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**THE FIRST THREE MONTHS OF RAISE THE AGE**

**AND**

**A COMPARISON TO SIMILAR CASES IN OCTOBER THROUGH DECEMBER 2017**

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June 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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A COMPARISON TO SIMILAR CASES IN OCTOBER THROUGH DECEMBER 2017**

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## **SUMMARY**

This report describes the processing of 16-year-old arrestees during the first three months of New York State’s Raise-the-Age Law that went into effect October 1, 2018, raising the age of criminal responsibility in the State and bringing change to the way 16-year-old arrestees are processed. Arrests in October through December 2018 are compared with arrests in October through December 2017, one year prior to the implementation of Raise the Age.

### Arrests

- Half of the 525 arrests of 16-year-olds were for misdemeanor or lesser charges, 30 percent were for violent felonies, and the remaining 18 percent were for non-violent felonies.
- There were half as many arrests of 16-year-olds in the last quarter of 2018 as there were in the same period of 2017. Two thirds of the 2017 arrests were for misdemeanor or lesser charges, 18 percent were for violent felonies and 14 percent were for non-violent felonies.
- A handful of charges account for nearly all of the decline in the volume of misdemeanor arrests among 16-year-olds: petit larceny, criminal possession of marijuana 5, assault 3, theft of services, criminal trespass 2 and 3, and criminal possession of a weapon 4.

### Prosecution

- The number of prosecuted felony arrests of 16-year-olds (now called “Adolescent Offenders” or AOs) was slightly higher in the 2018 Raise-the-Age group (216) than in the 2017 comparison group (197). A few misdemeanor arrests in the 2017 group were arraigned on felony offenses, bringing the number of prosecuted felony cases in the comparison period to 203.
- Brooklyn accounted for more AO adult-court cases (39%) than Manhattan (27%), Queens (20%), the Bronx (12%), or Staten Island (2%).
- The release recommendation system for 16-year-olds is currently the same as for older defendants. Eight of every ten AOs received the highest recommendation for ROR compared to only two thirds of the youths in the 2017 comparison group.
- During the first three months of Raise-the-Age, more than three quarters of the 16-year-olds were released on recognizance. In contrast, only six of every ten 16-year-olds were released on recognizance at arraignment during the 2017 comparison period.

### Adult-Court Outcomes

- As of April 15, 2019, eight of every ten Raise-the-Age cases were removed to Family Court. Thirteen percent were pending in adult court and a few (4) were convicted in adult court. In contrast, as of April 15, 2018, nearly six of every ten 2017 comparison group cases were still pending, 12 percent were dismissed, 13 percent resulted in conviction in the lower court, and 12 percent were convicted in the Supreme Court.





## **INTRODUCTION**

New York State’s Raise-the-Age legislation went into effect October 1, 2018, raising the age of criminal responsibility in the State and bringing change to the way 16-year-old<sup>1</sup> arrestees are processed. Youths age 16 are now brought directly to the Family Court by the New York Police Department (NYPD) for intake by the Department of Probation if the arrest charge is a misdemeanor or lesser offense. If the charge is a felony, the youth is now brought to the adult court with the presumption that non-violent felony cases will be sent to the Family Court as promptly as practicable. Felony cases are heard in the Youth Part of the adult court in each borough during business hours. If the youth part is closed, felony cases are first heard by an “Accessible Magistrate,” a judge in a court part other than the Youth Part who has been granted jurisdiction to determine the release status for the youth until the case is heard in the Youth Part, usually the following day.

This report describes the processing of 16-year-old arrestees during the first three months of Raise the Age, including data on charges at arrest and at arraignment, the disposition, release status and type of judge at the first hearing (Youth Part Judge or Accessible Magistrate), and the adult-court outcome, as well as selected demographic factors for the youths prosecuted in adult court. Arrests in October through December 2018 are compared with arrests in October through December 2017, one year prior to the implementation of Raise the Age. The NYPD is the source for arrest-level data and the Office of Court Administration (OCA) is the source for court information. Criminal history data is from the New York State Division of Criminal Justice Services (DCJS).

### **I. ARREST**

More than half (52%) of the 525 arrests of 16-year-olds between October 1 and December 31, 2018, were for misdemeanor-level offenses, 18 percent were for non-violent

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<sup>1</sup> Raise the Age pertains to arrests for offenses that took place on or after October 1, 2018, for youths who were age 16 on the date of the incident that led to the arrest. Raise the Age will be extended to 17-year-olds October 1, 2019.

felony offenses, and 30 percent were for violent felony offenses (Exhibit 1)<sup>2</sup>. All the misdemeanor cases were sent to the Family Court. Nearly all the arrests with violent felony charges (91%) or non-violent felony charges (78%) were brought to adult court.

There were only half as many arrests of 16-year-olds in the last quarter of 2018 as there were in the same period of 2017 (Exhibit 1.a). A much higher proportion (67%) of the 1,133 arrests in the last quarter of 2017 were for misdemeanor charges, 14 percent were for non-violent felony offenses and 18 percent were for violent felony offenses.

**Exhibit 1.a. Severity of Arrest Charge for 16-Year-Olds**

Charge Severity	October – December 2018		October – December 2017	
	# of Cases	%	# of Cases	%
Violent Felony	157	29.9	209	18.4
Non-Violent Felony	94	17.9	163	14.4
Misdemeanor or Lesser	274	52.2	761	67.2
<b>TOTAL Arrests Age 16</b>	<b>525</b>	<b>100.0</b>	<b>1,133</b>	<b>100.0</b>

The decrease in the volume of arrests of 16-year-olds is so dramatic that we also compared arrests of 17-year-olds in the fourth quarter of 2017 and the fourth quarter of 2018, with incident dates on or after October 1 of that year. As shown in Exhibit 1.b, the decline in arrests of 17-year-olds was large but not as steep. There were about 38 percent fewer arrests of 17-year-olds in the last quarter of 2018 than in the same period in 2017 and differences between the two periods by the severity of the arrest charge are much smaller. The proportion of arrests for violent felonies was six percentage points higher in the fourth quarter of 2018 than of 2017 for 17-year-olds but the proportion was more than 11 percentage points higher in 2018 than in 2017 for the 16-year-old Raise-the-Age group. Similarly, the decrease in the proportion of arrests that were for misdemeanors was 15 percentage points for 16-year-olds from the last quarter of 2017 to the first three months of Raise the Age but only nine percentage points among 17-year-olds for those periods.

