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**ANNUAL REPORT ON THE ADULT
COURT CASE PROCESSING OF
JUVENILE OFFENDERS
IN NEW YORK CITY,
JANUARY THROUGH DECEMBER 2017**

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Final Report
April 2019

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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.

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SUMMARY

The report describes juvenile defendants under the age of 16 who were arrested for serious crimes during 2017 and provides information on court activity for these Juvenile Offender (JO) cases in Criminal and Supreme Court.

Arrests and Arraignments

- There were 378 arrests for JO offenses, primarily for robbery. Forty eight percent were charged with first-degree robbery and an additional 35% were charged with second-degree robbery.
- Nearly three quarters of JO arrests were docketed and arraigned in adult court. The remainder were transferred to Family Court.
- About 53% of the arraigned JOs were released on recognizance (ROR) at Criminal Court arraignment.

Dispositions

- Citywide, 258 JO cases reached a disposition in Criminal Court in 2017, including JO cases that were arraigned in previous years. Less than one quarter of these JO cases were dismissed, 19% were transferred to Family Court, and over half were transferred to Supreme Court.
- Dismissals in Criminal Court were much more common in Manhattan (39%) than in the other boroughs (except for Staten Island, where all three cases were dismissed), while there was not a single transfer to Family Court from Manhattan Criminal Court. Transfers to Family Court were most frequent in Queens (41%). Transfers to the Supreme Court were most common in the Bronx (64%), closely followed by Manhattan (61%) and Brooklyn (60%).
- Juveniles were released on recognizance or on bail at the first Supreme Court appearance in two of every three cases (49% on recognizance and 17% on bail).
- Nearly nine of every ten of the 153 JO cases disposed in Supreme Court in 2017 resulted in conviction.

Sentences

- Nearly half of the 139 JO cases sentenced in 2017 received incarcerative sentences. These sentences were more common in Manhattan (45%) and least common in Queens and in the Bronx (both 33%).
- Citywide, half of the incarcerative sentences were for a year or less, 19 percent were for one to three years, and nearly a third were longer than one to three years.

INTRODUCTION

Serious crime committed by young offenders has attracted considerable attention and engendered public concern regarding the criminal justice system's response to these young offenders. In 1978, New York State passed the Juvenile Offender (JO) Law as part of the Omnibus Crime Control Bill. This legislation created, for New York, a "waiver-down" rather than a "waiver-up" system typical in most states. In New York, when a fourteen- or fifteen-year-old juvenile is arrested for a serious offense, such as first-degree assault or first-degree robbery (or a thirteen-year-old is arrested for second-degree murder), the case is filed directly in the adult court. By contrast, in the more common "waiver-up" system, jurisdiction for juveniles arrested for serious offenses begins in the juvenile court, and the case may then be transferred to the adult court if deemed appropriate.

In order to provide information regarding arrest and court activity for juveniles arrested for serious offenses, the New York City Criminal Justice Agency, Inc. (CJA) has developed the **Annual Report on the Adult Court Case Processing of Juvenile Offenders in New York City**. The current report covers January through December, 2017. The report describes selected characteristics of juvenile defendants arrested for serious crimes during the reporting period, and provides information on court activity for these cases in Criminal (lower) and Supreme (upper) Court including disposition and release status decisions. Since juveniles arrested for JO offenses are within the jurisdiction of the adult criminal justice system, data regarding their arrests and court cases are contained in the CJA database; however, once their case is terminated in the adult system, information regarding subsequent actions in juvenile court (Family Court) is not available to CJA.¹

This report contains descriptive information, such as charge type, borough of arrest, and gender for **processing activity** that occurred during the reporting period at different decision points in the adult court process. The report first addresses arrests, and then provides information about the initial and disposition hearings in both courts. Sentence information for Supreme Court is also included. Any case which had a specific action (arrest, arraignment, disposition, or sentence) during the reporting period is counted in the appropriate section.² Thus, the report **does not** present a picture of only those defendants who entered the system in 2017 and instead reflects all cases on which any specific action, such as arraignment or disposition, was taken.

We have refined how juvenile arrests are selected for inclusion in this report as eligible for processing as juvenile offenders. Arrests were chosen based on the specific subsections of the arrest charges (see Appendix A).

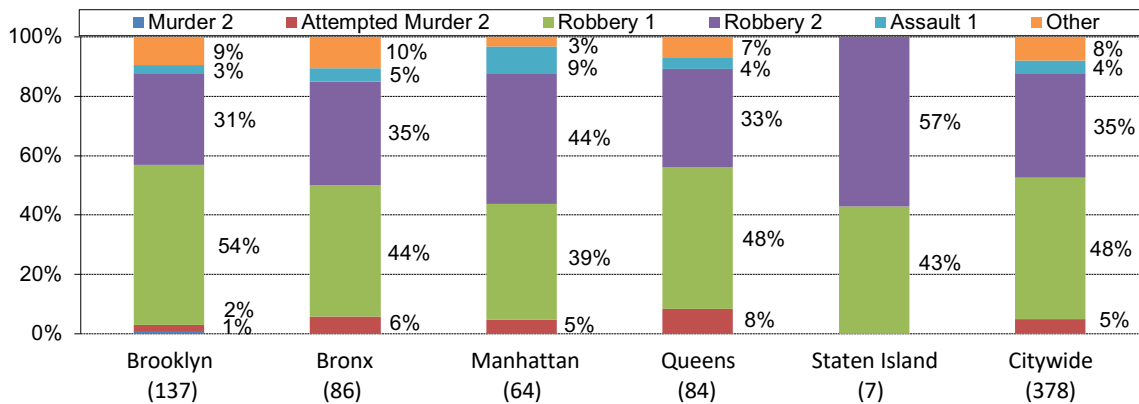
¹ A description of the processing of juvenile offenders appears as Appendix B of this report.

² If a case had two or more actions, it is counted multiple times. For example, if a defendant was arrested and arraigned in Criminal Court during the reporting period, that case is counted in both the arrest and Criminal Court arraignment sections.

SECTION I. ARREST

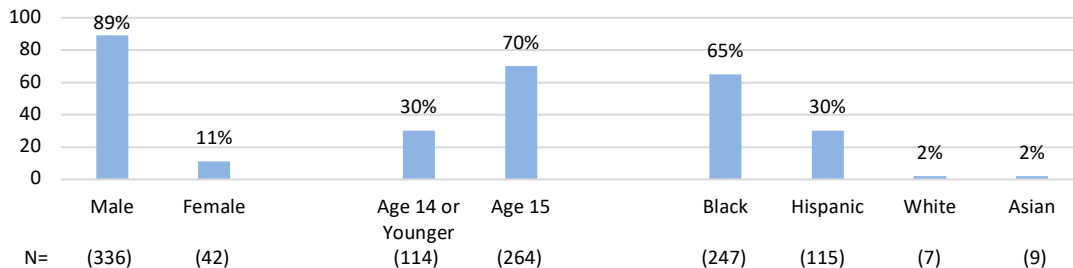
There were 378 arrests for JO offenses in 2017³. First-degree robbery was the most serious charge for nearly half of the juvenile arrests in 2017 (Exhibit 1a) compared to only 40 percent of the juvenile arrests in the previous reporting period. First- and second-degree robbery together accounted for more than eight of every ten JO arrests, although together they accounted for only 75 percent in 2016. Attempted murder charges accounted for five percent of JO arrests citywide, down from six percent in 2016. One youth was charged with murder in 2017 but three were charged with murder in 2016.

Exhibit 1a. Arrest Charge by Borough



Most arrestees for JO offenses were male (89%) and age 15 (70%, Exhibit 1b). Sixty-five percent were black, 30 percent were Hispanic, and the remaining four percent were white or Asian. In 2016, 90 percent of the arrestee were male, 65 percent were age 15, and 60 percent were black and 35 percent were Hispanic.

