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CRIMINAL JUSTICE AGENCY



ANNUAL REPORT 2017

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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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CJA Publications (inside back cover)

Message from the Executive Director

Aubrey Fox

Welcome to the 15th edition of CJA's Annual Report, which for the 2017 calendar year summarizes key data on New York City criminal justice case processing, from arrest to arraignment to final disposition.

CJA is New York City's main pretrial services agency working under contract with the New York City Mayor's Office of Criminal Justice. We are grateful to MOCJ for their ongoing support and thought leadership.

Based on a unique database that combines information generated in the CJA pretrial interview with data provided by the New York City Police Department, the New York State Office of Court Administration and the New York City Department of Corrections, the Annual Report serves as a reference for stakeholders interested in pretrial justice in New York City.

For this year's introduction, I thought I would highlight several important themes that stood out in my reading. They illustrate how CJA uses data to identify and address pretrial justice challenges, and can serve as a roadmap for readers interested in learning lessons of their own.

The Phone Number Collection Rate

For the first time, the Annual Report documents how often CJA obtains a phone number from defendants during the pretrial interview ([figure 12](#)). This is important for two reasons. First, phone ownership is one of the factors scored during the pretrial interview, so when a defendant provides CJA with a phone number it improves their release assessment score. (This is based on research showing that defendants who self-report a phone number to CJA are more likely to appear in court). Second, without a phone number CJA is limited in its ability to provide court date reminders to the defendant.

In 2017, seventy-seven percent of defendants gave CJA a phone number. Is this the true rate of phone ownership? According to the Pew Research Center, overall 95 percent of Americans own a cellphone, with ownership at no less than 90 percent for various categories of age, sex, race, income, and education level. This suggests that some defendants are not reporting an existing phone.

Why are they withholding this information? Is it because they don't remember their phone number or don't want to give CJA this information during the pretrial interview? CJA is now looking into strategies to increase phone reporting rates while not compromising the quality of the data.

CJA Recommendation Levels

CJA recommends defendants for release at rates lower than current judicial practice. In 2017, CJA recommended 49 percent of interviewed defendants for release on recognizance: 33 percent of defendants were assessed as low risk, with an additional 16 percent as moderate risk (figure 13). However, judges released 68 percent of defendants on recognizance, a higher proportion than CJA recommended (figure 33). This suggests that CJA's recommendation levels are conservative, an insight that has informed our project with the Mayor's Office of Criminal Justice to revise the CJA release recommendation, last modified in 2003.

Desk Appearance Tickets

In 2017, there were 61,366 desk appearance ticket (DAT) arraignments in New York City (figure 21). With DATs, a defendant is provided a ticket and instructions to appear at a future court date for arraignment, making detention during the pre-arraignment period unnecessary.

DATs offer a powerful tool for law enforcement officials who want to limit the adverse consequences of pretrial detention, but they come at a cost: lower court appearance rates. While 86 percent of defendants in summary arrests made all their court dates (figure 51), only 76 percent of defendants issued a DAT made their first court date (figure 25). As a result, warrants were more common among DATs, which could have lasting negative consequences for the defendant.

One possible reason for the lower court appearance rate among DATs is the length of time between arrest and arraignment. Only seven percent of DATs are arraigned within 30 days after arrest, and 53 percent within two months (figure 23). That boroughs with the longest time between arrest and DAT arraignment—Bronx, Brooklyn and Manhattan (figure 24)—have the highest failure-to-appear rates at arraignment (figure 26) suggests that long delays can lead to missed court dates.

The Predictive Quality of the CJA Release Assessment

How well does the CJA release assessment predict court appearance rates? Court appearance rates varied considerably by CJA's recommendation category: 93 percent of defendants assessed as low risk made all court dates, 88 percent of defendants assessed as moderate risk, and 78 percent of defendants not recommended (figure 53). While encouraging, it's worth asking whether a new and improved release assessment can make even more accurate predictions of court appearance, allowing for the recommendation of a greater percentage of defendants without increasing failure-to-appear rates. That is one of the goals of CJA's new release assessment instrument.

These themes are just a few examples of how a reader can learn about the pretrial justice process in New York City from CJA's 2017 Annual Report.

Special thanks to Russell Ferri and Stephen Koppel from the Research Department for putting together this year's edition.

Introduction

The New York City Criminal Justice Agency, Inc. (CJA), is a not-for-profit organization incorporated in 1977. CJA has over 200 employees in offices in all five counties (boroughs) of the city.

CJA works under contract with the Mayor's Office of Criminal Justice (MOCJ). With their support, CJA is able to provide pretrial services to the justice-involved population and provide research and technical support to criminal justice stakeholders.

CJA's Origins: The Manhattan Bail Project

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

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

CJA Operations

Interview and Recommendation

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

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

Research

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

Notification

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

Supervised Release

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

Bail Expediting Program (BEX)

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

Failure-to-Appear Unit

CJA operates Failure-to-Appear (FTA) Units to assist defendants who have missed court to come back as soon as possible and clear their warrants.

CJA Database

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

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

This past year, CJA made significant progress towards the modernization and improvement of its operations. In September, CJA's moved its central office to a new location, taking the opportunity to make needed upgrades to our network infrastructure. The Agency has also begun the process of migrating our primary database system to a new, more modern architecture by documenting current workflows and our requirements for a new system. This documentation formed the basis of a Request for Proposal (RFP) for development services. The RFP responses are currently being evaluated and final vendor selection will be made soon. The new platform will provide more processing power, automate business processes and reporting and will also will improve navigation, streamline workflow and simplify data analysis. In addition, as mentioned elsewhere in this report, CJA has been working on the implementation of an updated risk algorithm. CJA technology staff are working closely with MOCJ and DoITT to develop a software tool in the Azure Cloud to calculate the new risk score.

Aubrey Fox, Executive Director

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Part I

ARREST AND
ARRAIGNMENT

1 Prosecuted Arrests

PROSECUTED ARRESTS

In 2017, the New York City Police Department (NYPD) made 243,830 arrests that were ultimately arraigned in a criminal court in the City. Figures 1 and 2 illustrate the breakdown by the court in which the case was arraigned and the arrest type.

Figure 1

Prosecuted Arrests, by Court of Arraignment

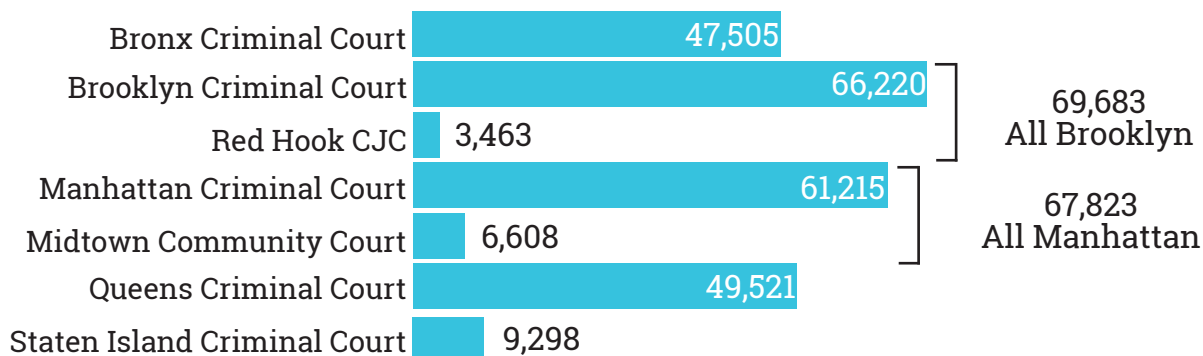
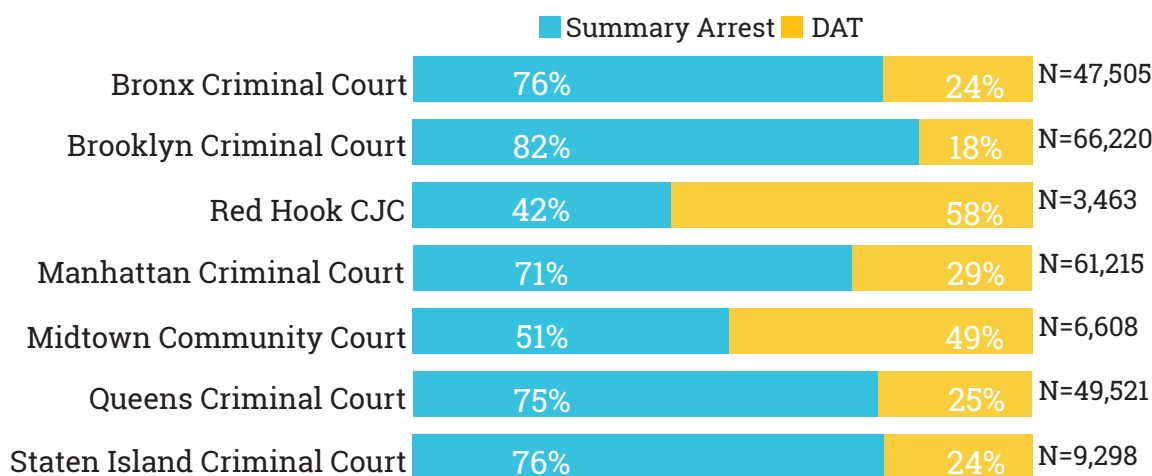


Figure 2

Arrest Type, by Court of Arraignment



Brooklyn had the highest number of prosecuted cases (69,683) followed by Manhattan (67,823). Of all the boroughs, Manhattan had the highest proportion of DAT prosecutions (31%, combining both Criminal Court and the Midtown Community Court) followed by Queens (25%).

About The Data

- ▶ The Red Hook Community Justice Center operates in Brooklyn and the Midtown Community Court operates in Manhattan. They offer a wide variety of services and alternative sanctions not available in the central courts. In most other figures in this report cases arraigned in those courts are included in the totals for their respective boroughs.
- ▶ Some individuals are represented in the data more than once if they were prosecuted for multiple cases during the reporting period.
- ▶ Summary arrests (sometimes referred to as “online” or “custodial” arrests) are those in which the defendant is detained prior to the arraignment. DATs are those in which the defendant is released from the police precinct after the arrest and instructed to return to court in the future for their arraignment (see Section 6).

2 Demographics

RACE

In a plurality of prosecuted cases the defendant was Black (47%). In 34 percent the defendant was Hispanic, 12 percent White, and in 5 percent the defendant was Asian. Figure 4 illustrates the racial breakdown by borough.

Figure 3
Defendant Race, Citywide
N=243,830

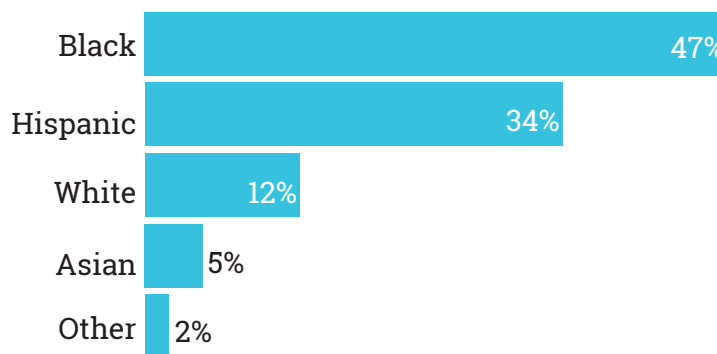
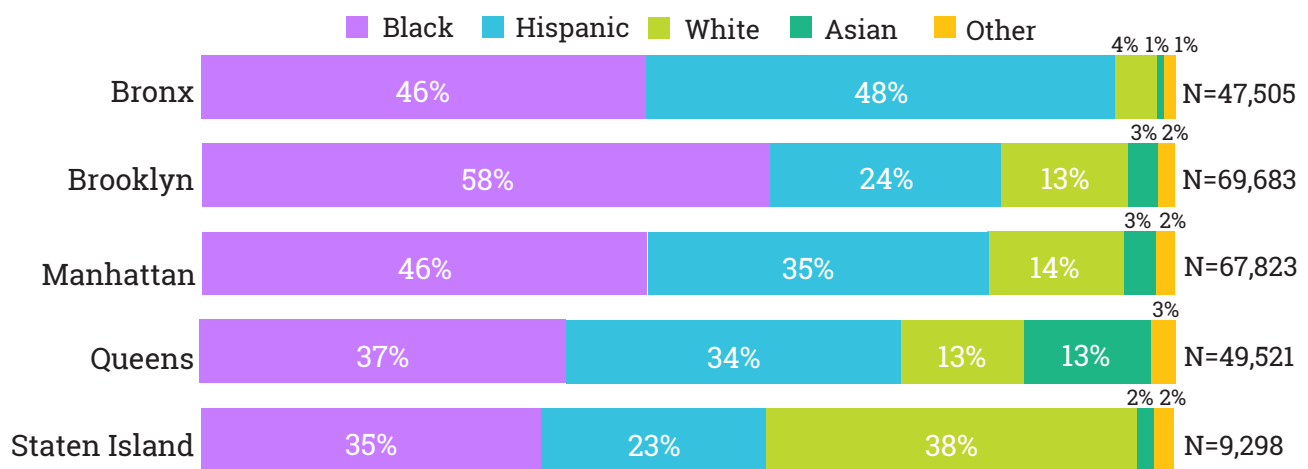


Figure 4
Defendant Race, by Borough



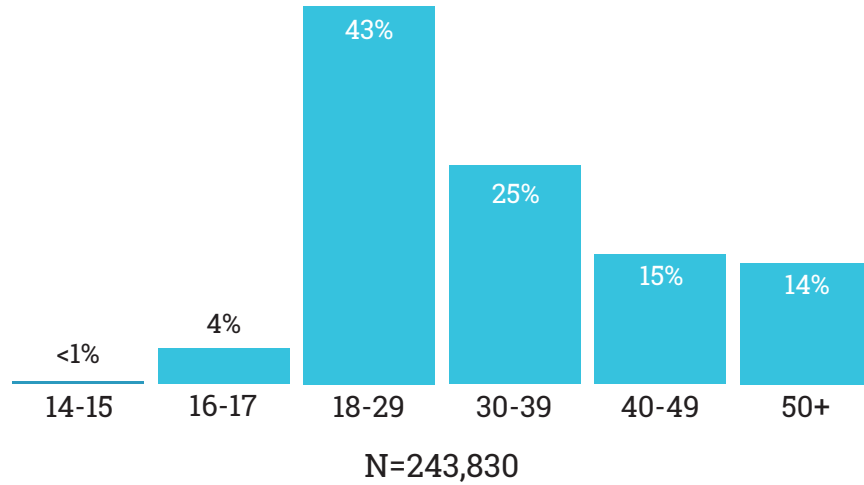
About The Data

- Information about a defendant's race was obtained from the CJA pre-arraignment interview. In the absence of interview data, information about the defendant's race was obtained from the NYPD.

AGE

In a plurality of cases (43%) the defendant was between the ages of 18 and 29. In 25 percent the defendant was between the ages of 30 and 39.

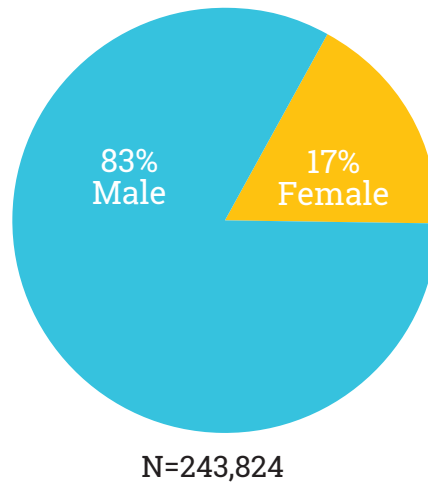
Figure 5
Defendant Age, Citywide



SEX

The overwhelming majority of individuals in prosecuted cases were male (83%). The breakdown by borough was consistent except for Staten Island, where in 21 percent of cases the individual prosecuted was female (data not shown). Citywide, females were also more likely to be issued DATs (33%) than men (24%; data not shown).

Figure 6
Defendant Sex, Citywide



About The Data

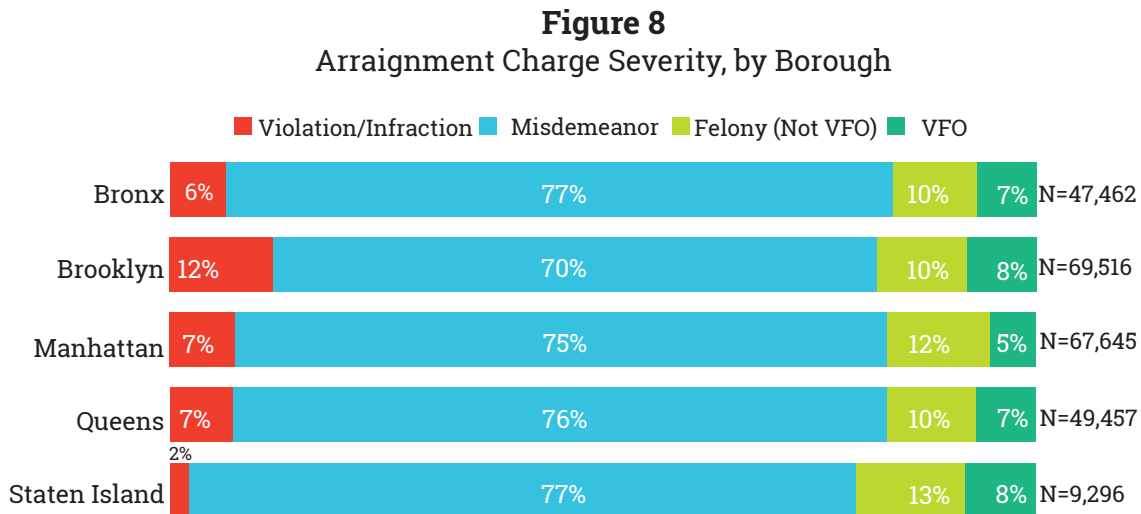
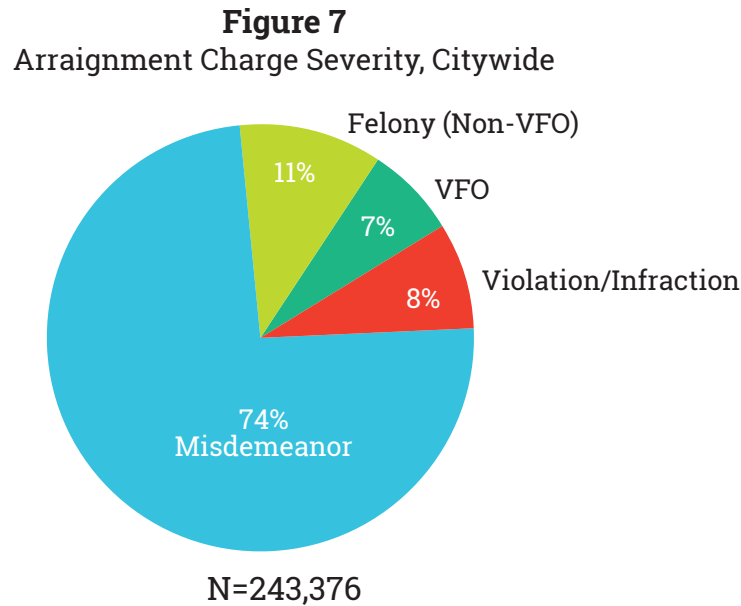
- Information about a defendant's age and sex were obtained from the CJA pre-arraignment interview. In the absence of interview data, information about the defendant's age and sex were obtained from the NYPD. In 6 cases the defendant's sex was missing.

