

ANNUAL REPORT

2018



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The mission of the New York City Criminal Justice Agency, Inc.,
is to assist the courts and the City in reducing unnecessary pretrial detention.

ANNUAL REPORT

2018

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Message from the Executive Director

Aubrey Fox

I am writing this message (in April 2020) at a remarkable moment for New York City and the world. COVID-19 has largely shut down New York City and the courts have limited cases to a small number of new arraignments, with pending matters rescheduled for later in the year.

This public health emergency has overshadowed what had already been a momentous series of events impacting pretrial justice in New York City. These include significant changes to the state's bail statute limiting use of money bail to a small subset of cases and a contentious debate about those changes, which led to fairly modest revisions in April 2020; the removal of eligibility restrictions for Supervised Release in December 2019, which pre-shutdown led to an almost four-fold increase in use; and the launch of CJA's new release assessment in mid-November 2019, its first update since 2003 and the result of over three years of intense planning and preparation.

Given all these changes, a reader might ask whether the information presented here is still relevant. What stands out to me in reading the 2018 CJA Annual Report — a comprehensive review of prosecuted cases from arrest to arraignment to final disposition in 2018 — is perhaps counter-intuitive: The ways in which pretrial justice practices had already shifted by 2018 suggests that, once the courts return to something close to normal operations, there could be as much continuity as change.

A Snapshot of the Pretrial Justice Process

Seen in this light, the 16th edition of the CJA Annual Report is useful as it provides a snapshot of the state of pretrial justice in New York City before the onset of major reforms. Compared to data collected by CJA as far back as 1987, when the agency began its Semi-Annual Report series, four important trends stand out.

Case Volume

Annual arraignment case volume crested at about 350,000 in the early 1990s but has gradually declined over time. There were just over 150,000 prosecuted arrests in 2018. More than any other trend, declining volume has had far-reaching downstream impacts, including significant reductions in the number of people held in New York City jails. It also gives agencies like CJA the opportunity to focus more intensely on subpopulations of individuals, including those at higher risk of not showing up in court. CJA is currently experimenting with new and enhanced notification protocols for higher risk individuals.

Decline in Resolved Cases

As arraignment volume has declined, so too has the percentage of cases resolved at arraignment. In 2018, only 24 percent of cases were resolved at arraignment, typically through a guilty plea or an adjournment in contemplation of dismissal. This stands in contrast to higher volume years when closer to 50 percent of cases were resolved at first court appearance.

Change in Pretrial Outcomes

New York City has seen dramatic changes in the rate at which judges set money bail. In other words, it's not just that there are fewer cases flowing through the system, but that for those cases that remain, judges are much more likely to agree to a pretrial release without monetary conditions. This is the basic point that Stephen Koppel and I made in CJA's paper, *Pretrial Release Without Money* (<https://www.nycja.org/publications/test-3>), which documents that use of money bail declined from close to half of all cases to 23 percent in 2018. This translates to a decline in the total number of money bails set in New York City arraignments from 80,000 in 1989 to 30,000 in 2018. Importantly, judges are showing increased interest in alternatives to money bail like Supervised Release.

Desk Appearance Tickets and Failure to Appear

Between 1987 and 2018, the number of desk appearance tickets (DATs) issued annually in New York City has fluctuated widely, from a low of 15,000 to a high of 90,000. One thing that has remained relatively constant is the relationship between the volume of DATs issued and appearance rates at first court date: a higher volume of DATs tends to be associated with lower appearance rates. For example, in 1994, defendants made their first court date in only 55.5 percent of 69,884 cases. By contrast, court appearance rates were 87.6 percent in 1999, with 15,290 DATs issued. The good news is that relative to DAT volume (over 40,000 issued), appearance rates were a relatively high 77 percent in 2018. However, this underscores the urgency of getting people to show up in court – a single percentage point improvement in court appearance rates in 2018 would have resulted in over 400 fewer warrants being issued for non-appearance. This issue is particularly relevant given that one key component of new bail reform legislation is to encourage the issuance of more DATs.

What Comes Next?

While the recent focus of pretrial reform has been on legislative change from Albany, it will inevitably shift to how those changes are being realized in day-to-day practice. The 2018 Annual Report suggests that bail reform represents a continuation and acceleration of trends already occurring, rather than a wholesale change in direction.

As the 2018 Annual Report also shows, CJA has a role to play in administering pretrial processes designed to deliver important information to judges about likelihood of re-appearance, improve court appearance rates (CJA delivers over 1 million annual court date reminders in the form of text messages, automated and personalized phone calls, and is introducing email messaging), and connect individuals on pretrial release to trained social workers through its Queens Supervised Release program.

Thanks to Stephen Koppel, David Topel, and Ruka Wang for their help in preparing this year's Annual Report.

Introduction

The New York City Criminal Justice Agency, Inc. (CJA), a not-for-profit organization incorporated in 1977, has over 200 employees in offices in all five counties (boroughs) of the city. With the support of the Mayor's Office of Criminal Justice (MOCJ), it provides pretrial services to the justice-involved population as well as research and technical support to criminal justice stakeholders.

CJA's Origins: The Manhattan Bail Project

CJA grew out of a research project of the Vera Institute of Justice, then the Vera Foundation, in the early 1960s. The Vera Foundation's first initiative was the Manhattan Bail Project, launched in 1961 in conjunction with the New York University School of Law and the Institute of Judicial Administration. Project researchers gathered data on the administration of bail in Manhattan and introduced the use of release on recognizance (ROR) as an alternative to bail. They tested the hypothesis that defendants with strong community ties would return for scheduled court appearances, and that a greater number could be released if the courts had access to this information.

As a result of the Manhattan Bail Project, the Vera Institute developed a recommendation system based on objective community-ties information obtained by interviewing defendants. In 1973, Vera created the Pretrial Services Agency (PTSA) to take over responsibility for making ROR recommendations. In 1977, PTSA became independent from Vera and was incorporated as the New York City Criminal Justice Agency.

CJA Operations

Interview and Recommendation

CJA personnel interview defendants who, after arrest, are held for arraignment in the lower court (Criminal Court) in New York City. 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.

During the interview, information is collected on the defendant's occupation, residence, and family status. Attempts are made to verify many of these items through telephone calls made to a relative or someone else named by the defendant. The defendant's history of previous convictions, bench warrants, and current open cases is also entered on the interview report. Selected items are then used to calculate an objective score that reflects the estimated risk of nonappearance and is the basis for assigning a recommendation category for each adult defendant. A separate recommendation system is used for youths under 16 years of age who are prosecuted as adults under New York State's Juvenile Offender (JO) Law.

Research

The Research Department maintains an ongoing program of evaluation and research aimed at improving Agency operations, providing summary data relevant to criminal justice policy issues, and investigating special interest topics. The research agenda covers a broad array of criminal justice policy concerns.

Notification

The Agency attempts to notify all released defendants, by mail or telephone, of all scheduled court appearances. Defendants issued desk appearance tickets (DATs) are also notified of their scheduled arraignment.

Supervised Release

Since August 2009, CJA has operated a supervised release program in Queens for nonviolent felony defendants who meet strict criteria. In 2013, CJA began operating a similar program in Manhattan. In 2016, the city expanded supervised release to all boroughs. CJA continues to operate the program in Queens. Another organization now operates the Manhattan program.

Bail Expediting Program (BEX)

CJA operates the Bail Expediting Program to help individuals who have had bail set contact potential sureties and obtain release sooner than they would if they had to navigate the complicated bail system on their own.

Court Appearance Support Unit

CJA operates Court Appearance Support Unit (CASU) Units to assist defendants who have missed court to come back as soon as possible and clear their warrants.

CJA Database

To perform its operational and research activities, CJA maintains a database which includes background and court-processing information on virtually every person arrested in New York City. The database contains case-processing data for Criminal Court since September 1979 and for Supreme Court since July 1987. Demographic information is obtained from CJA's pre-arraignment interview, arrest data are received by CJA through automated electronic transmissions from the New York City Police Department (NYPD), and case-processing data from the Office of Court Administration (OCA). Information about defendants' out-of-court bail making is transmitted to CJA by the New York City Department of Correction (DOC).

CJA's Information Technology Division is responsible for managing the database as well as the rest of the Agency's computing resources and the communications infrastructure that link CJA's 11 city-wide office locations. Information Technology staff also provide a wide range of support services to CJA staff and partner with many organizations to ensure that data is exchanged and processed securely.

This past year, CJA made significant progress towards the modernization and improvement of its operations. It has moved its central office to a new location, using the opportunity to make needed upgrades to our network infrastructure, and has begun migrating our primary database system to a new, more modern architecture. In addition, as mentioned elsewhere in this report, CJA has implemented an updated release assessment tool. To calculate the new risk score, CJA's technology staff has worked closely with MOCJ and DoITT to develop a software tool in the Azure Cloud.

Aubrey Fox, Executive Director

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PART I

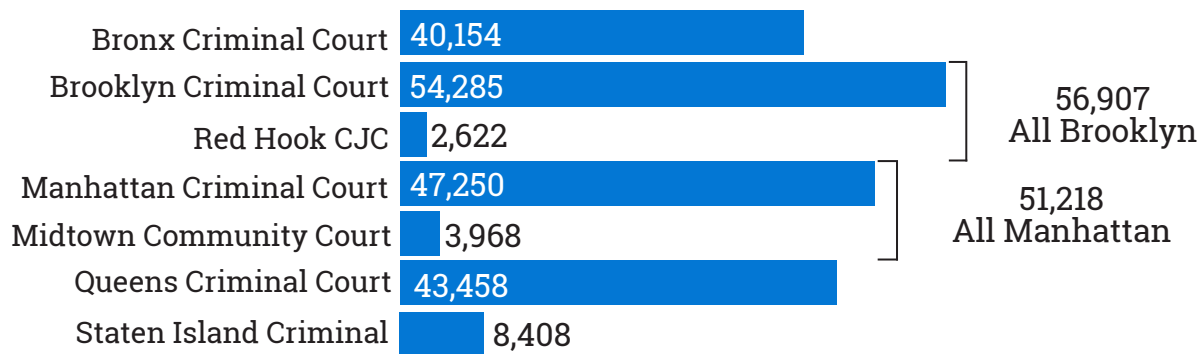
ARREST & ARRAIGNMENT

1 Prosecuted Arrests

PROSECUTED ARRESTS

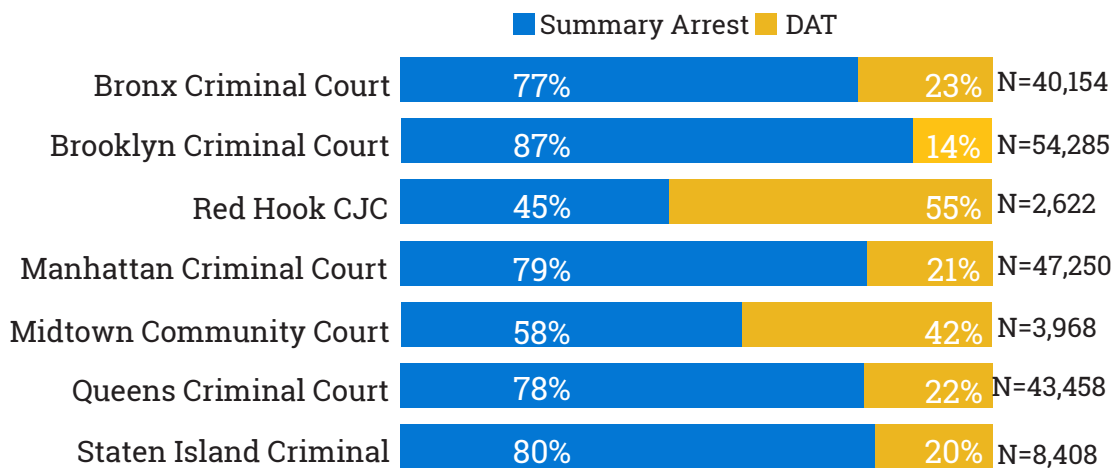
- In 2018, the New York City Police Department (NYPD) made 200,145 arrests that were ultimately prosecuted. The breakdown of prosecuted cases by court and arrest type are shown below. Brooklyn had the highest number of prosecuted cases (56,907) followed by Manhattan (51,218).

Figure 1
Prosecuted Arrests, by Court of Arraignment



- Manhattan had the highest percentage of DAT prosecutions (29%, combining both Criminal Court and the Midtown Community Court) followed by the Bronx (23%).

Figure 2
Arrest Type, by Court of Arraignment



About The Data

- ▶ Data in this report are restricted to arrests made in 2018.
- ▶ Defendants prosecuted in multiple cases may be represented in the data more than once.
- ▶ In summary arrests (aka online arrests, aka custodial arrests) the defendant is detained between arrest and arraignment; in desk appearance tickets (DATs) the defendant is released between arrest and arraignment (see Section 6).
- ▶ Community courts—Red Hook Community Justice Center in Brooklyn and the Midtown Community Court in Manhattan—offer an array of services and alternative sanctions not available in the central courts. In most other figures in this report, cases arraigned in these courts are included in the totals for their respective boroughs.
- ▶ Sixteen-year-olds arrested after New York State’s Raise the Age law went into effect on October 1, 2018 are excluded.

2 Demographics

RACE

- In prosecuted cases, the defendant was most likely to be Black (47%), followed by Hispanic (34%), White (12%) and Asian (5%). The racial breakdown by borough is shown below.

Figure 3
Defendant Race, Citywide
N=200,145

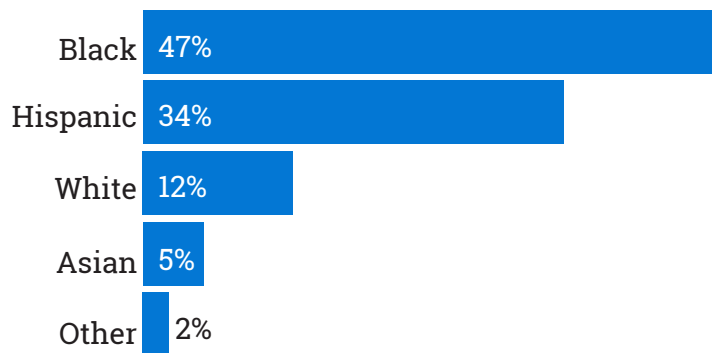
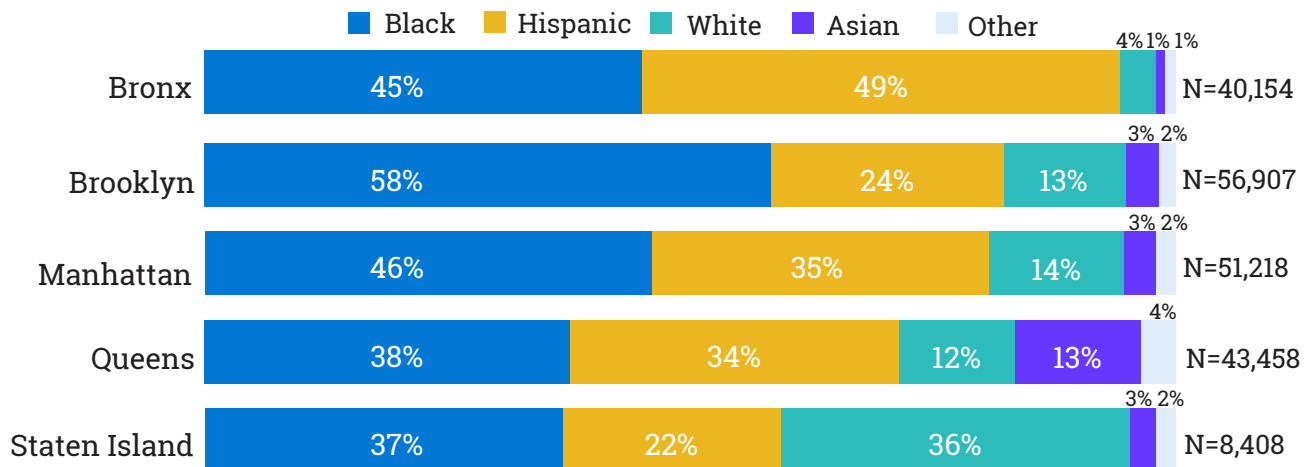


Figure 4
Defendant Race, by Borough



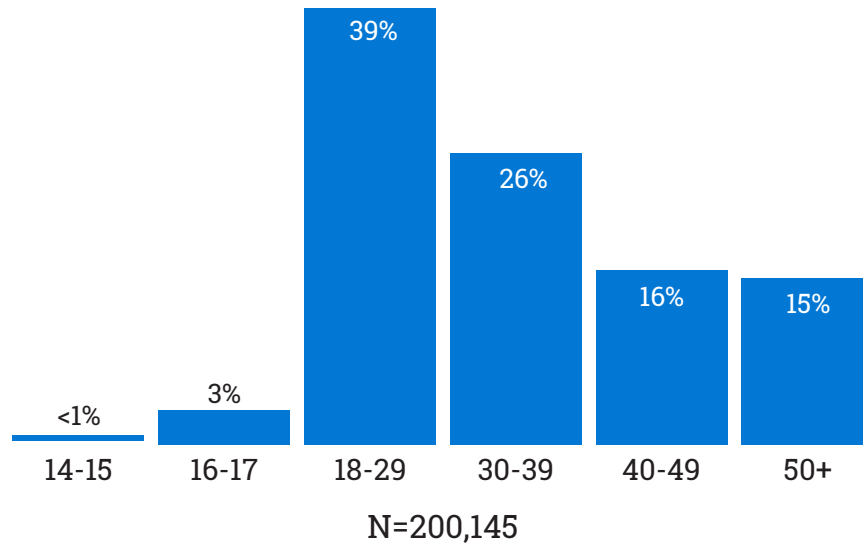
About The Data

- Information about a defendant's race was obtained either from the CJA pre-arraignment interview or from the NYPD.

AGE

- About 2 in 3 defendants (65%) were between the ages of 18 and 39.