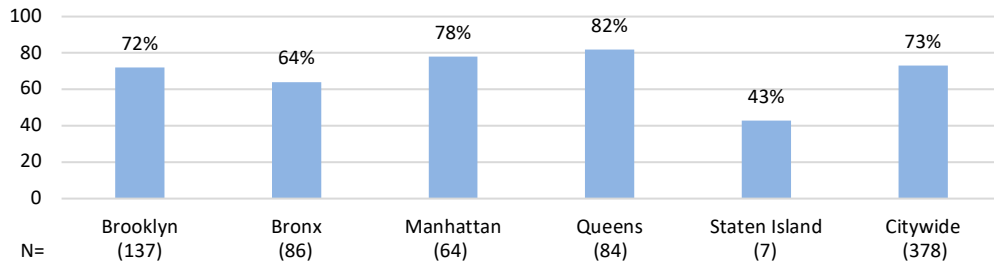
Exhibit 1b. Age, Gender and Ethnicity



Nearly three quarters of arrests for JO offenses were docketed (Exhibit 1c), lower than in the previous reporting period (79%). The proportion of arrests in 2017 that were docketed ranged from only 43 percent in Staten Island and 64 percent in the Bronx to 72 percent in Brooklyn, 78 percent in Manhattan, and 82 percent in Queens. During 2016 the percent docketed ranged from 73 percent in the Bronx to 89 percent in Manhattan.

³ This reflects use of the arrest charge and subsection to determine whether juvenile arrests are selected for inclusion in this report as eligible for processing as juvenile offenders. Arrests were previously chosen based on the charge at arrest although juveniles are only criminally responsible for specific subsections of some of the arrest charges (see Appendix).

Exhibit 1c. Docketed Arrests by Borough



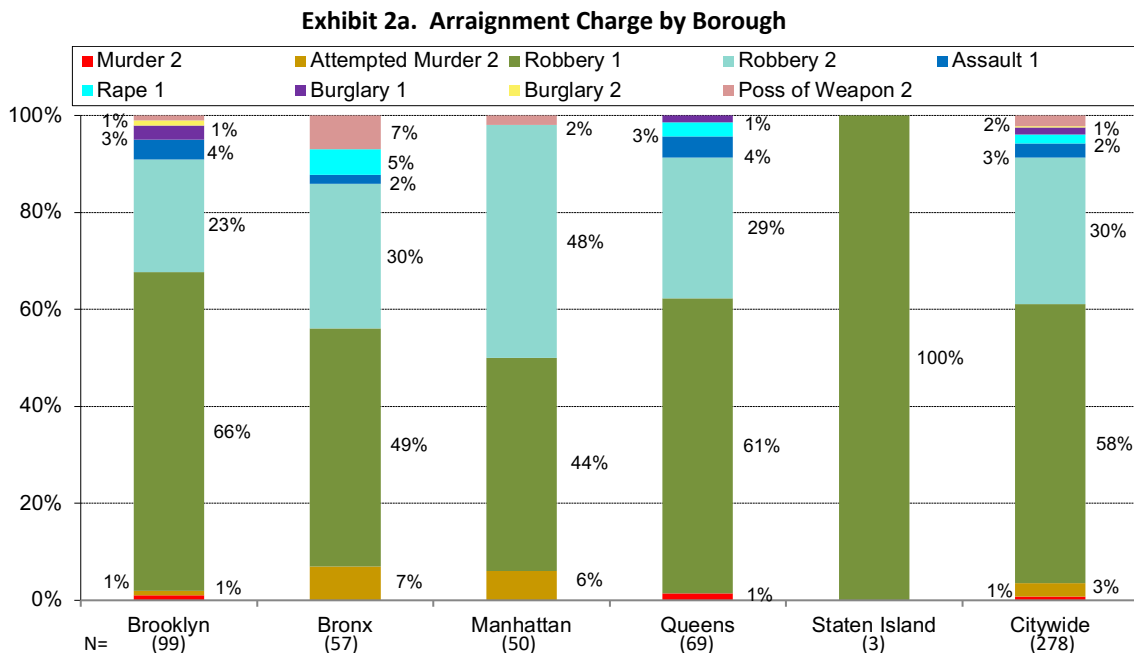
SECTION II. ARRAIGNMENT

There were 278 cases arraigned on JO offenses during the 2017 reporting period, slightly fewer than the 292 arraigned in 2016, far fewer than the 351 arraigned in 2015, but comparable to the 274 cases arraigned in 2014. The volume of arraigned JO cases was substantially higher prior to 2000, fluctuating between 834 and 923 in the late 1990s.

The borough composition of the arraigned cases differed from the previous reporting period. More cases were arraigned in Brooklyn (99) than in any other borough, as was the case in 2016 (96), and the volume in Manhattan in 2017 (50) was similar to 2016 (55). In contrast, the volume declined sharply in the Bronx (from 89 to 57) and increased substantially in Queens (from 44 to 69).

As in the previous reporting period, nearly nine of every ten JO cases in adult court had a robbery charge at arraignment (Exhibit 2a). The proportion of first- and second-degree robbery charges at arraignment was higher than the proportion of robbery charges in the JO arrest population (88% compared to 83%) but it was specifically the first-degree robbery charges that were so much more prevalent among arraigned cases (58% compared to 48% at arrest). This was the result of the greater frequency of first-degree robbery charges (180) than second-degree robbery charges (132) at arrest while 78 percent of the arrests with the most severe robbery charges were docketed compared to only 74 percent of second-degree robbery charges.

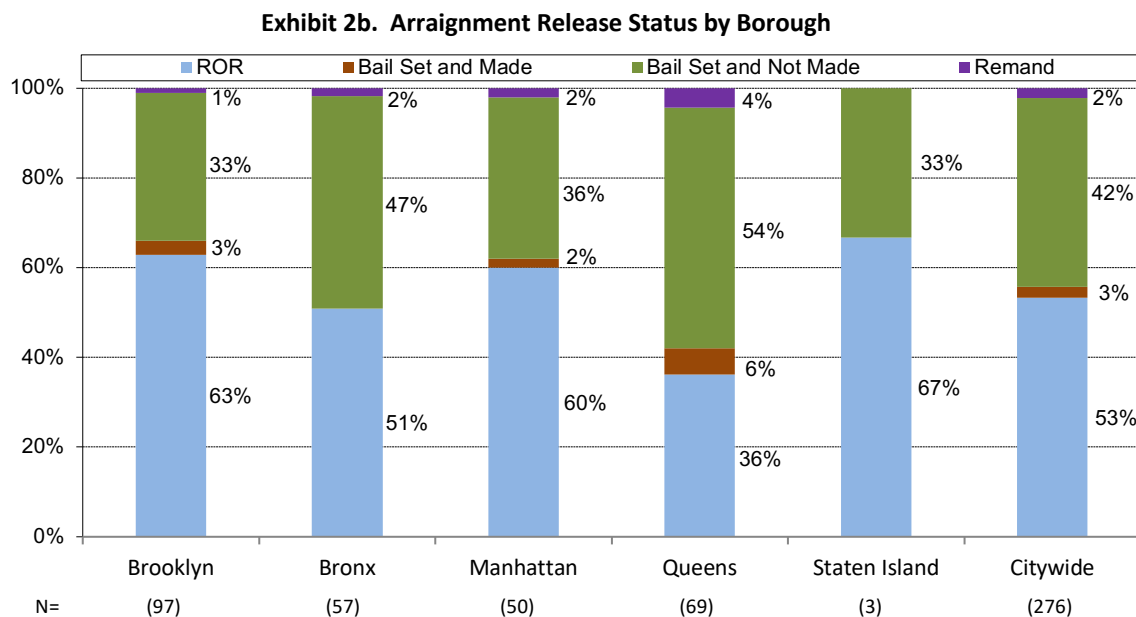
Charges at arraignment varied somewhat by borough. In 2017, the proportion of arraignments for first-degree robbery ranged from only 44 percent in Manhattan and 49 percent in the Bronx to 61 and 66 percent, respectively, in Queens and Brooklyn. First- and second-degree robbery together accounted for about nine in ten JO arraignments in Manhattan (92%), Queens (90%), and Brooklyn (89%), compared to only 79% in the Bronx. All three JOs arraigned in Staten Island were charged with first-degree robbery.