3 Charge Severity and Type

CHARGE SEVERITY

The overwhelming majority of prosecuted cases (74%) had a top arraignment charge of a misdemeanor. In 18 percent of cases the top charge was a felony, which includes 7 percent in which the top charge was classified as a violent felony offense (VFO).

Figure 8 illustrates the top arraignment charge severity by borough. Staten Island and Brooklyn had the highest proportion of VFOs (8%). Staten Island and the Bronx had the highest proportion of misdemeanor cases (77%), and Brooklyn had the highest proportion of cases in which the top arraignment charge was a violation or infraction (12%).



About The Data

- ▶ Violent felony offenses (VFOs) are a subset of felonies subject to various restrictive sentencing provisions (e.g., manslaughter in the 1st degree, rape in the 1st degree, assault in the 1st degree). We include these charges and other Class A violent felonies (e.g., murder in the 1st degree, murder in the 2nd degree, kidnapping in the 1st degree) as VFOs throughout this report.

CHARGE TYPE

Of the most severe arraignment charge in each case, “physically injurious” was the most common citywide (in 24% of prosecuted cases) and in each borough except Manhattan, where drug charges were the most common.

Figure 9
Arraignment Charge Type, Citywide
N=243,830

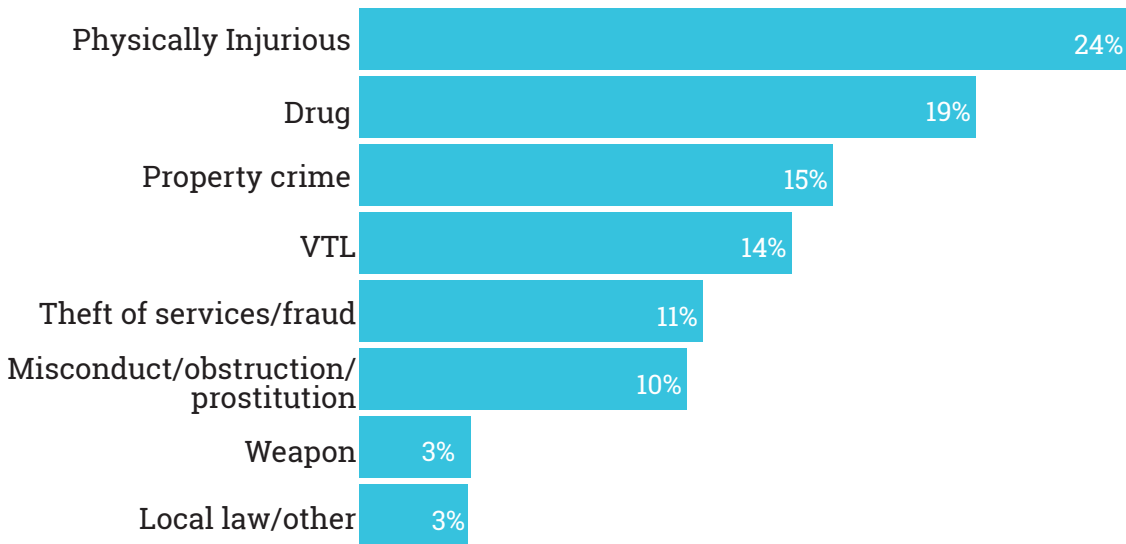
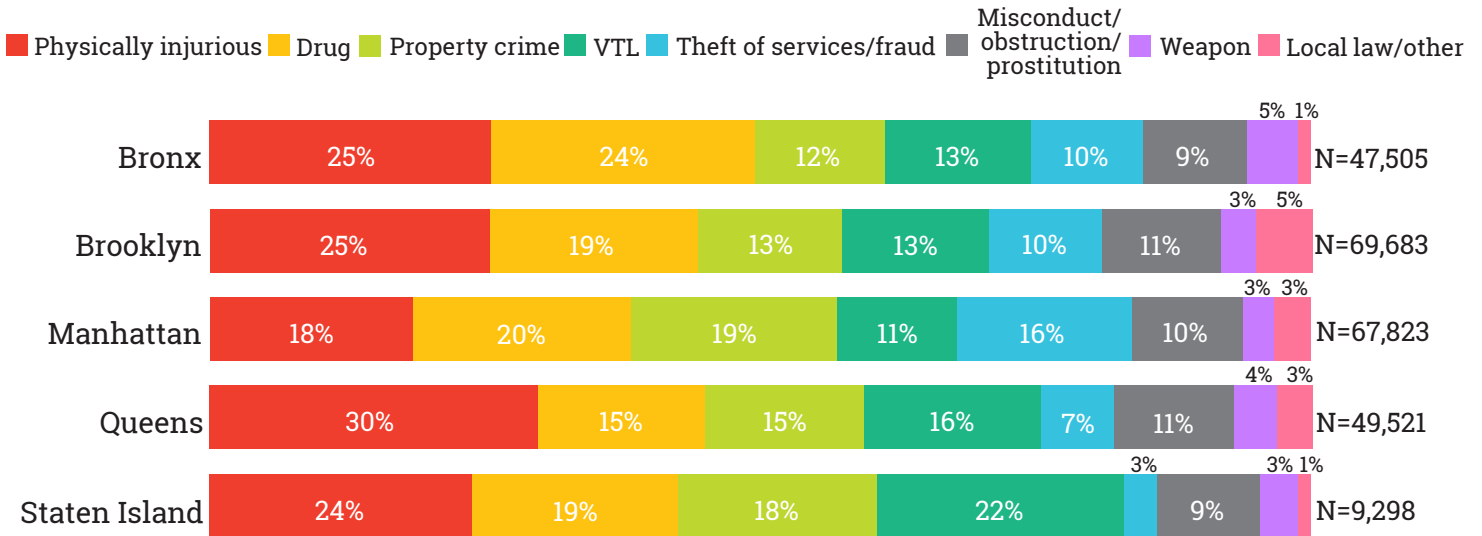


Figure 10
Arraignment Charge Type, by Borough



About The Data

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

4 CJA Pre-Arrest Interview

CJA INTERVIEW

CJA interviews virtually all individuals who are held after a summary arrest, prior to their arraignment. Figure 11 illustrates the number of interviews of prosecuted summary arrests by borough. It includes cases in which CJA attempted to interview the defendant but the defendant declined.

Figure 11
Interview Volume, by Borough
N=179,665

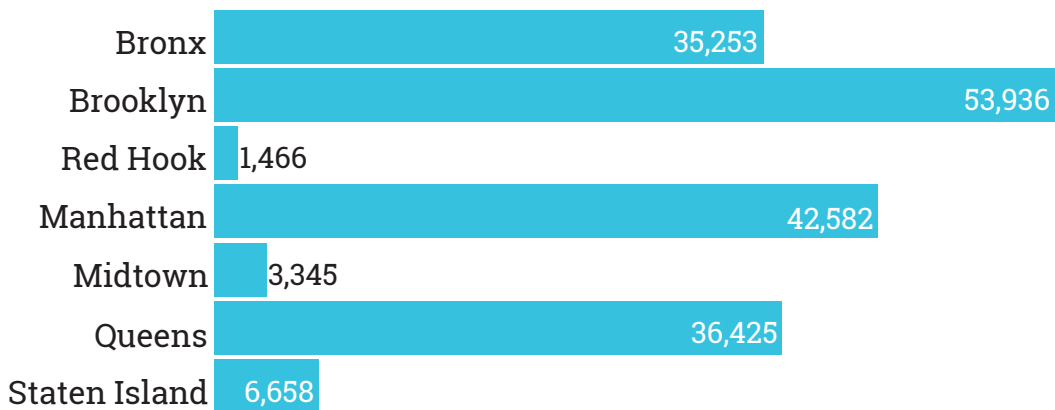
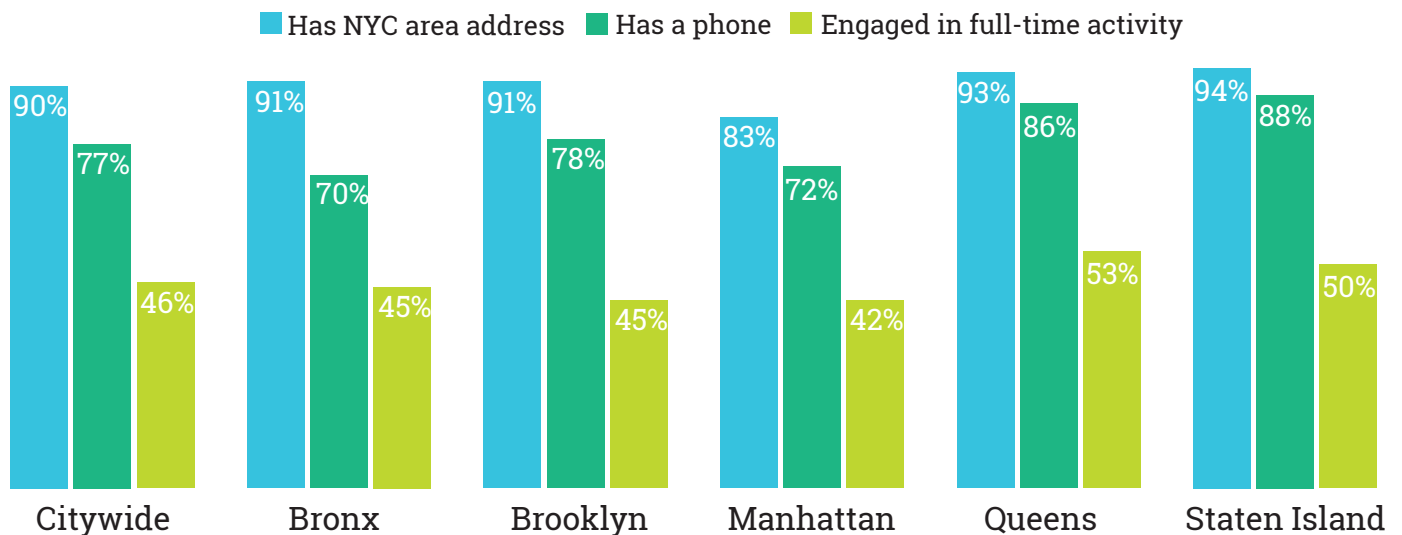


Figure 12 illustrates the responses for three of the community ties items in the current risk assessment. Defendants arraigned in Queens were most likely to report that they were engaged in a full-time activity (work, school, vocational program, or a combination of the three). Defendants in Staten Island were most likely to indicate they had a phone, and also that they had a New York City area address.

Figure 12
Select Interview Responses, by Borough



About The Data

- The current release recommendation system distinguishes between those for whom CJA can verify the address, phone, and employment activity, and those for whom we are unable to do so. Figure 12 indicates all defendants who indicated "yes," whether or not CJA could verify the information.

5 CJA Release Recommendation

The current system for recommending adult defendants for release on recognizance (ROR) at arraignment was introduced in New York City lower courts (Criminal Court) in June 2003. The system incorporates community-ties and criminal-history items that have been found to have a strong empirical relationship with the likelihood that defendants will appear for scheduled court dates, which is the only criterion for release authorized by New York bail law.

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

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

Because the recommendation does not take into account all factors listed in the New York bail statute (CPL §510.30), it is not an unconditional recommendation. Rather, it is an indication of the defendant's likelihood of returning to court, if released.

Research is underway to revise this system to improve the accuracy of the current release recommendation by using recent data, more advanced statistical methods, and additional predictors of risk.

A separate recommendation system is used for juvenile offenders (youths between the ages of 13 and 15 prosecuted in adult court for certain serious offenses). The requirement for a juvenile offender (JO) recommendation is either verified school attendance, or expecting someone at arraignment. JOs with verified nonattendance at school are not recommended. JOs with an outstanding warrant were also counted as not recommended. No recommendation is assigned in JO cases with an unavailable rap sheet, a murder charge, or an incomplete interview.

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

RECOMMENDATION CATEGORIES

Recommended for ROR (low risk)	+7 to +12 pts
Moderate Risk for ROR	+3 to +6 pts
Not Recommended for ROR (high risk)	-13 to +2 pts

Or a policy exclusion applies:

- Bench warrant attached to rap sheet;
- Defendant is charged with bail jumping; or,
- Conflicting residence information.

No Recommendation

- Rap sheet unavailable;
- Defendant charged with murder (or attempted), escape or absconding, or incarcerated at time of arrest; or,
- Declined or Incomplete interview.

CJA RECOMMENDATION

Figure 13 shows that 49 percent of defendants were either recommended for ROR as low risk (33%) or were classified as a moderate risk for FTA (16%). Another 47 percent were not recommended for ROR and 4 percent did not receive any recommendation classification.

For juvenile offenders (Figure 14), the recommendation rate was much higher: 85 percent were recommended for ROR; 11 percent were not recommended (1% due to an outstanding warrant).

Figure 13
CJA Recommendation for Adults, Citywide
N=179,404

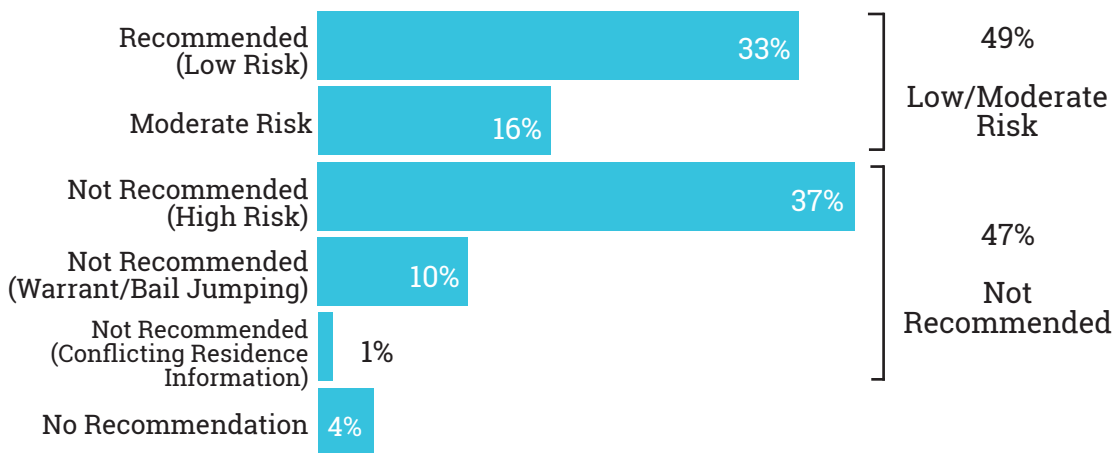
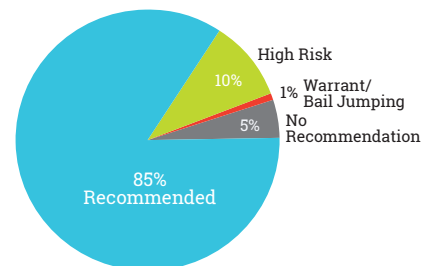
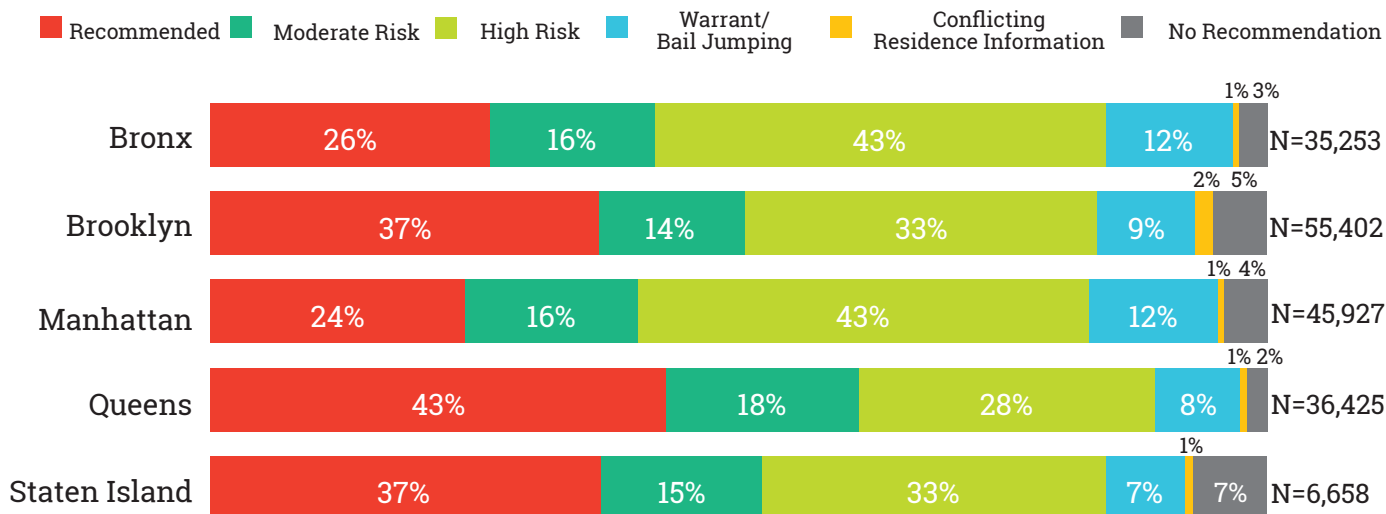


Figure 14
CJA Recommendation for Juveniles, Citywide
N=261



Defendants in Queens cases were most likely to be recommended (43%) with an additional 15 percent assessed as a moderate risk. Manhattan (24%) and the Bronx (26%) had far fewer cases in which the defendant was recommended for ROR.

Figure 15
CJA Recommendation, by Borough
(Adults and Juveniles)



CJA RECOMMENDATION AND CHARGE SEVERITY

The CJA recommendation did not vary considerably by the severity of the offense. Figure 16 shows that for all arraignment charge severities, about half of defendants were recommended or assessed as moderate risk.