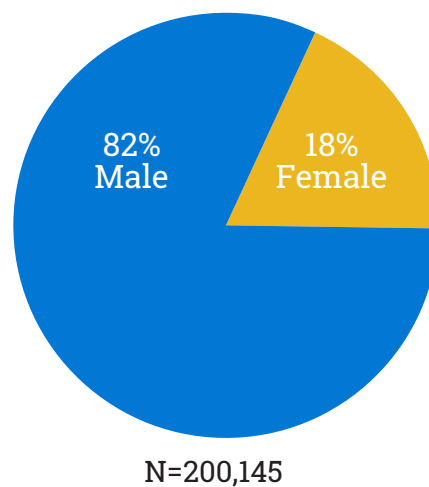
Figure 5
Defendant Age, Citywide



SEX

- About 4 in 5 defendants (82%) were male. Females were more likely to be issued DATs (33%) than males (24%; data not shown).

Figure 6
Defendant Sex, Citywide



About The Data

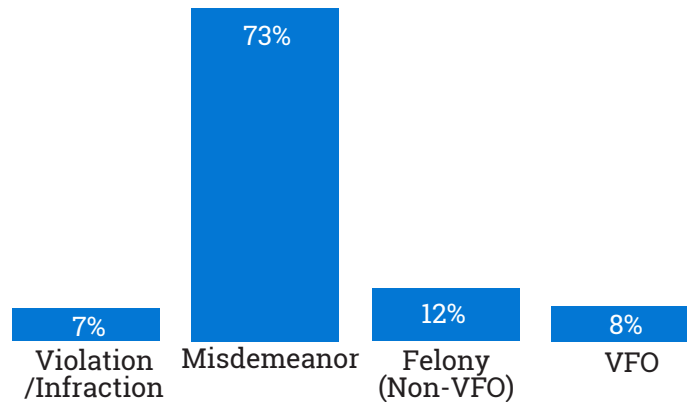
- ▶ Information about a defendant's age and sex were obtained either from the CJA pre-arraignment interview or from the NYPD.

3 Charge Severity and Type

CHARGE SEVERITY

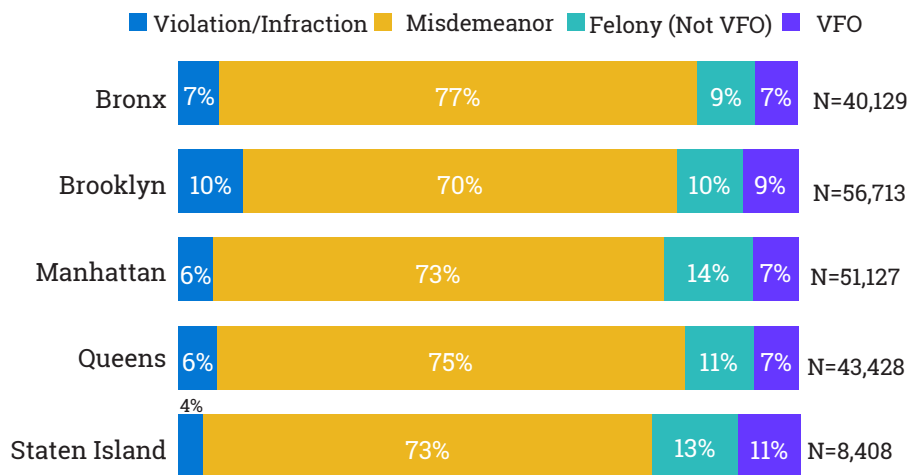
- A misdemeanor was the most serious arraignment charge in about 3 in 4 cases (73%). A felony was the most serious arraignment charge in 1 in 5 cases (20%).

Figure 7
Arraignment Charge Severity, Citywide
N= 199,805



- Brooklyn had the highest percentage of violations or infractions (10%); the Bronx had the highest percentage of misdemeanors (77%); Manhattan had the highest percentage of nonviolent felonies (14%); Staten Island had the highest percentage of VFOs (11%).

Figure 8
Arraignment Charge Severity, by Borough



About The Data

- Violent felony offenses (VFOs) are a subset of felonies subject to restrictive sentencing provisions (e.g., manslaughter in the 1st degree, rape in the 1st degree, assault in the 1st degree). Such charges, as well as Class A violent felonies (e.g., murder in the 1st degree, murder in the 2nd degree, kidnapping in the 1st degree), are classified as VFOs throughout this report. Cases with missing charge severity information are excluded from these figures (N=340).

CHARGE TYPE

- Physically injurious was the most common arraignment charge type citywide and in every borough.

Figure 9
Arraignment Charge Type, Citywide
N=200,145

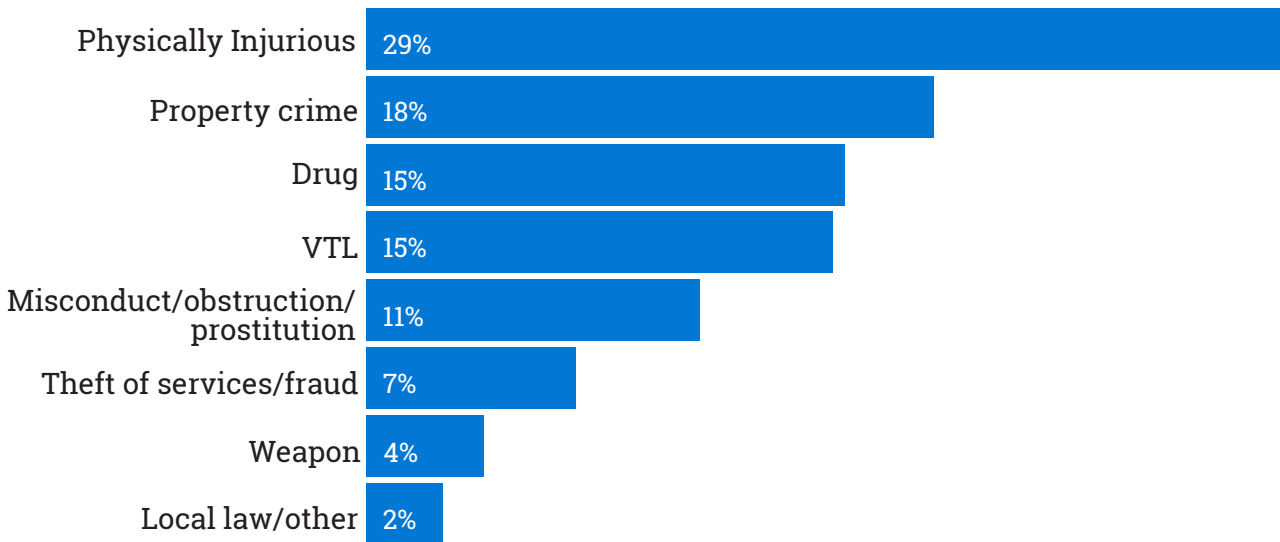
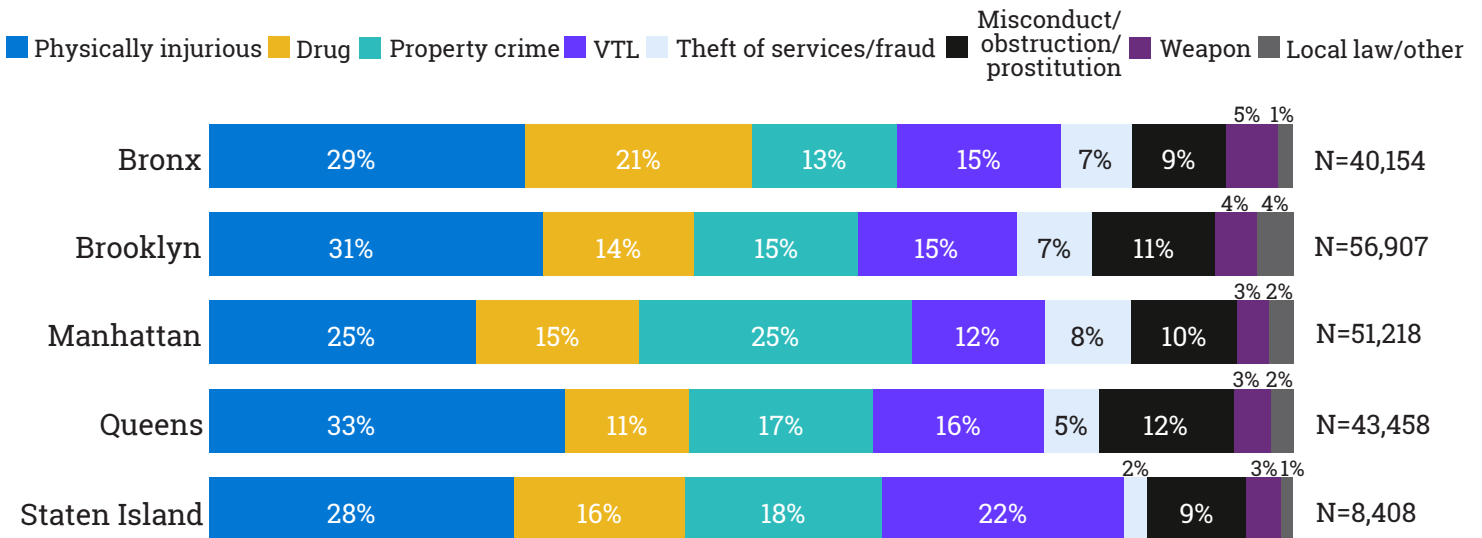


Figure 10
Arraignment Charge Type, by Borough



About The Data

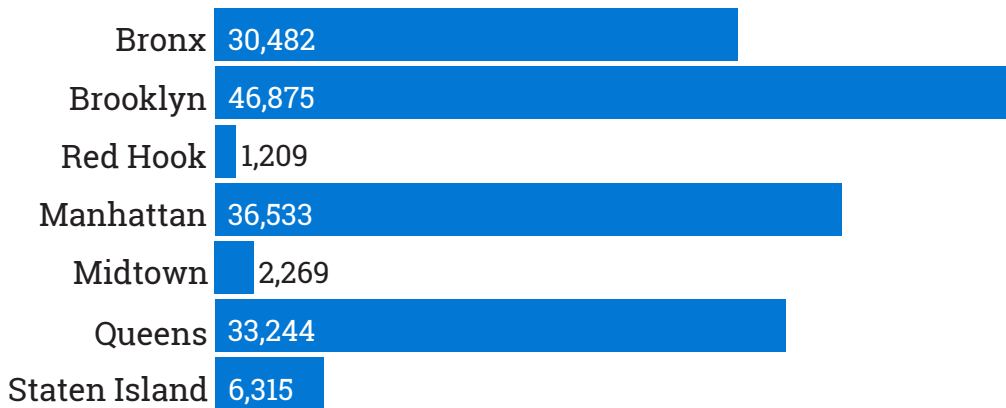
- Physically injurious charges include homicide, arson, assault, violent sex offenses, kidnapping, robbery, and other crimes of physical harm.
- Drug charges are mostly possession and/or sale of a controlled substance.

4 CJA Pre-Arrest Interview

CJA INTERVIEW

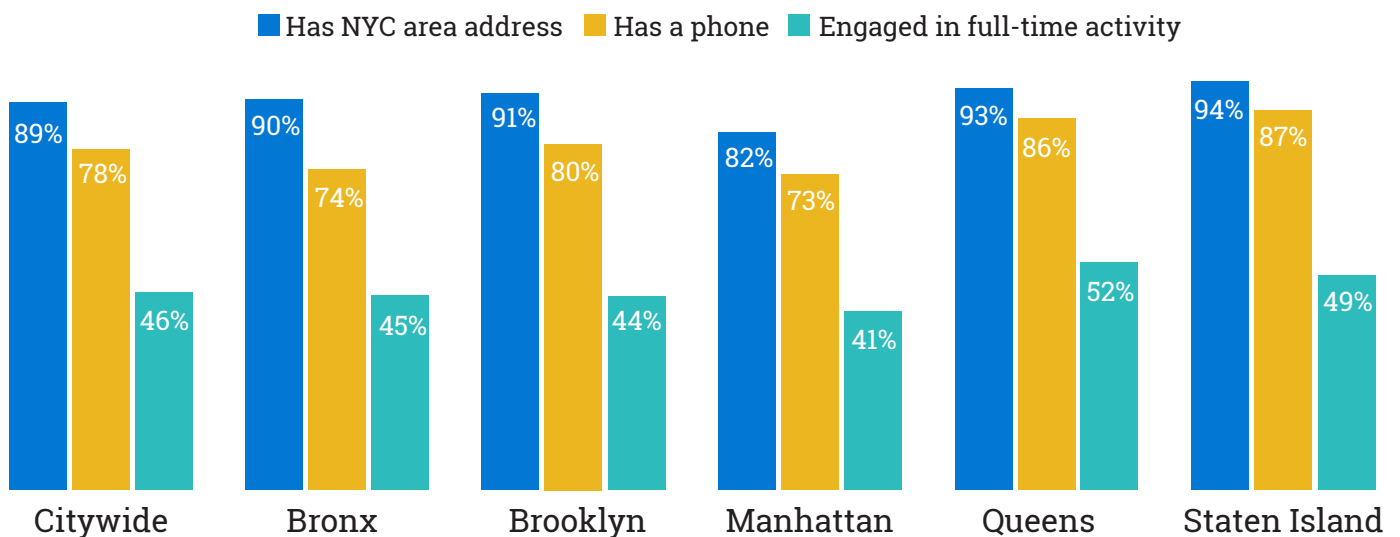
- CJA interviews virtually all individuals subject to a summary arrest. In 2018, it conducted more than 150,000 interviews.

Figure 11
Interview Volume, by Borough
N=156,927



- Interview data collected by CJA on a defendant's ties to the community are shown below.

Figure 12
Select Interview Responses, by Borough



About The Data

- The release recommendation system used in 2018 distinguished between a verified and unverified home address, phone number, and full-time activity. Figure 12 shows data on defendants who indicated yes even if CJA could not verify the information.

5 CJA Release Recommendation

The system used in 2018 for recommending adult defendants for release on recognizance (ROR) at arraignment was introduced in New York City lower courts (Criminal Court) in June 2003. It incorporated community-ties and criminal-history items found to have a strong empirical relationship with the likelihood that defendants will appear for scheduled court dates, the only criterion for release currently authorized by New York bail law. (Since 2018, CJA has updated its release assessment tool using more recent data, advanced statistical techniques, and additional predictors of risk. The new release assessment tool was implemented starting in November, 2019.)

A score was calculated for each adult defendant using the items shown in the box at the right. CJA staff attempted to verify the first three items by calling a contact person named by the defendant. Positive points were awarded for Y (yes) or YV (yes verified) responses, and the defendant was penalized with negative points for N (no) or NV (no verified) responses. For the question about employment, negative points were given if the defendant and the contact person gave discrepant responses (UC, or unresolved conflict).

The score was then calculated by tallying the negative and positive points. Based on this score, each defendant's risk of failure to appear was assessed as low (recommended for ROR), moderate (moderate risk for ROR), or high (not recommended). Also not recommended were defendants subject to a policy exclusion: an outstanding warrant, a bail-jumping charge, or conflicting residence information. The no recommendation category was assigned when the rap sheet was unavailable, the defendant was charged with murder, or the interview was incomplete.

Because the recommendation did not take into account all factors listed in the New York bail statute (CPL §510.30), it was not an unconditional recommendation.

A separate recommendation system was used for juvenile offenders (youths between the ages of 13 and 15 prosecuted in adult court for certain serious offenses). The requirement for a juvenile offender (JO) recommendation was either verified school attendance, or expecting someone at arraignment. JOs with verified nonattendance at school were not recommended, nor were JOs with an outstanding warrant. No recommendation was assigned in JO cases with an unavailable rap sheet, a murder charge, or an incomplete interview.

	Y	YV	N	NV	UC
1. Does the defendant have a working telephone or cellphone?	1	1	-2	-2	0
2. Does the defendant report a NYC area address?	0	3	-2	-2	0
3. Is the defendant employed / in school / in training program full time?	1	1	-1	-1	-2
4. Does the defendant expect someone at arraignment?	1	X	-1	X	X
5. Does the prior bench warrant count equal zero?	5	X	-5	X	X
6. Does the open case count equal zero?	1	X	-1	X	X
Column totals					
Subtotals A = Y+YV B = N+NV+UC	A		B		
Total Score	A minus B				

RECOMMENDATION CATEGORIES

Recommended for ROR (low risk) +7 to +12 pts

Moderate Risk for ROR +3 to +6 pts

Not Recommended for ROR (high risk) -13 to +2 pts

Or a policy exclusion applies:

Bench warrant attached to rap sheet;

Defendant is charged with bail jumping; or,

Conflicting residence information.

No Recommendation

Rap sheet unavailable;

Defendant charged with murder (or attempted),

escape or absconding, or incarcerated at time of arrest; or,

Declined or Incomplete interview.

CJA RECOMMENDATION

- About half of interviewed defendants were either recommended for ROR as low risk (32%) or were recommended as moderate risk for FTA (16%). For juvenile offenders, the rate of recommendation for ROR was much higher (79%).