Fifty three percent of the juveniles arraigned in Criminal Court were released on their own recognizance (ROR) citywide in 2017 (Exhibit 2b), slightly lower than in 2016 (58%). The ROR rate was lowest in Queens (36%), followed by the Bronx (51%) and higher in Manhattan (60%), Brooklyn (63%), and Staten Island (67%). In 2016, the ROR rate was also lower in Queens (41%) than in the other large boroughs but was also quite low in Manhattan (46%), far lower than in 2017 (60%). The ROR rate in Brooklyn and the Bronx were somewhat higher in 2016 than in 2017 (69% compared to 63% in Brooklyn and 64% compared to 51% in the Bronx).

Typically, if defendants are not released on recognizance, they do not secure pretrial release at Criminal Court arraignment. In 2017, eight juveniles were released on bail at arraignment. The proportion of defendants in JO cases who were detained at arraignment on bail or remanded with no bail set ranged from only a third of those in Brooklyn or Staten Island to 38 percent in Manhattan, 49 percent in the Bronx, and 58 percent in Queens. In 2016, half or more of JO defendants in Manhattan, Queens or Staten Island but only a third of those in the Bronx and less than a third in Brooklyn were detained at arraignment on bail or were remanded with no bail set.

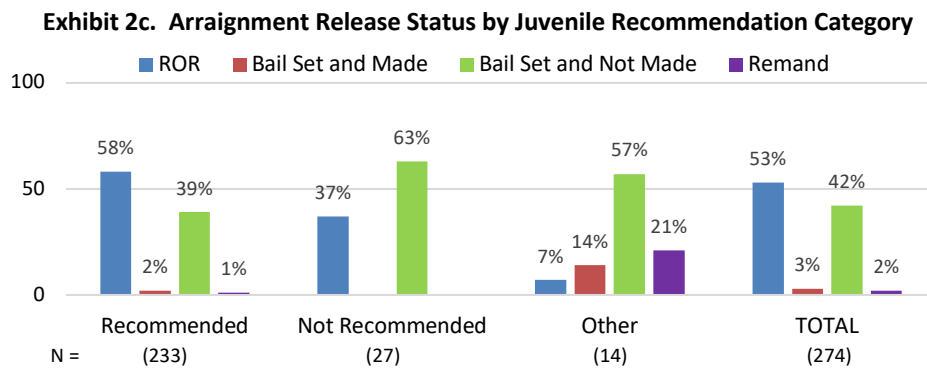
The JO release recommendation system provides lower court arraignment judges with a recommendation for release based on risk of failure to appear. The recommendation system incorporates two criteria which were found to be strongly related to FTA for juveniles: school attendance and whether the juvenile is expecting someone (family or friend) at arraignment. In 2017, 85 percent of arraigned juveniles were recommended for release on recognizance, comparable to the portion who received a positive recommendation in 2016 (84%, data not shown).



The JO release recommendation may be overridden by a policy consideration that excludes the defendant from eligibility for any recommendation. These considerations include the “Bench Warrant Attached to NYSID,” “No NYSID Available,” “Murder Charge” (125.25 or 110-

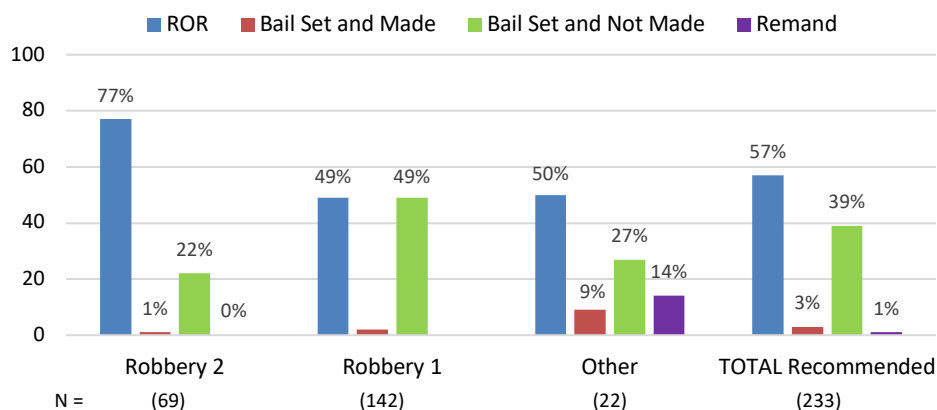
125.25) at arrest, or “Interview Incomplete.” The murder charge exclusion was exercised in all four of the largest boroughs in 2017. If juveniles in the excluded categories are also subtracted from the calculation base, then 90 percent of the remaining juveniles arraigned in Criminal Court in 2017 qualified for a recommendation for ROR.

Juveniles who were recommended for ROR were more likely to secure release on recognizance at arraignment than those who were not recommended (58% compared to 37%, Exhibit 2c). However, only 27 juveniles arraigned in 2017 were not recommended for release on recognizance in accordance with the JO release recommendation assessment.



The ROR rate was far higher among juveniles who were recommended for ROR who were charged with second-degree robbery at arraignment (77%) than among their counterparts who were charged with first-degree robbery (49%, Exhibit 2d). The youths who were recommended for ROR who were charged with other offenses at arraignment show a very high rate of remand with no bail set. These include two juveniles charged with rape and one charged with possession of a weapon. The two juveniles who were recommended for ROR who were charged with attempted homicide were both ROR'd. (Note that the murder charge exclusion from recommendation is based on the charge at arrest. These two youths were charged with first-degree assault at arrest and attempted homicide at arraignment.)

Exhibit 2d. Arraignment Release Status by Arraignment Charge for Juveniles Recommended for ROR



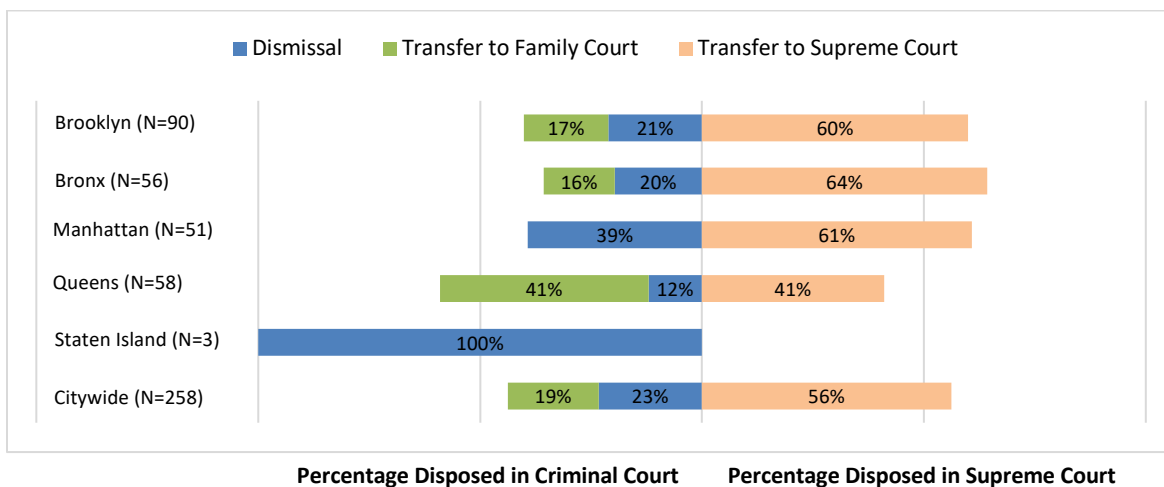
SECTION III. CRIMINAL COURT DISPOSITION

A total of 258 JO cases reached disposition⁴ in Criminal Court during the reporting period, far fewer than in 2016 (307) or 2015 (343) but comparable to the 268 dockets disposed in 2014. There was little change between 2017 and 2016 in Brooklyn (90, down from 100), Manhattan (51, down from 55), or Queens (58, up from 53). However, the number of cases that reached disposition in Criminal Court decreased dramatically in the Bronx from 90 cases in 2016 down to only 56 in 2017.

Citywide, 56 percent of the disposed JO cases were transferred to Supreme Court (Exhibit 3) compared to 54 percent in 2016 and 57 percent in 2015. The rate was higher in 2012 (66%) and 2011 (68%). The lowest rates of transfer to Supreme Court in 2017 was in Queens (41%), compared to 60 to 64 percent in Brooklyn, Manhattan, and the Bronx.

