

X

W. J. ... Economic Development Council of New York City, Inc) 1501
EDC SUPREME COURT TASK FORCE

CRIMINAL CHARGE DISPOSITION REPORTING AND THE JC 500 SYSTEM

May, 1973

18881

TABLE OF CONTENTS

Introduction.....1

Conclusion.....1-2

Summary: JC 500 System Recommendations.....2-3

Discussion: Criminal Disposition Report, Form JC 500.....3-5
Operating Problems in Supreme Court for JC500 Forms..5-6
Costs of Filling Out Each JC 500 Form.....6-9
Judicial Conference Observations.....9-11
Lack of Confidence in Disposition Reporting System..11-12
Possible Replacement of Present JC 500 System.....12-14

Recommendation: Phase Out the State Administrator's Operational Role in Disposition Reporting Data Flow. Develop a Simplified Case (as opposed to Charge) Disposition Reporting System from Operating Courts to NYSIIS.....14-17

Immediate Recommendations:Simplification of JC 500 Workflow.....18-20

Comments on EDC Recommendations.....20-27

Other Statistical Reports
(JC 153 Report; New York State Department of Correctional Services)28-31

Background.....28-29
Analysis.....29-30
Recommendations.....30-31

ILLUSTRATIONS

1...Supreme Court, New York County, May, 1972 Payroll Cost per JC 500 Report.....7

2...JC 500 Criminal Disposition Report.....32

3-5.Excerpts from three NYSIIS "Rap" Sheets.....33-38

APPENDICES

i...Illustrative Flow of JC 500 and JC 501 Reports.....39

ii...EDC Recommended Simplified Flow for JC 500 System.....40

iii...Illustrative Potential Savings in Steps by Adopting Recommended JC 500 System Simplifications.....41

"The printing of this report was made possible with the assistance of the Management Planning Unit of the New York State Judicial Conference. The views expressed herein represent those of the EDC Supreme Court Task Force whose work in the courts has been donated as a public service."

EDC SUPREME COURT TASK FORCE

CRIMINAL CHARGE DISPOSITION REPORTING AND THE JC 500 SYSTEM

Introduction. In 1971, EDC analysts documented procedures followed in the Criminal Court in Queens in preparing the JC 501 and JC 500 Reports on dispositions of particular arrest charges against individual defendants in criminal cases. From January through November, 1972, the EDC Supreme Court Task Force completed detailed documentation of procedures followed by the Chief Clerk's Office, Supreme Court-Criminal Branch, including all work related to the JC 500 reporting system, the JC 153 Form and New York State Department of Correctional Services Forms 5103, 5104, 5105.

EDC analysts examined Judicial Conference operations in January, 1973 and discussed EDC's tentative recommendations in this area. Additional time was spent reviewing and analyzing internal memoranda and analysis and various NYSIIS "rap" sheets, completed JC 500 Disposition Reports and underlying official court records upon which these reports were based.

The Phase One Organization Report of the EDC Supreme Court Task Force (Appendix viii) contains observations on the statistical reporting by the Criminal Branch of the Supreme Court in the First Judicial District. The following report expands on these observations and makes recommendations concerning the statistical reporting systems the Supreme Court and other courts concerned with criminal cases must prepare for use by the Judicial Conference, NYSIIS, and the New York State Department of Correctional Services.

Conclusions. The present system of requiring criminal case disposition information which must be related back to arrests on a charge-by-charge basis, is burdensome, costly and may be intrinsically defective. A strong case can be made for discontinuance of the operational role of the State Administrator in the JC 500 system of collecting statistical data. Under present conditions, this system does not serve the court-related purposes for which it was originally intended. The State Administrator's Office role in the system may be dysfunctional and has impeded the completion of other intended functions.

Short of termination, simplification of methods used to collect the data required on the JC 500 form can result from eliminating use of a turn-around document. Also, we suggest reporting dispositions at the point when a case is

closed. To effectuate this, a multi-part form can be designed to produce the equivalent of an arrest card, JC 501 and a JC 500 carbon copy to travel with case papers as part of a case or charge-related disposition system (see below, pp.14-17).