<sup>2</sup> Each arrest assigned an arrest number by the NYPD is tallied. A youth may face an arrest that is processed in the adult court as well as an arrest that is sent to Family Court or declined prosecution.

**Exhibit 1.b. Severity of Arrest Charge for 17-Year-Olds**

Charge Severity	October – December 2018		October – December 2017	
	# of Cases	%	# of Cases	%
Violent Felony	207	23.2	246	17.2
Non-Violent Felony	159	17.8	214	14.9
Misdemeanor or Lesser	527	59.0	974	67.9
<b>TOTAL Arrests Age 17</b>	<b>893</b>	<b>100.0</b>	<b>1,434</b>	<b>100.0</b>

Much of the sharp decline in the volume of misdemeanor arrests among 16-year-olds reflects decreases in arrests for just a handful of charges (Exhibit 2.a). Specifically, there were 181 16-year-olds arrested for petit larceny in the last quarter of 2017 but only 35 such arrests in the same quarter of 2018. There were 103 fewer 16-year-olds arrested for criminal possession of marijuana in the fifth degree, 61 fewer arrests for assault in the third degree, 49 fewer arrests for theft of services (usually fare-beating), 44 fewer for criminal trespass in the second or third degree and 29 fewer for criminal possession of a weapon in the fourth degree. These charges account for more than 90 percent of the decrease misdemeanor arrests.

**Exhibit 2.a. Decline in Volume of Arrests of 16-Year-Olds for Selected Misdemeanors**

Selected Misdemeanor Arrest Charges	October – December 2018	October – December 2017	Decline
PL§155.25 Petit Larceny	35	181	146
PL§221.10 Criminal Poss. Marijuana 5	3	106	103
PL§120.00 Assault 3	81	142	61
PL§165.15 Theft of Services	3	52	49
PL§140.15 and PL§140.10 Criminal Trespass 2 and 3	7	51	44
PL§265.01 Criminal Poss. Weapon 4	22	51	29
<b>TOTAL Selected Misdemeanor Arrest Charges</b>	<b>151</b>	<b>583</b>	<b>432</b>

The data for 17-year-olds is presented below to try to distinguish the effects of Raise-the-Age implementation from year-to-year changes in arrest policies and/or practices for young arrestees. The table displays the volume of arrests of 17-year-olds during the fourth quarter of

2017 and of 2018 (with incident dates on or after October 1 of the year) for the specific misdemeanor charges that showed the greatest decline among 16-year-olds. The decline in arrests for the marijuana charge is even more dramatic for 17-year-olds, reflecting an NYPD change in policy that affected both age groups. The decline in arrests for theft of services (usually fare-beating) also reflects a change in policing and was larger for 17-year-olds (81 fewer arrests) than among 16-year-olds (49 fewer arrests). The decline in arrests among 17-year-olds for the other charges was far smaller than for 16-year-olds. Arrests for petit larceny declined by about a third for 17-year-olds but by 80 percent for 16-year-olds. Arrests for the two criminal trespass charges declined by less than half for 17-year-olds but from 51 to only 7 for 16-year-olds. While it is evident that the decline in arrests for selected misdemeanor offenses other than possession of marijuana and fare-beating were larger for 16-year-olds than for their 17-year-old counterparts, the differences in the decline for the two age groups are probably attributable to changes in policing, the implementation of Raise the Age and other factors.

**Exhibit 2.b. Volume of Arrests of 17-Year-Olds for Selected Misdemeanors**

Selected Misdemeanor Arrest Charges	October – December 2018	October – December 2017	Decline
PL§155.25 Petit Larceny	114	190	76
PL§221.10 Criminal Poss. Marijuana 5	17	171	154
PL§120.00 Assault 3	130	148	18
PL§165.15 Theft of Services	15	96	81
PL§140.15 and PL§140.10 Criminal Trespass 2 and 3	41	71	30
PL§265.01 Criminal Poss. Weapon 4	36	46	10
<b>TOTAL Selected Misdemeanor Arrest Charges</b>	<b>353</b>	<b>722</b>	<b>369</b>

A few arrest charges accounted for large portions of the arrests and the most frequent arrest charges accounted for a larger portion of the Raise-the-Age group than of their 2017 counterparts (Exhibit 3). More than half of the violent felony arrests were for first- or second-degree robbery among the 2018 arrests compared to 46 percent in the 2017 group. Grand larceny 4 accounted for a third and criminal possession of stolen property 4 accounts for a fifth

of the non-violent felony arrests in 2018, but together they accounted for only a quarter of the 2017 arrests.