Nearly a fifth of cases were transferred to Family Court, about the same as in 2016 (18%) and as in previous years. Nearly a quarter (23%) of the JO cases were dismissed, lower than in 2016 (28%) but still comparable to the dismissal rate in 2015 (24%) and 2014 (21%). After Staten Island, where all three JO cases were dismissed (100%), Manhattan had the highest rate of dismissal (39%), as in previous years. In contrast, the dismissal rate ranged from only 12 percent to 21 percent across the other boroughs. The proportion of cases transferred to Family Court was lowest in Manhattan (none) and Staten Island (none), slightly below the citywide rate in the Bronx (16%) and Brooklyn (17%), and highest in Queens (41%). Of course, dismissal of the docket in Criminal Court did not preclude the subsequent filing of non-JO charges in Family Court.⁵

Exhibit 3.a. Criminal Court Disposition by Borough



⁴ Juvenile cases are limited in the options for final outcome in the lower court. If the JO charges are sustained and not dismissed, cases must be transferred from Criminal Court either to Family Court or Supreme Court for final adjudication. The cases cannot be disposed at the misdemeanor level in Criminal Court because juveniles in these cases would no longer be JOs and therefore would not be subject to adult prosecution. Their only dispositions in Criminal Court can be dismissal or transfer to Family Court.

⁵ Referrals can only occur after the adult court concludes its case with a dismissal. Removals represent the transferring of active cases.

Cases were more likely to be transferred to Supreme Court when the juvenile was held on bail at Criminal Court arraignment (71%) than when the juvenile was ROR'd (45%). Similarly, cases were more likely to result in transfer to Family Court or dismissal when the juvenile was ROR'd (26% and 29%, respectively) than when the juvenile was held on bail (both 15%, data not shown). There were too few juveniles released on bail at arraignment (6) or remanded with no bail set (4) in 2017 for meaningful comparison.

Citywide, it took a median of three appearances and 38 days for JO cases to reach disposition in Criminal Court. Although the median number of appearances varied little by the release status set at the arraignment, the median number of days was longer for juveniles who were released on ROR or on bail (about two months) compared to 13 days for cases in which the juvenile was held on bail and only 22 days for cases in which the juvenile was remanded with no bail set (data not shown).

The median number of appearances in 2017 was the same as in 2016 but it took fewer days to reach disposition in Criminal Court in 2017 than in 2016 (38 down from 43).

The median number of appearances to reach disposition was three in Brooklyn, Bronx, and Manhattan and four in Queens and Staten Island where it took four appearances to reach disposition (data not shown). The median number of days was shorter in the Bronx (24) and Brooklyn (25) than in Queens or Manhattan (both 49). During the previous reporting period, the median number of days was lowest in the Bronx (19), followed by Manhattan (40) and Brooklyn (46), and highest in Queens (91).

Although the median number of appearances from arraignment to disposition was the same when the juvenile was ROR'd as when they were held on bail at arraignment (3), the median number of days to disposition was far longer for those ROR'd than for those held on bail (61 compared to 13, data not shown).

SECTION IV. FIRST APPEARANCE IN SUPREME COURT

The volume of JO cases at the first appearance in Supreme Court in 2017 (146) is the lowest in this reporting series. The 2016 volume (159) was close to the previous low of 158 in 2014. In 2015, 185 JO cases arrived in Supreme Court, still lower than in previous reporting periods (199 in 2013, 220 in 2012, and 229 in 2011).

First- and second-degree robbery were again the most common charges at the first appearance in Supreme Court⁶. These charges together accounted for eight of every ten (80%) JO cases entering the upper court in 2017 as in 2016. First-degree robbery charges made up a little less than half of JO arrests during 2017 and comprised slightly more than half of JO cases at the first milestone in the upper court (data not shown). In 2016, first-degree robbery charges made up four of every ten JO arrests but comprised nearly half of JO cases entering Supreme Court.

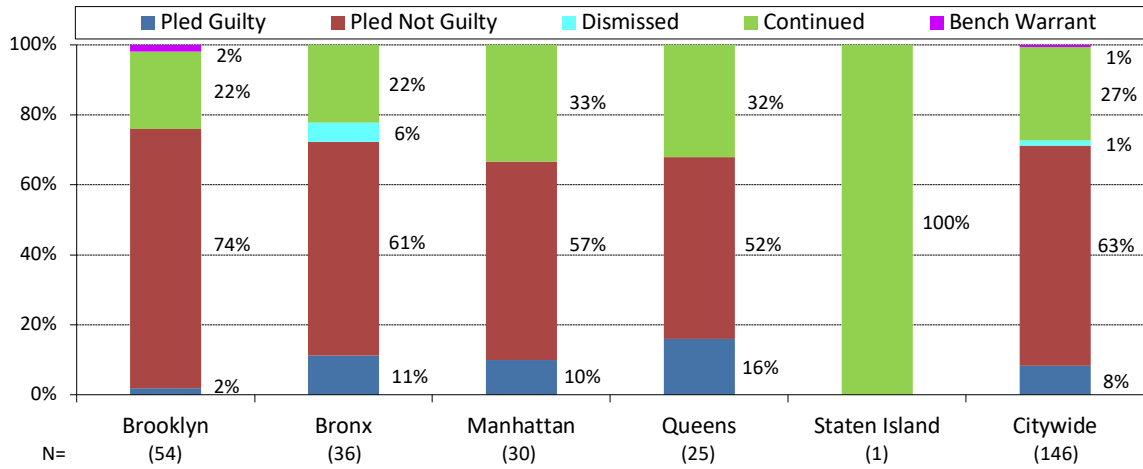
Few defendants in JO cases that reached Supreme Court in 2017 pled guilty (12, 8%) and almost two thirds of the juveniles pled not guilty at their first appearance (see Exhibit 4a). Two cases were dismissed at the first appearance, one bench warrant was ordered for a case that failed to appear, but no cases were transferred to Family Court. The remaining cases (27%) were continued without a plea because the initial hearing in Supreme Court was probably not the actual Supreme Court arraignment but was instead a hearing or a pre-arraignment conference. Few of the 168 defendants in JO cases in 2016 pled guilty at the initial appearance (22, 13%) and two thirds pled not guilty. A lower percent (19) were continued without a plea in 2016 than in 2017.

Differences across the boroughs in outcomes at the first appearance are dramatic. The proportion of cases in which juveniles pled guilty at the first appearance was lowest in Staten Island (none) and Brooklyn (2%), higher in Manhattan (10%) and the Bronx (11%), and highest in Queens, where 16% of juveniles pled guilty at initial hearing in Supreme Court. Nearly all cases in which a plea is entered at arraignment reached the upper court through the use of a Superior Court Information (SCI).⁷ The percentage of juvenile defendants who pled not guilty at the first appearance ranged from a high of 74 percent in Brooklyn and 61 percent in the Bronx to 52 to 57 percent in Queens and Manhattan, respectively. Except for Staten Island, where the only case that was disposed in Supreme Court was continued, JO cases in Manhattan were most likely to be continued at the first appearance (33%), closely followed by Queens (32%), whereas only 22% of cases in Brooklyn and the Bronx, respectively, were continued at the first appearance in Supreme Court.

⁶ Pre-arraignment hearings are held in Supreme Court. The first appearance may or may not be that at which the defendant is arraigned, but it does reflect the initial decision-making opportunity in Supreme Court.

⁷ An SCI is prepared by the prosecutor's office and is used as the charging instrument when indictment by the grand jury has been waived by the defendant. The type of accusatory instrument to which a plea is taken is not available for this report.