Figure 13

CJA Recommendation for Adults, Citywide
N=156,776

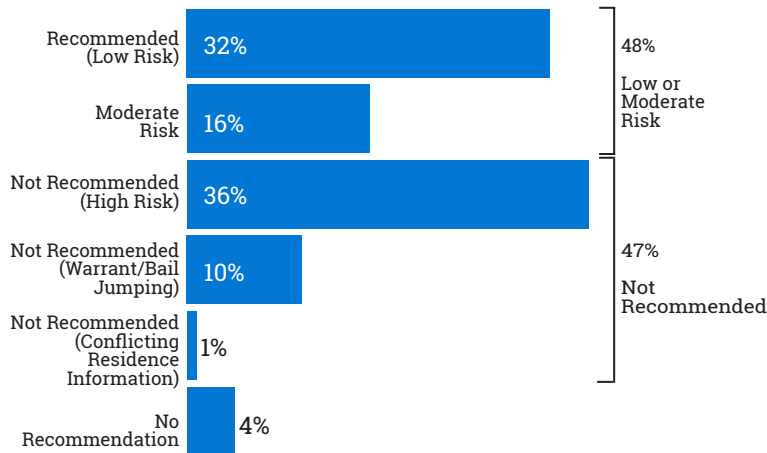
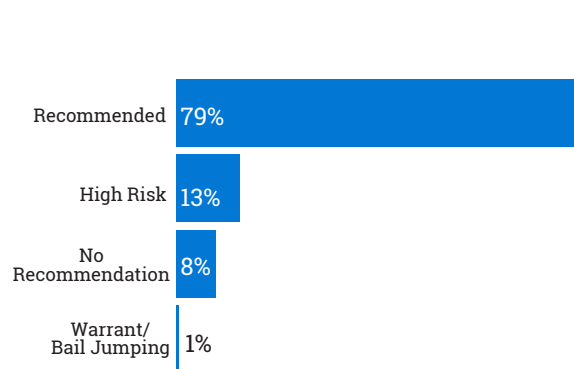


Figure 14

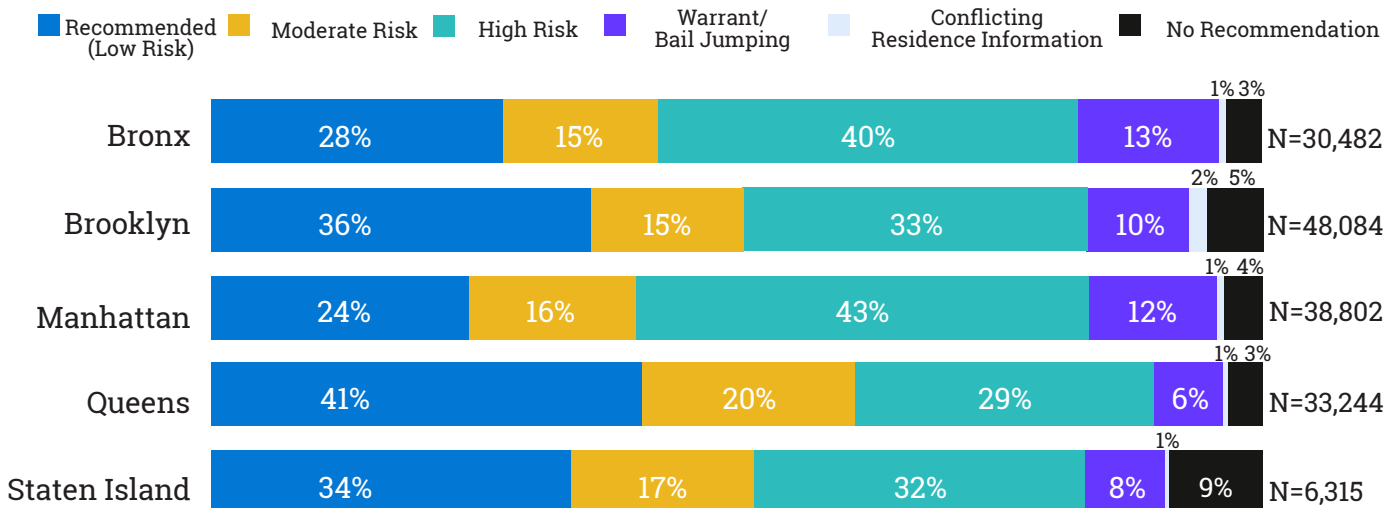
CJA Recommendation for Juveniles, Citywide
N=151



- Defendants in Manhattan were most likely to be classified as high risk (43%), followed by the Bronx (40%).

Figure 15

CJA Recommendation, by Borough
(Adults and Juveniles)

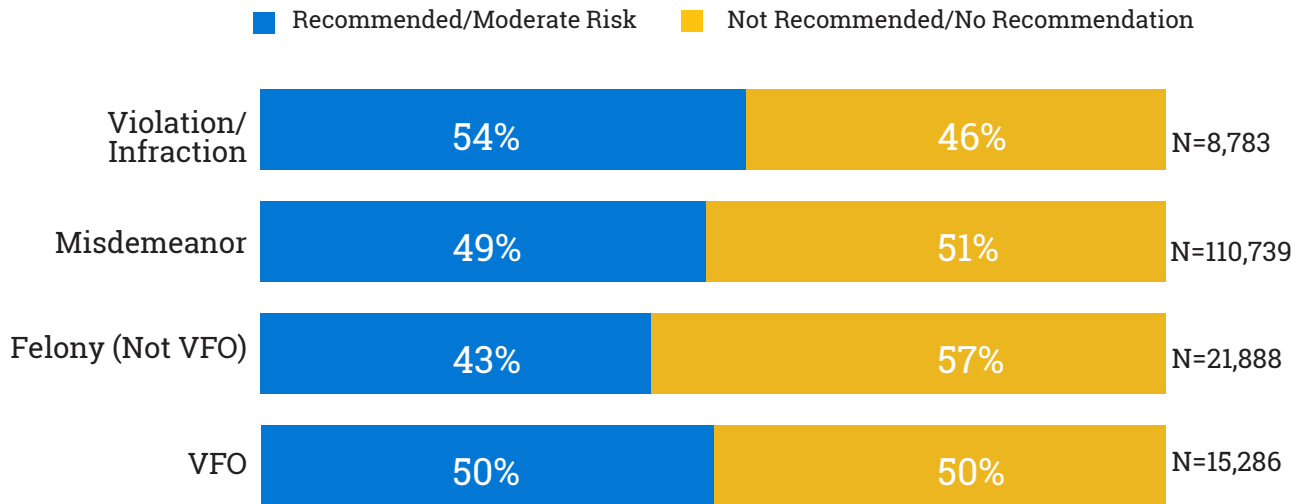


CJA RECOMMENDATION AND CHARGE SEVERITY

- CJA's recommendation did not vary considerably by arraignment charge severity. For all levels of severity, about half of defendants were recommended for release.

Figure 16

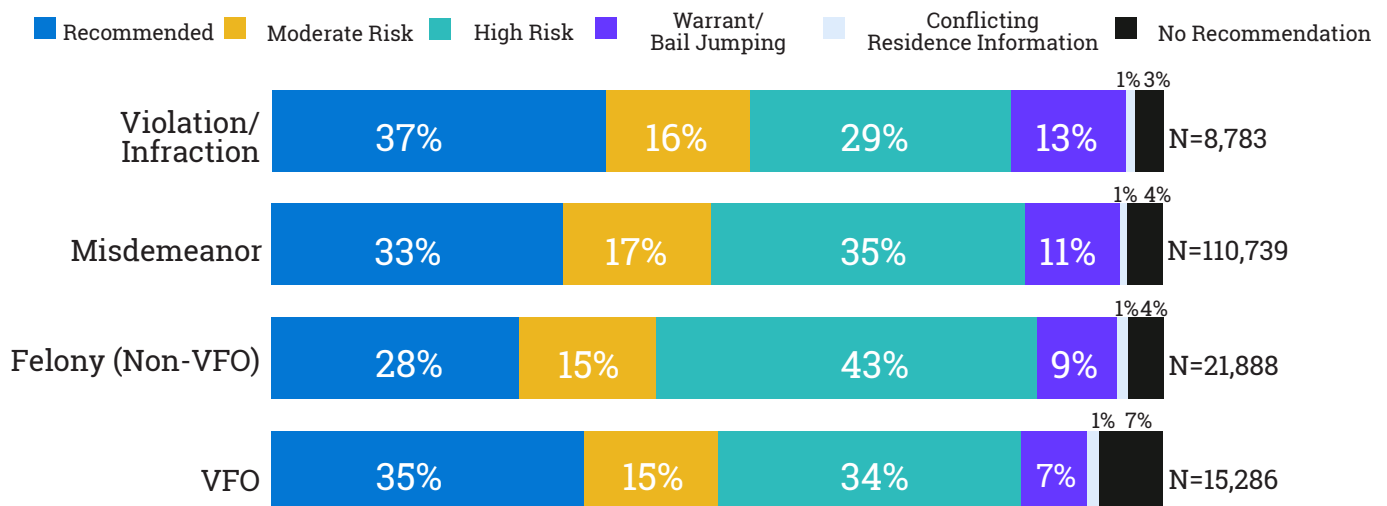
CJA Recommendation (Recommended/Not Recommended), by Charge Severity



- A more granular breakdown of CJA recommendations by charge severity is shown below. Warrant/bail jumping was most commonly a ground for not recommending defendants charged with violations/infractions (13%). High risk of FTA was most commonly a ground for not recommending defendants charged with a nonviolent felony (43%).

Figure 17

CJA Recommendation, by Charge Severity



About The Data

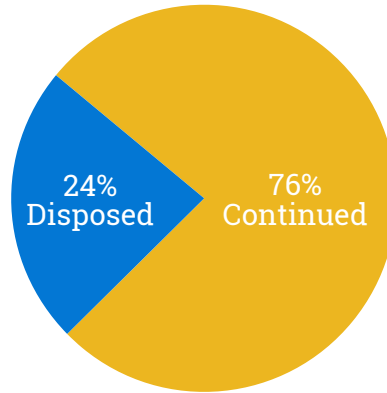
- Charge severity refers to the severity of the most severe charge entering Criminal Court arraignment. Recommendation categories for JOs and adults are combined in this exhibit and in all subsequent exhibits that present CJA recommendation data.

6 Summary Arrests: Arraignment Outcomes

ARRAIGNMENT OUTCOMES

- About 3 in 4 summary arrests (76%) were continued at arraignment citywide.

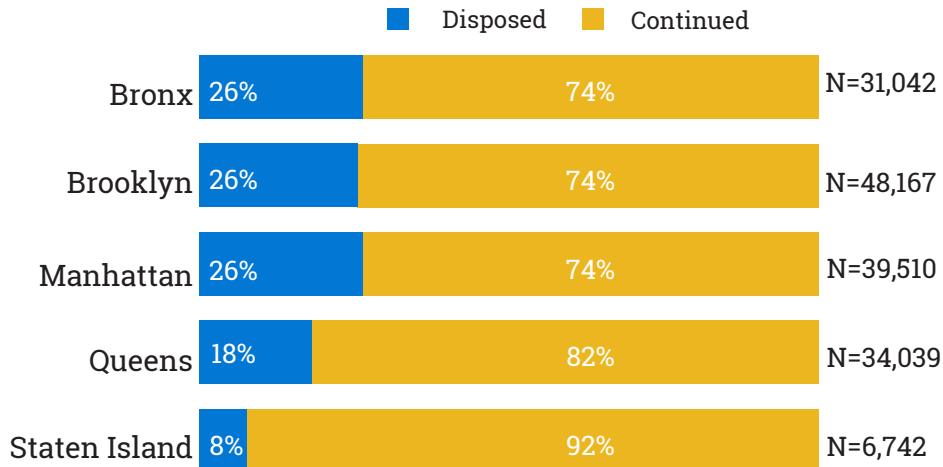
Figure 18
Arraignment Outcomes for Summary Cases, Citywide



N=159,500

- The percentage of cases continued at arraignment was higher in Staten Island (93%) and Queens (82%).

Figure 19
Arraignment Outcomes for Summary Cases, by Borough

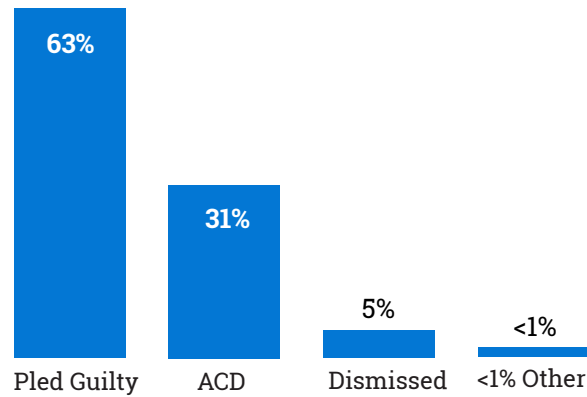


OUTCOMES IN CASES DISPOSED AT ARRAIGNMENT

- Nearly 2 in 3 summary cases disposed at arraignment (63%) ended in a guilty plea. Thirty-one percent of cases were adjourned in contemplation of dismissal (ACD), deferring a final disposition in the case for 6 to 12 months. Such cases are typically dismissed at the end of this period. Five percent of cases were dismissed. Five percent of cases were dismissed.

Figure 20

Outcomes for Summary Cases Disposed At Arraignment, Citywide

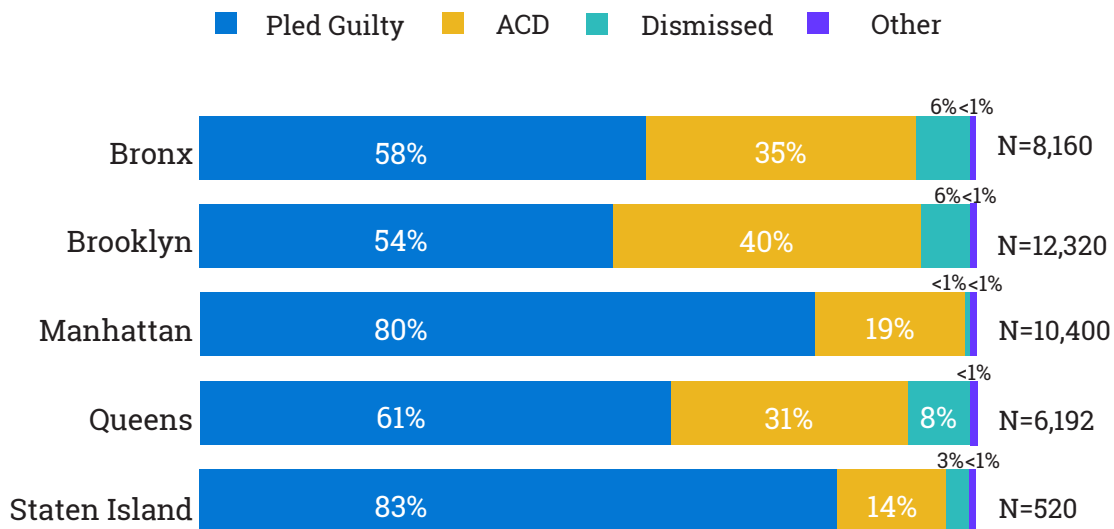


N=37,592

- The percentage of cases with a guilty plea was higher in Staten Island (82%) and Manhattan (78%). The percentage of cases adjourned in contemplation of dismissal was higher in Brooklyn (40%) and the Bronx (35%).

Figure 21

Outcomes for Summary Cases Disposed At Arraignment, by Borough



About The Data

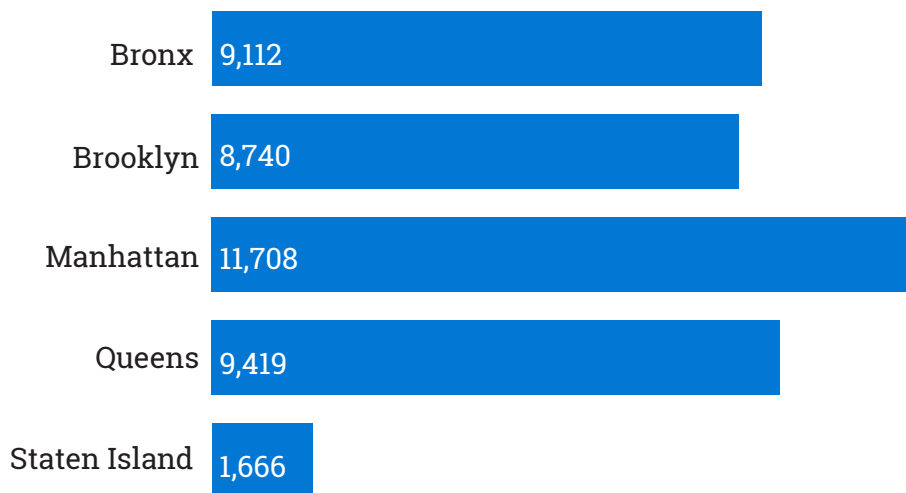
- In most disposed cases with an outcome of "other," the defendant's case was transferred to another court (e.g., Family Court), or the case was combined with another ongoing case.

7 Desk Appearance Tickets: Arraignment Outcomes

A desk appearance ticket (DAT) is a written notice issued by the NYPD for the defendant to appear in the Criminal Court for arraignment at a future date. The defendant is not detained before arraignment. In 2018, DATs could be issued for any nonfelony and some nonviolent Class E felony arrest charges (§150.20). The NYPD imposes some additional restrictions such as denying DATs to defendants with an outstanding warrant.

- Citywide there were 40,645 DAT arraignments in 2018. Twenty-nine percent (11,708) were arraigned in Manhattan.

Figure 22
DATs, by Borough



TIME TO DAT ARRAIGNMENT

- Citywide nearly 2 in 3 DATs (65%) were not arraigned within one month of issuance. By two months, nearly all had been arraigned. Figure 24 (page 18) shows the time from arrest to arraignment for DATs by borough.