**Exhibit 3. Most Frequent Arrest Charges for 16-Year-Olds by Charge Severity Category**

ARREST CHARGES	October – December 2018						October – December 2017					
	Violent Felony		Non-Violent Felony		Misdem. or Lesser		Violent Felony		Non-Violent Felony		Misdem. or Lesser	
	#	%	#	%	#	%	#	%	#	%	#	%
PL §160.10 Robbery 2 (C Felony)	63	40.1	-	-	-	-	67	32.1	-	-	-	-
PL §160.15 Robbery 1 (B Felony)	21	13.4	-	-	-	-	29	13.9	-	-	-	-
PL §120.05 Assault 2 (D Felony)	30	19.1	-	-	-	-	34	16.3	-	-	-	-
PL §155.30 Grand Larceny 4 (E Felony)	-	-	31	32.6	-	-	-	-	22	13.5	-	-
PL §165.45 Crim. Poss. Stolen Property 4 (E Felony)	-	-	18	20.0	-	-	-	-	20	12.3	-	-
PL §160.05 Robbery 3 (D Felony)	-	-	8	8.4	-	-	-	-	26	16.0	-	-
PL §120.00 Assault 3 (A Misdemeanor)	-	-	-	-	81	29.6	-	-	-	-	142	18.7
PL §155.25 Petit Larceny (A Misdemeanor)	-	-	-	-	35	12.8	-	-	-	-	181	23.8
PL §145.00 Criminal. Mischief 4 (A Misdemeanor)	-	-	-	-	31	11.3	-	-	-	-	31	4.1
PL §265.01 Crim Poss. Weapon 4 (A Misdemeanor)	-	-	-	-	22	8.0	-	-	-	-	51	6.7
Other	43	27.4	37	39.0	105	38.3	79	37.7	95	58.2	356	46.8
<b>TOTAL Arrests Age 16</b>	<b>157</b>	<b>100.0</b>	<b>94</b>	<b>100.0</b>	<b>274</b>	<b>100.0</b>	<b>209</b>	<b>100.0</b>	<b>163</b>	<b>100.0</b>	<b>761</b>	<b>100.0</b>

Violent felony arrests accounted for nearly four of every ten Raise-the-Age arrests in Brooklyn and nearly a third of those in Queens, but less than one in three in Manhattan and little more than a fifth of those in the Bronx (Exhibit 4.a). Non-violent felony arrests were most frequent in Manhattan (28%), Queens (18%), Brooklyn (16%), and the Bronx (13%), whereas only one in twenty-five arrests in Staten Island (4.2%) were for non-violent felony charges.

Violent felony arrests were far more prevalent among the 16-year-old Raise-the-Age arrests than among their 2017 counterparts in all boroughs except the Bronx. Compared to 2017, violent felony arrests accounted for 15 to 17 percentage points more of the total arrests in 2018 in Manhattan, Brooklyn, and Queens, nearly eight percentage points more in Staten Island, but four percentage points less in the Bronx. Conversely, arrests for misdemeanor or lesser offenses were far lower under Raise the Age than in the fourth quarter of 2017 in Manhattan, Brooklyn, and Queens, while misdemeanor or lesser offenses accounted for about the same proportion in the Bronx and Staten Island.

**Exhibit 4.a. Arrest Charge Severity by Borough**

BOROUGH	October – December 2018				October – December 2017			
	Violent Felony %	Non-Violent Felony %	Misdem. or Lesser %	TOTAL %	Violent Felony %	Non-Violent Felony %	Misdem. or Lesser %	TOTAL %
Brooklyn	37.1	16.0	46.9	100.0 (175)	21.2	15.3	63.4	100.0 (339)
Manhattan	28.5	27.6	43.9	100.0 (123)	11.4	15.1	73.5	100.0 (271)
Queens	32.0	17.5	50.5	100.0 (103)	16.8	18.8	64.4	100.0 (191)
Staten Island	12.5	4.2	83.3	100.0 (24)	4.7	11.6	83.7	100.0 (43)
Bronx	21.0	13.0	66.0	100.0 (100)	24.9	10.0	65.1	100.0 (289)
<b>CITYWIDE (Number of Cases)</b>	<b>29.9</b>	<b>17.9</b>	<b>52.2</b>	<b>100.0 (525)</b>	<b>18.4</b>	<b>14.4</b>	<b>68.2</b>	<b>100.0 (1,133)</b>

Arrests in Brooklyn accounted for a third of the 16-year-olds arrested in the fourth quarter of 2018 and they accounted for more arrests than any other borough in both 2018 and 2017 (Exhibit 4.b). Manhattan arrests accounted for nearly a quarter of the arrests during both periods, while the Bronx accounted for a quarter of the 2017 arrests but only a fifth of the more recent group. Queens accounted for three percentage points more arrests in 2018 than in 2017 while the Staten Island arrests accounted for about one percentage more of the 2018 than 2017 arrests.

Brooklyn accounted for a larger proportion of violent felony arrests in the Raise-the-Age group (41%) compared to 13 to 22 percent in the Bronx, Queens and Manhattan. Manhattan accounted for a larger proportion of non-violent felony arrests (36%) compared to 14 to 30 percent in the Bronx, Queens and Brooklyn.

**Exhibit 4.b. Borough by Arrest Charge Severity**

BOROUGH	October – December 2018				October – December 2017			
	Violent Felony %	Non-Violent Felony %	Misdem. or Lesser %	TOTAL %	Violent Felony %	Non-Violent Felony %	Misdem. or Lesser %	TOTAL %
Brooklyn	41.4	29.8	29.9	33.3	34.4	31.9	28.2	29.9
Manhattan	22.3	36.2	19.7	23.4	14.8	25.2	26.2	23.9
Queens	21.0	19.1	19.0	19.6	15.3	22.1	16.2	16.9
Staten Island	1.9	1.1	7.3	4.6	1.0	3.1	4.7	3.8
Bronx	13.4	13.8	24.1	19.0	34.4	17.8	24.7	25.5
<b>CITYWIDE</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>(# of Cases)</b>	<b>(157)</b>	<b>(94)</b>	<b>(274)</b>	<b>(525)</b>	<b>(209)</b>	<b>(163)</b>	<b>(761)</b>	<b>(1,133)</b>

**II. PROSECUTION**

**A. Arrest Charges**

The tremendous decline in the volume of arrests of 16-year-olds and greater proportion of misdemeanor rather than felony charges in the last quarter of 2018 compared to the last quarter of 2017 are only part of the story of the differences between the two periods. Exhibit

5, below, shows the percent of felony arrests of 16-year-olds that were prosecuted in the adult court<sup>3</sup> during the first three months of Raise the Age and the percent of felony arrests of 16-year-olds that were prosecuted with felony charges during the comparison period. The rate of felony prosecution was far higher during Raise the Age than during the comparison period (86% compared to only 53%). Many felony arrests during the comparison period were prosecuted for non-felony charges.<sup>4</sup> The number of prosecuted felony arrests of 16-year-olds was slightly higher in the 2018 Raise-the-Age group (216) than in the 2017 comparison group (197).