Figure 16

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

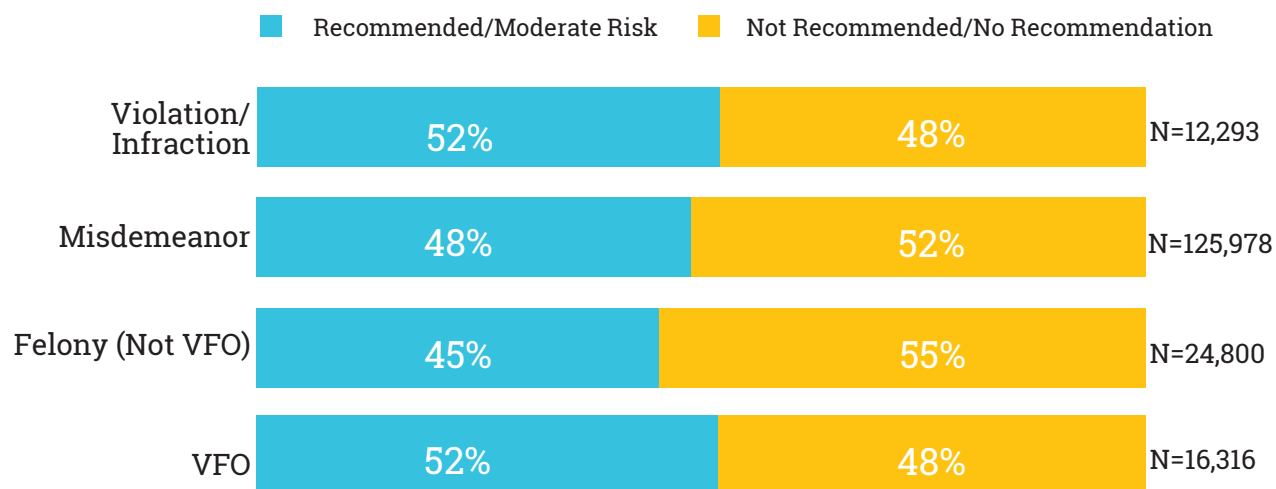
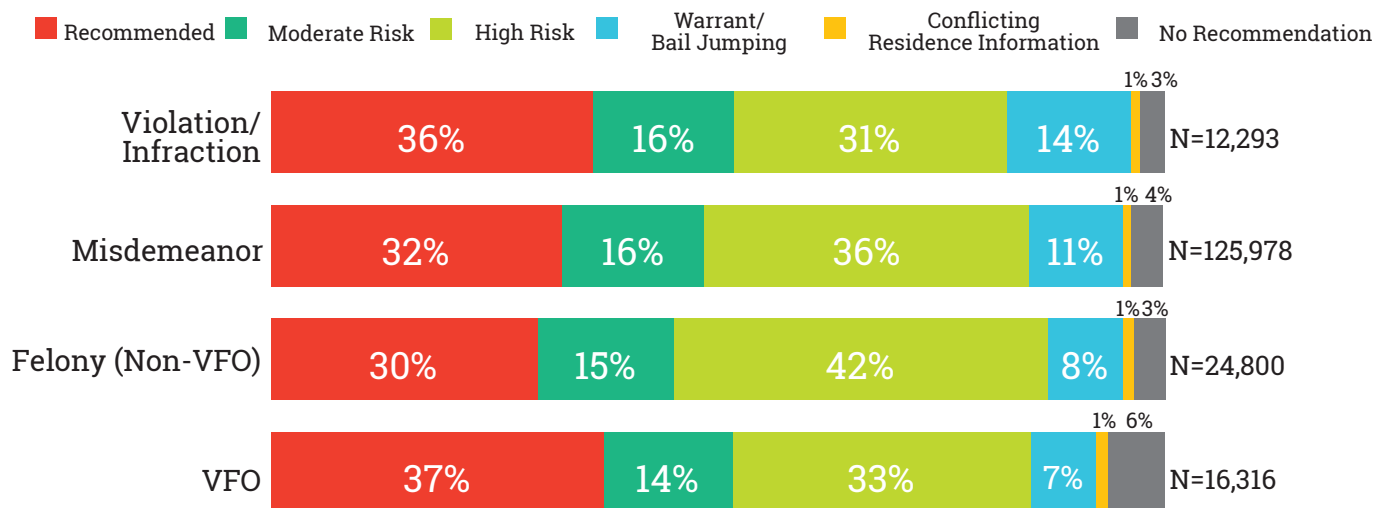


Figure 17 shows a granular breakdown of CJA recommendations by charge severity. Warrant/bail jumping was most commonly a ground for not recommending defendants charged with violations/infractions (14%). 'High risk of FTA' was most commonly a ground for not recommending defendants charged with a non-VFO felony (42%).

Figure 17

CJA Recommendation, by Charge Severity



About The Data

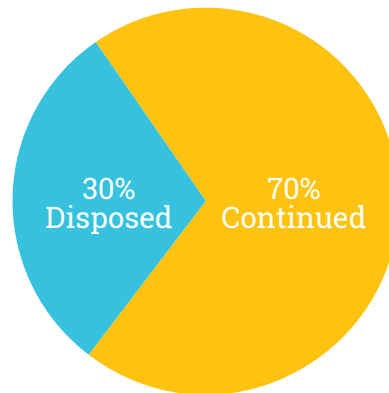
- Charge severity refers to the severity of the most severe charge entering Criminal Court arraignment. Recommendation categories for JOs and adults are combined in this exhibit and in all subsequent exhibits that present CJA recommendation data.

6 Summary Arrests: Arraignment Outcomes

ARRAIGNMENT OUTCOMES

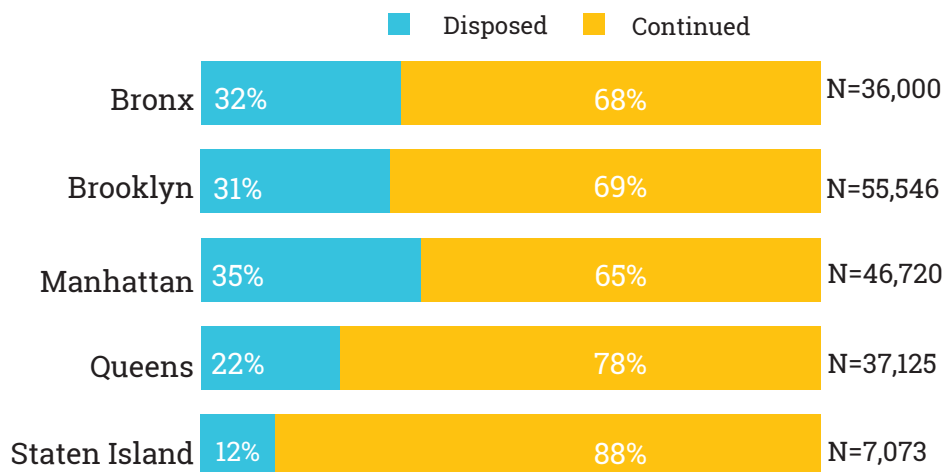
Figures 18 and 19 illustrate the arraignment disposition rate for summary arrests. Citywide, 70 percent of summary arrests were continued at arraignment. Figure 19 illustrates wide variation by borough. The percentage of cases continued at arraignment was by far the highest in Staten Island (88%), followed by Queens (78%). Manhattan had the highest percentage of cases disposed at arraignment (35%), followed by the Bronx (32%).

Figure 18
Arraignment Outcomes for Summary Cases, Citywide



N=182,464

Figure 19
Arraignment Outcomes for Summary Cases, by Borough



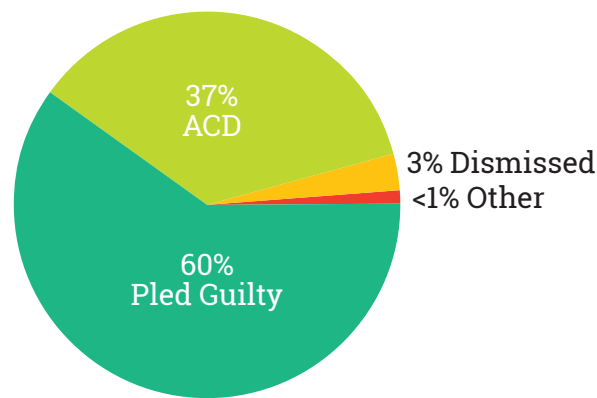
OUTCOMES IN CASES DISPOSED AT ARRAIGNMENT

For summary arrests disposed at arraignment, a majority (60%) resulted in a guilty plea. In 37 percent the case was adjourned in contemplation of dismissal (ACD), deferring a final disposition in the case for 6 to 12 months. Typically, such cases are dismissed at the end of this period absent re-arrest. In only 3 percent of cases were charges dismissed at arraignment.

Figure 21 illustrates wide variation by borough. In 86 percent of Staten Island cases disposed at arraignment, the defendant was convicted. In only 47 percent of cases in Brooklyn was the same outcome reached. Queens had the highest percentage of dismissals (7%), and Brooklyn had the highest percentage of cases with an ACD (49%).

Figure 20

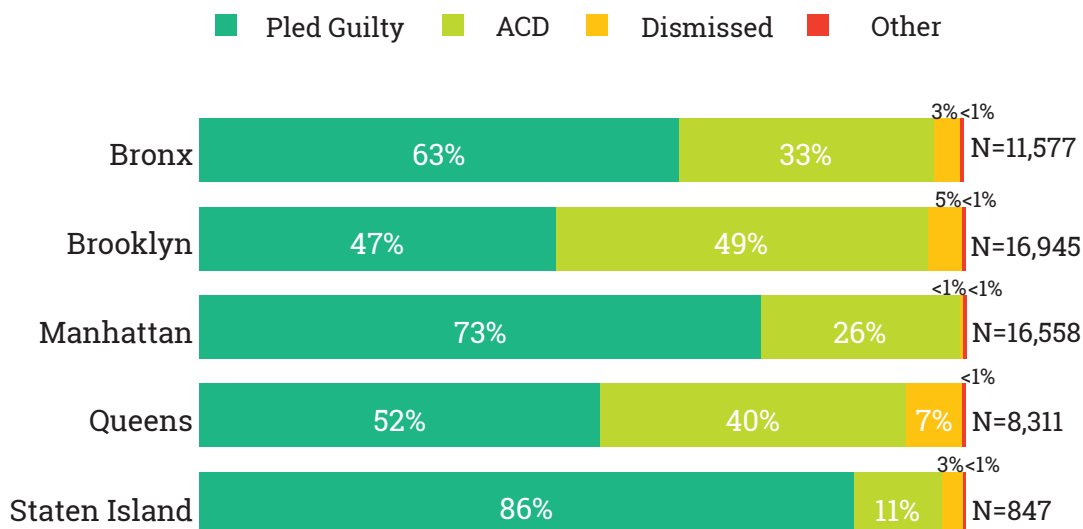
Outcomes for Summary Cases Disposed At Arraignment, Citywide



N=54,238

Figure 21

Outcomes for Summary Cases Disposed At Arraignment, by Borough



About The Data

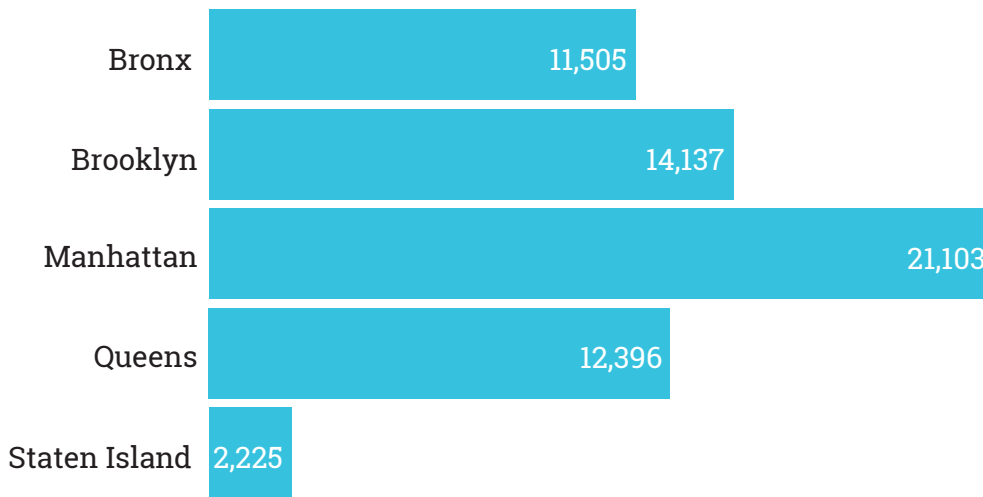
- In most disposed cases with an outcome of "other," the defendant's case was transferred to another court (e.g., Family Court), or the case was combined with another ongoing case.

7 Desk Appearance Tickets: Arraignment Outcomes

A desk appearance ticket (DAT) is a written notice issued by the New York City Police Department (NYPD) for the defendant to appear in the Criminal Court for arraignment at a future date. The defendant is not detained prior to arraignment. Under the New York State Criminal Procedure Law (§150.20), a DAT may be issued for any nonfelony and some nonviolent Class E felony arrest charges. The NYPD imposes some additional restrictions; for example, denying DATs to defendants found to have outstanding warrants.

There were 61,366 DAT arraignments citywide for 2017 arrests. More than 34 percent (21,103) were issued in Manhattan.

Figure 22
DATs, by Borough



TIME TO ARRAIGNMENT

Figure 23 illustrates the time from arrest to arraignment for DATs, citywide. After 30 days, 93 percent of DATs were not arraigned. After 60 days almost half of DATs (47%) had not yet been arraigned. Figure 24 (page 18) illustrates the time from arrest to arraignment for DATs by borough.

Figure 23
Percentage of DATs Not Yet Arraigned, Citywide

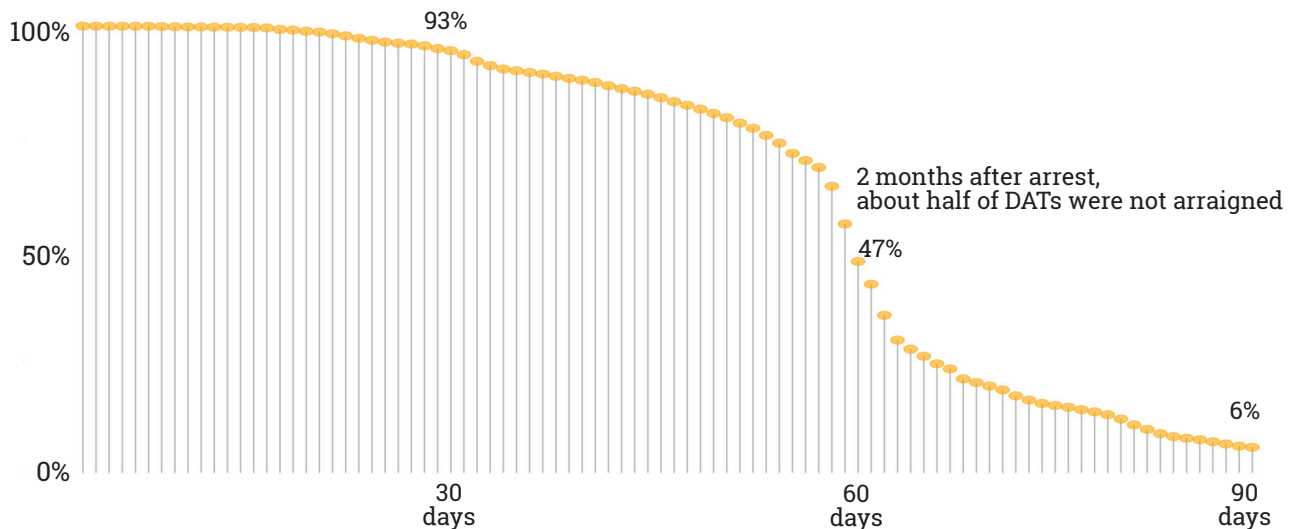
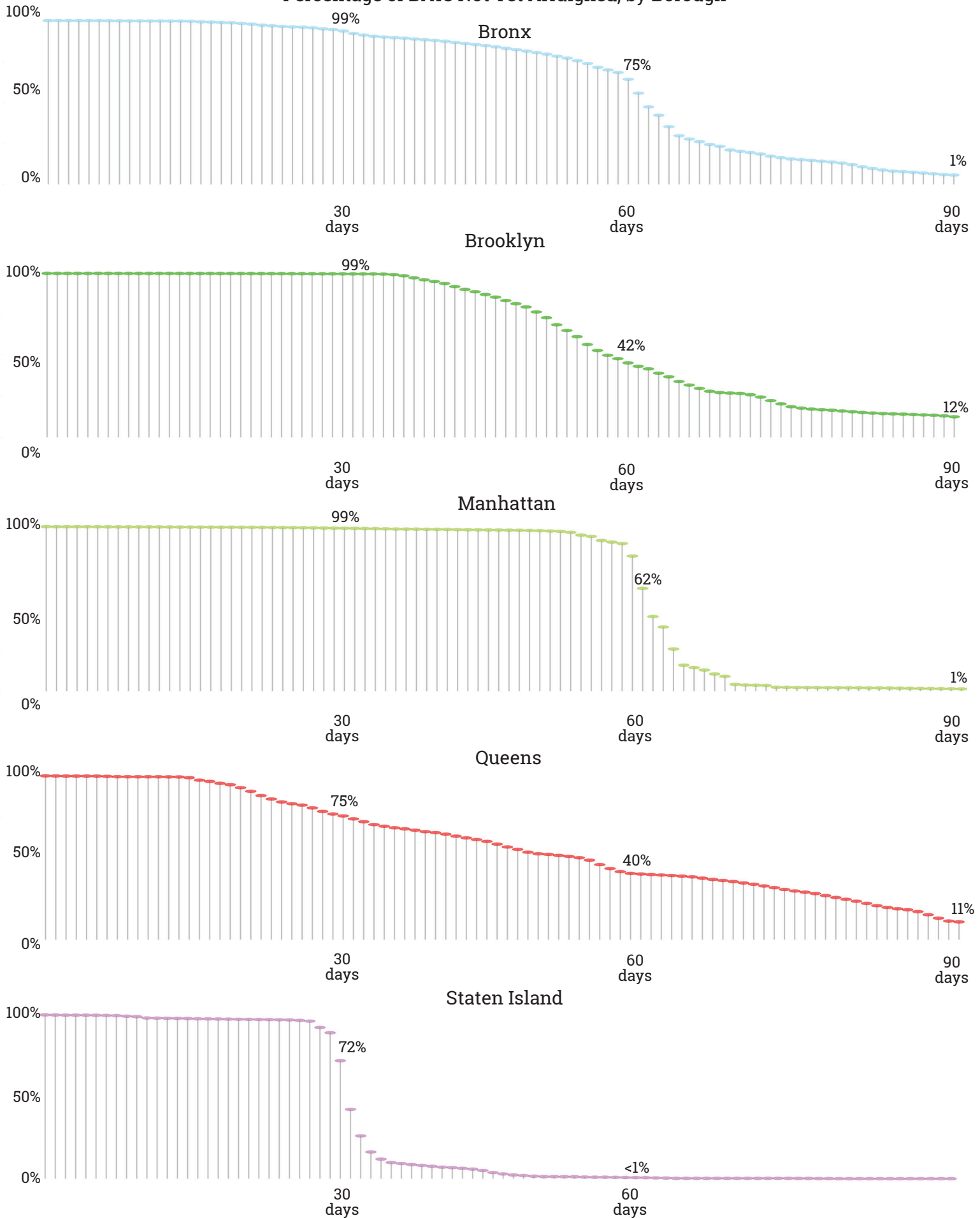


Figure 24
Percentage of DATs Not Yet Arraigned, by Borough



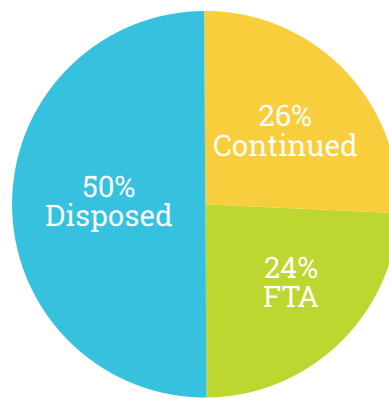
After 30 days virtually no DATs were arraigned in the Bronx, Brooklyn, and Manhattan, whereas approximately one quarter were arraigned in Queens and Staten Island. Shortly after 30 days almost all Staten Island DATs were arraigned. The Bronx and Manhattan also had a high percentage of DATs not arraigned after 60 days.