Figure 23
Percentage of DATs Not Arraigned, Citywide

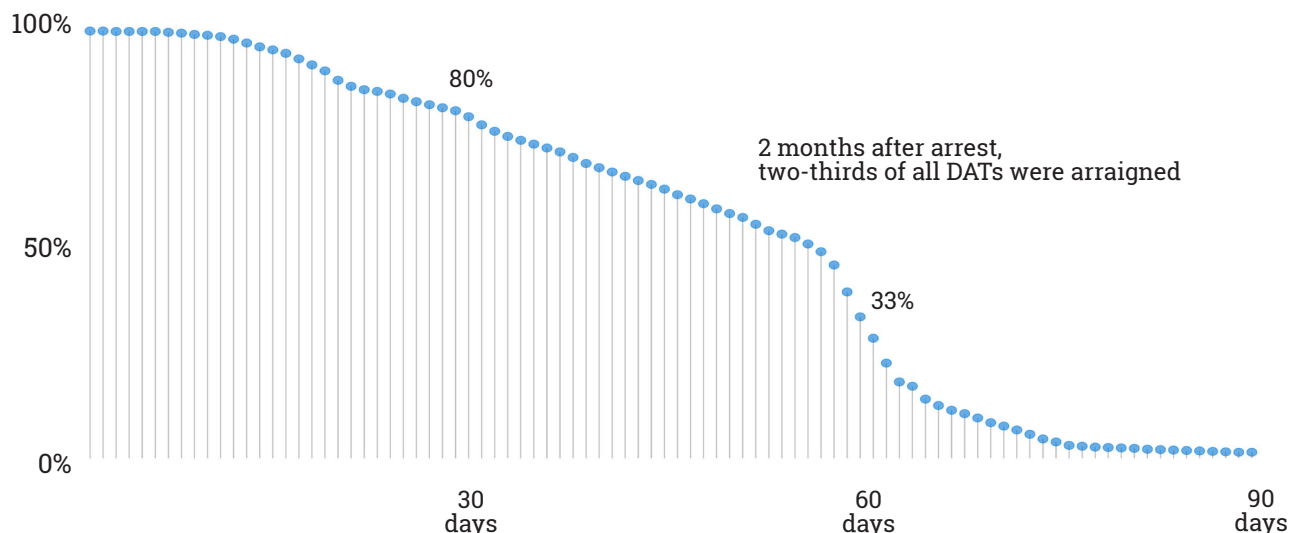
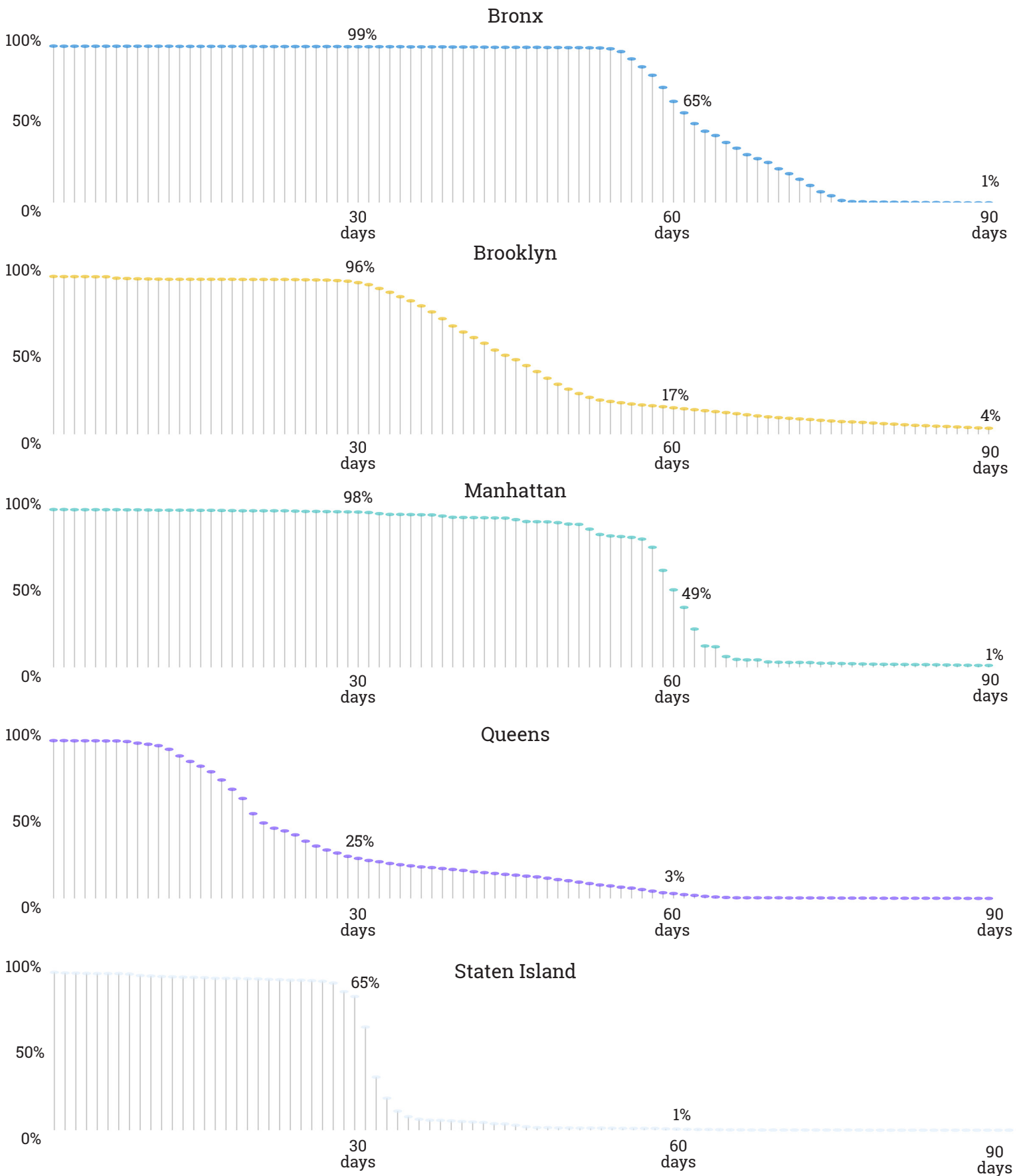


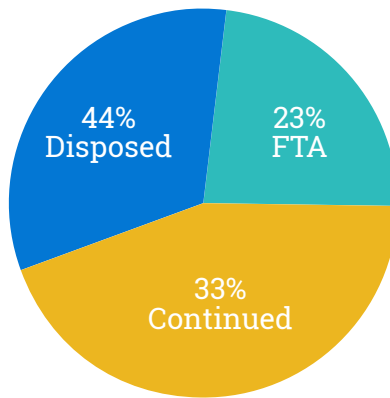
Figure 24
 Percentage of DATs Not Yet Arraigned, by Borough



ARRAIGNMENT OUTCOMES

- At arraignment 44 percent of DATs were disposed, 33 percent were continued, and about 1 in 4 defendants (23%) failed to appear.

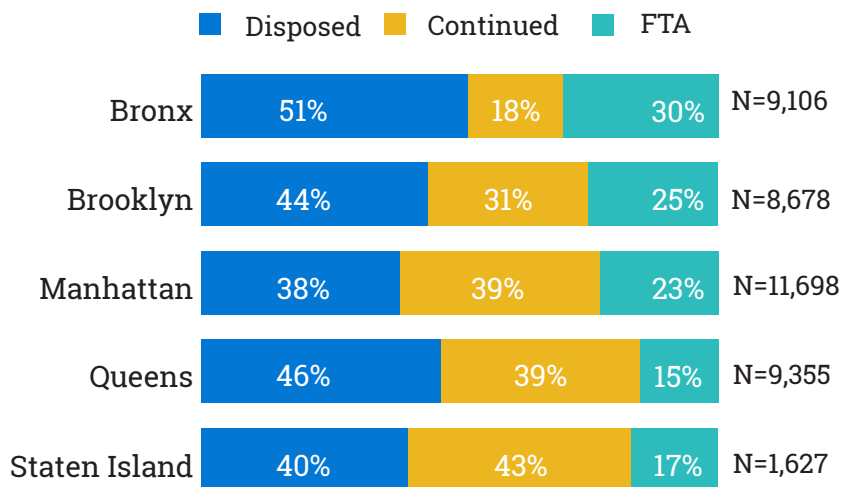
Figure 25
Arraignment Outcomes for DATs, Citywide



N=40,464

- The Bronx had the highest percentage of cases disposed at arraignment (52%), while Manhattan had the lowest (38%). Staten Island had the highest percentage of cases continued at arraignment (43%), followed by Queens (39%) and Manhattan (39%).

Figure 26
Arraignment Outcomes for DATs, by Borough



OUTCOMES IN CASES DISPOSED AT ARRAIGNMENT

- Nearly half of DATs disposed at arraignment ended in a guilty plea. Forty-four percent were adjourned in contemplation of dismissal, and 8 percent were dismissed.

Figure 27

Outcomes for DATs Disposed at Arraignment, Citywide

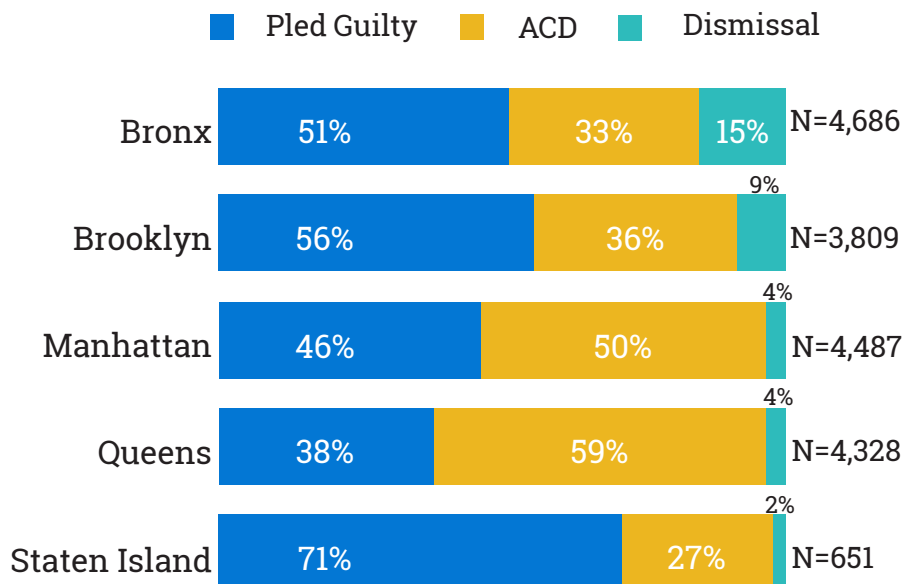


N=17,961

- The percentage of cases with a guilty plea was higher in Staten Island (71%) and Brooklyn (56%). The percentage of cases adjourned in contemplation of dismissal was higher in Queens (59%) and Manhattan (50%). Fifteen percent of DATs were dismissed at arraignment in the Bronx.

Figure 28

Outcomes for DATs Disposed at Arraignment, by Borough

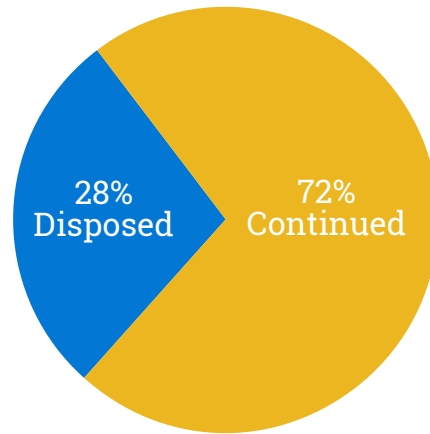


8 Summary and DATs: Arraignment Outcomes

ARRAIGNMENT OUTCOMES

- Of all summary arrests and DATs combined, nearly 3 in 4 cases (72%) were continued at arraignment.

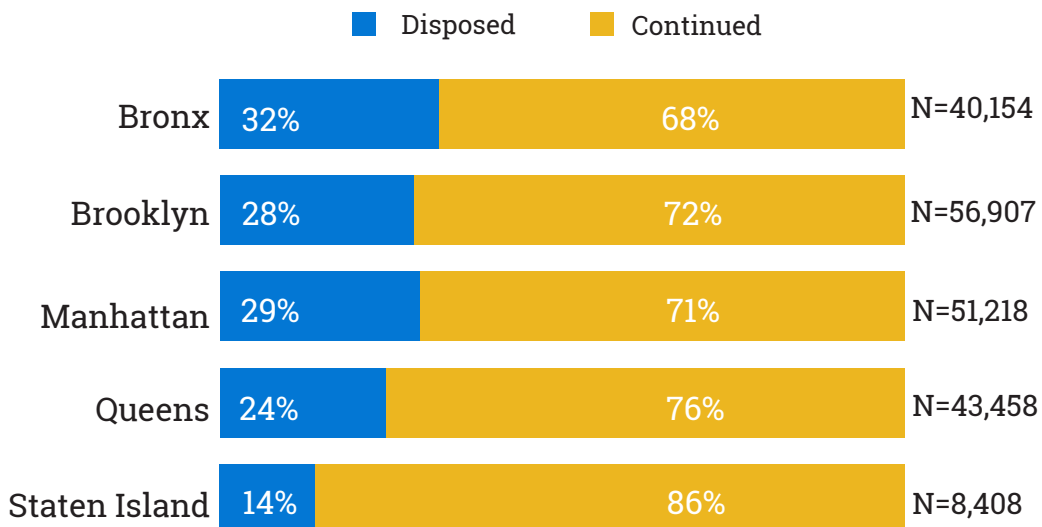
Figure 29
Arraignment Outcomes for Summary Arrests and DATs, Citywide



N=200,145

- A case was more likely to be continued at arraignment in Staten Island (86%). The Bronx (32%) and Manhattan (29%) had the highest percentage of cases disposed at arraignment.

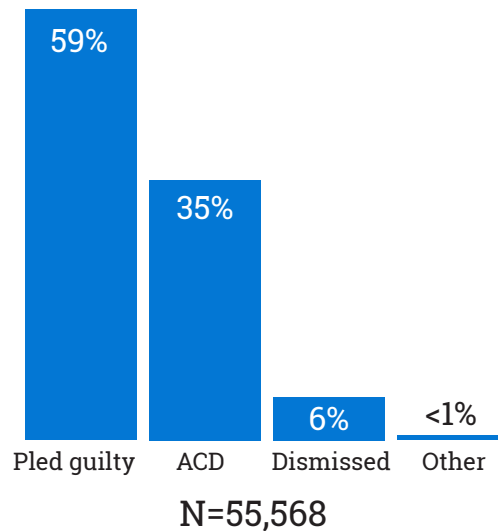
Figure 30
Arraignment Outcomes for Summary Arrests and DATs, by Borough



OUTCOMES IN CASES DISPOSED AT ARRAIGNMENT

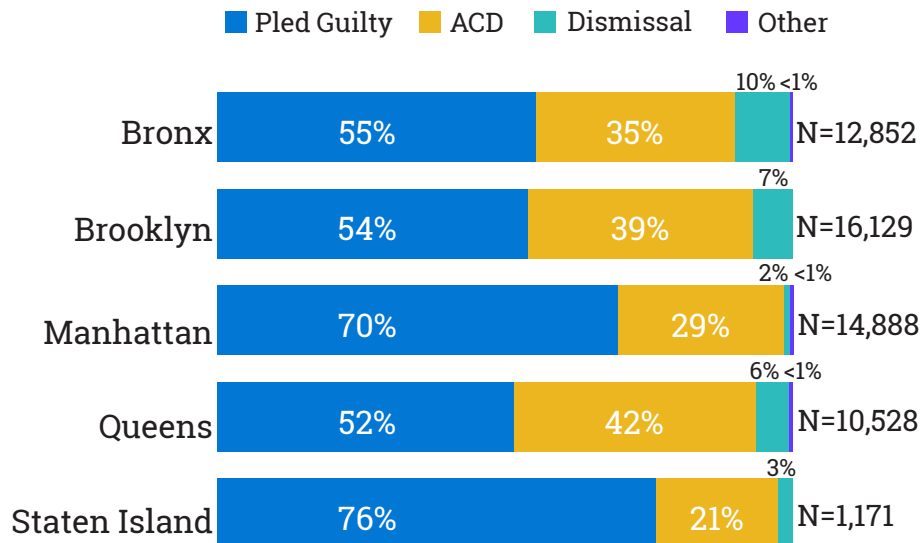
- Fifty-nine percent of cases disposed at arraignment ended in a guilty plea. Thirty-five percent of cases were adjourned in contemplation of dismissal, and 6 percent were dismissed.

Figure 31
Outcomes for Summary Arrests and DATs Disposed at Arraignment, Citywide



- The percentage of cases with a guilty plea was higher in Staten Island (76%). The percentage of cases adjourned in contemplation of dismissal was higher in Queens (42%) and Brooklyn (39%). Ten percent of cases were dismissed at arraignment in the Bronx.

Figure 32
Outcomes for Summary Arrests and DATs Disposed at Arraignment, by Borough

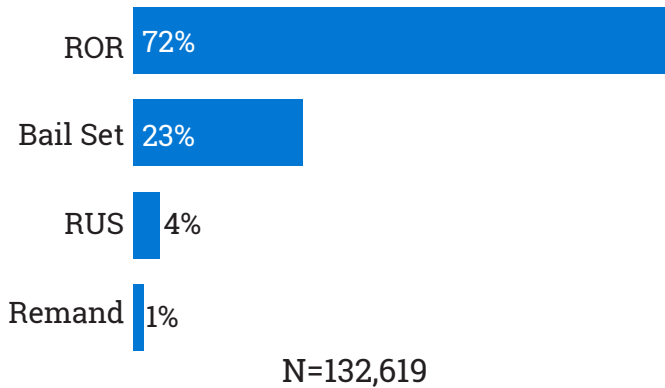


RELEASE OUTCOME AT ARRAIGNMENT

- In cases continued past arraignment, 76 percent of defendants were released without monetary conditions – either released on recognizance (ROR) or released under supervision (RUS).

Figure 33

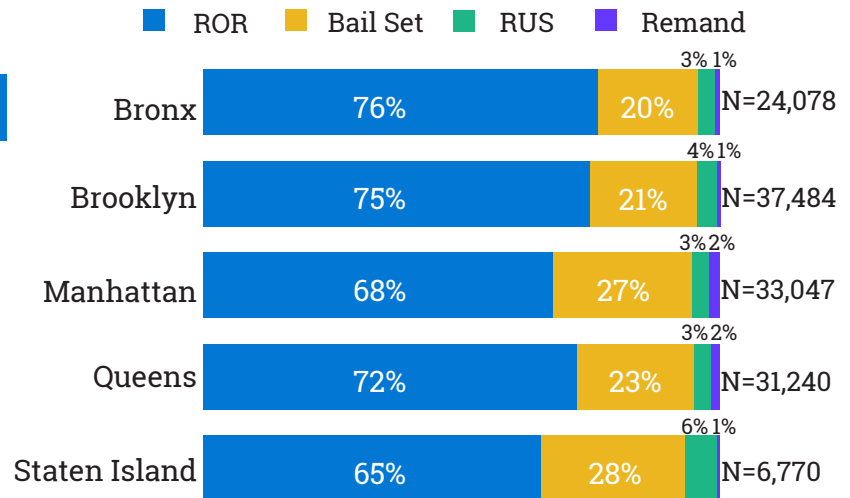
Release Outcome at Arraignment, Citywide



Note: cases missing release status, and DAT cases in which the defendant failed to appear at arraignment, are excluded from these figures.

