

NEW YORK CITY
CRIMINAL JUSTICE AGENCY

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FAILURE-TO-APPEAR-RATES
FOR DEFENDANTS ISSUED DESK APPEARANCE TICKETS:

A One-Month Study of the Effects of the
Timing of Scheduled Arraignments

RESEARCH DEPARTMENT

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This report reviews a study undertaken by the New York City Criminal Justice Agency to examine the relationship between failure-to-appear (FTA) rates for desk appearance ticket (DAT)* arraignments and the length of time between arrest and arraignment in the five boroughs of New York City and to identify borough differences in arraignment scheduling practices. The data show a marked trend of increasing FTA rates as the time between arrest and DAT arraignment increases. There is a particularly striking contrast between the relatively low FTA rates at arraignments held in less than two weeks after arrest and the much higher rates for arraignments two weeks and more after arrest. The data reviewed here strongly suggest that delay in DAT arraignments is a major cause of the relatively high DAT failure-to-appear rates. However, this study did not examine and does not rule out the possibility of other contributing factors, such as different arraignment scheduling patterns for various categories of DAT defendants who may characteristically have higher or lower FTA rates.

The research is based on the 2,239 arraignments scheduled for docketed DAT defendants during the one-month period from December 29, 1980 - February 1, 1981. The arrest and arraignment dates were compared for each DAT defendant. Since the date of arrest was not available for 36 defendants, the report focuses on failure to appear at the remaining 2203 arraignments. The data for this research reflect arrest reports and Criminal Court calendars as recorded in the CJA database.

*A desk appearance ticket (DAT) is a written summons issued by the New York City Police for arraignment at a future date. The New York State Criminal Procedure Law allows for DAT issuance in any non-felony arrest, but the NYPD imposes some additional restrictions, denying DAT's to defendants wanted by other law enforcement officials, defendants who are admitted addicts and not in an authorized treatment program, and defendants arrested on any of a class of charges known as photographable offenses (most commonly prostitution and related charges).

Only 5% of DAT arraignments in New York City were scheduled during the first week after arrest and barely 8% occurred during the first two weeks (Exhibits I and II). During the first three weeks following arrest, only a quarter of DAT cases reached arraignment and less than half reached arraignment within four weeks. More than six weeks elapsed between arrest and arraignment for a fifth of the DAT defendants and more than eight weeks elapsed for 8% of the cases.

Borough differences in the scheduling of DAT arraignments are substantial (Exhibit III). Almost nine of every ten (85.9%) Bronx DAT arraignments were scheduled within four weeks of arrest. In contrast, the proportions of DAT arraignments scheduled within four weeks were much lower in other boroughs: 53.4% in Staten Island, 43.7% in Brooklyn, 37.1% in Manhattan and 26.2% in Queens. Bronx DAT cases also showed the highest proportion scheduled for arraignment within six weeks (95.4%), followed by Brooklyn (89.3%), Queens (80.6%), Staten Island (80.1%) and Manhattan (69.9%). The elapsed time between arrest and scheduled arraignment exceeded eight weeks for very few Brooklyn (0.3%), Bronx (1.7%) and Queens (3.6%) cases, as compared to 13.3% of Staten Island and 13.6% of Manhattan DAT defendants.

Citywide, 35.9% of the DAT defendants failed to appear for arraignment as scheduled in January 1981, but there were notable differences among the boroughs. The FTA rate was highest among Manhattan DAT defendants (46.0%), who constituted more than half of all DAT arraignments during that period. Brooklyn DAT defendants were second, with a 31.7% FTA rate. Bench warrants were issued for little more than a fifth of Bronx and Queens DAT defendants and for 13.0% of those arrested in Staten Island (Exhibits IV and V).

Clearly, defendants were more likely to appear for arraignments scheduled shortly after arrest than for those scheduled further into the future. As shown in Exhibit I, the citywide non-appearance rate for arraignments scheduled 7-13 days after arrest (21.8%) was almost twice the rate for arraignments scheduled within a week of arrest (11.6%), and the non-appearance rate 14-20 days after arrest was three times the one-week rate. DAT defendants scheduled for arraignment more than eight weeks after arrest were better than four times more likely to fail to appear (48.1%) than those scheduled for arraignment within a week of arrest.

The relationship observed citywide between likelihood of failure to appear and elapsed time from arrest to arraignment is reflected to varying extents by the data on non-appearance in each borough (Exhibit III). In general, FTA rates increased sharply after two weeks elapsed between arrest and arraignment. After 28 days, FTA rates remained generally high throughout the city.