ARRAIGNMENT OUTCOMES

Figure 25 illustrates the arraignment outcomes for DATs. Approximately half were disposed at arraignment, and in 24 percent of cases the defendant failed to appear for the arraignment. In 26 percent of arraignments the defendant appeared and the case was continued.

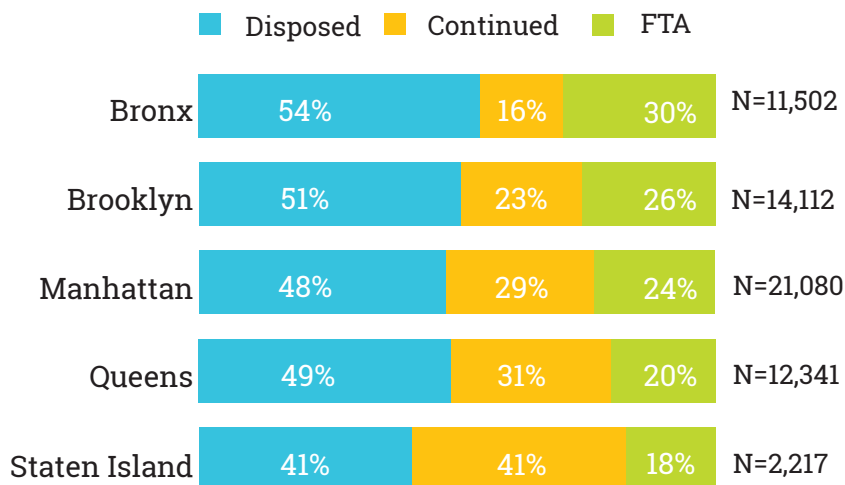
Figure 26 illustrates arraignment outcomes by borough. The Bronx had the highest percentage of cases disposed at arraignment (54%), while Staten Island had the fewest (41%). This figure demonstrates that while Staten Island had a considerably faster arrest-to-arraignment time than the other boroughs, it also had the highest percentage of cases in which the defendant appeared and the case was continued, meaning the defendant likely had to come to court at least one more time.

Figure 25
Arraignment Outcomes for DATs, Citywide



N=61,252

Figure 26
Arraignment Outcomes for DATs, by Borough

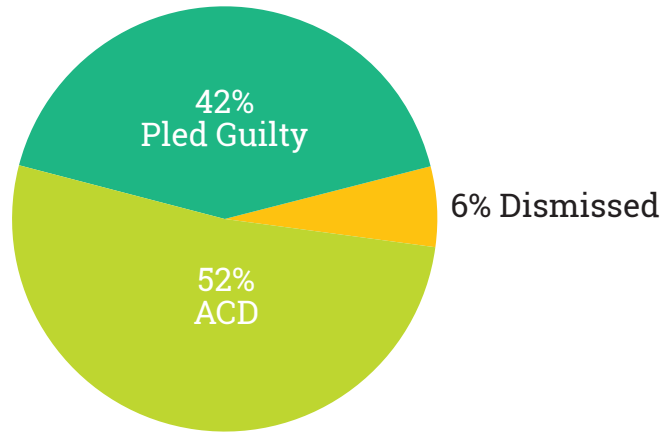


OUTCOMES IN CASES DISPOSED AT ARRAIGNMENT

Less than half of DATs disposed at arraignment resulted in a guilty plea. In 53 percent the defendant received an ACD, and in 6 percent the case was dismissed.

Figure 27

Outcomes for DATs Disposed at Arraignment, Citywide



N=30,412

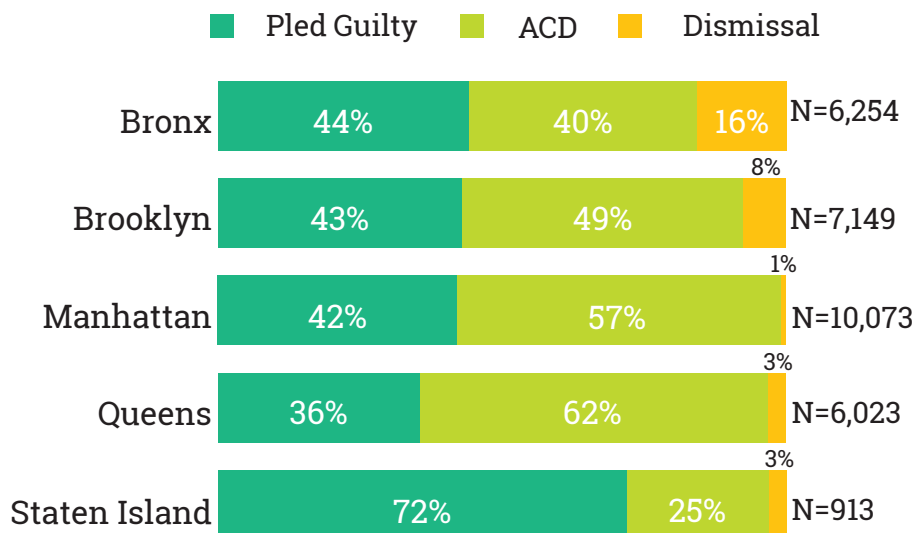
Staten Island was the only borough in which a majority of DATs disposed at arraignment resulted in a guilty plea.

Queens had the lowest rate of guilty pleas for DATs disposed at arraignment (36%).

The Bronx had the highest rate of dismissals for DATs disposed at arraignment (16%), followed by Brooklyn (8%).

Figure 28

Outcomes for DATs Disposed at Arraignment, by Borough

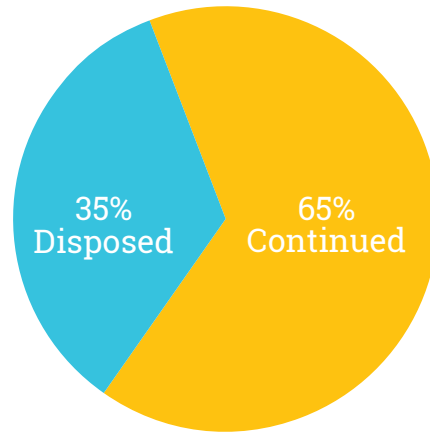


8 Summary and DATs: Arraignment Outcomes

ARRAIGNMENT OUTCOMES

Figures 29 and 30 illustrate arraignment outcomes for all cases, combining DAT and summary arrests. In total, 35 percent of cases were disposed at arraignment.

Figure 29
Arraignment Outcomes for Summary Arrests and DATs, Citywide

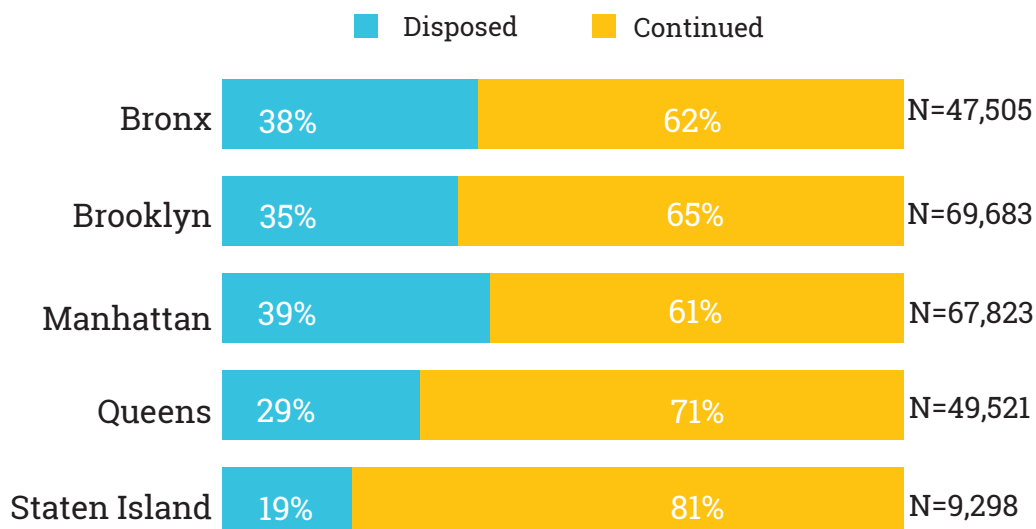


N=243,830

Manhattan (39%) and the Bronx (38%) had the highest percentage of cases disposed at arraignment.

A case was most likely to be continued at arraignment in Staten Island (81%).

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

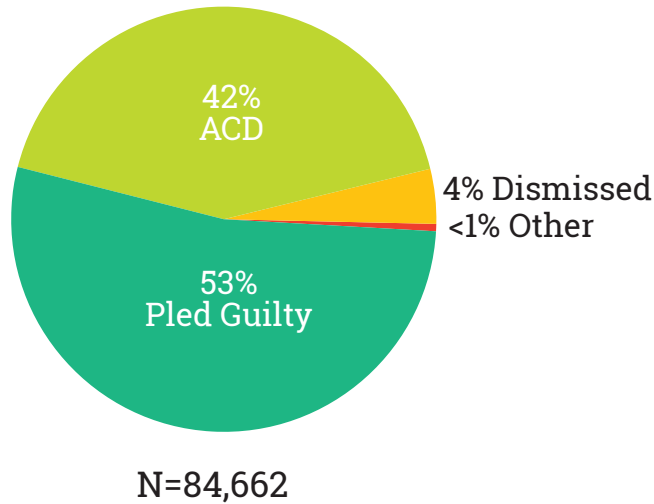


OUTCOMES IN CASES DISPOSED AT ARRAIGNMENT

Figures 31 and 32 illustrate the outcomes for cases disposed at arraignment, combining DAT and summary arrests.

In total, 53 percent of cases disposed at arraignment resulted in a guilty plea. In 42 percent the case was adjourned contemplating dismissal, and in 4 percent the case was dismissed.

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

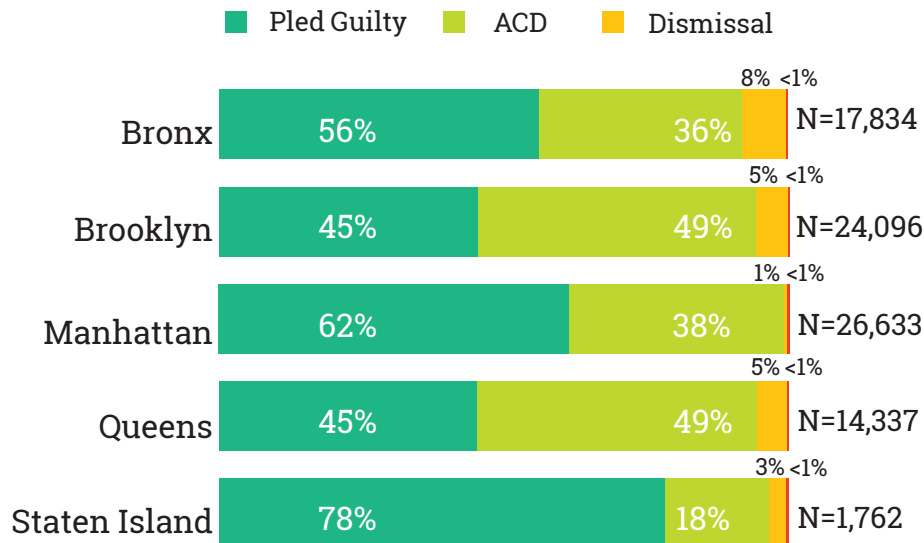


In Staten Island (78%), Manhattan (62%), and the Bronx (56%), a majority of cases disposed at arraignment resulted in a guilty plea.

In Brooklyn and Queens about one half of cases disposed arraignment were adjourned in contemplation of dismissal.

The Bronx had the highest rate of dismissals for cases disposed at arraignment (8%).

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



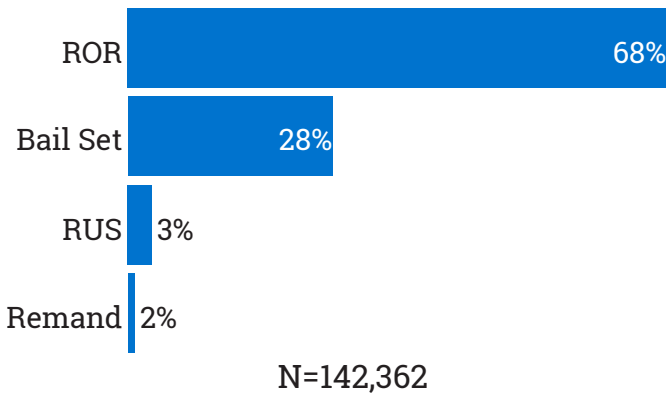
RELEASE STATUS AT ARRAIGNMENT

Figure 33 illustrates that in 68 percent of continued cases the defendant was released on their own recognizance (ROR). In an additional 3 percent the defendant entered a Supervised Release program (RUS). Thus, 71 percent of defendants were released at arraignment with no financial conditions. Conversely, 28 percent were required to post money bail in order to be released.

There is a strong relationship between charge severity and release status (Figure 35). In ninety percent of cases with a defendant charged with a violation or infraction, the defendant was granted ROR, compared to only 31 percent charged with a VFO.

Figure 33

Release Status at Arraignment, Citywide



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

Figure 34

Release Status at Arraignment, by Borough

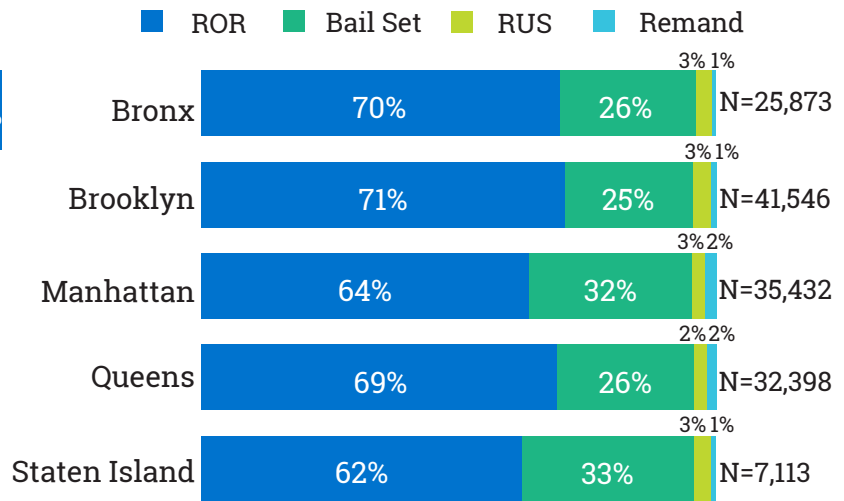
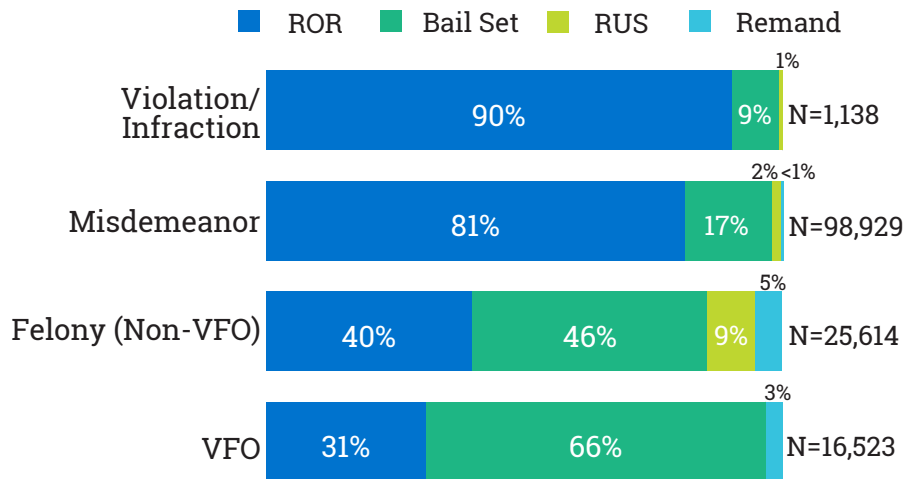


Figure 35

Release Status at Arraignment, by Severity



About The Data

- ▶ If a defendant does not appear for a DAT arraignment, the case is usually continued and a warrant is issued. Such cases are included in previous figures for continued cases, but are removed from figures that illustrate post-arraignment release, because the judge is not making a release decision in such cases.
- ▶ Cases with one-dollar bail are excluded because usually the purpose of such bail is not to ensure a defendant will appear in court but to account for defendants subject to a pretrial hold.
- ▶ RUS (Release Under Supervision) indicates the defendant entered Supervise Release. Supervised Release is a program in which the defendant works with a social worker during the pendency of the case. There are varying levels of supervision that combine phone calls and in-person visits. CJA operates the Supervised Release program in Queens. For a description of that program and data on clients, see pages 43-44.

ROR rates were highest for those CJA classified as “Recommended for Release.” Those classified as “Moderate Risk” obtained ROR at a comparable rate. Those classified as “Not Recommended” had the lowest rate of ROR, but still almost half citywide were granted ROR.