Figure 34

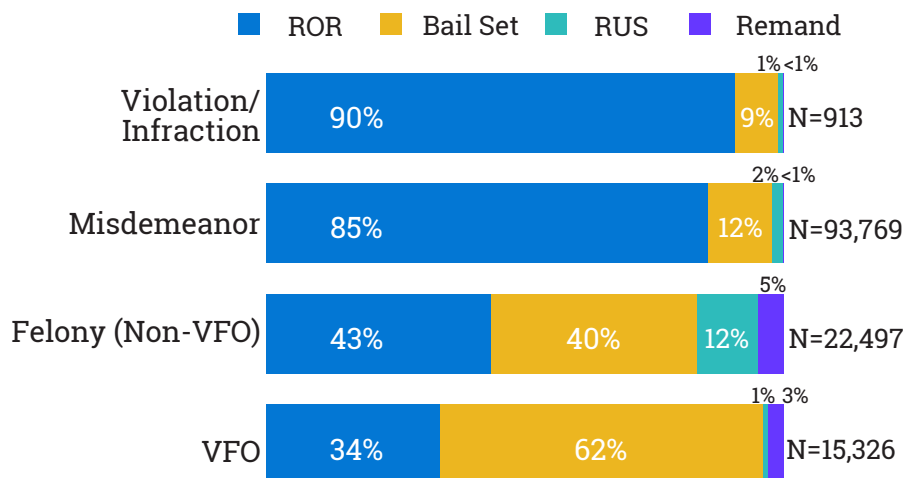
Release Outcome at Arraignment, by Borough



- Defendants charged with a felony were less likely to be ROR'd: 85 percent of misdemeanors were ROR'd compared to only 43 percent of nonviolent felonies and 34 percent of violent felonies.

Figure 35

Release Outcome at Arraignment, by Severity



About The Data

- If a defendant does not appear for a DAT arraignment, the case is usually continued and a warrant is issued. Such cases are included in previous figures for continued cases, but are removed from figures showing post-arraignment release outcomes as the judge is not making a release decision in these cases.
- RUS (Release Under Supervision) indicates the defendant entered Supervised Release. Supervised Release is a program in which the defendant works with a social worker during the pendency of the case, with varying levels of supervision that combine phone calls and in-person visits. CJA operates the Supervised Release program in Queens. For a description of that program and data on clients, see pages 42-43.

- Judges ROR'd more than 8 in 10 defendants recommended for release by CJA. Even when not recommended, judges ROR'd more than half of defendants.

Figure 36

Release Outcome for Continued Cases by CJA Recommendation, Citywide

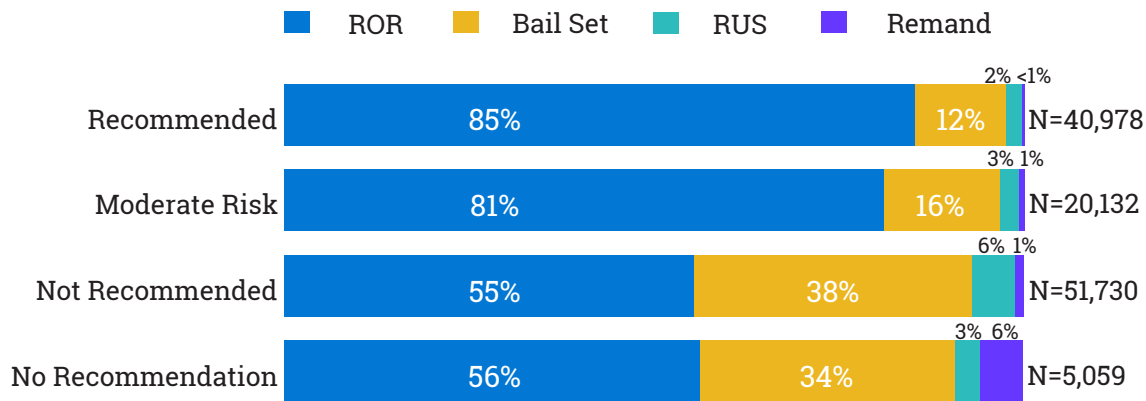
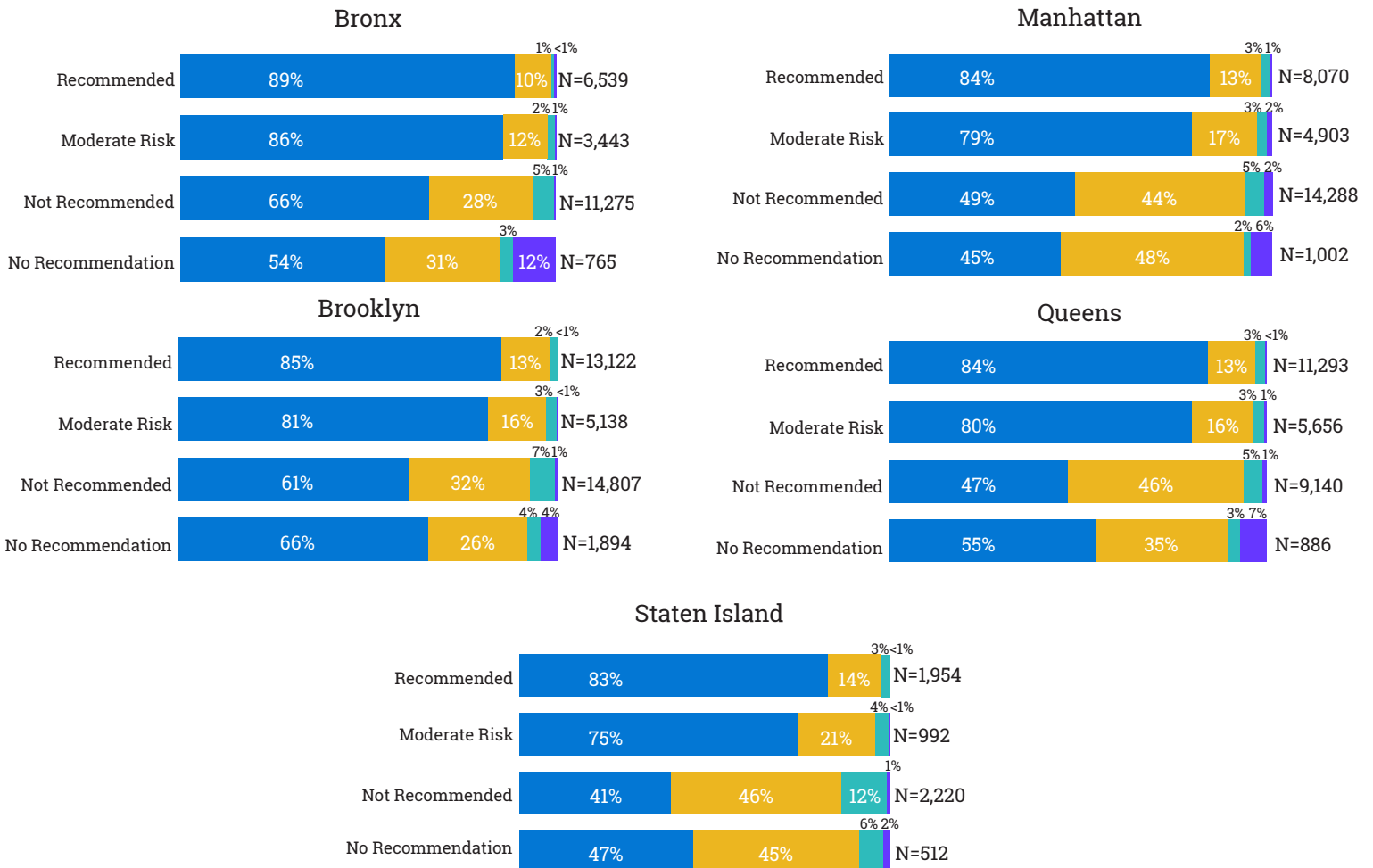


Figure 37

Release Outcome for Continued Cases by CJA Recommendation, by Borough



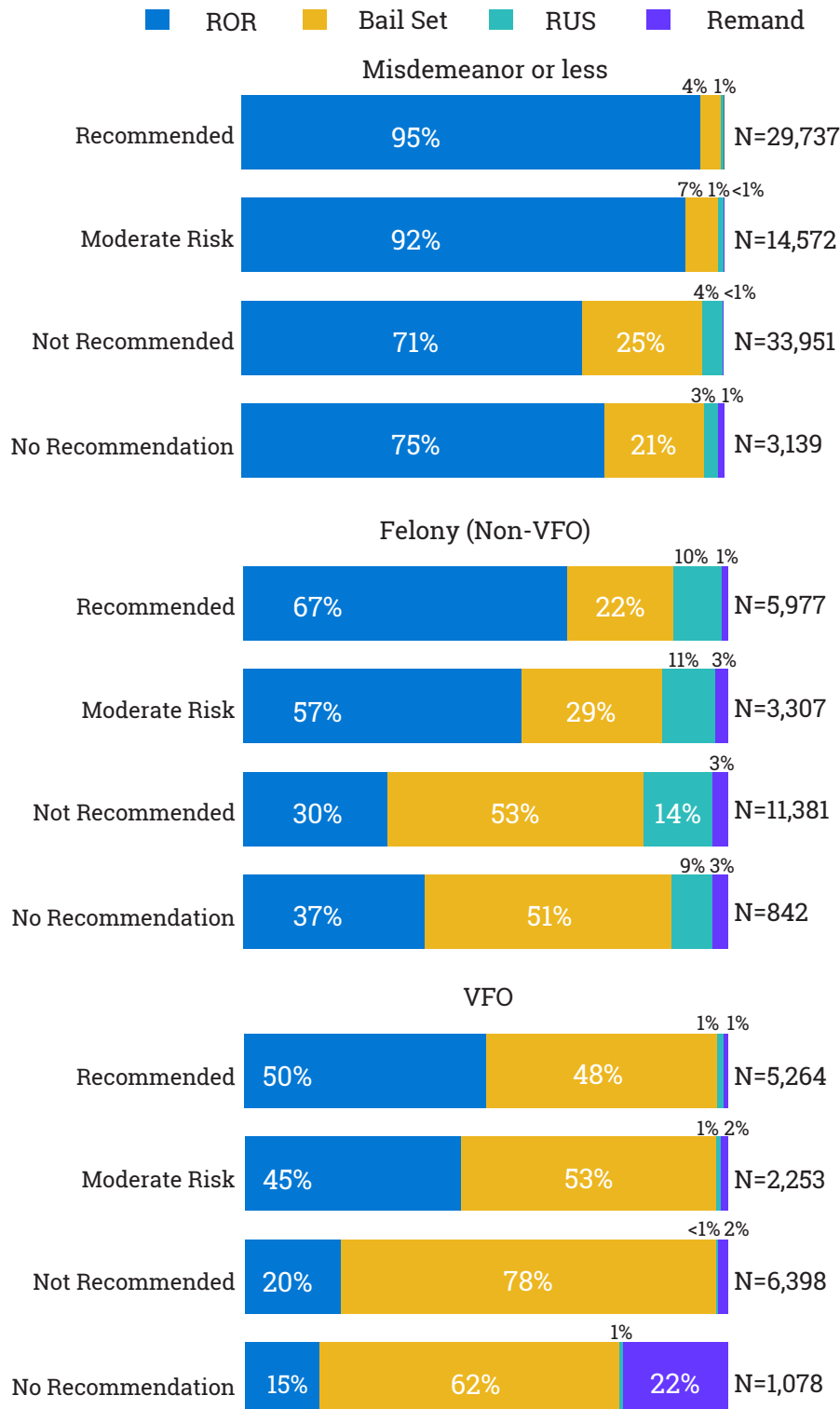
About The Data

- ▶ Not Recommended includes high risk of FTA, warrant/bail jumping charge, and conflicting residence information.
- ▶ These figures and any others using the CJA Recommendation include only summary arrests. Individuals issued DATs are not detained prior to arraignment and thus CJA does not conduct a pre-arraignment interview for them.

- Release outcomes varied considerably by arraignment charge severity. Yet for each severity category judges were more likely to ROR defendants recommended by CJA than defendants not recommended.

Figure 38

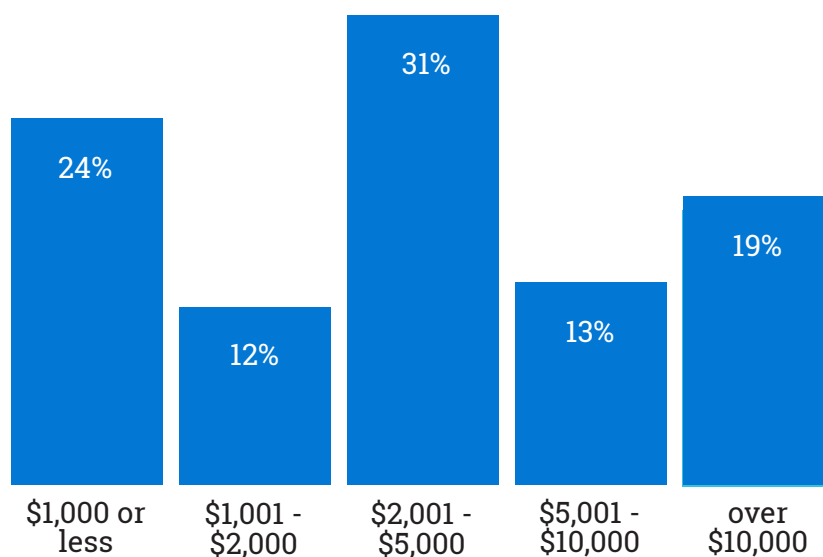
Release Outcome for Continued Cases by CJA Recommendation, by Severity



BAIL AMOUNT

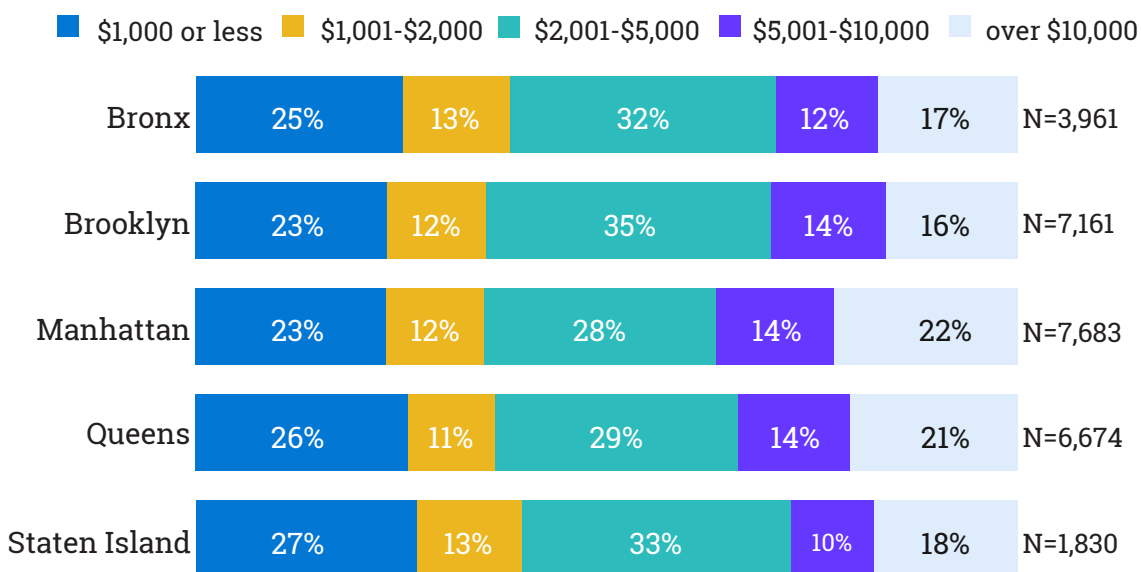
- Bail was set at \$2,000 or less in about 1 in 3 cases (36%). It was set at more than \$10,000 in about 1 in 5 cases (19%).

Figure 39
Bail Amount Set at Arraignment, Citywide
N=27,309



- Bail amounts were similar across all five boroughs.

Figure 40
Bail Amount Set at Arraignment, by Borough

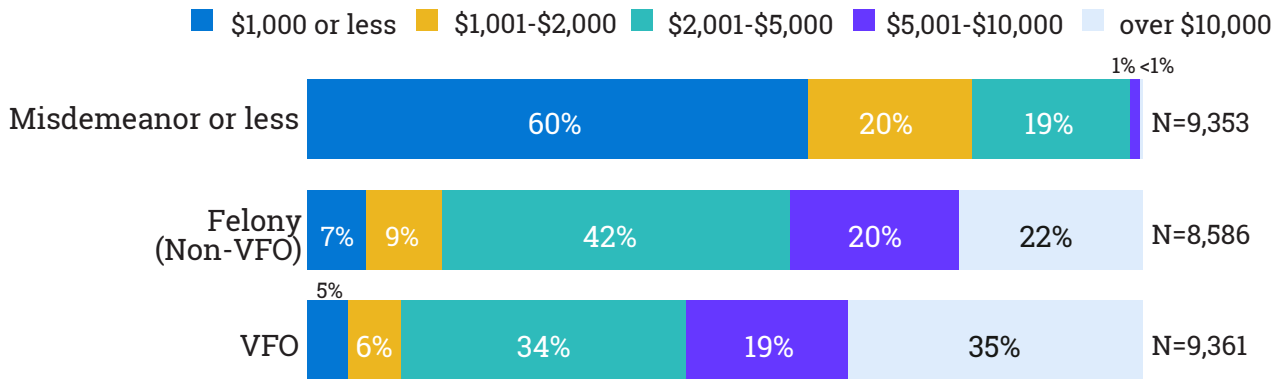


About The Data

- Cases with bail set at \$1 to indicate a pretrial hold are excluded.

