Brief No. 30: New York City's Bail System—A World Apart *Mary T. Phillips, Ph.D.* (2012)

Research Brief No. 26: Commercial Bail Bonds in New York City *Mary T. Phillips, Ph.D.* (2011)

Research Brief No. 23: Making Bail in New York City *Mary T. Phillips, Ph.D.* (2010)

Research Brief No. 18: Bail, Detention, & Felony Case Outcomes *Mary T. Phillips, Ph.D.* (2008)

Research Brief No. 14: Bail, Detention & Nonfelony Case Outcomes *Mary T. Phillips, Ph.D.* (2007)

Research Brief No. 9: Prosecutors' Bail Requests and the CJA Release Recommendation: What Do They Tell the Judge? *Mary T. Phillips, Ph.D.* (2005)

Research Brief No. 6: Release and Bail Decisions in New York City *Mary T. Phillips, Ph.D.* (2004)

Pretrial Release Recommendation System
Research Brief No. 13: An Evaluation of CJA's New Release-Recommendation System *Qudsia Siddiqi, Ph.D.* (2007)

Research Brief No. 5: CJA's New Release-Recommendation System *Qudsia Siddiqi, Ph.D.* (2004)

Case Processing
Research Brief No. 34: Desk Appearance Tickets: Their Past, Present, & Possible Future *Mary T. Phillips, Ph.D.* (2014)

Research Brief No. 3: The Impact of Quality-Of-Life Policing *Freda F. Solomon, Ph.D.* (2003)

Re-Arrest
Research Brief No. 39: Re-Arrests of Homeless Defendants in New York City *Richard R. Peterson, Ph.D.* (2016)

Domestic Violence

Research Brief No. 33: Case Processing in Brooklyn's Integrated DV Court
Richard R. Peterson, Ph.D. (2014)

Research Brief No 12: Pretrial Outcomes for Domestic Violence Defendants
Richard R. Peterson, Ph.D. (2006)

Research Brief No 7: Manhattan's Specialized Domestic Violence Court *Richard R. Peterson, Ph.D.* (2004)

ATI/ATD Programs

Research Brief No. 42: Reducing Unnecessary Pretrial Detention: CJA's Manhattan Supervised Release Program Freda F. Solomon, Ph.D., *Russell F. Ferri, Ph.D.* (2017)

Research Brief No. 36: Impact of the Queens Supervised Release Program on Legal Outcomes *Freda F. Solomon, Ph.D.* (2015)

Juveniles

Research Brief No. 38: Juvenile Offenders: Re-Arrest and Court Outcomes
Marian J. Gewirtz (2015)