Figure 36
Release Status for Continued Cases by CJA Recommendation, Citywide

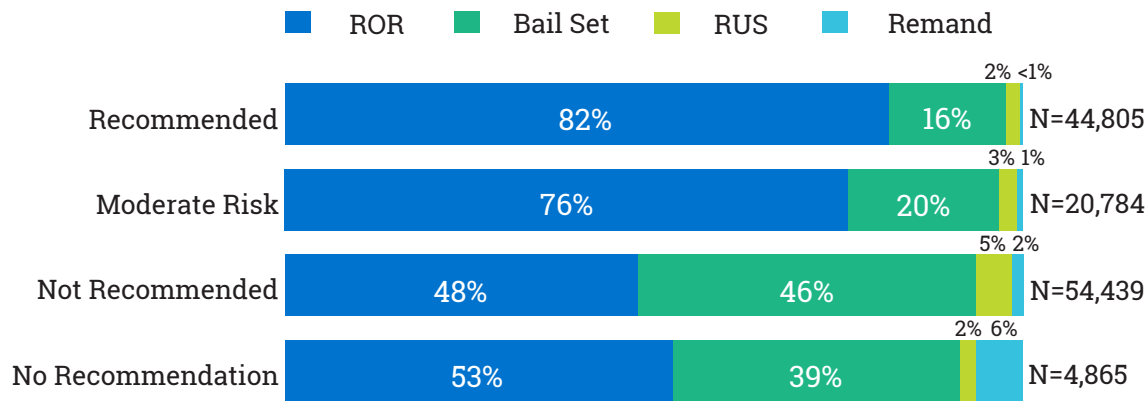
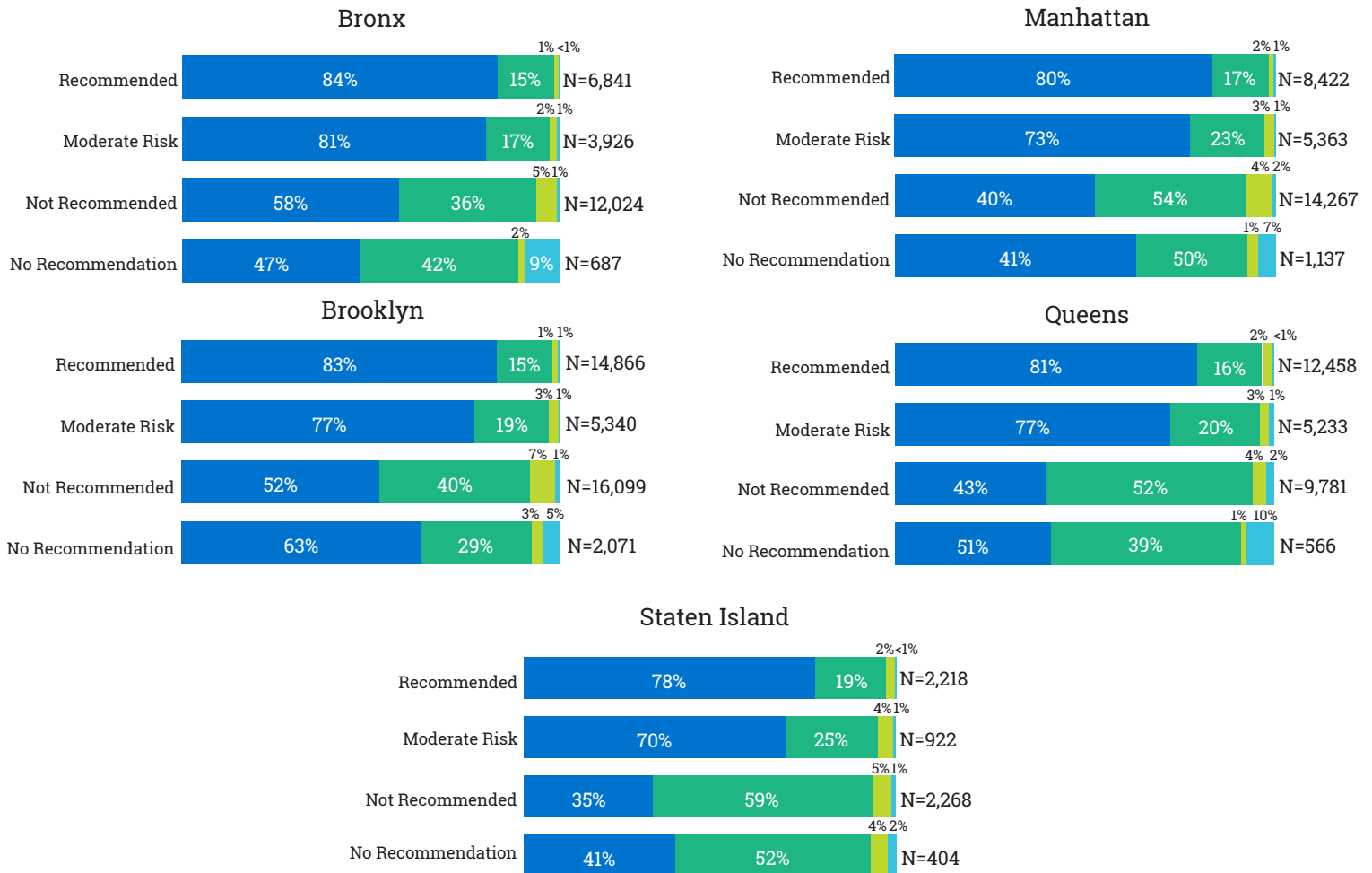


Figure 37
Release Status for Continued Cases by CJA Recommendation, by Borough

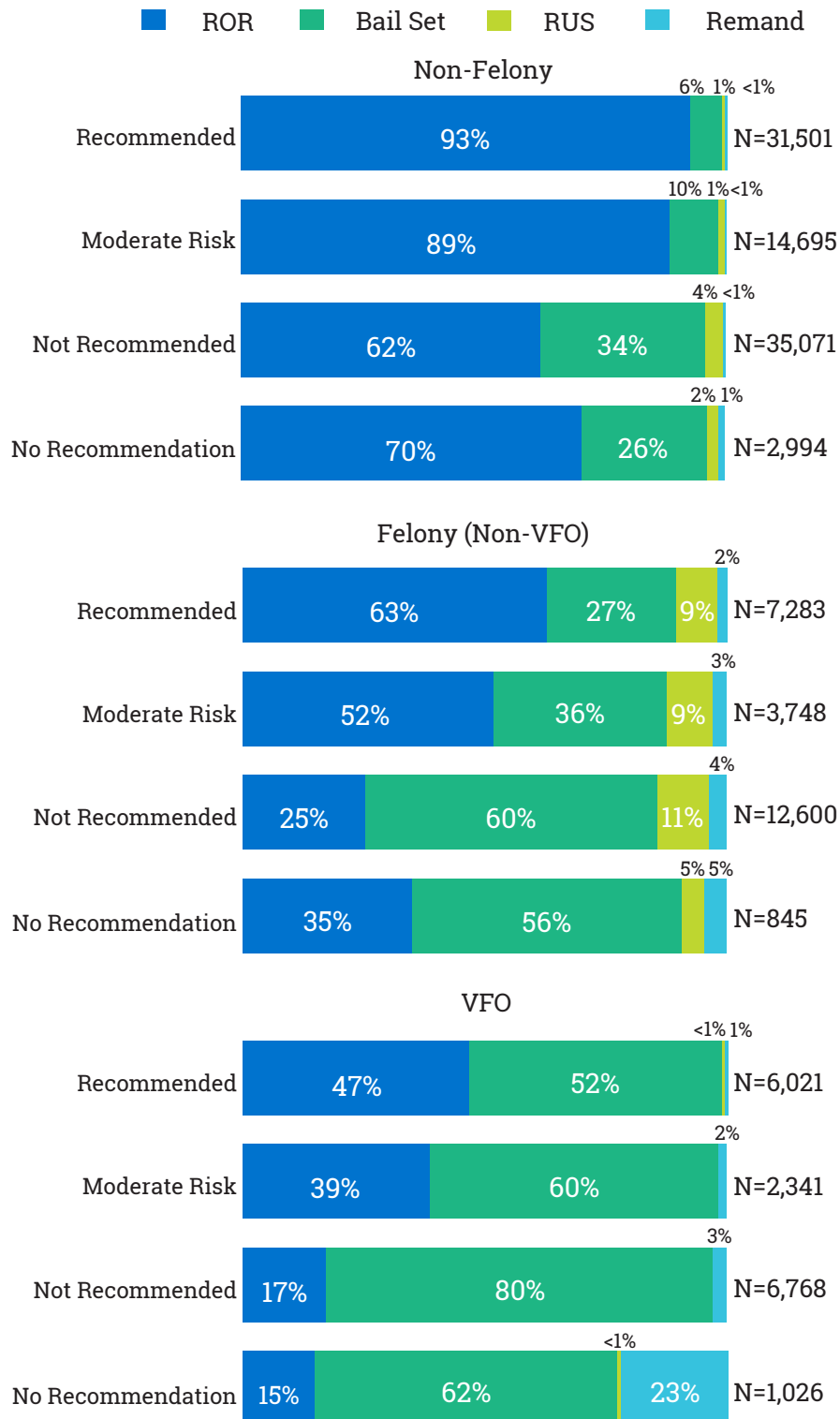


About The Data

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

Figure 38 further illustrates the relationship between charge severity and release status. Only 63 percent of defendants charged with nonviolent felony offenses and Recommended for ROR were released, as were 47 percent of those charged with VFOs. Defendants charged with something less than a felony and who received a Recommended for ROR classification were released at a rate of 93 percent.

Figure 38
Release Status for Continued Cases by CJA Recommendation, by Severity



BAIL AMOUNT

Figure 39 illustrates the frequencies in the amount of bail set, for those cases in which money bail was set. In 42 percent of cases in which bail was set, the amount was \$2,000 or less. At that amount the defendant was eligible for services provided by the community bail funds, if they were charged with a nonfelony offense.

In 71 percent of cases bail was set at \$5,000 or less. If bail was set in this range the defendant was eligible for assistance from CJA's Bail Expediting Program (see page 41 for a description of that program).

In 46 percent of cases in which bail was set in Staten Island the amount was \$1,000 or less (Figure 40). In the other boroughs that number ranged from 25-29 percent. In cases with bail set, Manhattan and Queens were most likely to have arraignment court judges set it at \$10,000 or more (21%).

Figure 39
Bail Amount Set at Arraignment, Citywide
N=37,264

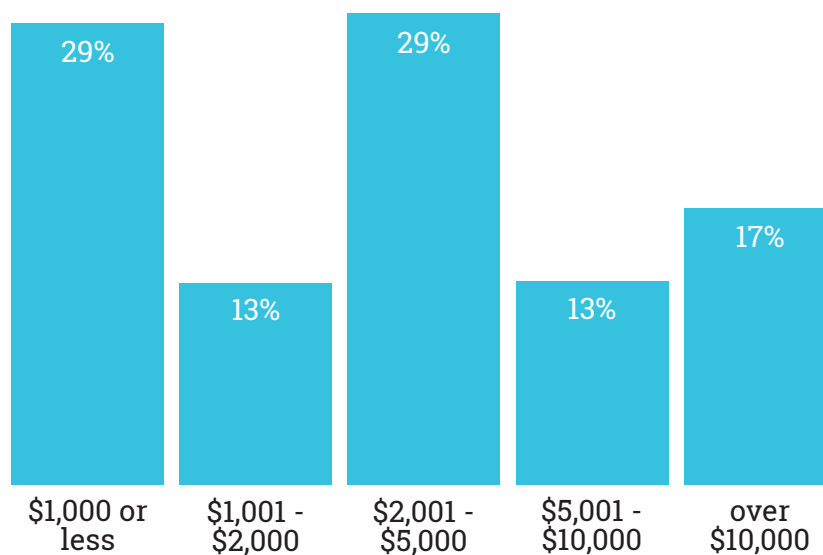


Figure 40
Bail Amount Set at Arraignment, by Borough

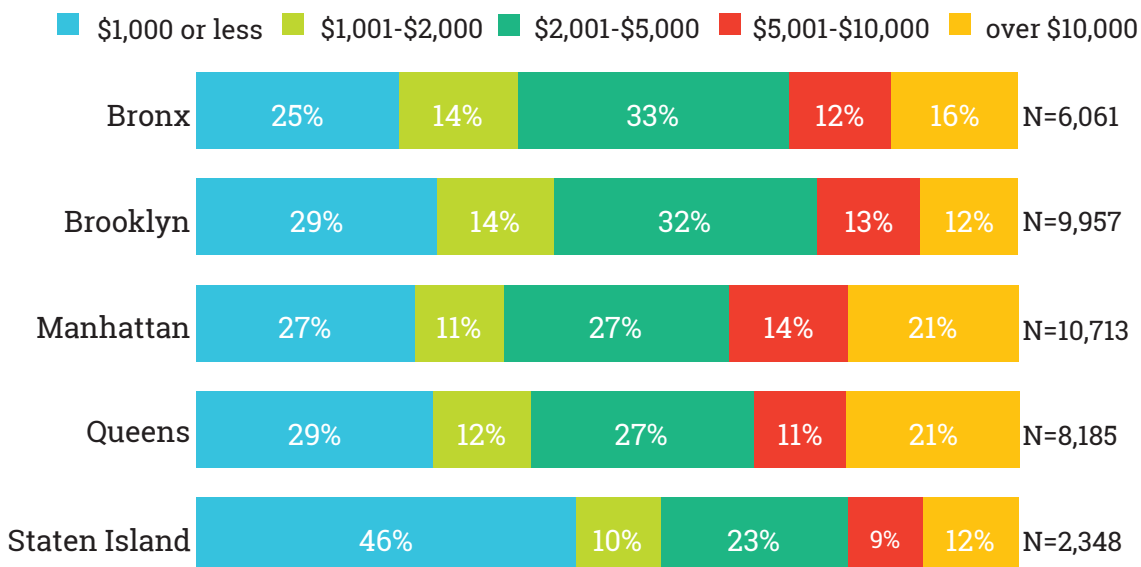
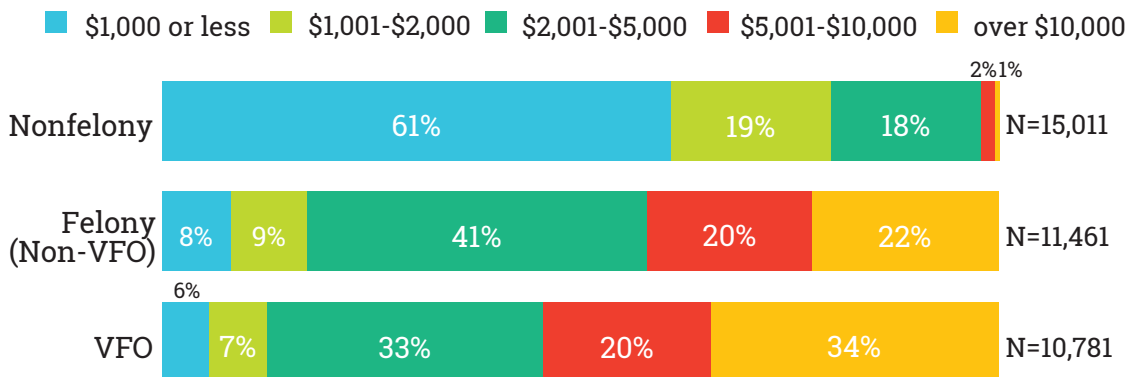


Figure 41 illustrates the relationship between arraignment charge severity and the amount of bail set. In 61 percent of nonfelony cases in which bail was set, the amount was \$1,000 or less and in 98 percent the amount was \$5,000 or less.

In VFO cases in which bail was set, 34 percent had an amount over \$10,000. Non-VFO felony cases also had a substantial percentage of cases with bail set over \$10,000 (22%).

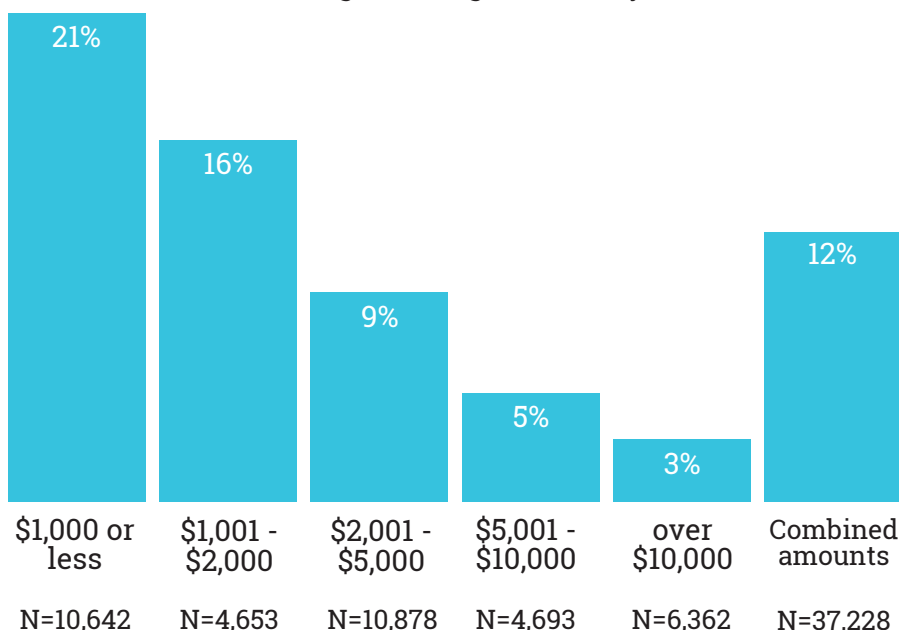
Figure 41
Bail Amount Set at Arraignment, by Severity



Posting bail is a complex process. Community bail funds operate to assist some defendants, and CJA operates a Bail Expediting Program. Even with these services, bail was posted at arraignment in only 12 percent of all cases in which bail is set. The rate was higher for lower bail amounts, which is likely related to two factors: the services available to such defendants, and that it is easier to come up with lower amounts of money in a timely manner.

BAIL MAKING

Figure 42
Bail Making at Arraignment, Citywide



Bail making at arraignment varied widely by borough, as illustrated in Figure 43. In Staten Island, the defendant was most likely to post bail at arraignment (20%), whereas in only 8 percent of cases in Manhattan was the defendant able to do so.

Figure 44 illustrates that defendants in nonfelony cases were able to post bail at arraignment at higher rates than defendants charged with felonies. This is likely due to the fact that defendants in nonfelony cases have bail set in lower amounts than defendants charged with felonies.