- The amount of bail set was related to the defendant's arraignment charge severity: bail was set at \$1,000 or less in nearly 2 in 3 misdemeanors (60%); it was set at more than \$10,000 in about 1 in 3 violent felonies (35%).

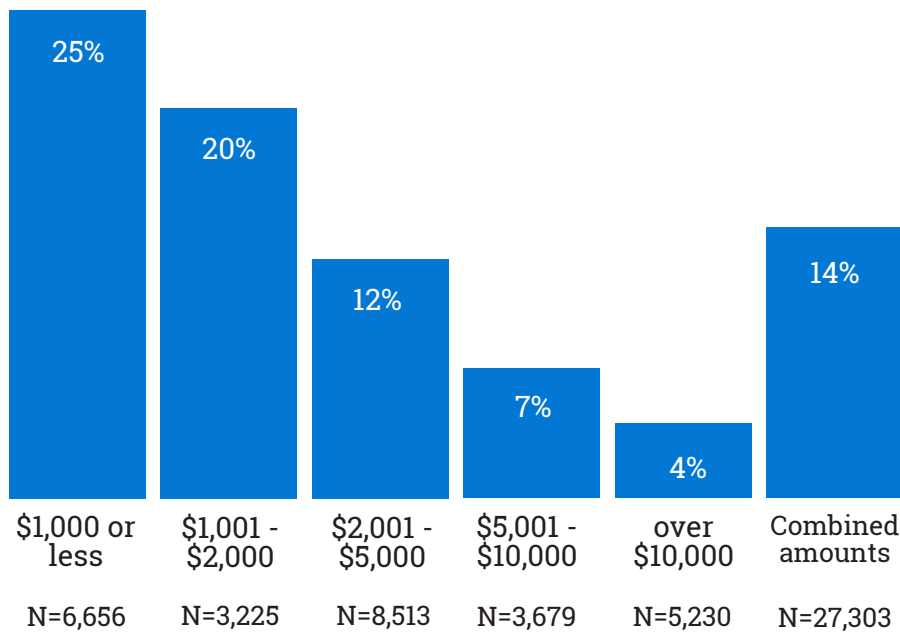
Figure 41
Bail Amount Set at Arraignment, by Severity



- Fourteen percent of defendants posted bail at arraignment. The greater the bail amount, the less likely it was posted.

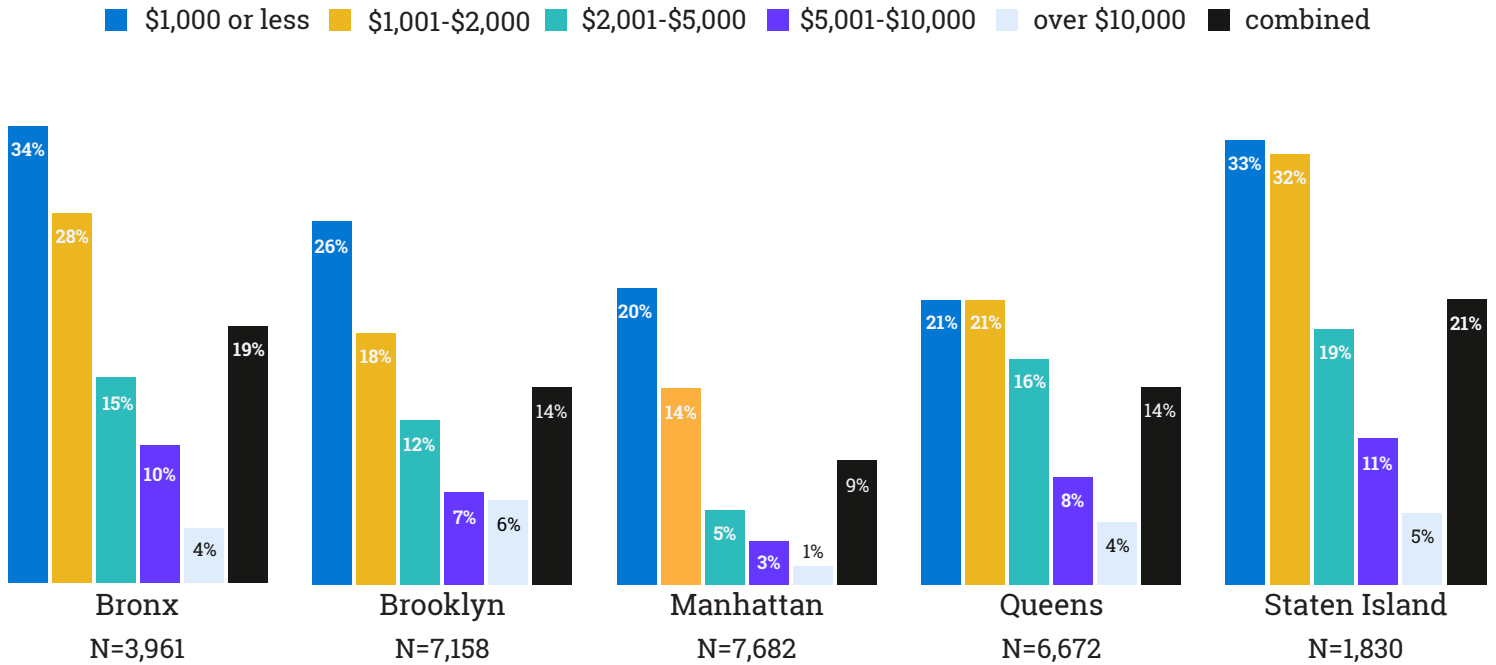
BAIL MAKING

Figure 42
Bail Making at Arraignment, Citywide



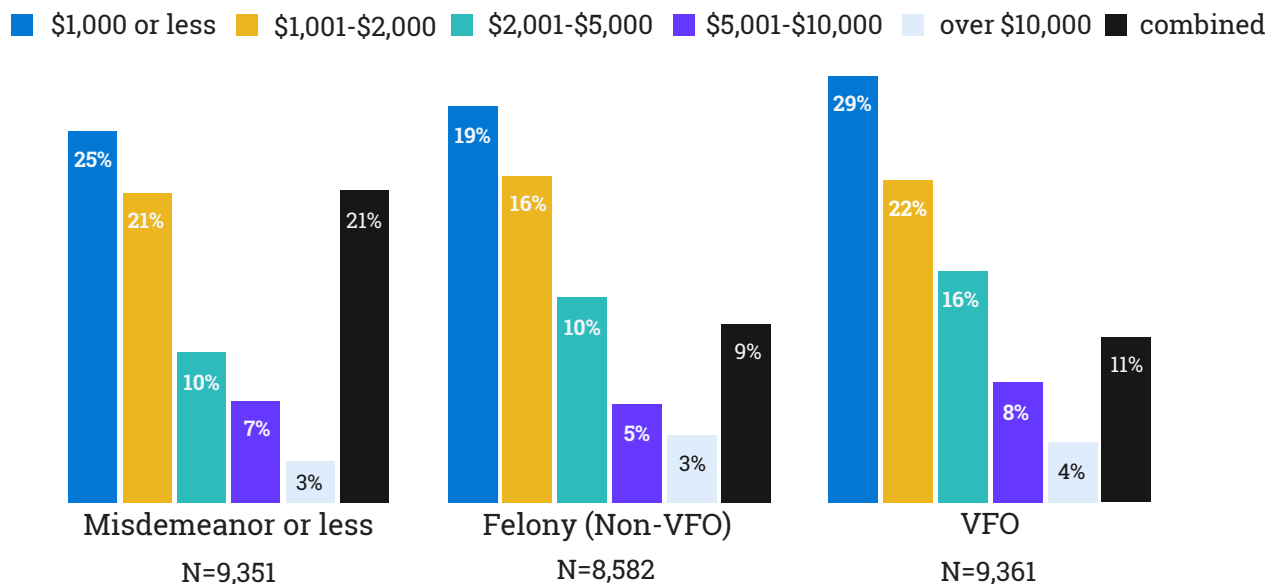
- Bail making at arraignment varied widely by borough. Defendants were more likely to post bail at arraignment in Staten Island (21%) and the Bronx (19%), and less likely in Manhattan (9%).

Figure 43
Bail Making at Arraignment, by Borough



- Defendants were about twice as likely to make bail when charged with a misdemeanor (21%) compared to a felony (9-11%).

Figure 44
Bail Making at Arraignment, by Severity



PART II

POST-ARRAIGNMENT

9 Release Prior to Disposition

- About half of bailed defendants (49%) were released after arraignment. Thirty-eight percent were held until disposition for not posting bail. Release outcomes for bailed defendants are shown below by borough and by severity.

Figure 45
Release Prior to Disposition, Citywide



Figure 46
Release Prior to Disposition, by Borough

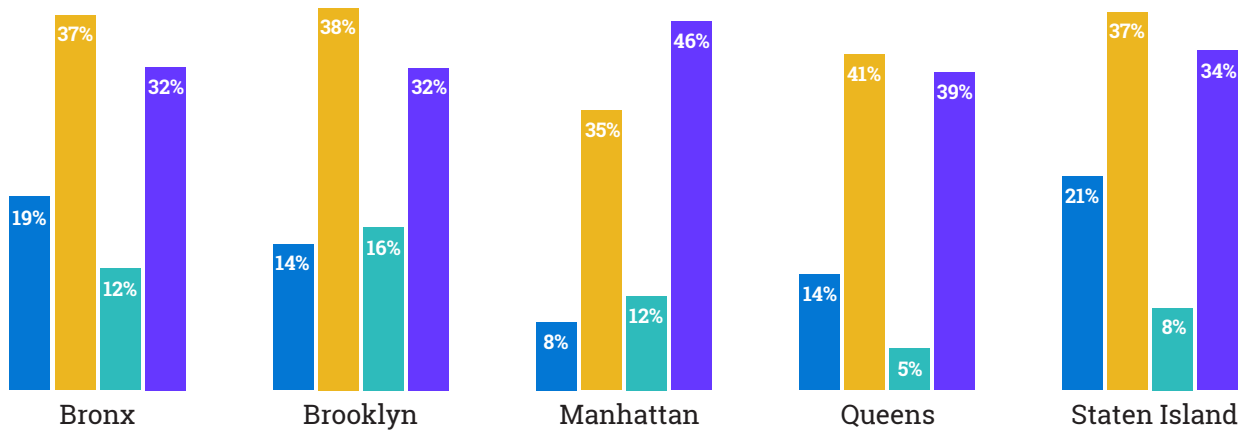


Figure 47
Release Prior to Disposition, by Severity

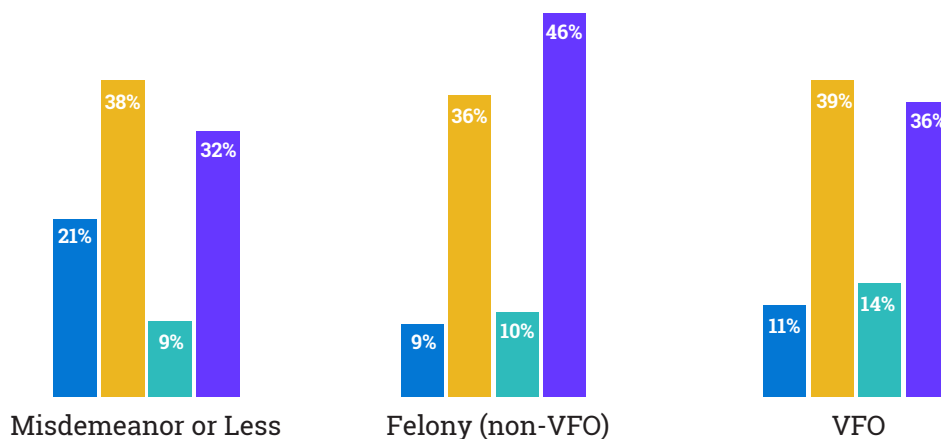


Figure 48
Release Prior to Disposition, by Severity and Borough

- Release outcomes for bailed defendants are shown below by severity and borough.

■ Made bail at arraignment ■ Made bail post-arraignment ■ ROR/RUS post-arraignment ■ Not released

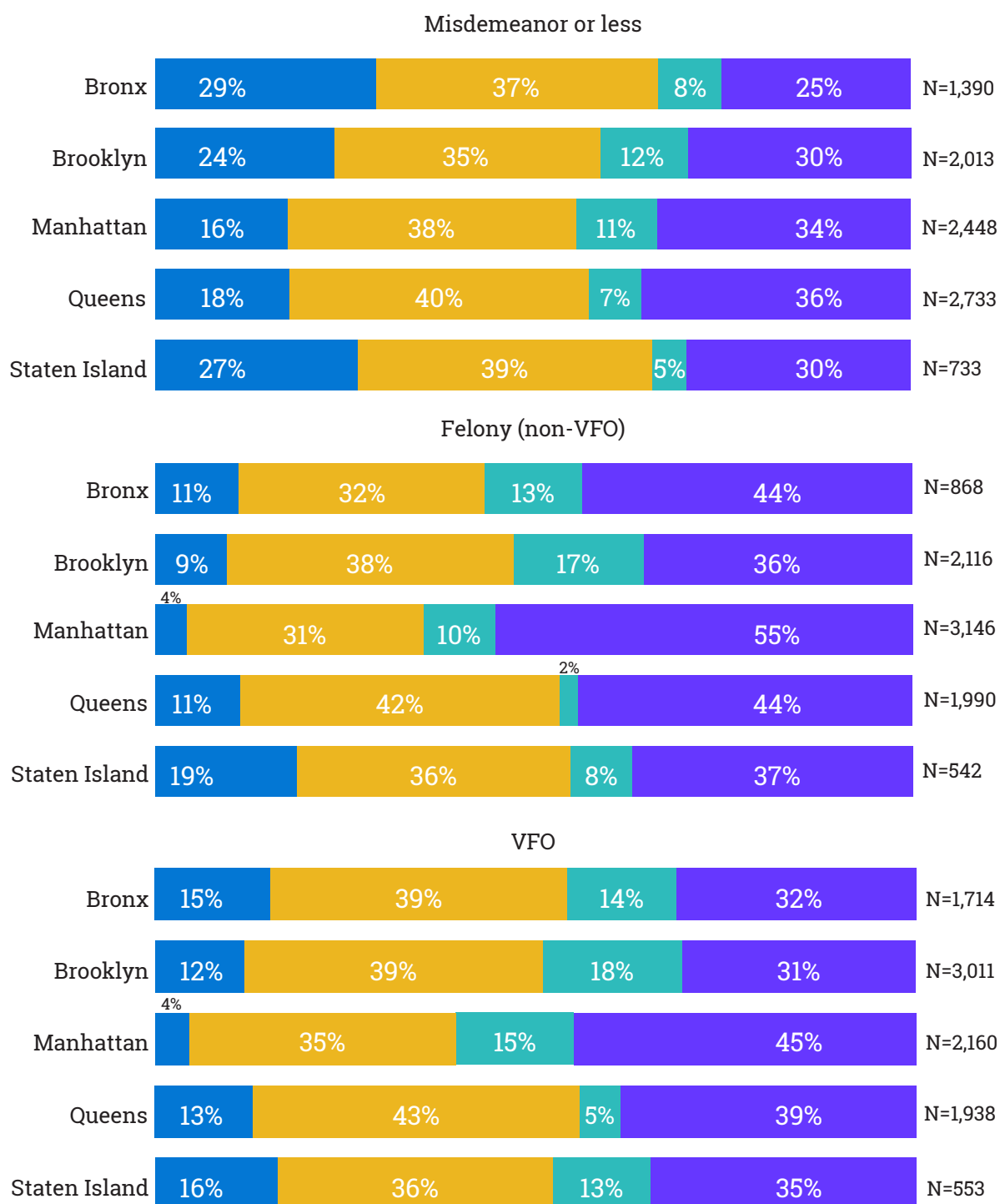
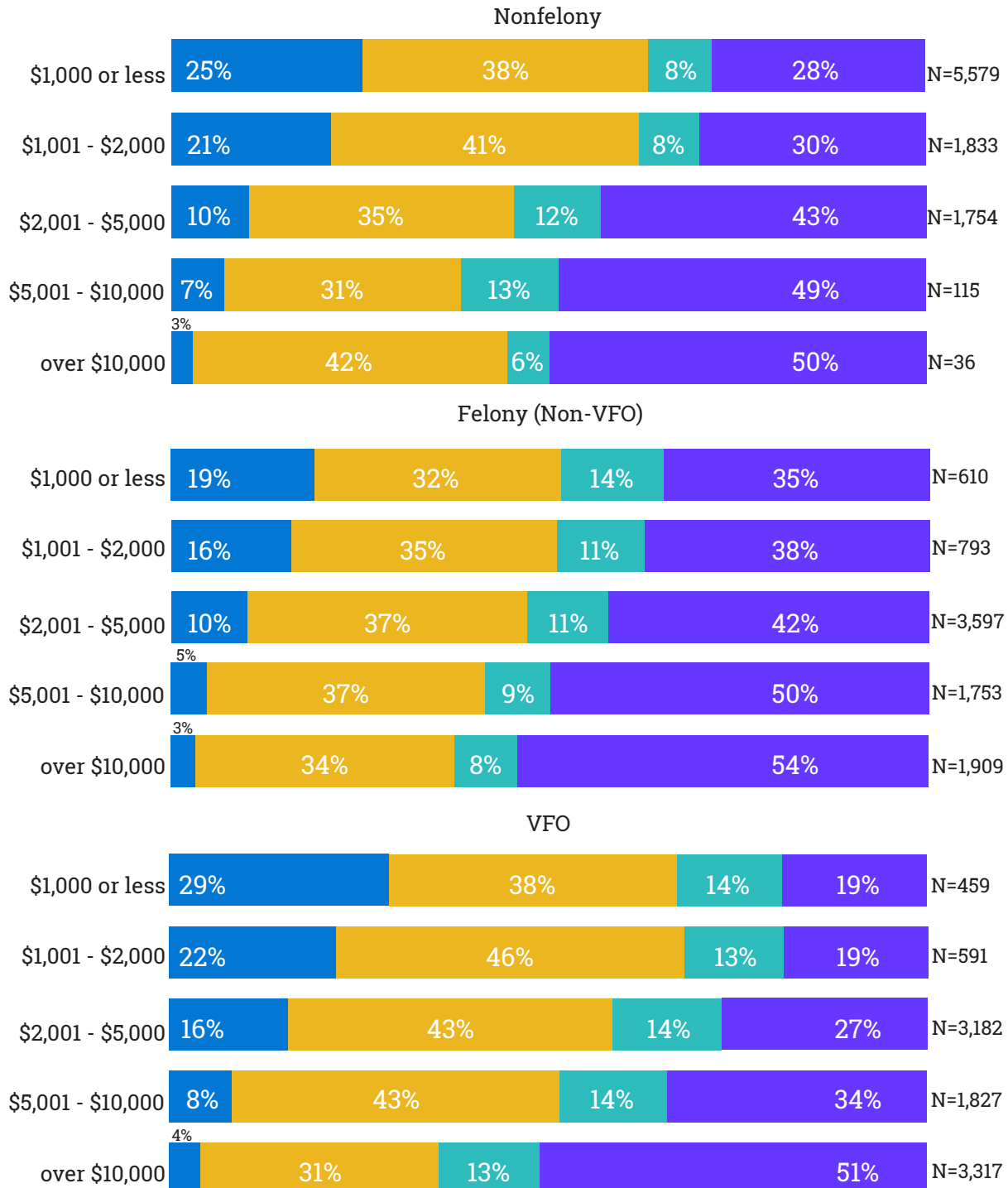


Figure 49
Release Prior to Disposition, by Severity and Bail Amount

- Release outcomes for bailed defendants are shown below by severity and bail amount.