Exhibit 4a. Disposition at First Supreme Court Appearance by Borough



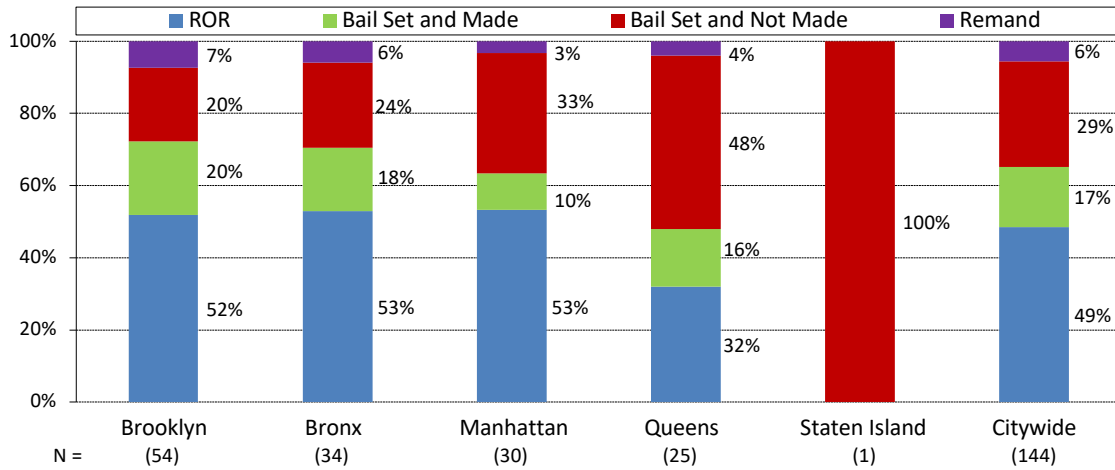
Juveniles were released on their own recognizance (ROR) or on bail at the first Supreme Court appearance during the reporting period in two out of every three cases (49% on recognizance and 17% on bail)⁸. In 2016, juveniles were ROR'd in seven of every ten cases (54% on recognizance and 16% on bail). Juveniles were held on bail in 29 percent of cases and six percent were remanded with no bail set at this first stage of Supreme Court prosecution in 2017 compared to 22 percent held on bail and eight percent remanded in 2016.

Borough differences in the release rates at the first appearance in the upper court were visible despite the small numbers of JO cases representing each borough. The rate of ROR was highest in Manhattan and the Bronx (53%, respectively), followed by Brooklyn (52%) and Queens (32%). However, the proportion of juveniles who secured release on bail was lowest in Manhattan (10%) compared to Queens (16%), the Bronx (18%), and Brooklyn (20%). The sole JO case in Staten Island was held on bail. When release on bail and ROR at the first appearance in Supreme Court are considered together, juveniles were more likely to be detained at the first appearance in JO cases in Queens (52%) compared to Manhattan (36%), the Bronx (30%), or Brooklyn (27%).

Cross year borough comparisons are unreliable given the small volume of cases in most of the boroughs in one or both periods. Only Brooklyn had more than 50 cases continued at the initial appearance in both years. In Brooklyn, the rate of ROR was slightly lower in 2017 than it was in 2016 (52% down from 56%) and release on bail was much higher in 2017 than in 2016 (20% up from 7%). The detention rate at the initial upper court appearance in Brooklyn was only 27 percent in 2017, down from 36 percent the previous year. In the Bronx, the ROR rate was 63 percent for the 56 initial appearances in 2016, with nine percent released on bail, but the ROR rate was only 53 percent of the 34 in 2017, with 18 percent release on bail.

⁸ The release status is only pertinent to cases that were continued for disposition or for sentence. Two cases that were dismissed are excluded.

Exhibit 4b. Release Status at First Supreme Court Appearance by Borough



Rates of release on ROR and release on bail differed less than two percentage points for juveniles charged with first-degree robbery (76 cases) or second-degree robbery (40), and the rate of detention similarly varied by less than two percentage points. There were too few cases with other charges for meaningful comparison (data not shown).

In 2017, citywide, it took a median of two and a half weeks to proceed from Criminal to Supreme Court, half a week more quickly than in 2016 (data not shown). Borough differences in the median number of days from lower to upper court were wide. The longest median times from Criminal Court to Supreme Court were in Manhattan (21 days) and Brooklyn (19 days) compared to a median of 18 days in the Bronx and 13 days in Queens. While the median time from Criminal Court to Supreme Court is 121 days in Staten Island, this large number is based on only one case and does therefore not necessarily indicate a general trend in that borough.

Borough differences in length of time to reach the upper court were wider during the previous reporting period. The shortest median was three days for six cases in Staten Island, followed by 11 days in Queens, and 19, 23 and 28 days in Manhattan, Brooklyn and the Bronx, respectively.

There was little difference in length of time from transfer to Supreme Court to the first upper court appearance by release status. The median was 19 days for juveniles released on ROR or on bail at the initial upper court appearance, 19.5 for the small number of juveniles who were remanded (8) but only 15 days for juveniles who were held on bail.

SECTION V. DISPOSITION IN SUPREME COURT

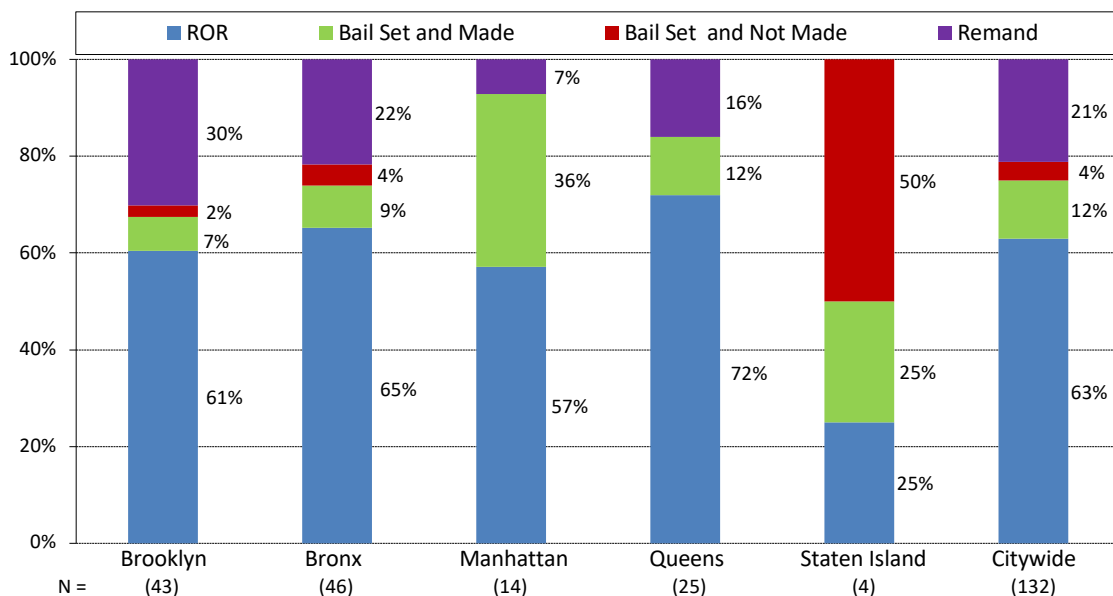
The number of JO cases that reached disposition in Supreme Court in 2017 was about the same as in the previous reporting period (153 compared to 154). However, 200 JO cases reached disposition in Supreme Court in 2015, much more than in 2014 (154) but fewer than in 2013 (225), 2012 (247) or 2011 (320).

The charge composition of JO cases at disposition in Supreme Court was similar to the charge compositions at other milestones in this report. The most common charges at disposition in the upper court were first- and second-degree robbery (48% and 31%, respectively). First- and second-degree robbery together accounted for nearly eight of every ten Supreme Court dispositions (data not shown). First-degree robbery cases accounted for a larger portion of cases that reached disposition in Supreme Court in 2016 (55%) although second-degree robbery cases accounted for about the same portion (29%).

Once a JO case was filed in Supreme Court, the conviction rate was very high in each borough. Overall, nearly nine of every ten of the 153 JO cases disposed in the upper court during the reporting period were convictions; there were only 18 JO cases that did not result in conviction, a conviction rate of 88 percent (data not shown). The conviction rate was even higher during the previous reporting period (97%) when there were only five JO cases that did not result in conviction.

Citywide, 132 JO cases disposed in the Supreme Court were adjourned for sentencing. Defendants were released at the conclusion of the disposition appearance in three quarters of JO cases adjourned for sentencing in Supreme Court. More than six of every ten juveniles were released on recognizance and 12 percent were released on bail. The remaining convicted juveniles were remanded with no bail set (21%) or, rarely, held in detention because bail could not be met (4%). The ROR rate was 13 percentage points higher than in 2016 (51%) but the rate of release on bail was four percentage points lower.