The difference in the FTA rates for DAT defendants scheduled for arraignment within two weeks of arrest as compared to the 14-27 day category was greatest in Manhattan. Only 15% of the 98 Manhattan defendants scheduled for prompt (0-13 days) arraignment, but 52% of the 346 scheduled 14-27 days after arrest, failed to appear. Brooklyn FTA rates also increased more than threefold from the under-two-weeks (7%) to the 14-27 days (26%) category; however, the extent to which conclusions can be drawn from these Brooklyn findings is limited by the small number of defendants --only 14-- scheduled to be arraigned within two weeks of arrest. The increase in the Bronx was more modest: 18% to 22%. The number of defendants scheduled for arraignment within two weeks of arrest in Queens and Staten Island was far too small to allow meaningful comparison.

In all boroughs except Staten Island* DAT defendants scheduled for arraignment four to six weeks after arrest were more likely to fail to appear than those scheduled within two weeks of arrest. In Brooklyn and the Bronx, the four-to-six week rates were higher than those observed at two-to-four weeks, whereas the Manhattan rates decreased slightly and the Queens rates dropped substantially. In each borough (except Staten Island) the non-appearance rates in the six-to-eight week category were also higher than for defendants in the shortest elapsed time group. Again, however, the citywide increase observed when the four-to-six and six-to-eight week arraignments are compared was not consistently reflected in each borough.

*The low volume (46) of Staten Island DAT arraignments during the period under study precludes analysis of FTA for different amounts of time elapsed between arrest and arraignment. It should be noted, however, that the overall January FTA rate for Staten Island DAT arraignments was low -- 11.1%.

**Exhibit I: CITYWIDE FAILURE-TO-APPEAR AND ELAPSED TIME
FROM ARREST TO SCHEDULED ARRAIGNMENT**

(Arraignments Scheduled December 29, 1980-February 1, 1981)

<u>Days</u>	<u>Failure to Appear Rate*</u>	<u>Proportion of Arraignments</u>
0-6	11.6% (112)	5.1%
7-13	21.8% (55)	2.5%
14-20	32.1% (315)	14.3%
21-27	37.5% (518)	23.5%
28-34	38.4% (456)	20.7%
35-41	33.8% (278)	12.6%
41-55	38.2% (288)	13.1%
56-181	48.1% (181)	<u>8.2%</u>
		100.0%
Number of Cases	(2203)	2203
Days not available	<u>36</u>	
TOTAL SCHEDULED	2239	
TOTAL FTA	804	
TOTAL FTA RATE	35.9%	

*The failure-to-appear (FTA) rate is calculated as the number of DAT defendants who failed to appear for their scheduled arraignment as a proportion of all arraignments scheduled for DAT defendants in a particular category. The number in parentheses reflects the total number of arraignments scheduled for the category, the base of the failure-to-appear rate proportion. For example, 13 of the 112 arraignments scheduled 0-6 days after arrest for DAT defendants resulted in the issuance of a bench warrant; the FTA rate is calculated as 11.6%.