Figure 43
Bail Making at Arraignment, by Borough

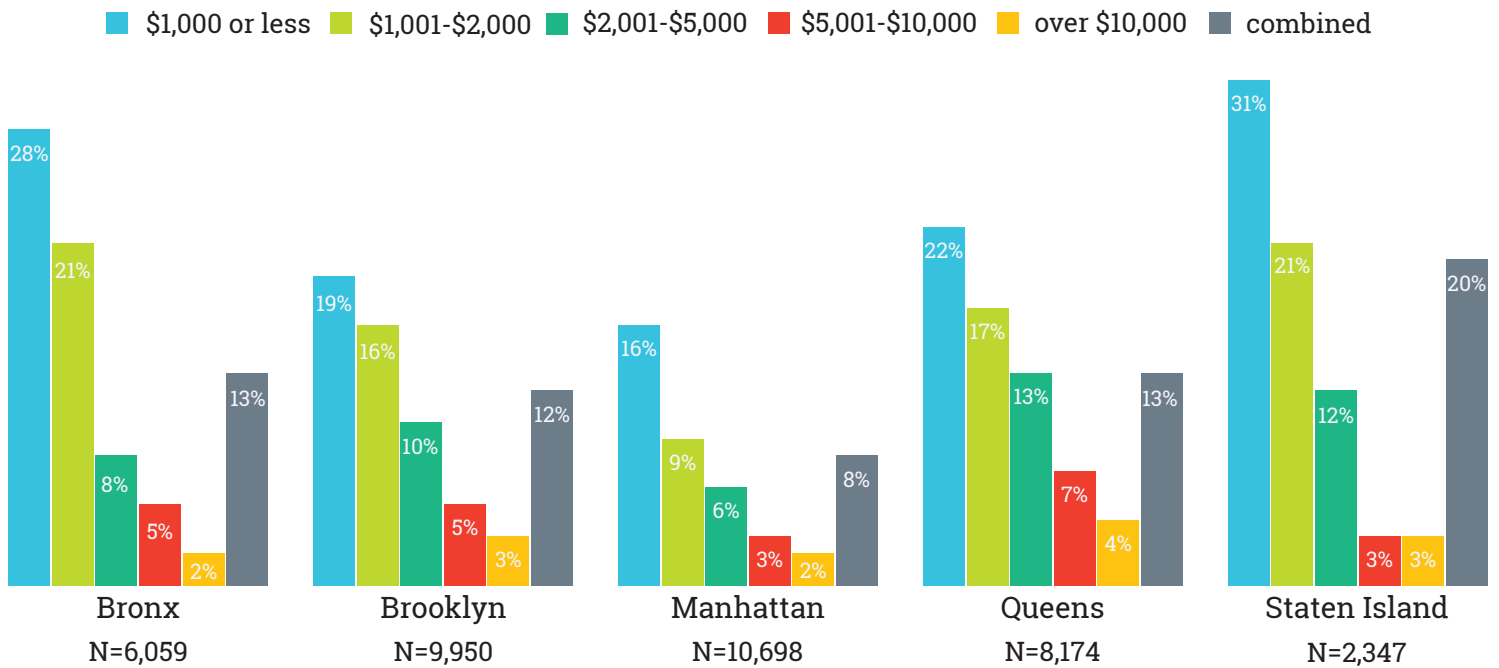
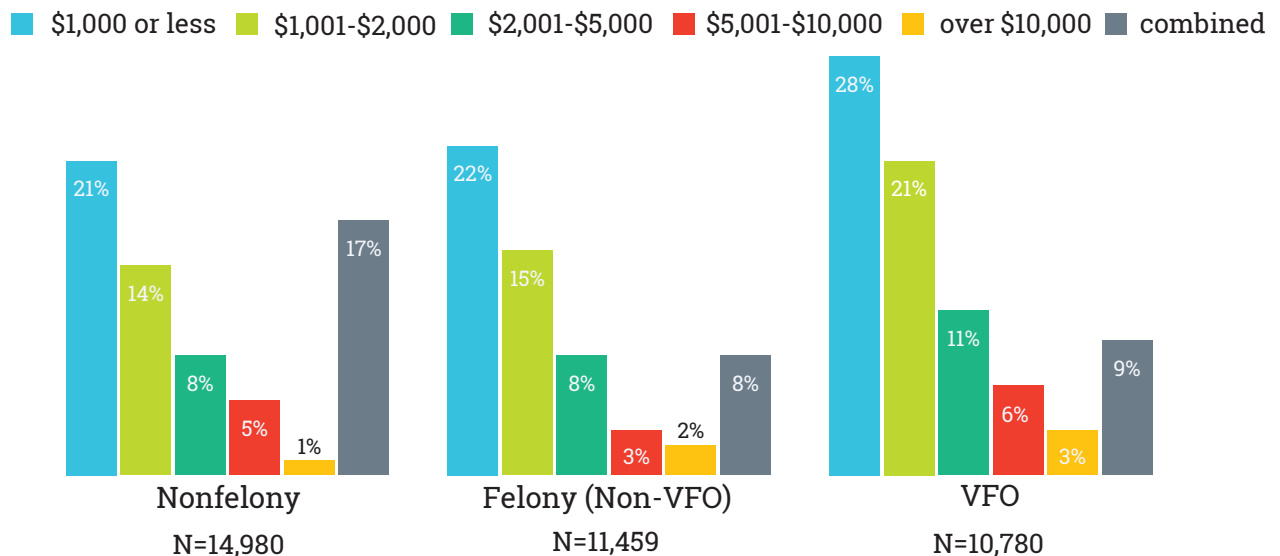


Figure 44
Bail Making at Arraignment, by Severity



Part II

POST-ARRAIGNMENT

9 Release Prior to Disposition

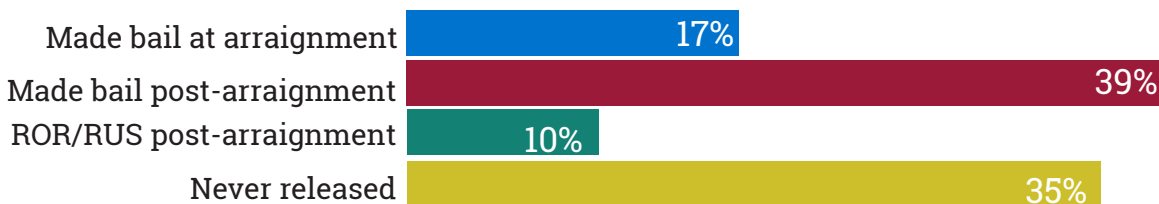
Figure 45 shows, for cases with bail set at arraignment, the percentage in which the defendant gained release before disposition. Data are presented for felony cases with an arrest in 2016, and for nonfelony cases with an arrest in 2017. This is to account for the fact that felony cases tend to last longer than nonfelony cases.

Figure 45

Release Prior to Disposition, by Severity
(cases with bail set at arraignment)

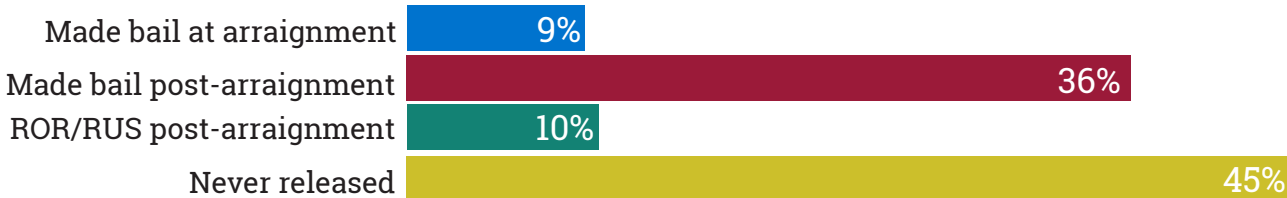
Nonfelony (2017 arrests)

N=14,952



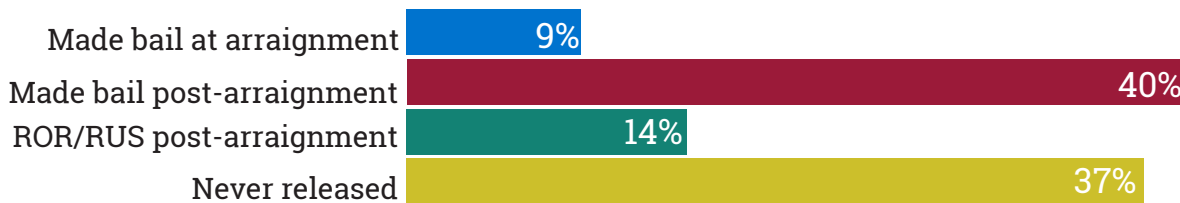
Felony (Non-VFO) (2016 arrests)

N=12,940



VFO (2016 arrests)

N=11,165



A majority of defendants for whom bail was set at arraignment were released pretrial. That was true for all charge severity levels.

Defendants charged with a nonfelony offense were most likely to post bail (56%), compared to 45 percent for nonviolent felony offenses and 49 percent for VFOs. The disparity is likely a function of lower bail amounts for nonfelony cases and the operation of the community bail funds. The community bail funds typically can only provide services to those charged with an offense less severe than a felony and who have bail set at \$2,000 or less.

There were some variations by borough but the general pattern held, as illustrated in figures 46-50.

Figure 46
 Release Prior to Disposition, by Severity and Borough
 (cases with bail set at arraignment)

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

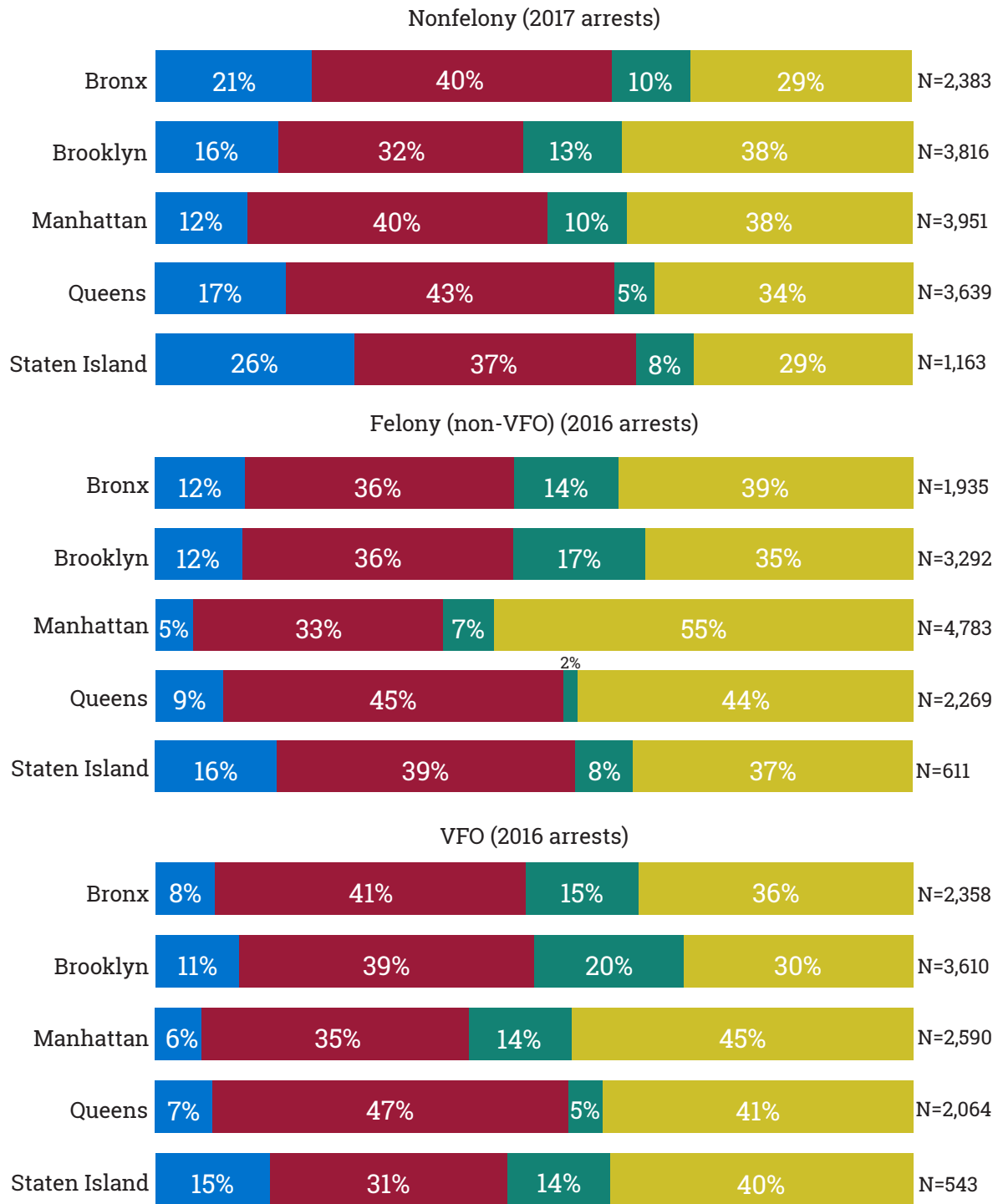


Figure 47
 Release Prior to Disposition, by Bail Amount
 (cases with bail set at arraignment)

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

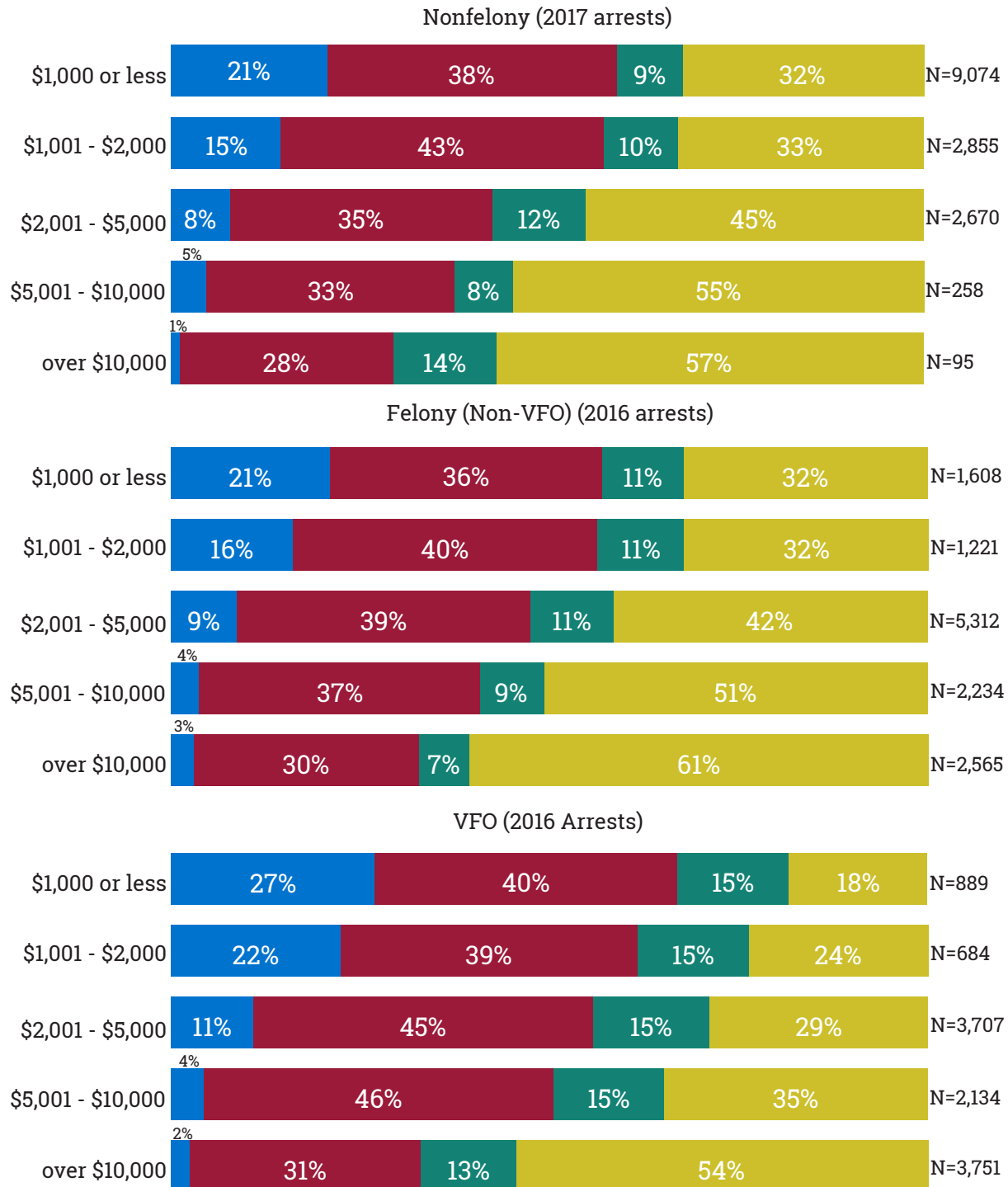


Figure 48

Release Prior to Disposition For Nonfelony Cases by Bail Amount and Borough
2017 Arrests (cases with bail set at arraignment)

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

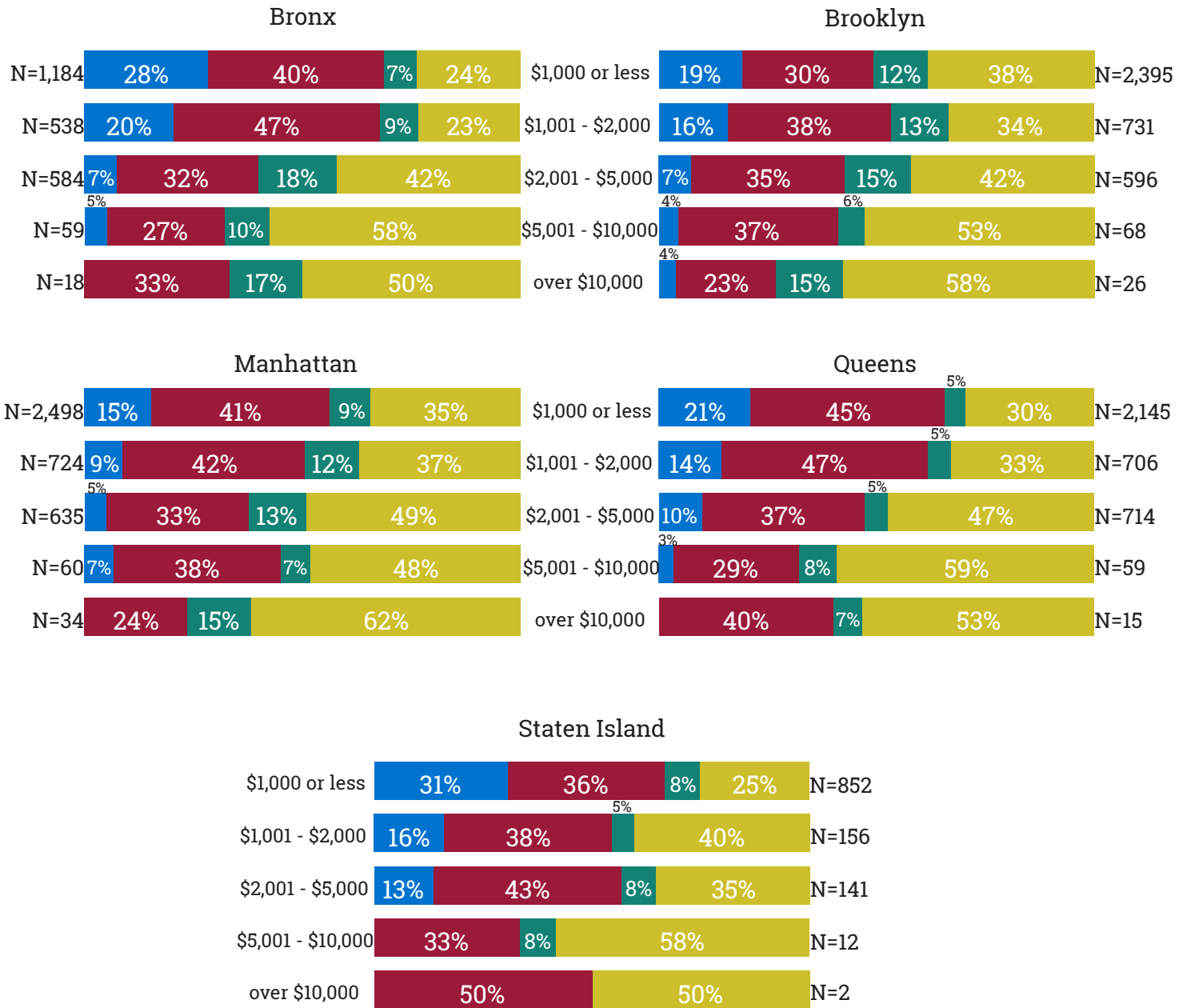


Figure 49

Release Prior to Disposition For Felony (Non-VFO) Cases by Bail Amount and Borough
2016 Arrests (cases with bail set at arraignment)