Exhibit 5a. Release Status Leaving Supreme Court Disposition by Borough



The release rates⁹ for convicted juveniles in the JO cases adjourned for sentencing in Supreme Court during the reporting period varied by borough (Exhibit 5a), although the number of cases in some boroughs was very small. In 2017, the highest rate of release (either on recognizance or bail) at conviction was in Manhattan (93% of 14 cases), followed by Queens (84% of 25 cases), the Bronx (74% of 46 cases), and Brooklyn (68% of 43 cases), and the lowest rate of release was in Staten Island (50% of 4 cases). The ROR rate ranged from a high of 72 percent in Queens and 65 percent in the Bronx, to 61 percent in Brooklyn, 57 percent in Manhattan, and only 25 percent in Staten Island. Juveniles convicted in Manhattan were more likely than juveniles convicted in other boroughs to be released on bail (36%) pending sentencing than were those in Queens (12%), the Bronx (9%), or Brooklyn (7%). In contrast, the proportion of convicted juveniles who were remanded with no bail set when the case was adjourned for sentencing was highest in Brooklyn (30%), followed by the Bronx (22%), Queens (16%) and Manhattan (7%). Only five of the juveniles who were detained at that point were held on bail rather than remanded with no bail set.

In 2017, it took a median of six appearances and more than six months for JO cases to reach disposition in Supreme Court (Exhibit 5b), about the same as during the previous reporting period. The median number of appearances was smallest in Queens and Manhattan (both 5), followed by the Bronx (6), Brooklyn (7.5) and Staten Island (8 for just four cases). The median number of days from the first appearance in Supreme Court through disposition was lowest in Queens (114), followed by Manhattan (152) and Brooklyn (201) and highest in the Bronx (239) and Staten Island (238). The median number of appearances in 2017 was within one of the number of appearances during the previous year in each of the major boroughs except Manhattan where the median was three appearances lower than in 2016.

The median number of court appearances was highest for the small number of juveniles who were remanded with no bail set at the initial appearance in Supreme Court (9 juveniles, 11 appearances) and ranged between six and seven appearances for juveniles who were ROR'd, released on bail or held on bail. The median number of days was shortest for the juveniles who were held on bail (161), followed by those released on bail (189) or ROR'd (228) and longest for juveniles who were remanded with no bail set (364 days, Exhibit 5c). In 2017, the median number of days was about a month shorter in Brooklyn and nearly two months shorter in the Bronx and Manhattan but nearly two months longer in Queens.

⁹ It is important to note that the release status set at conviction may not be the release status set for the juvenile for all of the appearances prior to sentencing. Many juveniles are released to the supervision of community programs at an appearance subsequent to conviction but before imposition of sentence, and these releases are not reflected in this report.

Exhibit 5b. Length of Case From First Appearance in Supreme Court to Disposition by Borough

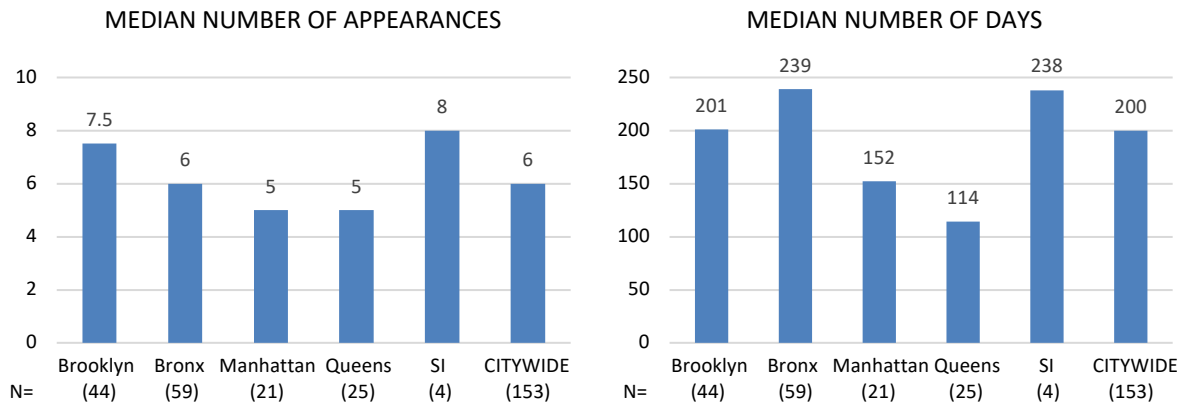
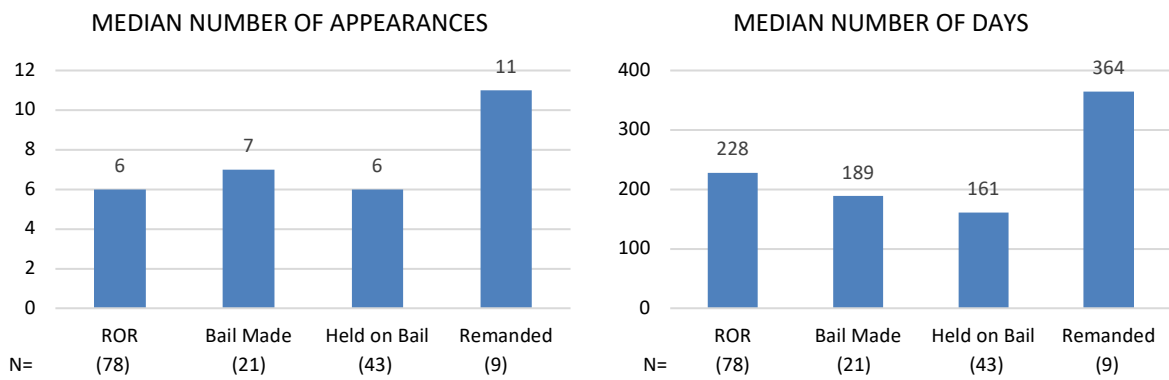


Exhibit 5c. Length of Case From First Appearance in Supreme Court to Disposition by Release Status



SECTION VI. SENTENCES

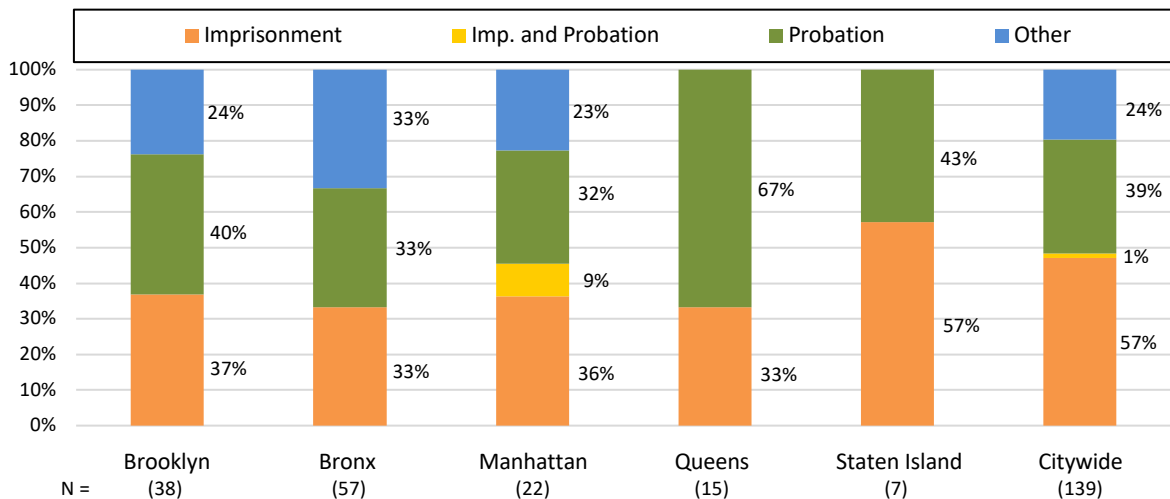
A total of 139 JO cases reached sentencing in Supreme Court in 2017 (Exhibit 6a), twenty fewer than during the previous reporting period. In 2015, 161 JO cases reached sentencing in Supreme Court, about the same as in 2014 (160), but much fewer than the 236 JO cases sentenced in 2013, though only 197 were sentenced in 2012.