**Exhibit 5. Felony Arrests Prosecuted as Felonies**

	October – December 2018			October – December 2017		
	Number Prosecuted	Number Arrested	Percent Prosecuted	Number Prosecuted	Number Arrested	Percent Prosecuted
Violent Felony	143	157	91%	122	209	58%
Non-Violent Felony	73	94	78%	75	163	46%
<b>All Felony Arrests Age 16</b>	<b>216</b>	<b>251</b>	<b>86%</b>	<b>197</b>	<b>372</b>	<b>53%</b>

**B. Arraignment Charges**

Charges at arraignment varied somewhat from arrest charges. In three of the Raise-the-Age arrests for violent felony offenses the 16-year-olds were arraigned on non-violent felony charges and in eleven non-violent felony arrests they were arraigned on violent felony charges. Eight of the defendants with non-violent felony arrest charges that were elevated to violent felony charges were arraigned on second degree robbery with four raised from a grand larceny charge and the rest raised from robbery in the third degree. Thus there were 151 arraignments for violent felony offenses and 65 for non-violent felony offenses in the first three months of Raise the Age.

<sup>3</sup> Note that under Raise the Age, all misdemeanor-charged 16-year-olds have their cases processed through Family Court and not through adult court.

<sup>4</sup> If all prosecuted cases including those arraigned on misdemeanor or lesser charges are considered, the prosecution rate was 80 percent during the comparison period, still lower than under Raise the Age.



Charges at arraignment also varied from arrest charges for 16-year-olds in the comparison group. Six misdemeanor arrests were arraigned on felony-level charges, bringing the total of felony prosecutions to 203.

As shown in Exhibit 6, robbery in the second degree was the most frequent violent charge at arraignment during the first three months of Raise the Age and in the comparison period, although it was more frequent during Raise the Age (34% compared to 27%). First- and second-degree robbery together account for about the same percent of the Raise-the-Age cases (53%) as comparison cases (54%).

**Exhibit 6. Most Frequent Arraignment Charges**

	October – December 2018		October – December 2017	
	Violent Felony %	Non-Violent Felony %	Violent Felony %	Non-Violent Felony %
PL §160.10 Robbery 2 (C Felony)	34.4		27.2	
PL §160.15 Robbery 1 (B Felony)	19.2		26.5	
PL §120.05 Assault 2 (D Felony)	20.5		16.2	
PL §265.03 Crim. Poss. Weap. 2 (C Felony)	4.6		7.4	
Other Violent	21.2		22.9	
<b>TOTAL Violent Charges At Arraignment</b>	<b>100.0 (151)</b>		<b>100.0 (136)</b>	
PL §165.45 Crim. Poss. Stolen Prop 4 (E Felony)		29.2		4.5
PL §155.30 Grand Larceny 4 (E Felony)		26.2		23.9
PL §155.35 Grand Larceny 3 (D Felony)		9.2		1.5
PL §160.05 Robbery 3 (D Felony)		6.2		17.9
PL §170.30 Crim. Poss. Forged Inst. 1 (C Felony)		-		7.5
PL §220.16 Poss. Control. Subst. 3 (B Felony)		3.1		6.0
Other Non-Violent		26.2		38.9
<b>TOTAL Non-Violent Charges At Arraignment</b>		<b>100.0 (65)</b>		<b>100.0 (67)</b>

The most frequent charges prosecuted among the non-violent felony cases were very different in some instances during Raise the Age and the comparison period. Criminal possession of stolen property in the fourth degree was the most frequent non-violent felony arrest charge prosecuted among Raise-the-Age cases (29%) but was not common in the comparison period (4%). About a quarter of both groups were charged with grand larceny in the fourth degree but grand larceny in the third degree was far more common during Raise the Age (9% compared to 2%). On the other hand, robbery in the third degree and criminal possession of a forged instrument in the first degree were both far more frequent during the comparison period (18% and 8%) than during Raise the Age (6% and 0%).

### **C. Borough, Ethnicity, Gender, Criminal History, Release Recommendation**

The borough composition for arraignments during the first three months of Raise the Age varied somewhat from the borough composition for the October through December 2017 comparison group, just as the borough composition of arrests varied for the two periods. Bronx arraignments accounted for only 12 percent of those during Raise the Age compared to 23 percent during the comparison period. Bronx arraignments for non-violent felonies were similar (14% compared to 12% in the 2017 group) but Bronx arraignments for violent felonies were far lower under Raise the Age (11% compared to 28%). Manhattan arraignments accounted for a higher portion of Raise-the-Age cases (27%) than of the comparison group (19%) but the increase was about the same among arraignments for violent felony offenses as for non-violent felonies.<sup>5</sup> While Brooklyn arraignments accounted for about the same portion of arraignments in both groups (close to 40%), Brooklyn arraignments under Raise the Age accounted for 41 percent of violent felony arraignments and 33 percent of non-violent felony arraignments, but in the 2017 comparison group Brooklyn arraignments accounted for 34 percent of the violent and 43 percent of the non-violent felony arraignments. Queens

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<sup>5</sup> The decline in Bronx and increase in Manhattan arraignments for violent felonies in 2018 reflect the respective arrest proportions. In the Bronx, violent felony arrests comprised 13% under Raise the Age compared to 34% in the comparison group; in Manhattan, violent felony arrests comprised 22% under Raise the Age compared to 15% in the comparison group.

arraignments accounted for about one of every five arraignments in both periods and Staten Island arraignments accounted for less than a handful during both periods.