■ Made bail at arraignment ■ Made bail post-arraignment ■ ROR/RUS post-arraignment ■ Not released



- Release outcomes for bailed defendants are shown below by severity, borough, and bail amount.

Figure 50
Release Prior to Disposition For Nonfelony Cases, by Borough and Bail Amount

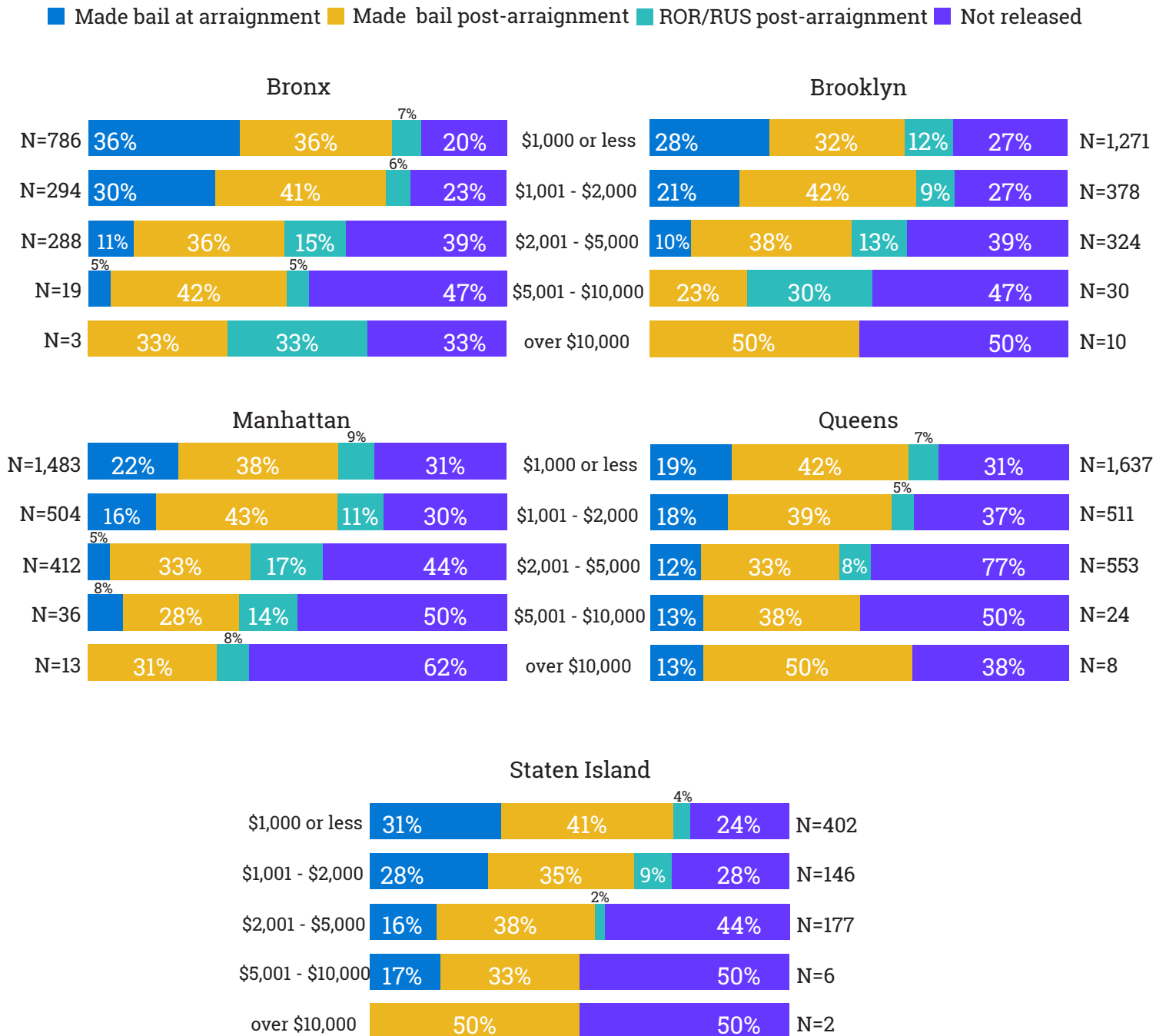


Figure 51

Release Prior to Disposition For Felony (Non-VFO) Cases, by Borough and Bail Amount

■ Made bail at arraignment ■ Made bail post-arraignment ■ ROR/RUS post-arraignment ■ Not released

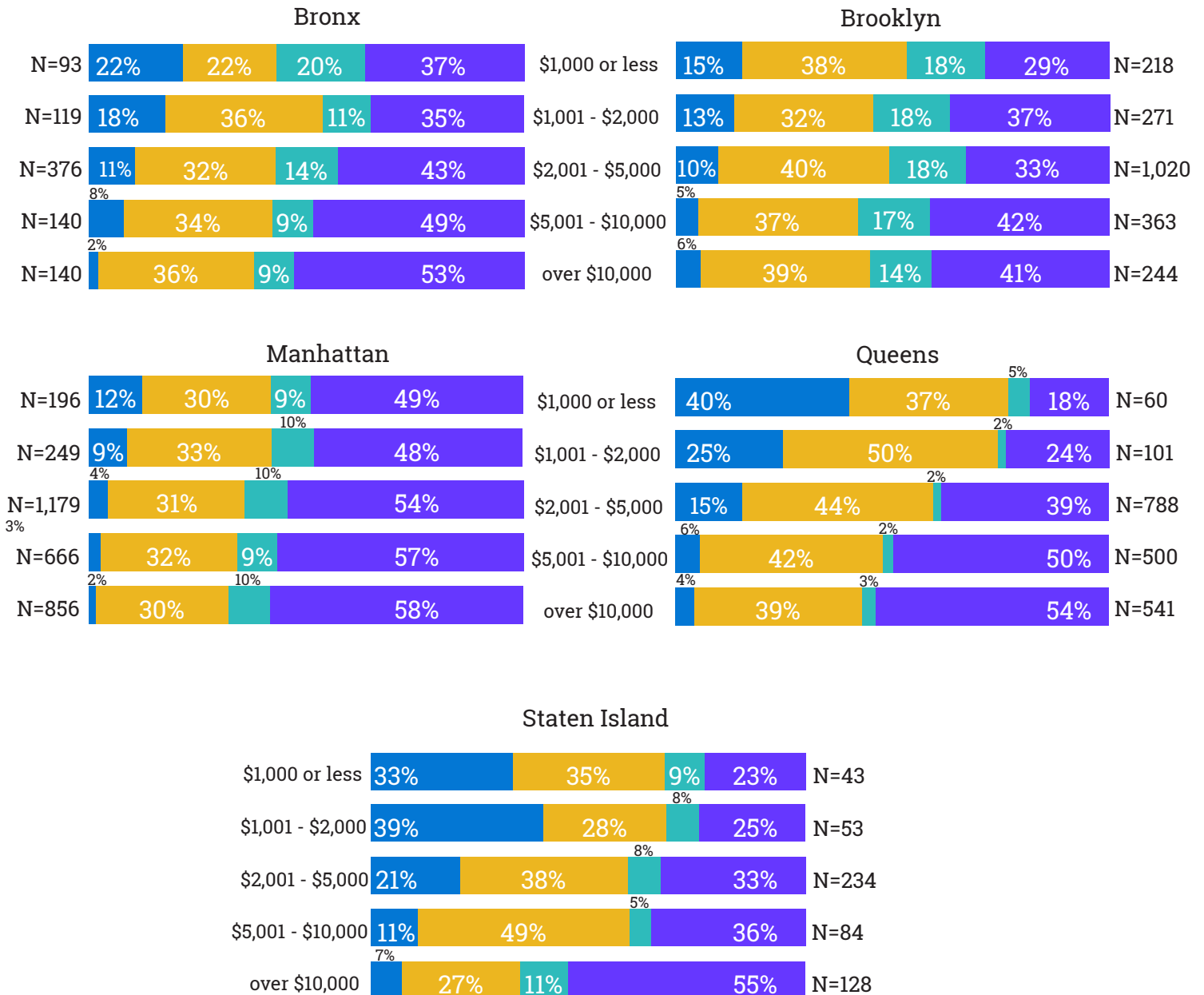
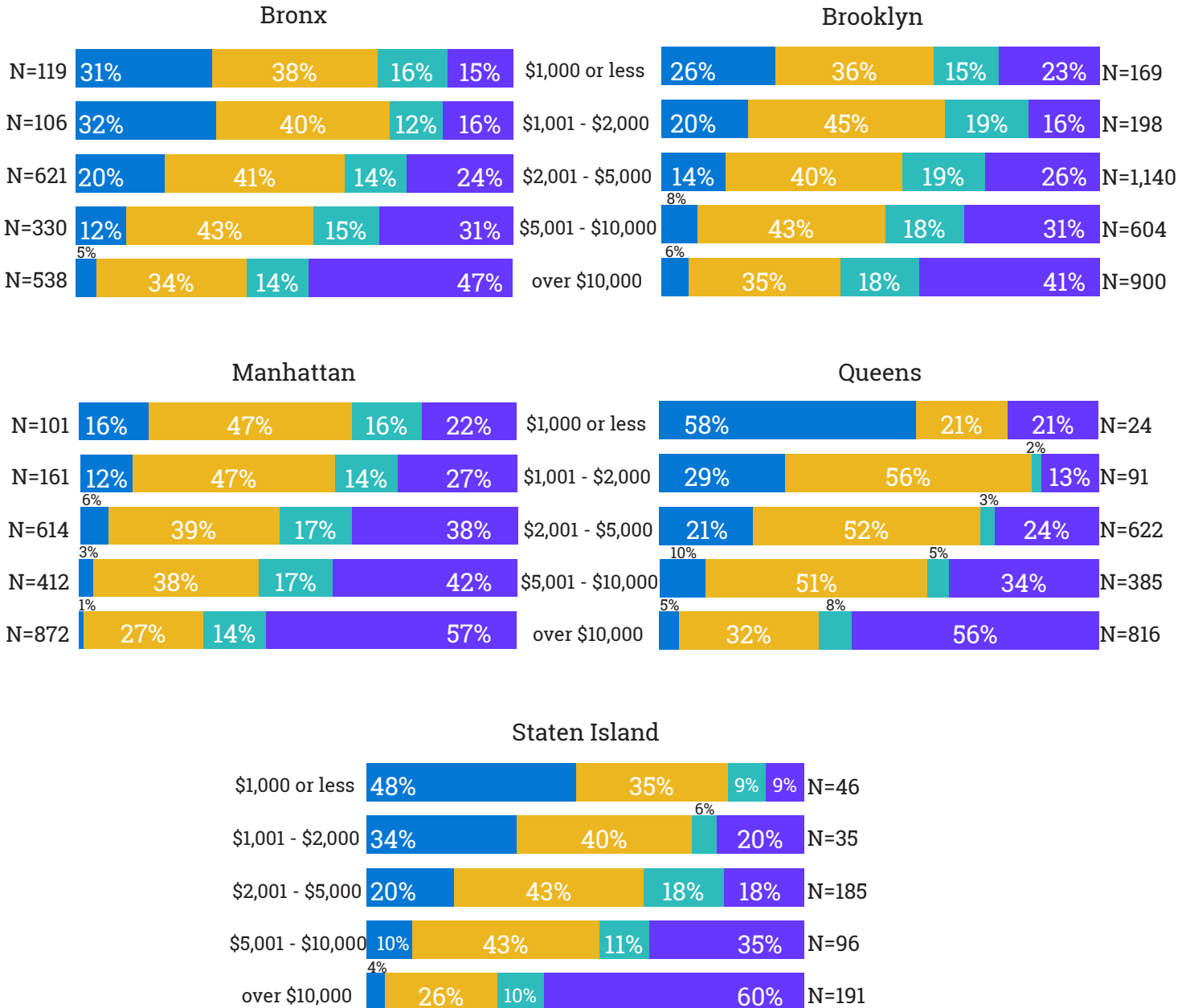


Figure 52

Release Prior to Disposition For VFO Cases, by Borough and Bail Amount

■ Made bail at arraignment ■ Made bail post-arraignment ■ ROR/RUS post-arraignment ■ Not released



10 Failure to Appear

- Eighty-three percent of defendants subject to a summary arrest made every scheduled pretrial court appearance; 17 percent missed at least one. The failure-to-appear rate was lower for defendants charged with a violent felony offense and defendants CJA recommended for release.

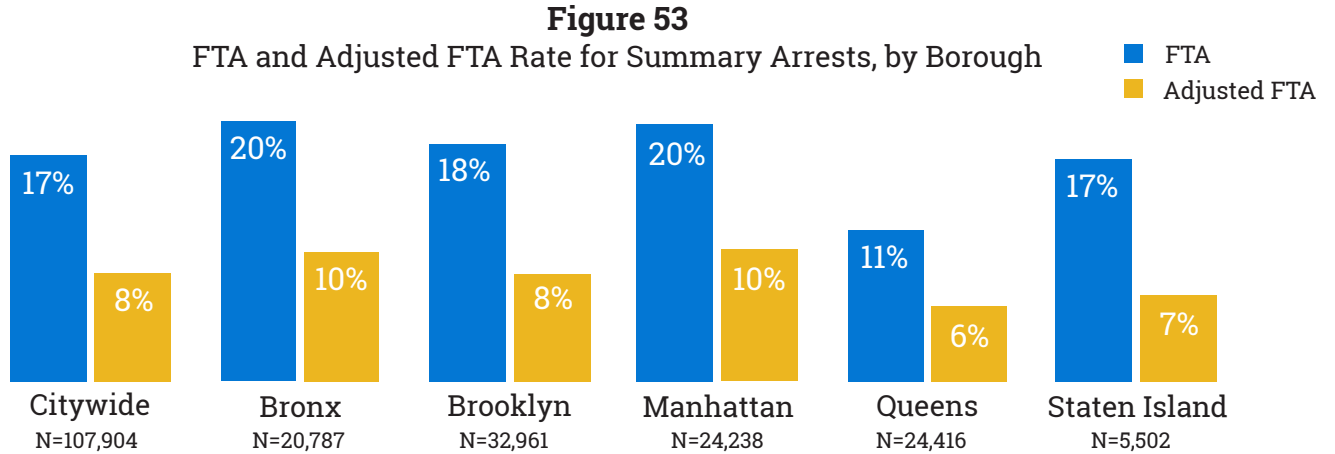


Figure 54
FTA and Adjusted FTA Rate for Summary Arrests, by Charge Severity

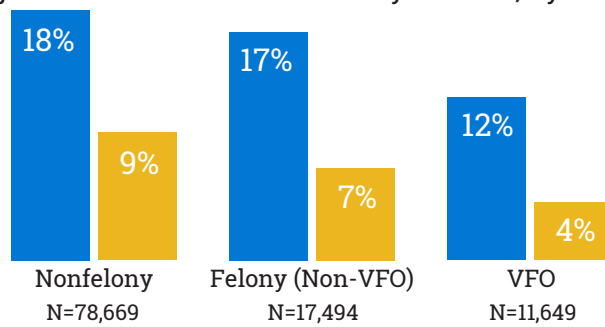
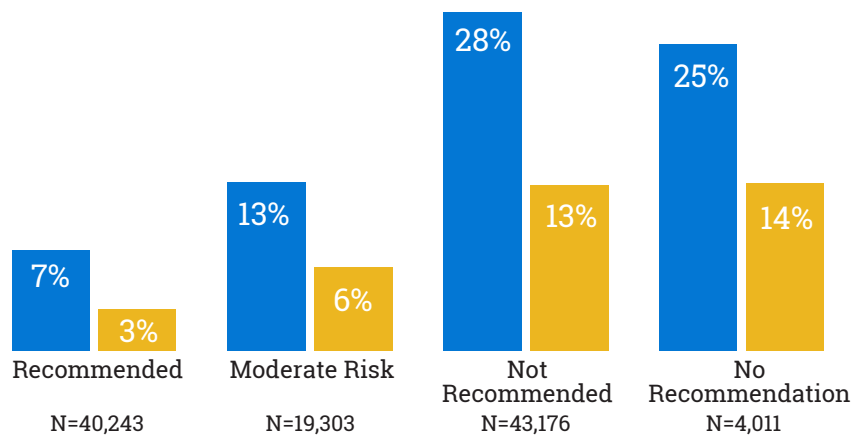


Figure 55
FTA and Adjusted FTA Rate for Summary Arrests, by CJA Recommendation

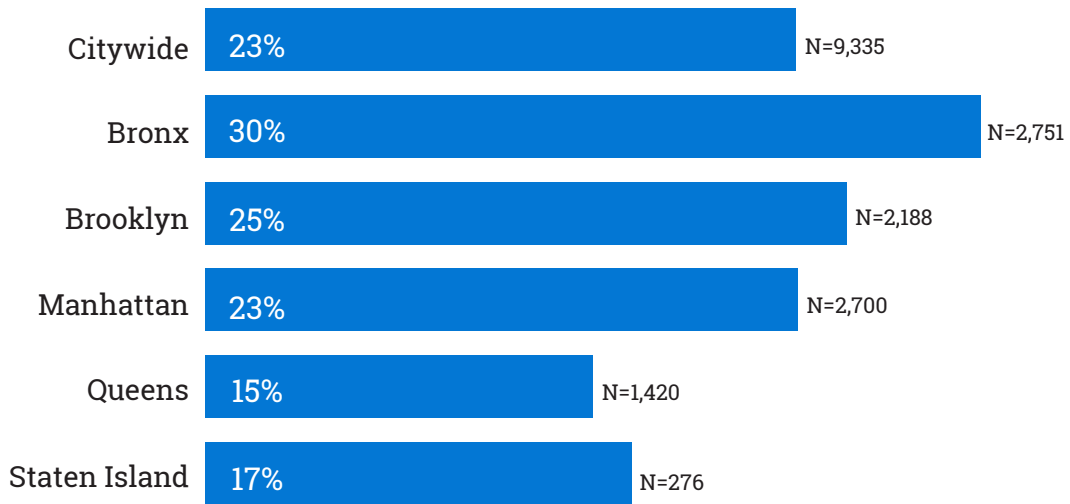


About The Data

- FTA rates are case based. They are calculated by dividing the number of cases in which a defendant failed to appear at least once by the total number of cases with defendants who were at risk of failing to appear (meaning they were released during the pretrial period). Cases were tracked until disposition or for at least 1 year (up to December 31, 2019), whichever came first. Returns on warrant were tracked for an additional 30 days. The adjusted FTA rate excludes defendants who failed to appear but returned to court within 30 days.