Citywide, 58 percent of sentences in JO cases were custodial compared to only 47 percent in 2016. Custodial sentences include an imprisonment sentence (57%) or a “split” sentence including both imprisonment and probation (1%).

Sentences in JO cases in Manhattan (45%) were most likely to be incarcerative, followed by Brooklyn (37%) and Queens and the Bronx (both 33%). Nearly one in four juveniles sentenced in 2017 were sentenced to probation. The highest proportion sentenced to probation was in Queens (67%) compared to 43 percent in Staten Island, 40 percent in Brooklyn, and a third in the Bronx and Manhattan. A quarter were sentenced to “other”, which are primarily sentences of conditional discharge. These sentences were most common in the Bronx, accounting for a third of sentences in that borough, followed by Brooklyn (24%) and Manhattan (23%).

The distribution of sentences was somewhat different in 2017 than in the previous year. There was an increase in the frequency of incarcerative sentences Queens (by 10 percentage points), Brooklyn (by 9 percentage points) but a decrease in the Bronx (by 6 percentage points) and huge decrease in Manhattan (by 24 percentage points). The proportion of sentences to probation was unchanged in Brooklyn and almost unchanged in the Bronx but 12 percentage points higher in Manhattan and 31 percentage points higher in Queens in 2017 than in the previous reporting period. The dramatic change in Queens reflects that conditional discharges account for 5 (18%) of the 28 sentences in 2016 but none of the 15 sentences in 2017. Meanwhile “other” sentences accounted for a third of 2017 sentences in the Bronx but only a quarter the previous year and accounted for nearly a quarter of Brooklyn sentences in 2017 and only 13 percent in 2016.

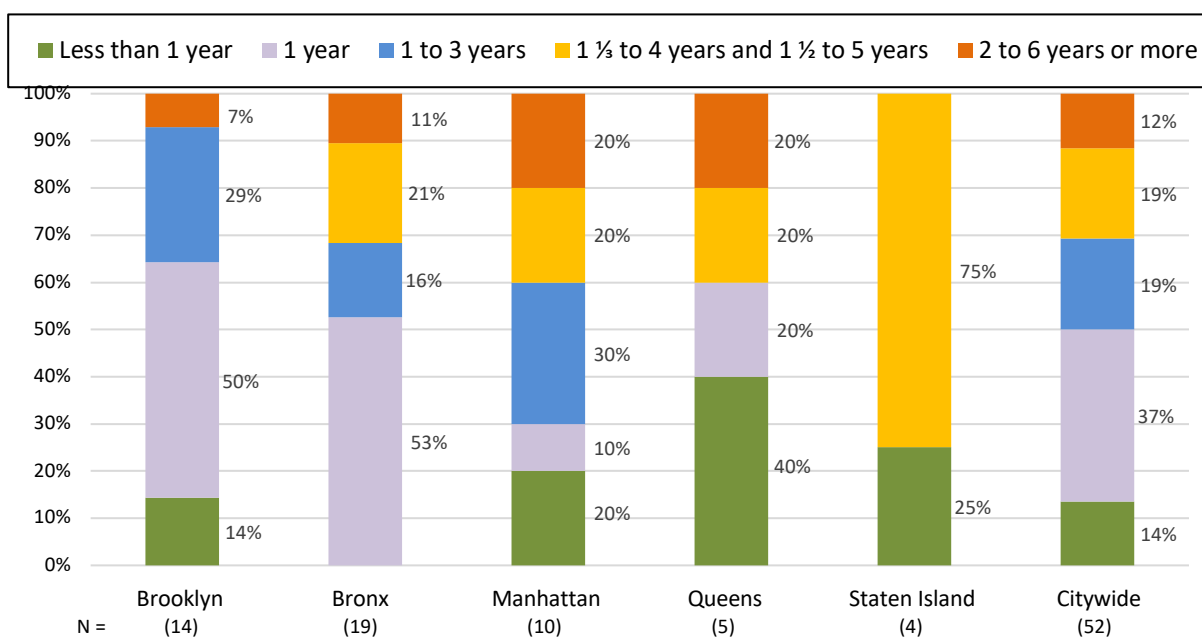
Exhibit 6a. Supreme Court Sentences by Borough



Overall, juvenile defendants were granted YO¹⁰ status in 92 percent of the sentences during the reporting period compared to 90 percent in 2016.

Fifty-two juveniles were sentenced to imprisonment in JO cases in 2017 (Exhibit 6b), down from 75 the previous year. Citywide, half of incarcerative sentences were for a year or less (up from 44%), one in five incarcerative sentences were for one to three years (up from 15%), and three of every ten were longer than one to three years (down from 41%). Although the low volume of juveniles sentenced to incarceration limits meaningful, detailed borough comparisons, the borough differences are wide. For example, no sentences in the Bronx were for less than a year compared to one in five across the other boroughs and half of Bronx sentences were for one year compared to a quarter across the other boroughs.

Exhibit 6b. Length of Supreme Court Incarcerative Sentence by Borough



Overall, juveniles in cases that reached sentence in the reporting period appeared a median of eleven times in Supreme Court and a median of close to one year (351 days) elapsed between the first appearance in Supreme Court and sentencing for JO cases that reached sentencing (Exhibit 6c).

It takes a long time for JO cases to reach sentencing in Supreme Court and borough differences in length of case are striking. JO cases reached sentencing much more slowly in Manhattan (median of 14 appearances and 466 days) than in the other boroughs. It took a median of less than a year and eleven appearances in Queens, compared to 385 days and ten appearances in the Bronx and 296 days and nine appearances in Brooklyn.

¹⁰ If a juvenile offender is found to be a 'youthful offender,' the conviction is vacated and replaced by a youthful offender finding. A lighter sentence, one authorized for conviction at the E-felony level, is imposed.

Exhibit 6c. Length of Case from First Appearance in Supreme Court to Sentence by Borough

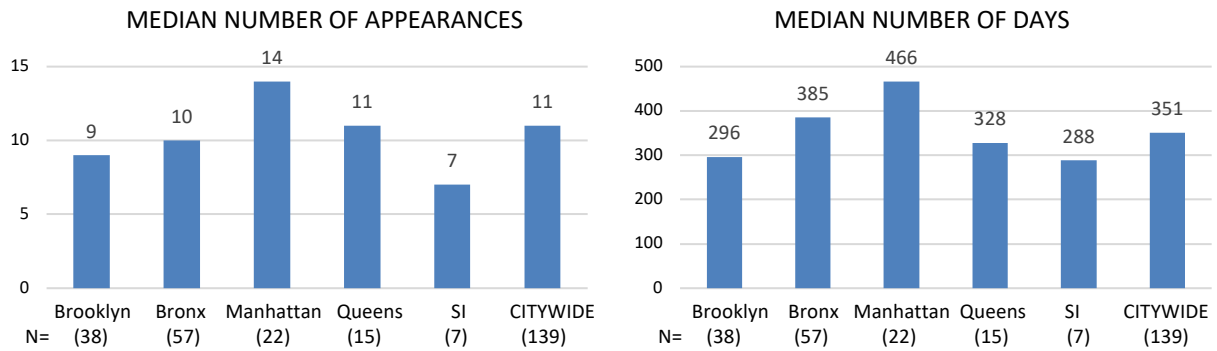
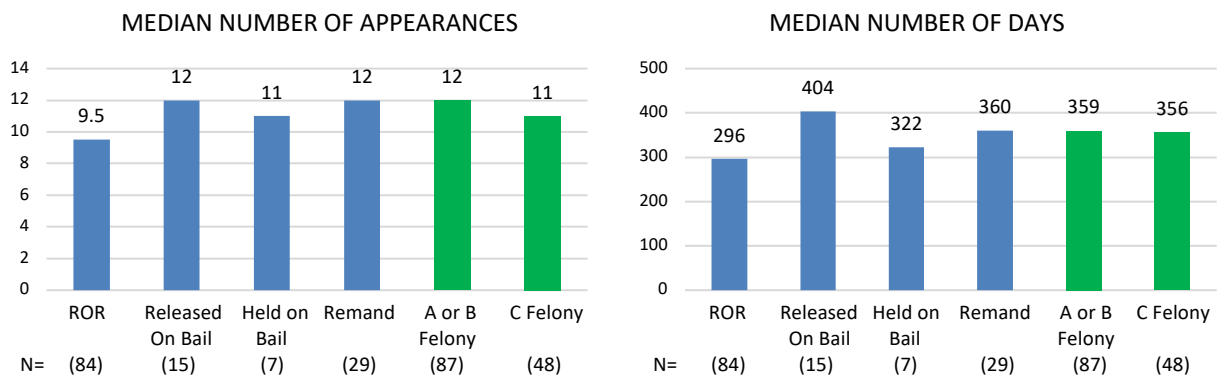