EXHIBIT II: CITYWIDE FTA RATES BY ELAPSED TIME FROM
ARREST TO ARRAIGNMENT FOR DEFENDANTS ISSUED DESK APPEARANCE TICKETS

12/29/80-2/1/81

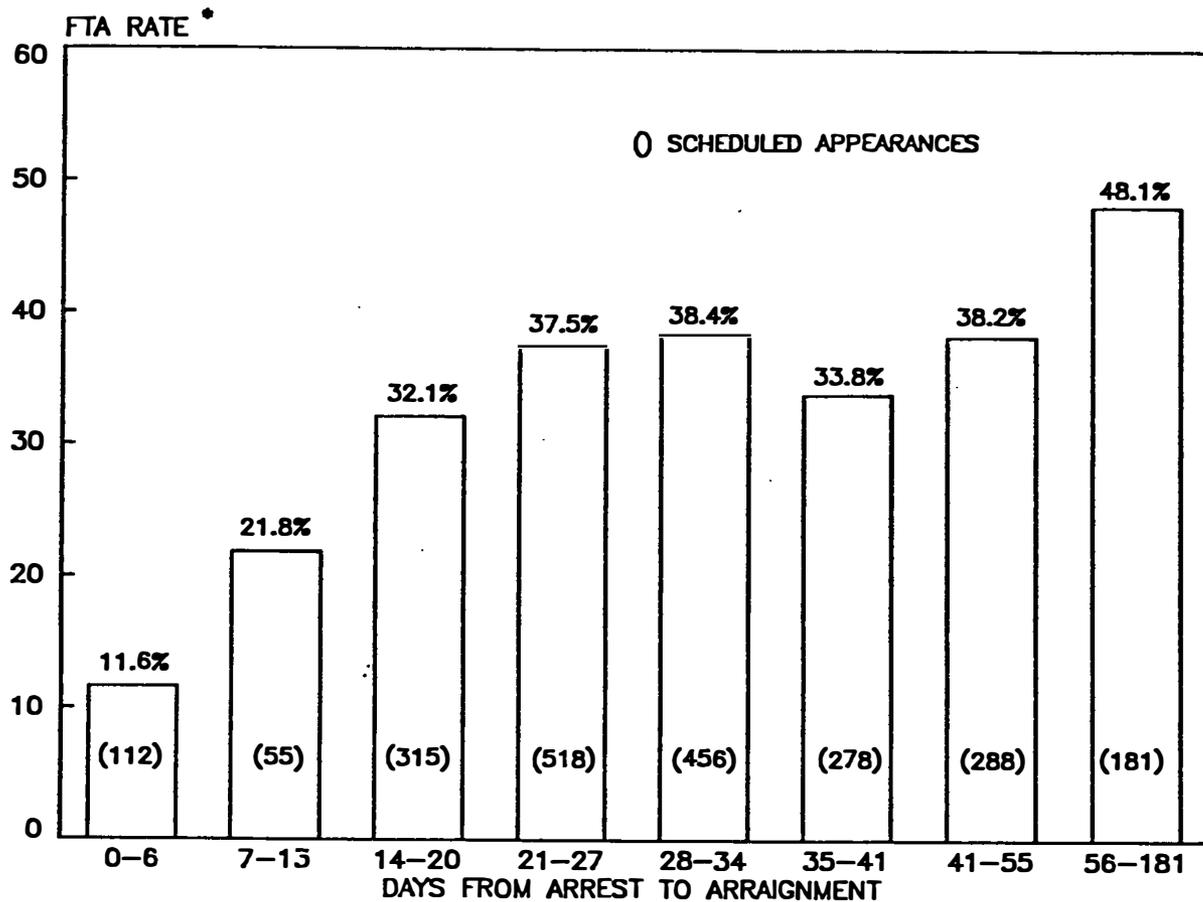


Exhibit III: THE SCHEDULING OF ARRAIGNMENTS FOR DEFENDANTS ISSUED
DESK APPEARANCE TICKETS: NUMBER OF DAYS FROM ARREST TO ARRAIGNMENT

<u>Days from Arrest to Arraignment</u>	<u>Brooklyn</u>	<u>Bronx</u>	<u>Manhattan</u>	<u>Queens</u>	<u>Staten Island</u>	<u>Citywide</u>
0-13	3.8%	14.5%	8.4%	0.7%	6.7%	7.6%
14-27	39.9%	71.4%	29.7%	25.5%	46.7%	37.8%
28-41	45.6%	9.5%	31.8%	54.4%	26.7%	33.3%
42-55	10.5%	2.9%	16.6%	15.7%	6.7%	13.1%
56-181	0.3%	1.7%	13.6%	3.6%	13.3%	8.2%
	<u>100.0%</u>	<u>100.0%</u>	<u>100.0%</u>	<u>100.0%</u>	<u>100.0%</u>	<u>100.0%</u>
# of Cases	373	346	1165	274	45	2203
Days not available	<u>6</u>	<u>4</u>	<u>21</u>	<u>4</u>	<u>1</u>	<u>36</u>
TOTAL DAT	379	350	1186	278	46	2239
% of Citywide	16.0%	15.6%	53.0%	12.4%	2.1%	100.0%

**Exhibit IV: FAILURE TO APPEAR AT ARRAIGNMENT AMONG DEFENDANTS
ISSUED DESK APPEARANCE TICKETS IN EACH BOROUGH**

(Arraignments Scheduled December 29, 1980-February 1, 1981)

<u>Days from Arrest to Arraignment</u>	<u>Brooklyn</u>	<u>Bronx</u>	<u>Manhattan</u>	<u>Queens</u>	<u>Staten Island</u>	<u>Citywide</u>
0-13	7.1% (14)	18.0% (50)	15.3% (98)	0.0% (2)	0.0% (3)	15.0% (167)
14-27	26.2% (149)	21.9% (247)	51.7% (346)	27.1% (70)	19.0% (21)	35.4% (833)
28-41	37.4% (170)	27.3% (33)	46.5% (370)	16.1% (149)	0.0% (12)	36.6% (734)
41-55	33.3% (39)	20.0% (10)	45.1% (193)	18.6% (43)	0.0% (3)	38.2% (288)
56-181	100.0% (1)	50.0% (6)	49.4% (158)	40.0% (10)	16.7% (6)	48.1% (181)
# of Cases	373	346	1165	274	45	2203
Days not available	<u>6</u>	<u>4</u>	<u>21</u>	<u>4</u>	<u>1</u>	<u>36</u>
TOTAL DAT	379	350	1186	278	46	2239
TOTAL FTA	31.7%	22.3%	46.0%	19.8%	13.0%	35.9%

EXHIBIT V: BOROUGH FTA RATES BY ELAPSED ARREST-TO ARRAIGNMENT TIME FOR DEFENDANTS ISSUED DESK APPEARANCE TICKETS

12/29/80-2/1/81