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

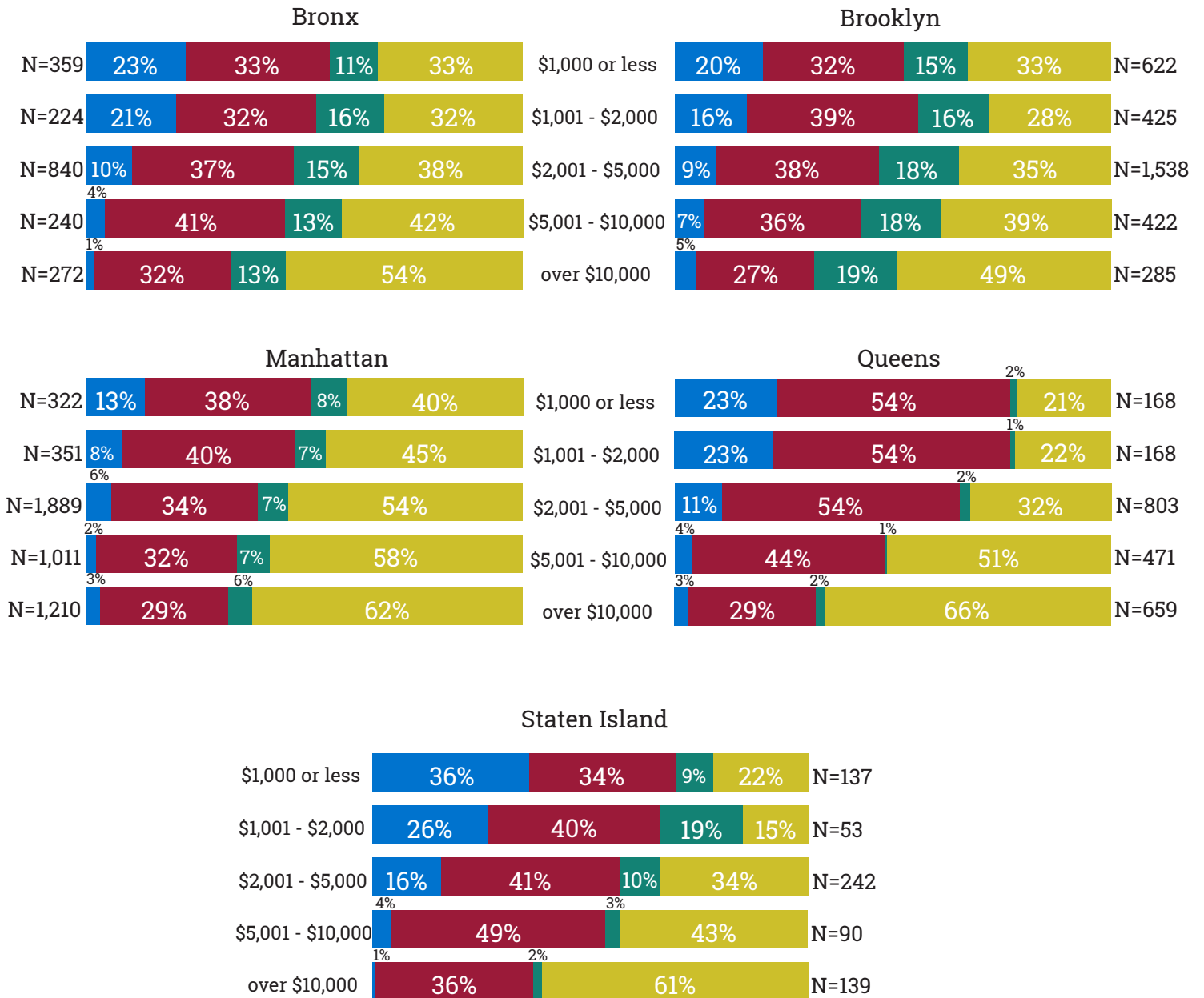
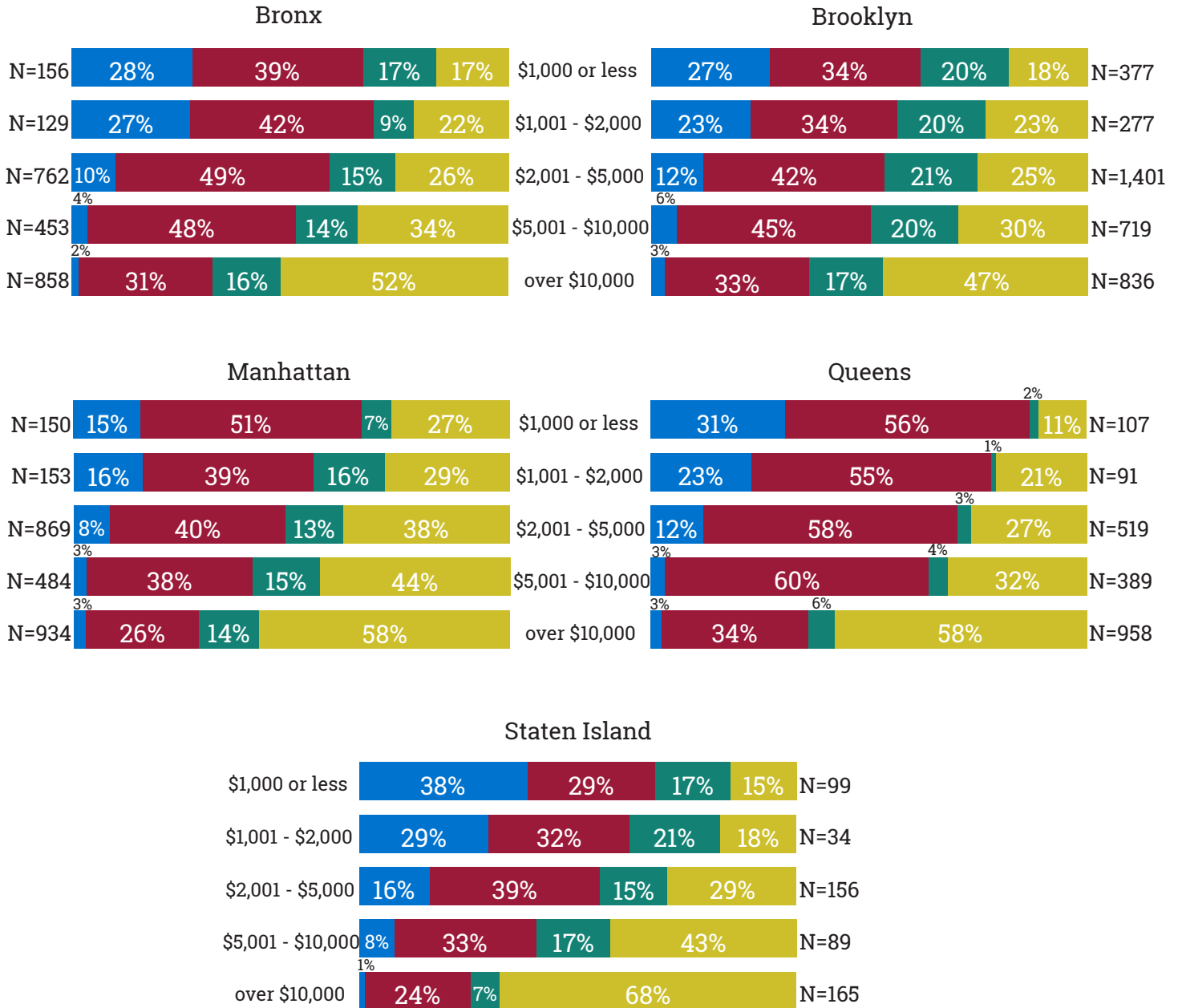


Figure 50

Release Prior to Disposition For VFO Cases by Bail Amount and Borough
2016 Arrests (cases with bail set at arraignment)

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



10 Failure to Appear

Figures 51-53 illustrate the FTA and adjusted FTA rates for 2016 summary arrests in which the defendant was released at some point prior to the final disposition. The adjusted FTA rate includes those defendants who failed to appear and did not return to court within 30 days. Exhibits 54-56 (page 39) illustrate the FTA rates for 2017 summary arrests.

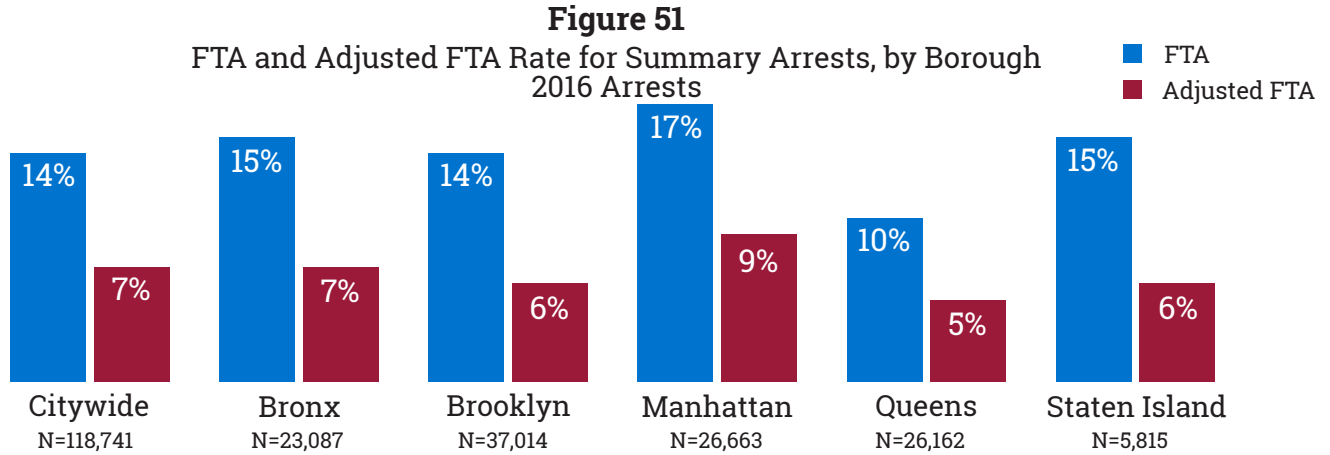


Figure 52
FTA and Adjusted FTA Rate for Summary Arrests, by Charge Severity
2016 Arrests

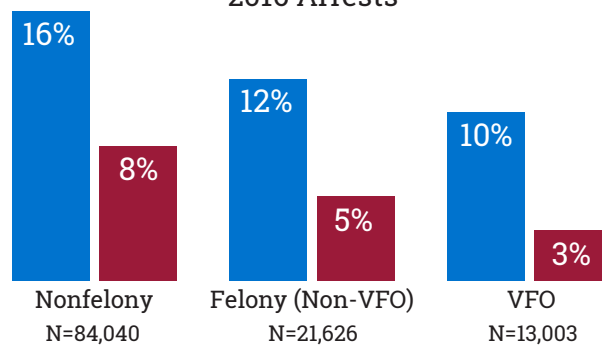
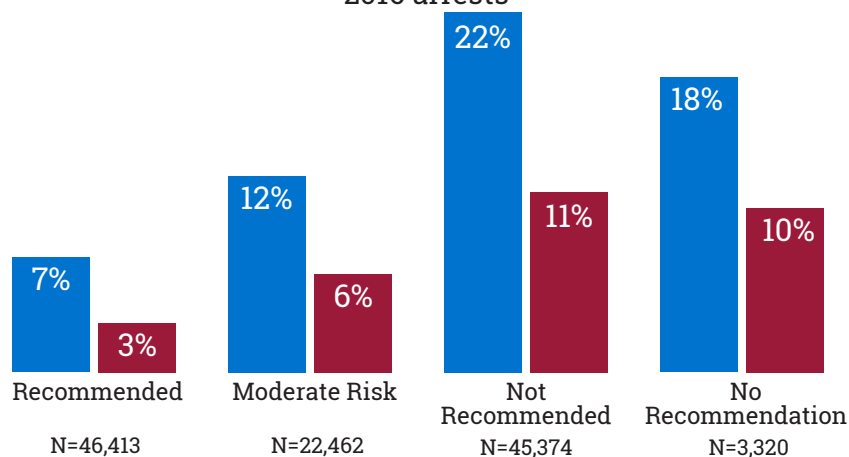


Figure 53
FTA and Adjusted FTA Rate for Summary Arrests, by CJA Recommendation
2016 arrests



About The Data

- ▶ FTA rates are case based. They are calculated by dividing the number of cases in which a defendant failed to appear one or more times by the total number of cases with defendants who were at risk. Cases were tracked until disposition or until June 30, 2018, whichever occurred first. Returns on warrant were tracked until July 30, 2018.

Figure 54
FTA and Adjusted FTA Rate for Summary Arrests, by Borough
2017 Arrests

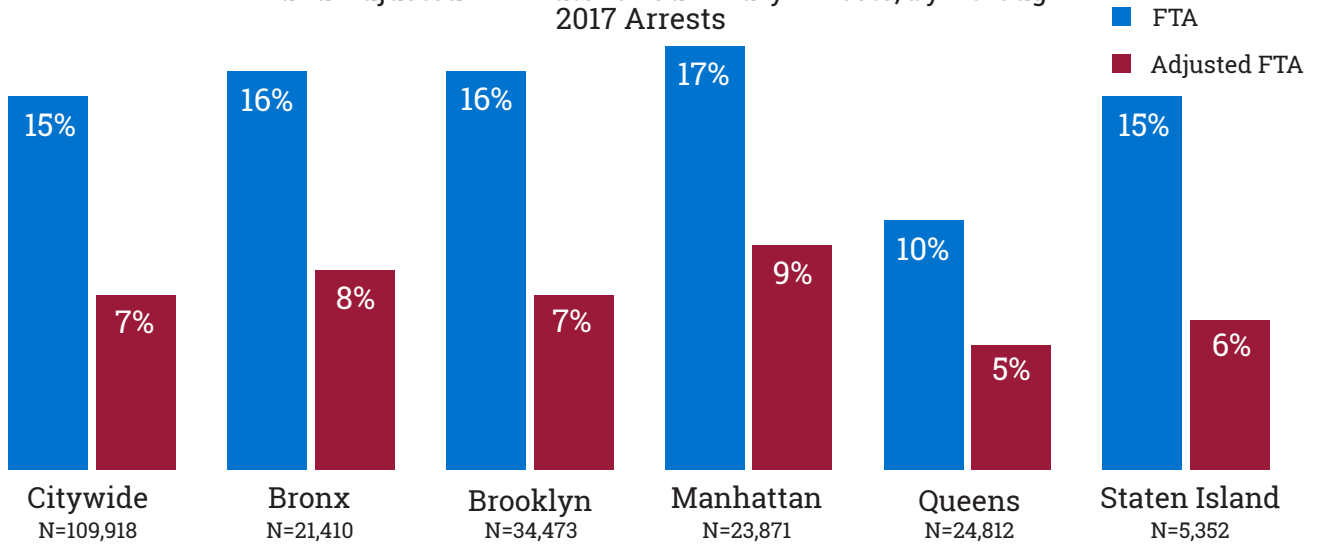


Figure 55
FTA and Adjusted FTA Rate for Summary Arrests, by Charge Severity
2017 Arrests

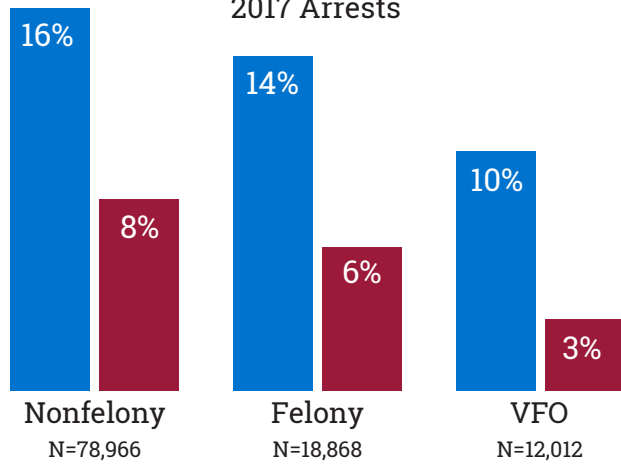
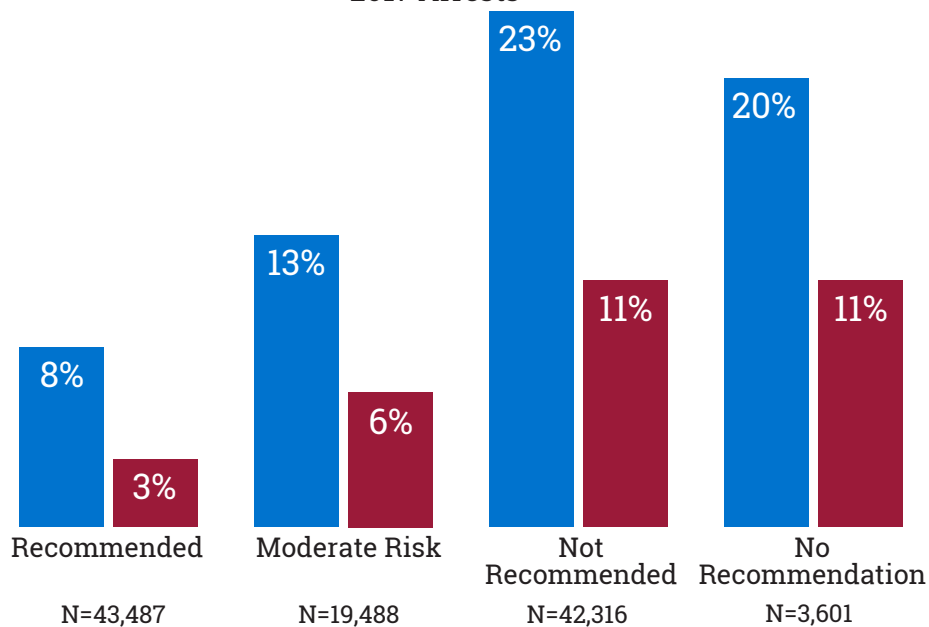


Figure 56
FTA and Adjusted FTA Rate for Summary Arrests, by CJA Recommendation
2017 Arrests



Figures 54-56 (page 37) illustrate FTA rates for 2017 arrests. Because 2017 arrests were tracked only through June 30, 2018, the FTA rates in these figures are incomplete, particularly for felony cases, many of which had not yet reached a disposition.