**Exhibit 7. Borough of Arrest by Severity of Arraignment Charge**

	October – December 2018			October – December 2017		
	Violent Felony %	Non-Violent Felony %	TOTAL %	Violent Felony %	Non-Violent Felony %	TOTAL %
Brooklyn	41.1	33.8	38.9	33.8	43.3	36.9
Manhattan	24.5	32.4	26.9	16.2	25.4	19.2
Queens	21.2	18.5	20.4	20.6	19.4	20.2
Staten Island	2.0	1.5	1.9	1.5	0.0	1.0
Bronx	11.3	13.8	12.0	27.9	11.9	22.7
<b>TOTAL Arraignments (Number of Cases)</b>	<b>100.0 (151)</b>	<b>100.0 (65)</b>	<b>100.0 (216)</b>	<b>100.0 (136)</b>	<b>100.0 (67)</b>	<b>100.0 (203)</b>

Two thirds of the 16-year-old Adolescent Offenders arraigned during Raise the Age were black compared to little more than half of the 16-year-olds arraigned during the 2017 comparison period (Exhibit 8). In both groups, the percentage was about the same among youths arraigned on violent felony charges as for non-violent felony charges.

Latinx youths comprised a smaller portion in Raise-the-Age group (28%) than in the comparison group (38%). Although there was little difference by charge severity during the comparison period, under Raise the Age 30 percent of youths charged with violent felonies were Latinx compared to 25 percent of youths charged with non-violent felonies. White youths were arraigned slightly less frequently during Raise the Age (3%) than during the 2017 comparison period (5%) but the difference was slightly wider among those charged with non-violent offenses (4% during Raise the Age compared to 9% during the comparison period). Asian youths accounted for four percent of the arraignments during both periods. However, during Raise the Age, Asian youths accounted for a higher percentage of non-violent felony arraignments (8%) than violent felony arraignments (2%) but they accounted for five percent of violent felony arraignments and less than two percent of non-violent felony arraignments during the 2017 comparison period.

**Exhibit 8. Ethnicity by Severity of Arraignment Charge**

	October – December 2018			October – December 2017		
	Violent	Non-Violent	TOTAL	Violent	Non-Violent	TOTAL
	Felony	Felony		Felony	Felony	
	%	%	%	%	%	%
Black	65.7	63.2	65.7	52.2	52.2	52.2
White	2.1	4.6	2.8	3.7	9.0	5.4
Latinx	30.1	24.6	27.8	39.0	37.3	38.4
Asian	2.1	7.7	3.7	5.1	1.5	3.9
<b>TOTAL Arraignments</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>(Number of Cases)</b>	<b>(151)</b>	<b>(65)</b>	<b>(216)</b>	<b>(136)</b>	<b>(67)</b>	<b>(203)</b>

As shown in Exhibit 9, 85 percent of the Raise-the-Age 16-year-olds were male, about the same percent as in the comparison group (84%). Males comprised nearly the same portion of arraignments on violent felony charges (84%) as arraignments on non-violent felony charges (86%) in the Raise-the-Age group. However, in the comparison group, violent felony cases accounted for a slightly larger proportion of arraignment charges for males (88%) while non-violent felony cases made up a much smaller proportion (74%).

**Exhibit 9. Gender by Severity of Arraignment Charge**

	October – December 2018			October – December 2017		
	Violent	Non-Violent	TOTAL	Violent	Non-Violent	TOTAL
	Felony	Felony		Felony	Felony	
	%	%	%	%	%	%
Male	84.1	86.2	84.7	88.2	73.5	83.7
Female	15.9	13.8	15.3	11.8	26.5	16.3
<b>TOTAL Arraignments</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>(Number of Cases)</b>	<b>(151)</b>	<b>(65)</b>	<b>(216)</b>	<b>(136)</b>	<b>(68)</b>	<b>(203)</b>

Most of the youths arraigned in the first three months of Raise the Age had no prior arrests on their adult NYSID report, the ‘rap’ sheet (Exhibit 10). Youths with non-violent charges at arraignment were more likely to have no prior arrests (88%) than were their counterparts with violent felony charges (76%). The rap sheets rarely showed convictions (1%). One in every five Raise-the-Age youths had at least one open case on the rap sheet.

In contrast, more than a quarter of the youths in the comparison group had at least one open case but no convictions and five percent had a felony and/or misdemeanor conviction. Fewer than seven of every ten had no arrests on their rap sheet, with little difference by the severity of the arraignment charges (68% when the arraignment charge was a violent felony and 70% when it was non-violent).

**Exhibit 10. Criminal History by Severity of Arraignment Charge<sup>6</sup>**

	October – December 2018			October – December 2017		
	Violent Felony %	Non-Violent Felony %	TOTAL %	Violent Felony %	Non-Violent Felony %	TOTAL %
No Prior Arrests on Rap Sheet	75.5	87.7	79.2	68.1	70.1	68.8
Open Case(s) Only	22.5	12.3	19.4	27.4	23.9	26.2
Misdemeanor Conviction Only	-	-	-	0.7	3.0	1.5
Felony Conviction(s)	2.0	-	1.4	3.7	3.0	3.5
<b>TOTAL Arraignments (Number of Cases)</b>	<b>100.0 (151)</b>	<b>100.0 (65)</b>	<b>100.0 (216)</b>	<b>100.0 (135)</b>	<b>100.0 (67)</b>	<b>100.0 (202)</b>

\*Criminal history not available for 1 case

The Criminal Justice Agency (CJA) release recommendation for 16-year-olds is the same as for older defendants. The recommendation incorporates community-ties and criminal-history items found to be predictive of the defendant’s likelihood of returning to court, if released. Eight of every ten 16-year-old Adolescent Offenders arraigned in the first three months of Raise the Age received the highest rating, recommended for ROR (Exhibit 11). The recommendation rate was lower during the October to December 2017 comparison period when only two thirds of the 16-year-olds received the highest rating. The increase in recommendations for release parallel the higher share of Raise-the-Age youth with no criminal history.