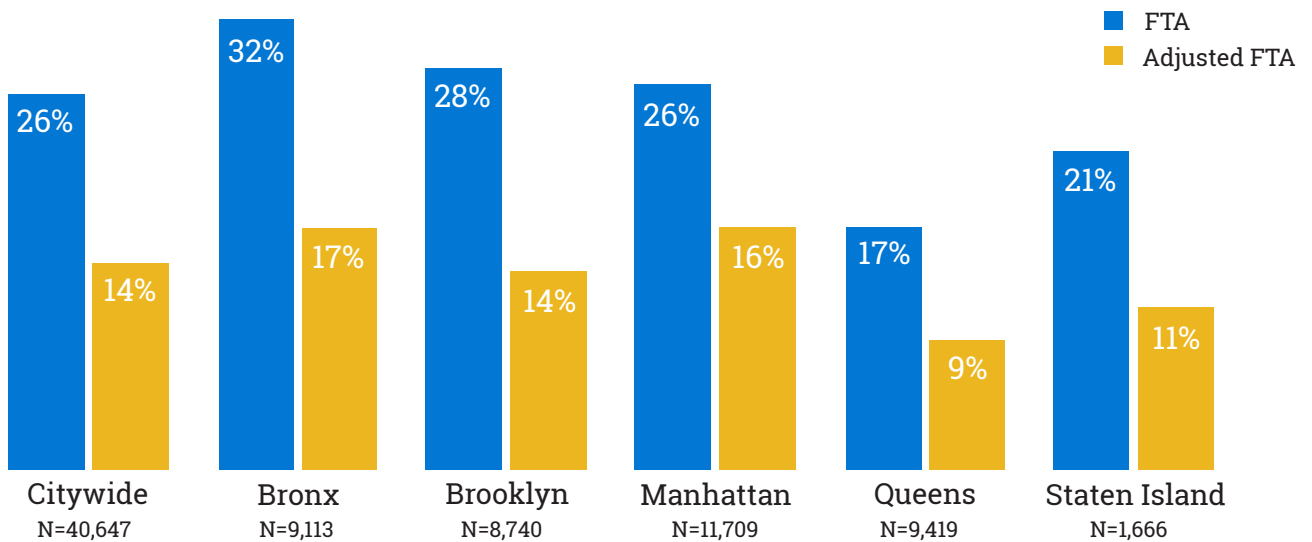
- Nearly 1 in 4 DAT defendants (23%) failed to appear at arraignment.

Figure 56
FTA Rates at DAT Arraignments, by Borough



- Seventy-four percent of DAT defendants made every scheduled court appearance; 26 percent missed at least one. The FTA rates for DATs were higher in the Bronx (32%) and Brooklyn (28%).

Figure 57
FTA and Adjusted FTA Rate for DATs, by Borough



PART III

CJA PROGRAMS

11 Notification

CJA has provided court date reminders since the 1970s. In recent years a vendor has provided most notification services, including robocalls three days prior to an appearance and on the morning of an appearance, as well as text messages to defendants with mobile phones.

In September 2017, our vendor notified CJA it would file for bankruptcy and cease operations within a month. We took this opportunity to develop a new call center. Though robocalls are still made, CJA wanted to add a personal touch by also making live calls. When individuals speak to a live caller, they have an opportunity to ask questions and are more likely to understand the criminal justice process. CJA has also expanded its Helpline capacities, making it easier for defendants and their families to call if they have questions or concerns about their case.

- In 2018, CJA made an average of more than **37,000 notification calls per month**.



CJA conducts randomized-controlled trials to determine the most effective types of notification. (For example, see Research Brief No. 45.) Our goal is to provide customized service based on the defendant's needs, rather than a one-size-fits-all approach.

12 Bail Expediting Program

CJA operates the Bail Expediting Program (BEX) in the Bronx, Brooklyn, Manhattan, and Queens. The program has operated in the Bronx and Queens since the 1980s and was expanded to Brooklyn and Manhattan in 2010. Its purpose is to identify potential sureties for defendants with bail set in their case, call the potential sureties, and assist them in posting bail. As part of CJA's pre-arraignment interview, it asks every defendant to identify potential sureties. For defendants with bail set, CJA attempts to contact these sureties for up to two days after the arraignment. (In 2018, the bail eligibility cutoff was set at \$5,000. It was later increased to \$10,000 in 2019.)

In 2017, the New York City Council passed, and Mayor Bill de Blasio signed into law, a series of bail reform measures to make posting bail easier and more timely. One of these reforms increased the amount of time a defendant with bail set can remain in the courthouse. In cases where a defendant has bail set and is unable to post it immediately, most will eventually be placed on a bus and transported to a facility on Rikers Island. But if CJA identifies a potential surety who's able to post bail, a hold is placed on the defendant – keeping them at the courthouse for an extended period of time and avoiding unnecessary incarceration on Rikers Island.

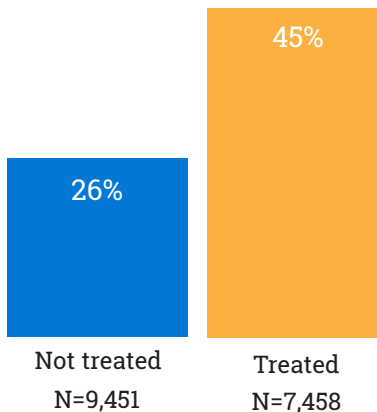
- CJA secured 1,965 holds in 2018. Seventy percent of these defendants posted bail at arraignment.

Figure 58
Rate of Release at Arraignment for Defendants with a BEX Hold



- Forty-five percent of defendants treated under the BEX program posted bail within 2 days, compared with 26% of defendants who were not.

Figure 59
Rate of Release within 2 days of Arraignment



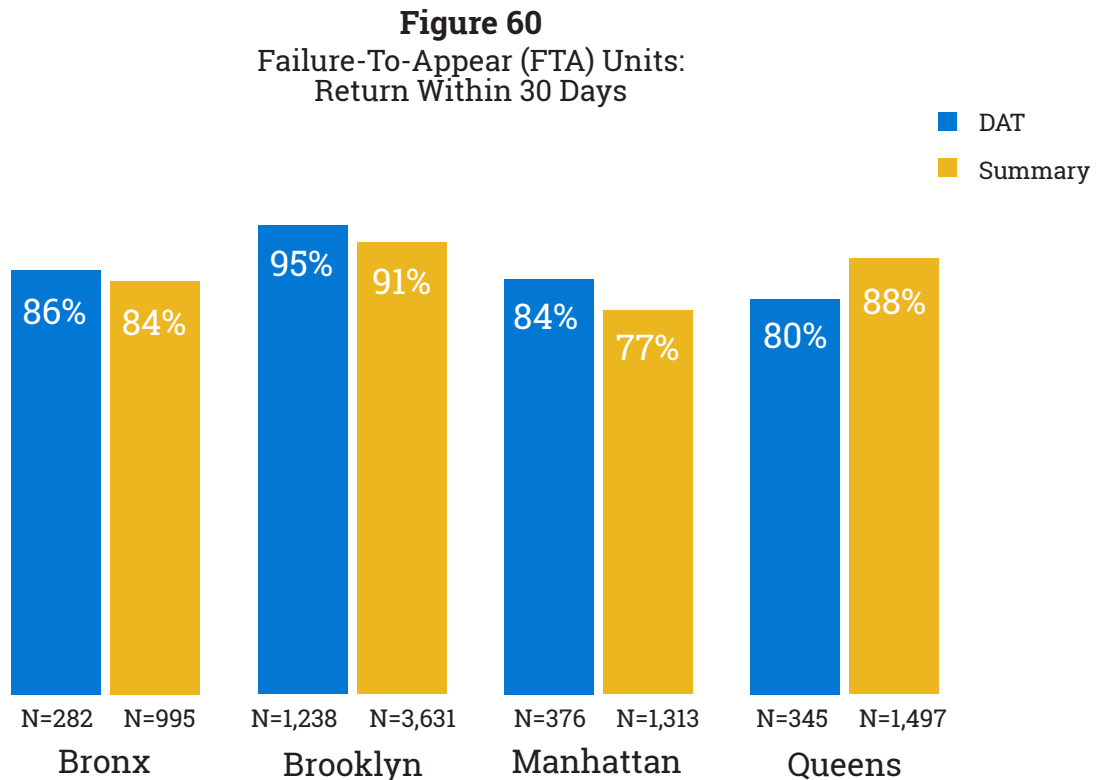
13 Court Appearance Support Units

CJA operates Court Appearance Support Units (CASU) in the Bronx, Brooklyn, Manhattan, and Queens. Staff members identify defendants who failed to appear for a post-arraignment date in Criminal Court, as well as defendants who were issued a desk appearance ticket (DAT) and failed to appear for the scheduled arraignment (or for a post-arraignment appearance). FTA Unit staff attempt to reach these defendants and persuade them to return to court voluntarily. For defendants who do return, or provide a verified reason for the missed court date, there are benefits: the warrant is often vacated, usually no additional charges result from the FTA, and the defendant is more likely to be released without having to post bail.

Attempts are made to contact defendants by telephone and letter. If a phone number is available, CJA's efforts to reach the defendant continue until he or she returns to court, or up to 29 days after the warrant is issued. CJA also may help arrange for the defendant's attorney to accompany him or her to court.

Figure 58 illustrates the rate at which defendants CJA attempted to call return to court within 30 days.

- Between 80 and 95 percent of DAT defendants returned to court within 30 days; between 77 percent and 91 percent of summary defendants returned to court within 30 days.



14 Supervised Release

In 2009, CJA launched the Supervised Release program in Queens (QSR). In March 2016, the city established Supervised Release programs in each borough. At the time, defendants charged with a nonviolent felony offense or a misdemeanor were eligible. The program seeks to enroll defendants who would most likely have bail set in their case if not for the option of entering the program. QSR Court Representatives screen potentially eligible defendants and engage with defense attorneys to find individuals who may benefit from the program. Clients in the program undergo a thorough assessment and are assigned a social worker or counselor who works closely with them. Voluntary referrals are made for services ranging from housing and vocational training to community-based mental health and substance abuse treatment.

- The demographic characteristics of the 917 defendants enrolled in Supervised Release in 2018 are shown below.

Figure 61
Queens Supervised Release Clients, by Sex

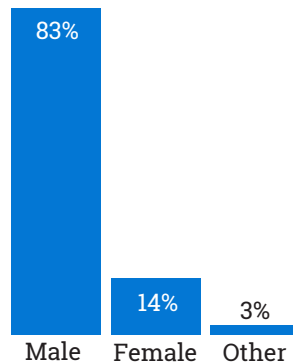


Figure 62
Queens Supervised Release Clients, by Race

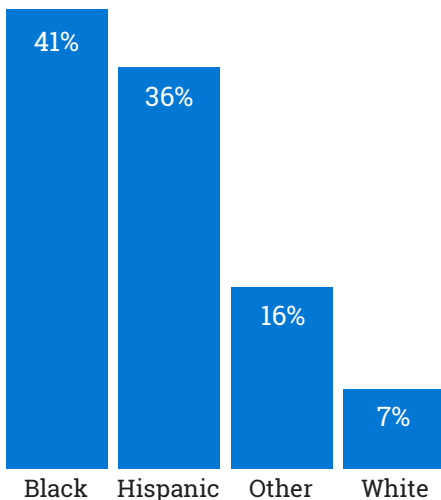
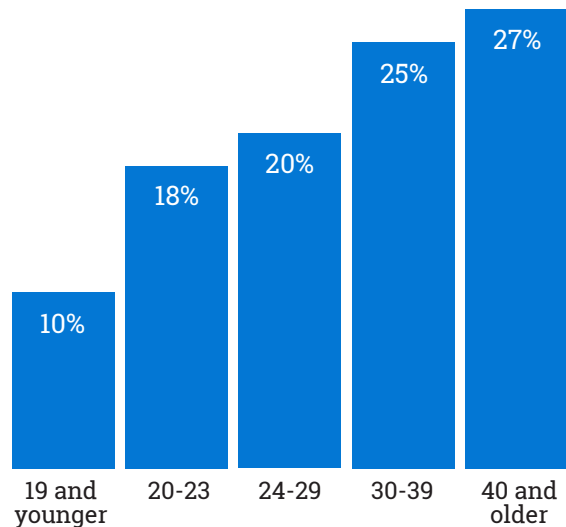


Figure 63
Queens Supervised Release Clients, by Age



- Nearly 3 in 4 defendants enrolled in Supervised Release (74%) were charged with a felony. Eighty-three percent of defendants successfully completed the program, while 17 percent had their supervision revoked. Possible reasons for revoking supervision include a rearrest, failure to comply with program requirements, and missing a scheduled court date, though such infractions do not automatically result in revocation.

Figure 64
QSR Most Severe Arraignment Charge

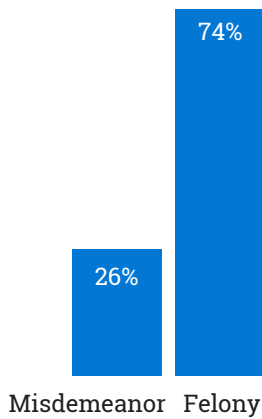
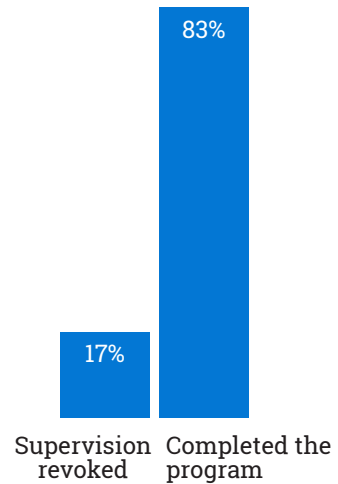


Figure 65
QSR Program Outcome

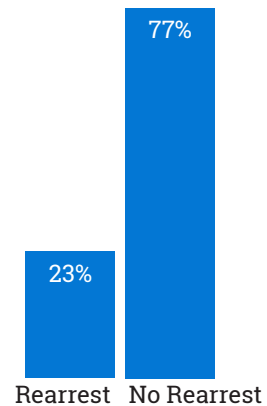


- Among the 758 defendants who completed the program, the failure-to-appear rate was 9 percent and the rearrest rate was 23 percent.

Figure 66
QSR FTA Rate



Figure 67
QSR Rearrest Rate
(prosecuted rearrests only)



CJA Publications

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Research Briefs

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No. 43 Disorderly Conduct (§240.20) — New York City's Catchall Disposition (2019)

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Domestic Violence

The Impact of the Kings County Integrated Domestic Violence Court on Case Processing (2014)

Early Victim Engagement in Domestic Violence Cases (2013)

The Kings County District Attorney's Video Statement Program for Domestic Violence Cases (2012)

Arrest Histories of Adolescent Male Domestic Violence Offenders in New York City (2011)

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Recidivism Among Juvenile Offenders in New York City, 2007-2012: A Comparison by Case Outcome (2015)

Annual Report on the Adult Case Processing of Juvenile Offenders in New York City (available from 1998 through 2015)

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New York's Credit Card Bail Experiment (2014)

A Decade of Bail Research in New York City (2012)

Effect of Release Type on Failure to Appear (2011)

Annual Report

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Understanding the Past, Imagining the Future: 13 Highlights from 30 Years of New York City Criminal Justice Data (2018)

Misdemeanor Marijuana Arrests: New York City 2012-2014 (2015)

The Past, Present, and Possible Future of Desk Appearance Tickets in New York City (2014)

Alternatives to Incarceration

Community Supervision as a Money Bail Alternative: The Impact of CJA's Manhattan Supervised Release Program on Legal Outcomes and Pretrial Misconduct (2016)

Screening and Selecting Cases and Clients for CJA's Supervised Release Programs in Queens and Manhattan (2014)

CJA's Supervised Release Programs and Manhattan Start-Up: Case Screening and Participant Selection Process (2014)



2018 Annual Report

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