Exhibits 57-58 illustrate FTA rates for both summary and DAT arrests executed in 2017. These figures have not previously been reported in CJA’s Annual Report series. Because CJA does not interview DAT arrests prior to arraignment, there is no breakdown of FTA rate by recommendation.

Figure 57
FTA and Adjusted FTA Rate for All Arrests, by Borough
2017 Arrests

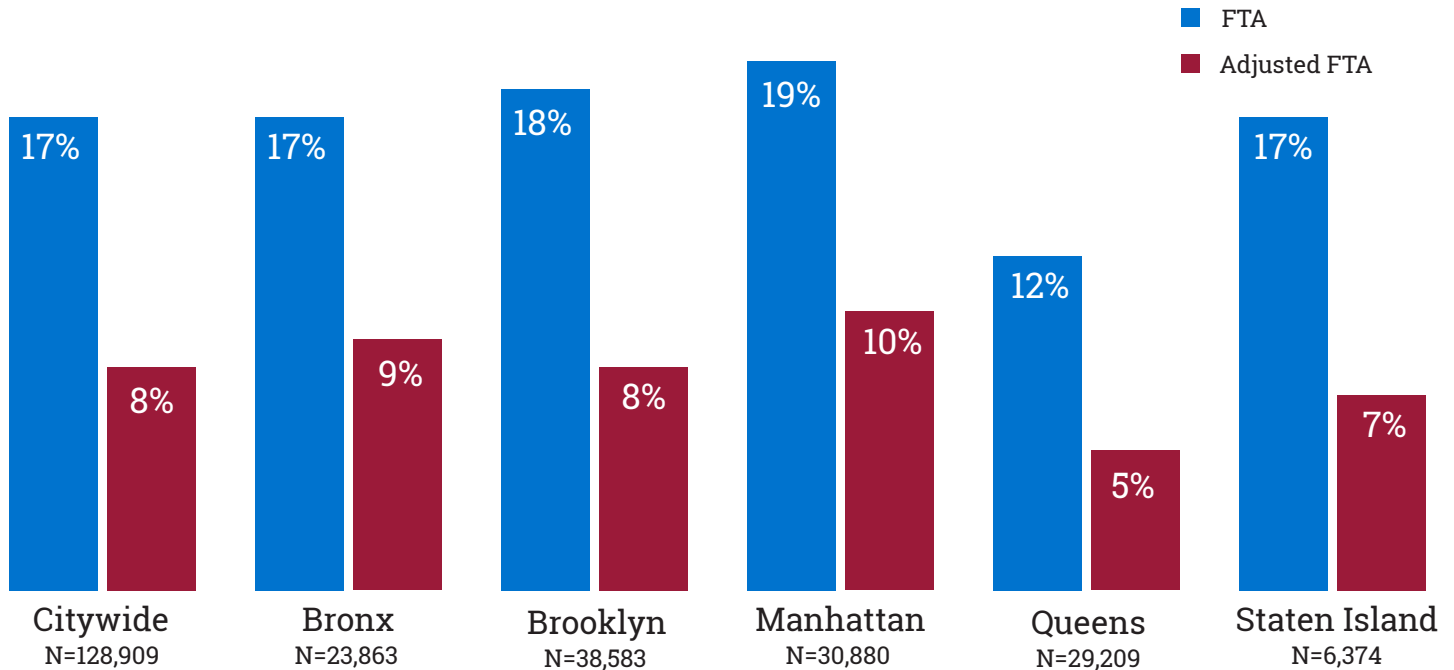
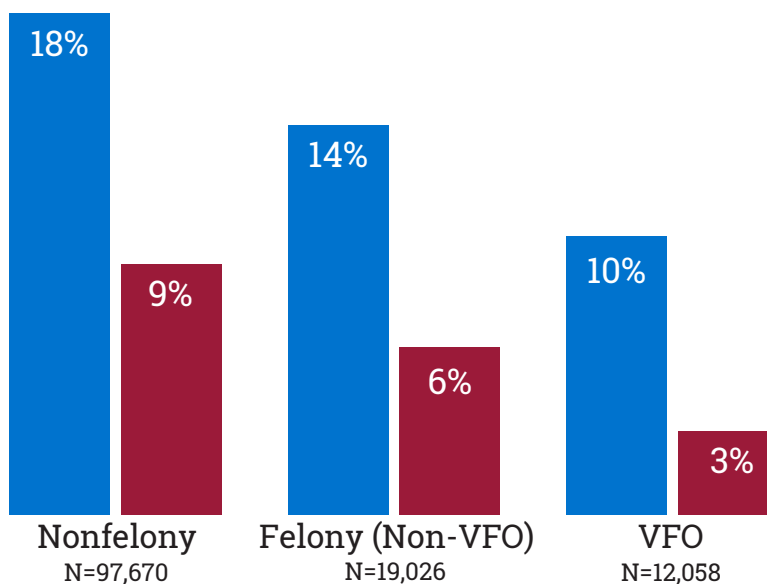


Figure 58
FTA and Adjusted FTA Rate for All Arrests, by Severity
2017 Arrests



Part III

CJA PROGRAMS

11 Notification

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

In September 2017, the vendor notified CJA it would file for bankruptcy and cease operations within a month. We took this opportunity to develop a new call center. While robocalls are functional, CJA wanted to incorporate a personal touch by using live callers. When an individual is speaking to a live caller they have the opportunity to ask questions and are more likely to understand the criminal justice process. CJA also expanded its Helpline capacities, making it easier for defendants and their families to call if they have questions or concerns about their case.

The live call notifications began on October 18, 2017. Outreach Center staff varied the timing of the calls to test what was most effective. Through December 31, 2017, Outreach Associates made 3-day calls for over 15,000 appearances, same-day calls for over 12,000 appearances, and both 3-day and same-day calls for over 15,000 appearances.



CJA's Outreach Center staff. From left to right: Alma Gomez, Jamila Bobb, Jacqueline Flores, Tawana Thorne, Ivette Hernandez, and Melissa Cumberbatch

Analysis of the live calls indicates they are effective in reducing FTA rates. Defendants issued desk appearance tickets and reminded of their upcoming court date failed to appear at their arraignment 12 percent of the time, compared to 19 percent of those who did not receive a phone call (a 37% improvement). The reminder calls are also effective at reducing FTA for defendants issued summary arrests. In total, from October 18 to December 31, CJA's live notification calls helped approximately 400 defendants avoid warrants.

CJA continues to conduct randomized controlled trials to determine the most effective types of notification. The goal is to provide customized service based on the defendant's needs, rather than a one-size-fits-all approach.

12 Bail Expediting Program

CJA operates the Bail Expediting Program (BEX) in the Bronx, Brooklyn, Manhattan, and Queens. The program has operated in the Bronx and Queens since the 1980s and was expanded to Brooklyn and Manhattan in 2010. The purpose is to identify potential sureties for defendants with bail is set in their case, call those potential sureties, and assist them in posting bail.

The program was highlighted in the New York Times on August 29, 2017.



In 2017, CJA initiated a series of reforms to expand the program and assist more defendants with bail set in their cases. Previously, individuals were eligible if the bail set in their case was \$2,500 or less in the Bronx, or \$3,500 or less in Brooklyn, Manhattan, and Queens. In 2017, CJA raised the eligible amount to \$5,000 across boroughs. Also, CJA changed its procedures to ask every individual to identify potential sureties in the pre-arraignment interview, thus increasing the number of individuals CJA can assist. CJA continues to call potential sureties for up to two days after the arraignment, if the individual is still detained.

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

13 Failure to Appear Units

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

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

Figure 59
Failure-To-Appear (FTA) Units:
Return Within 30 Days
2017 Arrests

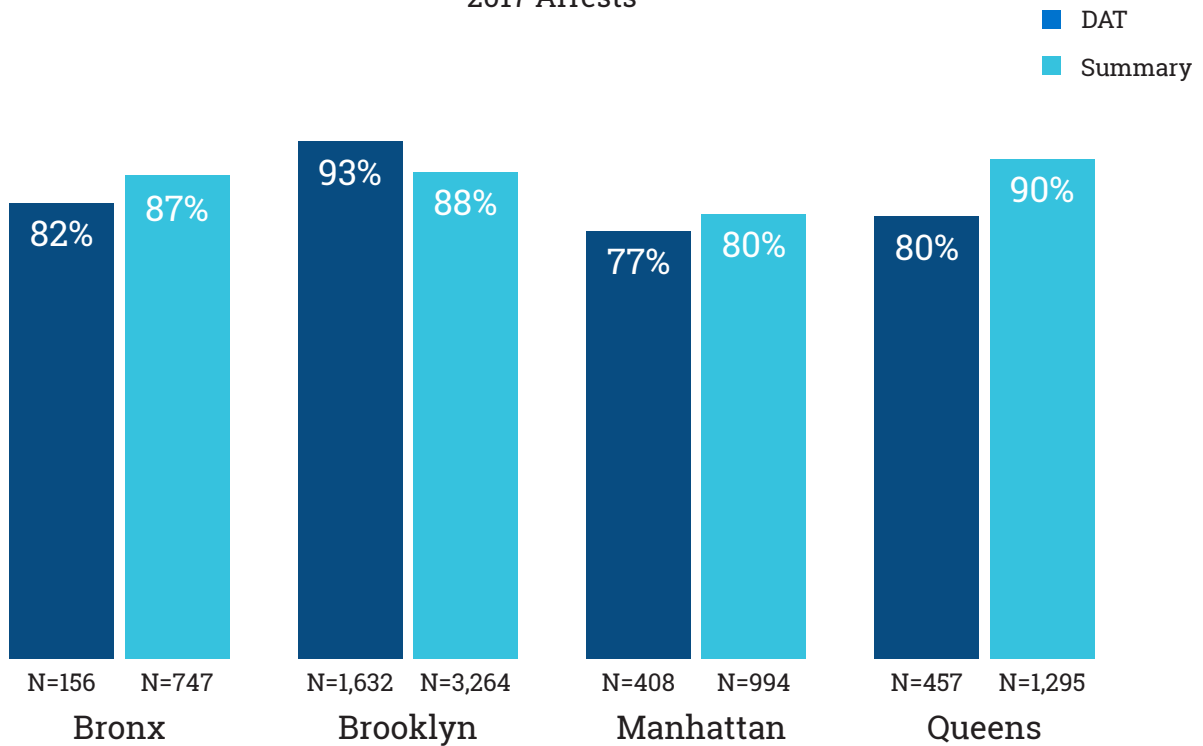


Figure 59 illustrates the rate at which defendants whom CJA attempts to call return to court within 30 days. Sometimes CJA cannot call because no phone number is available. When a number is available, an overwhelming percentage of defendants return to court within 30 days. Brooklyn defendants issued DATs return at the highest rate for DAT arrests, and defendants with summary arrests in Queens return at the highest rate citywide of those with summary arrests.

14 Supervised Release

In 2009, CJA launched the Supervised Release program in Queens (QSR). In March 2016, the City established Supervised Release programs in each borough. Defendants charged with a nonviolent felony offense or a misdemeanor are eligible. The program seeks to enroll those defendants who would most likely have bail set in their case if not for the option of entering the program. QSR Court Representatives screen potentially eligible defendants and engage with defense attorneys to find individuals who may benefit from the program. Clients in the program undergo a thorough assessment and are assigned a social worker or counselor who works closely with them. Voluntary referrals are made for services ranging from housing and vocational training to community-based mental health and substance abuse treatment. The figures in this section include the 592 clients who enrolled in the program from March 1, 2016 (the first date of the new version of QSR) through December 31, 2016. Most clients are male (85%), black (43%) and between the ages of 24 and 29 (27%).

Figure 60
Queens Supervised Release Clients, by Sex

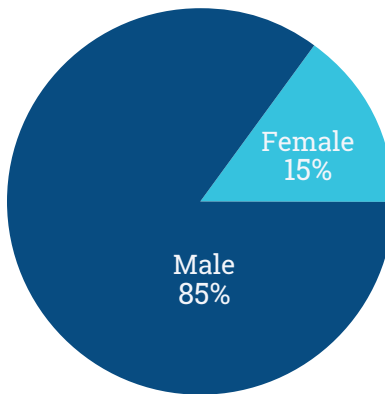


Figure 61
Queens Supervised Release Clients, by Race

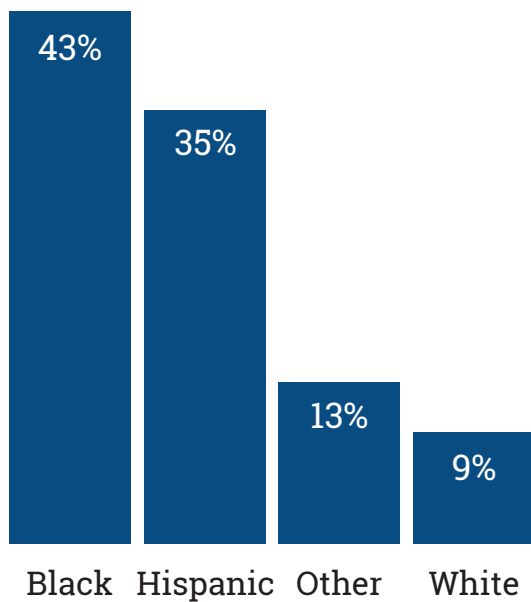
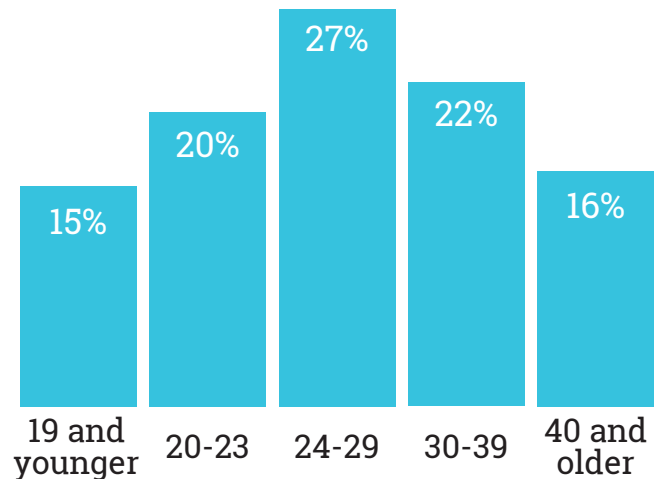


Figure 62
Queens Supervised Release Clients, by Age



Most clients entered QSR having been charged with a felony (85%), while 15 percent entered charged with a misdemeanor.

Most clients (88%) successfully complete the program. Some (12%) had their supervision revoked. Reasons for revocation can include a rearrest, failure to comply with program requirements, or missing a scheduled court date. Such infractions do not automatically result in a program exit, however.

Figure 63

QSR Clients' Most Severe Arraignment Charge

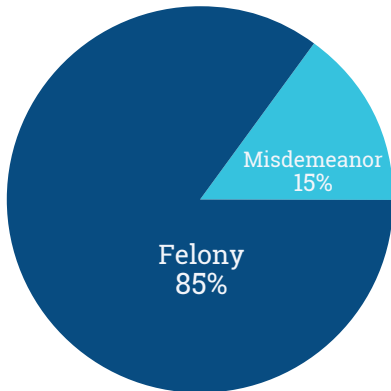
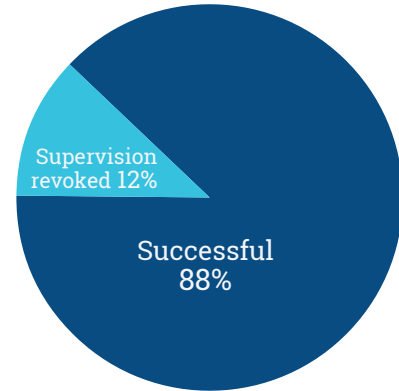


Figure 64

QSR Clients' Program Outcome



Figures 65 and 66 illustrate the in-program failure-to-appear rate for clients, and the in-program rearrest rate. Seven percent of clients missed at least one scheduled court appearance while in the program. Twenty-four percent of clients had a prosecuted rearrest while in the program.

Figure 65

QSR Clients' FTA Rate

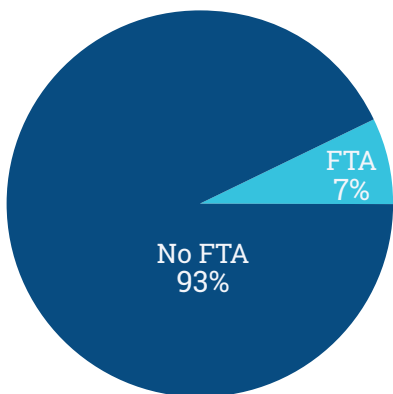
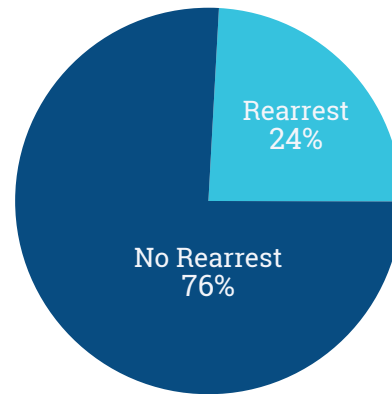


Figure 66

QSR Clients' Rearrest Rate (prosecuted rearrests only)



CJA Publications

For a complete list of publications and digital versions, visit www.nycja.org

Research Briefs

No. 44 Pretrial Release Without Money: New York City, 1987-2018 (2019)

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

No. 42 Reducing Unnecessary Pretrial Detention: CJA’s Manhattan Supervised Release Program (2017)

No. 41 Post-Disposition Re-Arrests of Juvenile Offenders (2016)

No. 40 Marijuana Possession Arrests in New York City - How Times Have Changed (2016)

No. 39 Re-Arrests of Homeless Defendants in New York City (2016)

No. 38 Juvenile Offenders: Re-Arrest and Court Outcomes (2015)

No. 37 Arrested and Homeless in NYC (2015)

No. 36 Impact of the Queens Supervised Release Program on Legal Outcomes (2015)

No. 35 Paying Bail By Credit Card (2014)

Domestic Violence

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

Early Victim Engagement in Domestic Violence Cases (2013)

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

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

Arrests of Juveniles

Post-Disposition Re-Arrests of Juvenile Offenders (2016)

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

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

Release and Bail

New York’s Credit Card Bail Experiment (2014)

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

Effect of Release Type on Failure to Appear (2011)

Annual Report

CJA Annual Report (available from 2003-2017).

Case Processing

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

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

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

Alternatives to Incarceration

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

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

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



2017 Annual Report

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