<sup>6</sup> DCJS data reflect criminal history at the time of arrest.

**Exhibit 11. Release Recommendation by Severity of Arraignment Charge**

	October – December 2018			October – December 2017		
	Violent Felony	Non- Violent Felony	TOTAL	Violent Felony	Non- Violent Felony	TOTAL
	%	%	%	%	%	%
Recommended	79.5	84.6	81.1	66.9	65.7	66.5
Moderate	6.6	6.2	6.5	15.0	10.4	13.5
High Risk	5.3	6.2	5.6	7.5	17.9	11.0
Conflicting Residence Info	2.0	-	1.4	-	-	-
Warrant Attached	3.3	1.5	2.8	6.0	3.0	5.0
Other	3.3	1.5	2.8	3.8	3.0	3.5
<b>TOTAL Arraignments (Number of Cases)</b>	<b>100.0 (151)</b>	<b>100.0 (65)</b>	<b>100.0 (216)</b>	<b>100.0 (133)</b>	<b>100.0 (67)</b>	<b>100.0 (200)</b>

\*Recommendation not available for 3 cases

#### D. Arraignment

##### 1. Accessible Magistrate or Youth Part

Two thirds of the first appearances during the first three months of Raise the Age took place before an Accessible Magistrate rather than in a Youth Part (Exhibit 12), and the Accessible Magistrate proportion was about the same for cases with violent and non-violent felony charges (data not shown). The first hearing was far more likely to be before an Accessible Magistrate than in a Youth Part in Manhattan (81%), the Bronx (73%), and Queens (61%), while the proportion of first hearings before an Accessible Magistrate was only 54 percent in Brooklyn and 50 percent (2 out of 4 cases) in Staten Island. Brooklyn accounted for the greatest proportion of Raise-the-Age cases initially prosecuted in the youth part (51%), followed by Queens (22%), Manhattan (14%), the Bronx (9%) and Staten Island (3%).

**Exhibit 12. First Hearing Type: Accessible Magistrate or Youth Part<sup>7</sup>**

	Brooklyn	Manhattan	Queens	Staten Island	Bronx	Citywide
	%	%	%	%	%	%
Accessible Magistrate	53.6	81.0	61.4	50.0	73.1	64.8
Youth Part	46.4	19.0	38.6	50.0	26.9	35.2
<b>All Felony Arrests Age 16</b>	<b>100.0 (84)</b>	<b>100.0 (58)</b>	<b>100.0 (44)</b>	<b>100.0 (4)</b>	<b>100.0 (26)</b>	<b>100.0 (216)</b>

More than seven of every ten cases were continued at the initial appearance and the remaining cases were removed to Family Court at that early stage of prosecution. Three quarters of the violent felony cases were continued compared to two thirds of the non-violent felony cases (data not shown).

**2. Disposition at Arraignment**

Since the Accessible Magistrates are authorized solely to determine the release status for the youths and are not authorized to decide case outcomes, all of the cases that came before an Accessible Magistrate were continued at the initial appearance. Almost eight of every ten cases that were heard in a Youth Part were removed to Family Court (Exhibit 13) including nearly every non-violent felony case and two thirds of the violent felony cases (data not shown)

**Exhibit 13. Disposition at Arraignment by Borough: Youth Parts Only**

	Brooklyn	Manhattan	Queens	Staten Island	Bronx	Citywide
	%	%	%	%	%	%
Continued	5.1	36.4	47.1	50.0	14.3	21.1
Removed to Family Court	94.9	63.6	52.9	50.0	85.7	78.9
<b>All First Hearings in Youth Part</b>	<b>100.0 (39)</b>	<b>100.0 (11)</b>	<b>100.0 (17)</b>	<b>100.0 (2)</b>	<b>100.0 (7)</b>	<b>100.0 (76)</b>

<sup>7</sup> These numbers differ slightly from those in The Mayor's Office of Criminal Justice (MOCJ) Quarterly Report, although OCA provided both the CJA and MOCJ data. The OCA data feed to CJA may include updated information.

In the 2017 comparison group, 202 of the 203 prosecuted cases with violent or non-violent felony charges were continued at the initial court appearance (data not shown). In one case the youth pled guilty at arraignment in the lower court to 155.25 (Petit Larceny), an A misdemeanor.

### 3. Release Status at Arraignment

The release status set at the initial hearing was much more favorable for youth under Raise the Age than in the comparison group (Exhibit 14). More than three quarters of the Raise-the-Age youths were released on their own recognizance. More than eight of every ten were released on recognizance or under supervision. In the comparison period, less than seven of every ten were released on recognizance and 72 percent were released on recognizance or under supervision. The difference in release rates was widest for the cases with violent felony charges: 79 percent of violent felony Raise-the-Age cases were released on recognizance or supervision compared to only 55 percent of their 2017 counterparts. The year-to-year differences seem to reflect both the higher proportion of Raise-the-Age youth with no criminal history and the higher percentage of Raise-the-Age youth who were recommended for release.