Exhibit 6d. Length of Case from First Appearance in Supreme Court to Sentence by Release Status at Conviction and by Charge Severity at Conviction¹¹



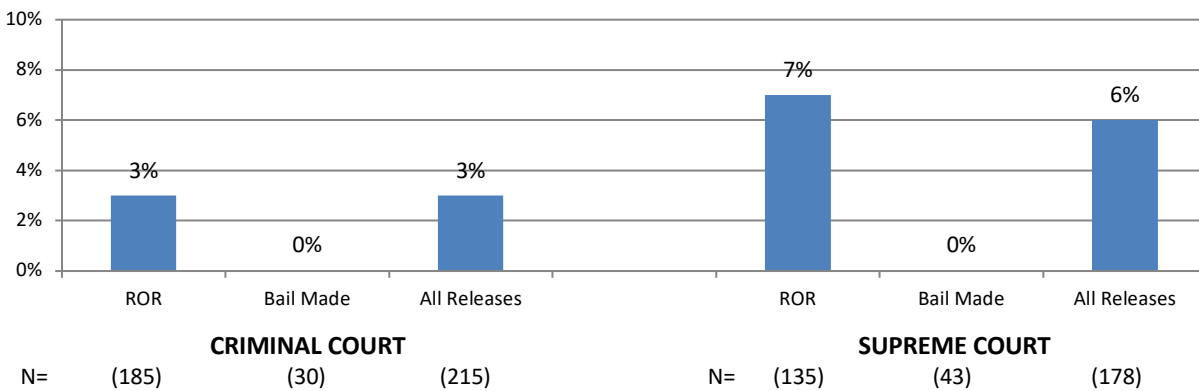
¹¹ These Exhibits include 135 cases that were adjourned for sentencing but exclude four cases that were not adjourned because sentencing took place at conviction.

SECTION VII. FAILURE TO APPEAR

The failure-to-appear (FTA) rates presented in this report are based on all JO cases in which juveniles released on bail or on recognizance were scheduled to appear at least once in Criminal Court and/or Supreme Court prior to disposition during the reporting period.¹² Pretrial appearances were scheduled in Criminal Court in 2017 for a total of 215 JO cases in which the juvenile was released. This includes 185 JO cases in which juveniles were released on recognizance and 30 in which juveniles were released on bail. In six cases released juveniles (3%) failed to appear as scheduled for at least one appearance in Criminal Court (Exhibit 7). All of the cases in which juveniles failed to appear for a scheduled hearing were cases in which juveniles were released on recognizance.

Pretrial appearances were scheduled in Supreme Court for a total of 178 JO cases in which juveniles were not held in detention and were at risk to miss at least one court date. This includes 135 cases in which juveniles were released on recognizance and 43 in which juveniles were released on bail. Juveniles failed to appear as scheduled for at least one court date in ten cases (6%). All of the cases in which juveniles failed to appear for a scheduled hearing in the upper court in 2017 were cases in which the juveniles were released on recognizance. Juveniles released on recognizance also had higher rates of FTA than those released on bail during previous reporting periods.

Exhibit 7. Failure to Appear As Scheduled



It is important to remember that these FTA rates reflect appearances scheduled prior to the disposition of the JO case and do not include appearances scheduled after conviction but prior to sentencing.

¹² The FTA rate presented here is a case-based, not an appearance-based, rate. The number of cases in which a warrant was issued for failure to appear was divided by the total number of cases with a released defendant and a scheduled pretrial appearance in the reporting period. For an appearance-based rate, the number of missed appearances would be divided by the total number of pretrial appearances scheduled during the reporting period.

APPENDIX A: JUVENILE OFFENSES

Offense	Penal Law	Felony Class	Defendant Age
Aggravated sexual abuse in the first degree	130.70	B	14, 15
Arson in the first degree	150.20	A	14, 15
Arson in the second degree	150.15	B	14, 15
Assault in the first degree	120.10 (1) (2)	B	14, 15
Burglary in the first degree	140.30	B	14, 15
Burglary in the second degree	140.25 (1)	C	14, 15
Criminal sexual act* in the first degree	130.50 (1) (2)	B	14, 15
Kidnapping in the first degree	135.25	A	14, 15
Attempted kidnapping in the first degree	110/135.25	B	14, 15
Possession of a weapon in the second degree	265.03 (3)**	C	14, 15
Manslaughter in the first degree	125.20	B	14, 15
Murder in the second degree	125.25 (1) (2) 125.25 (3)***	A A	13, 14, 15 14, 15
Attempted murder in the second degree	110/125.25	B	14, 15
Rape in the first degree	130.35 (1) (2)	B	14, 15
Robbery in the first degree	160.15	B	14, 15
Robbery in the second degree	160.10 (2)	C	14, 15

* Changed from "Sodomy" in November 2003 as part of the NYS Sexual Assault Reform Act.

** Added in November 1998, but only where the weapon is possessed on school grounds. 265.02 (4), possession of a weapon in the third degree, a D felony, was repealed effective November, 2006, and is now replaced by 265.03 (3).

*** But only where the underlying crime is also a JO offense.

APPENDIX B: The Processing of Juvenile Offenders in New York City

If a juvenile is arrested for any one of sixteen serious offenses (see Appendix A) and is thirteen, fourteen, or fifteen years old at the time of the offense (thirteen only if charged with homicide), the case is sent for review to the District Attorney's office in the borough in which the incident occurred. The prosecutor decides if there is sufficient evidence to support the filing of JO charges; if there is, the case is filed in Criminal Court. If there is not sufficient evidence that a JO offense has been committed, the prosecutor will decline to prosecute and refer the matter to the agency responsible for prosecuting cases in Family Court, the Corporation Counsel.¹³

At any point during the adult criminal court process, a case may either be referred or removed to Family Court. A referral is an informal transfer after the adult court concludes its case in some manner, such as a dismissal, while a removal is a judicial transfer of a proceeding pending in Criminal or Supreme Court. At the pre-filing stage only referrals can occur, while at post-filing either referrals or removals may happen. A removal allows the case to be prosecuted as a designated felony in Family Court. The District Attorney has the option to retain jurisdiction and prosecute the case in Family Court; if this option is not exercised, the Corporation Counsel will prosecute. Further, most referrals, even those concluded through a dismissal of the JO case in either Criminal or Supreme Court, are also reviewed by the Corporation Counsel for possible filing of non-JO charges in Family Court.

If the case is not sent to Family Court prior to indictment, it will be given to the Grand Jury for review. If an indictment is handed down, the case is then transferred to Supreme Court, where it is filed. For those B- or C-felony JO charges where the prosecuting DA agrees, the defendant may consent to waive indictment and be prosecuted by superior court information (SCI), usually used to expedite felony pleas.

Unless the case is referred or removed in Supreme Court post-indictment, both disposition and sentencing usually occur there. An offender convicted of an eligible JO offense may be adjudicated as a Youthful Offender (YO) and receive a sentence authorized for an E-felony conviction. If not adjudicated as a YO, an offender convicted of a JO offense must be sentenced to an indeterminate term of imprisonment in accordance with Penal Law 70.05, which sets ranges for the minimum and maximum terms required.

¹³ The Corporation Counsel, representing the City of New York, or sometimes the county district attorney, is termed the "presentment agency." These agents present the petition regarding a particular respondent in Family Court.