**Exhibit 14. Release Status at First Hearing by Severity of Arraignment Charge**

	October – December 2018			October – December 2017		
	Violent Felony	Non-Violent Felony	TOTAL	Violent Felony	Non-Violent Felony	TOTAL
Remand	2.0	-	1.4	1.5	3.0	2.0
Held on bail	18.5	9.2	15.7	35.3	12.1	27.7
Released on bail	0.7	-	0.5	8.1	-	5.4
Released on recognizance	71.5	89.2	76.9	55.1	71.2	60.4
Released under supervision	7.3	1.5	5.5	-	13.6	4.5
<b>All Cases</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
	<b>(151)</b>	<b>(65)</b>	<b>(216)</b>	<b>(136)</b>	<b>(66)</b>	<b>(202)</b>

\*Excludes one case disposed at arraignment

The release statuses set by Accessible Magistrates were somewhat more restrictive than those set in the youth parts, although some of the numbers are too small for reliable comparison (Exhibit 15). Twelve percent of the youths arraigned in a youth part were held on



bail or remanded with no bail set compared to one in five of those arraigned by an Accessible Magistrate. Most of the difference reflects release statuses set for 16-year-olds charged with non-violent felony offenses. None of the youths arraigned in a youth part on a non-violent felony were held on bail or remanded with no bail set compared to 14 percent of those arraigned by an Accessible Magistrate. Among youth charged with a violent felony, 17 percent who were arraigned in a youth part were held on bail or remanded compared to 23 percent who were arraigned by an Accessible Magistrate.

**Exhibit 15. Release Status at First Hearing by Severity of Arraignment Charge and First Hearing Type: Accessible Magistrate or Youth Part**

	Accessible Magistrate			Youth Part		
	Violent Felony %	Non-Violent Felony %	TOTAL %	Violent Felony %	Non-Violent Felony %	TOTAL %
Remand	2.1	-	1.4	1.9	-	1.3
Held on bail	20.6	14.0	18.6	14.8	-	10.5
Released on bail	1.0	-	0.7	-	-	-
Released on recognizance	69.1	83.7	73.6	75.9	100.0	82.9
Released under supervision	7.2	2.3	5.7	7.4	-	5.3
<b>All Cases</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
	<b>(97)</b>	<b>(43)</b>	<b>(140)</b>	<b>(54)</b>	<b>(22)</b>	<b>(76)</b>

#### 4. Why So Many Cases Are Arraigned by Accessible Magistrates

Why are so many cases for 16-year-olds initially heard by Accessible Magistrates rather than in the Youth Parts? Although time of arrest is available, data on time of arraignment is not. Instead we explore the day of the week the arrest took place and the day of the week the arraignment took place (Exhibit 16). More than a third of the arraignments heard by Accessible Magistrates rather than in the Youth Parts were arrests arraigned on a weekend or holiday when Youth Parts were not scheduled to be in session. Nearly two thirds of the 51 arraignments heard by Accessible Magistrates rather than in the Youth Parts were Saturday or Sunday arrests arraigned on the weekend plus one Christmas Day arrest arraigned that day.

Nearly every youth arrested on a Friday but not arraigned until Saturday was arrested between 10:30 am and midnight.

In addition to the 18 youths arrested on a Friday and arraigned on Saturday, there were 12 youths arrested on a Friday and arraigned the same day. All but one of these 12 youths were also arraigned by an Accessible Magistrate after the close of the Youth Part on Friday evening. Nine of these youths were arrested between midnight and 1 pm. The youth who was arraigned in the Youth Part was arrested at midnight.

Arraignments on Friday after the close of the Youth Part or on Saturday or Sunday account for approximately 44 percent of the 140 arraignments before Accessible Magistrates.

The remaining 78 youths arraigned before Accessible Magistrates were arrested Sunday through Thursday. More than half of these (45 of 77) were arraigned the same day as their arrest Monday through Thursday. Their times of arrest ranged from midnight to nearly 7 pm. Of the 31 arraigned the following day, all were arrested Sunday through Thursday after 12 noon and 30 were arrested after 6pm. The two youths arraigned before an Accessible Magistrate two days later than their arrest were both arrested between 10 pm and 11 pm.

In contrast, of the 76 arraignments in Youth Parts, only six youths were arraigned the same day including one mentioned above who was arrested and arraigned on a Friday. All of these youths were arrested before 10 am. The arrest times for the 67 youths arraigned in the Youth Part the day after their arrests ranged widely, from 10 am to 11 pm. The youths arraigned in the Youth Part two days after arrest were arrested between 4 pm and 6:30 pm.

**Exhibit 16. Arrest and Arraignment Day of the Week By First Hearing Type: Accessible Magistrate or Youth Part**

	Accessible Magistrate		Youth Part	
	#	%	#	%
Arrested and Arraigned on Saturday, Sunday or Holiday	33	23.6	-	-
Arrested Friday and Arraigned on Saturday	18	12.9	-	-
<b>SUBTOTAL ARRAIGNED ON WEEKEND OR HOLIDAY</b>	<b>51</b>	<b>36.4</b>	<b>-</b>	<b>-</b>
Arrested and Arraigned Friday	11	7.9	1	1.3
Arrested and Arraigned Same Day Monday -Thursday	45	32.1	5	6.6
Arrested Sunday – Thursday, Arraigned Next Day	31	22.1	67	88.2
Arrested Sunday – Thursday, Arraigned Two Days Later	2	1.4	3	3.9
<b>TOTAL ARRAIGNMENTS</b>	<b>140</b>	<b>100.0</b>	<b>76</b>	<b>100.0</b>

**III. ADULT COURT OUTCOMES**

Adult court outcomes were tracked through April 15, 2019, for the Raise-the-Age cases and April 15, 2018, for the 2017 comparison group (Exhibit 17). The distribution of outcomes differs widely for the two groups. Eight of every ten Raise-the-Age cases were removed to Family Court, including three quarters of the cases with violent felony charges and nearly nine of every ten with non-violent felony charges. Of course, none of the cases in the comparison group were transferred to the Family Court since Family Court did not have jurisdiction of cases for 16-year-olds in 2017. As of April 15, 2018, a third of October to December 2017 comparison cases were still pending in Criminal Court and an additional 28 percent were still pending in Supreme Court compared to only 13 percent of Raise-the-Age cases. Perhaps Raise-the-Age cases that were removed to Family Court are more similar to cases that were pending outcomes in adult court in the 2017 group, since many cases that were removed under Raise the Age may have remained open in the Family Court. Unfortunately, the court outcome data for the two periods are not comparable.

As of April 15, 2019, only two percent of Raise-the-Age youths were convicted in Supreme Court. The rate of conviction in Supreme Court was much higher for the youths in the comparison group (12%) and an additional 13 percent of cases resulted in conviction in Criminal

Court. Conviction in Supreme Court was more frequent among cases with violent felony charges (14% compared to 8% with non-violent felony charges) while the opposite was true for conviction in the Criminal Court (11% among cases with non-violent felony charges and 18% if the charges were violent). Cases in the comparison group were also more likely to be dismissed or ACD (12%, all in Criminal Court) compared to only four percent under Raise the Age (all in Supreme Court).

**Exhibit 17. Adult Court Outcomes by Severity of Arraignment Charge**

	October – December 2018			October – December 2017		
	Violent Felony %	Non-Violent Felony %	TOTAL %	Violent Felony %	Non-Violent Felony %	TOTAL %
<b>Criminal Court Cases</b>						
Pending	-	-	-	27.2	46.3	33.5
Convicted	-	-	-	11.0	17.9	13.3
ACD/Dismissed	-	-	-	11.8	11.9	11.8
Other				-	1.5	0.5
<b>Subtotal in Criminal Court</b>	-	-	-	<b>50.0</b>	<b>77.6</b>	<b>59.1</b>
<b>Supreme Court Cases</b>						
Pending	16.6	6.2	13.4	33.8	14.9	27.6
Convicted	2.0	1.5	1.9	14.0	7.5	11.8
Dismissed	4.6	3.1	4.2	-	-	-
Removed to Family Court	76.2	89.2	80.1	-	-	-
Other	0.7	-	0.5	2.2	-	1.5
<b>All Cases</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
	<b>(151)</b>	<b>(65)</b>	<b>(216)</b>	<b>(136)</b>	<b>(67)</b>	<b>(203)</b>

Borough differences in court outcomes for Raise-the-Age cases were wide (Exhibit 18). More than nine of every ten Brooklyn cases were removed to Family Court as of April 15, 2019, compared to three quarters of Bronx cases, 71 percent of Manhattan cases and only 68 percent of those in Queens. The convictions took place only in the Bronx (8%) and Manhattan (3%). Dismissals were most frequent in Manhattan (12%) compared to four percent in the Bronx, one percent in Brooklyn and none in the remaining boroughs. Only six percent of Brooklyn cases

were still pending as of April 15, 2019, compared to 12 percent of Bronx and Manhattan cases and 32 percent of those in Queens.

**Exhibit 18. Adult Court Outcomes of Raise-The-Age Cases by Borough<sup>8</sup>**

	Brooklyn	Manhattan	Queens	Staten Island	Bronx	Citywide
<b>Supreme Court</b>	%	%	%	%	%	%
Pending	6.0	12.1	31.8	-	11.5	13.4
Convicted	-	3.4	-	-	7.7	1.9
Dismissed	1.2	12.1	-	-	3.8	4.2
Removed to Family Court	92.9	70.7	68.2	100.0	76.9	80.1
Other	-	1.7	-	-	-	0.5
<b>All Cases</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
	<b>(84)</b>	<b>(58)</b>	<b>(44)</b>	<b>(4)</b>	<b>(26)</b>	<b>(216)</b>

Exhibit 19, below, shows the number of days from the first appearance to removal to Family Court by borough. Day zero denotes removal at the initial hearing. Cases were removed to Family Court more quickly in Brooklyn than in other boroughs. Nearly half of Brooklyn cases were removed day zero, the initial date, compared to three of every ten in Queens and the Bronx, quarter of those in Staten Island (1 of 4), and only 17 percent in Manhattan. Nearly eight of every ten in Brooklyn were removed by the next day, compared to six of every ten in the Bronx, nearly half in Queens but fewer than four of every ten in Manhattan. None of the removals from Brooklyn took place more than a week after the initial hearing compared to seven percent in Queens, 10 percent in the Bronx compared to more than four of every ten in Manhattan. Seventeen percent of the Manhattan removals did not occur until more than a month after the initial hearing compared to only seven percent Queens, five percent in the Bronx and none in the remaining boroughs.

<sup>8</sup> These numbers differ slightly from those in The Mayor’s Office of Criminal Justice (MOCJ) Quarterly Report, although OCA provided both the CJA and MOCJ data.

**Exhibit 19. Days From First Appearance to Removal to Family Court by Borough**

	<b>Brooklyn</b>	<b>Manhattan</b>	<b>Queens</b>	<b>Staten Island</b>	<b>Bronx</b>	<b>Citywide</b>
<b>Days</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
0 – initial date	46.2	17.1	30.0	25.0	30.0	34.1
1	32.1	19.5	16.7	0.0	30.0	25.4
2	15.4	7.3	13.3	0.0	15.0	12.7
3-7	6.4	14.6	33.3	50.0	15.0	15.0
8-30	-	24.4	-	25.0	5.0	6.9
31-90	-	17.1	6.7	-	5.0	5.8
<b>All Cases</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
	<b>(78)</b>	<b>(41)</b>	<b>(30)</b>	<b>(4)</b>	<b>(20)</b>	<b>(173)</b>
<b>Median Days</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>5.5</b>	<b>1</b>	<b>1</b>