In broader perspective, arrest charge-related disposition reporting in multi-charge cases by court clerical personnel often requires speculation. Dispositions, especially negotiated for pleas, can relate to the entire "case" against a defendant - not one out of several arrest charges. Complaint room or indictment charges disposed of in court can vary from arrest charges and are not easily traceable to the former charges. If an arrest charge disposition reporting system must continue, consideration should be given to having, in New York City, the District Attorney's offices assume operational responsibility for completing JC 500 reports.

Even if present backlogging of JC 500 Reports can be cleared up, there are indications that judges and court personnel have lost confidence in the accuracy, completeness and utility of NYSIIS "Rap" sheets. Action to reestablish confidence and improved disposition reporting is essential.

In a less critical area, the Judicial Conference Form 153 and various New York State Department of Correctional Services Forms pertain basically to the same information and yet use two distinct systems for defendant data. Assuming they can be shown to be necessary, the Judicial Conference and the New York State Department of Correctional Services should agree upon a single system.

Summary: JC 500 System Recommendations

I. Phase out the State Administrator's operational (as opposed to administrative) role in JC 500 arrest charge-related case disposition reporting data flow. Develop a simplified case disposition reporting system directly from operating courts to NYSIIS (pp.12-13).

II. Pending implementation of Recommendation I, take the following immediate steps to simplify the JC 500 workflow:

A. Consolidate responsibility for JC 500 reporting in New York County and the Bronx under the present unified administration of the Criminal Court and Supreme Court Criminal Branch. Eliminate the practice of filling out and returning partially completed JC 500 forms upon transfer of cases from the Criminal Court to the Supreme Court. (Immediate Recommendations 1 and 2, p. 18; see also p. 17 and Appendices i-iii.)

B. Eliminate the use of a turn-around document in JC 500 reporting. Replace it with a multi-copy form combining the original input documents (fingerprint arrest card and JC 501) and a "JC 500 Form" as a carbon copy to travel with court papers. As soon as the defendant's case is completed, detach, complete and send the copy to interested parties. (Immediate Recommendations 3 and 4, pp.18-19; see also Recommendation 5, p.20; pp.20-27; and Appendices i-iii)

C. Eliminate the need to fill out items 11-17 from the present JC 500 form absent any showing that the information is being used effectively. (pp. 10, 17)

Other recommendations for reporting post-conviction actions affecting the defendant's criminal history (Immediate Recommendation 6, p.20), a formal system for reporting unmatched JC 500 disposition forms to the courts (pp.23-24), a "dunning" program for unreturned JC 500 forms (pp.26-27), balancing completed JC 500 forms with other statistics on completed cases (p.18), and recording case-related dispositions instead of charge-related dispositions in multiple offense cases (pp.16-17, 24-25) are incorporated in this report.

Discussion

Criminal Disposition Report, Form JC 500

The purpose and uses of "the JC 500 system," to quote from the Judicial Conference instruction manual, are:

"...to bring together significant data on criminal offenders from time of arrest to ultimate court disposition. This includes complete accounting of court action, beginning with the charge, progressing through successive steps in handling the defendant and ending with the outcome of the charge. The information collected is being used as follows:

1. To provide the New York State Identification and Intelligence System and other law enforcement agencies with reports on the disposition of arrests so that they may update criminal history records.
2. To provide the Judicial Conference with statistical data which can be used to improve the administration of the criminal court system.
3. To compile data for in-depth research purposes.

4. To provide the New York State Department of Correction with data on the disposition of arrests. (Judicial Conference Manual, pp.2-3.)

The Criminal Court and the Criminal Branches of the Supreme Court in New York City must fill out such Criminal Disposition Reports which are sent out in partially completed form by the Judicial Conference on every defendant charged at arrest with a fingerprintable offense. (A copy of a JC 500 form is attached as Illustration 2.)

Since its inception six years ago, the JC 500 system has been plagued with backlogs and bottlenecks at every critical point. Thus, as of September 1, 1971, there were 141,000 dispositions on JC 500 forms backlogged within the Judicial Conference itself (estimated at over one year's backlog). There were an additional 111,375 backlogged within the New York City courts for a total of over 252,000*.

Often the elimination of backlog at one point simply moves the backlog to another point in the system. For example, while the backlog of incomplete JC 500's (almost 75,000) was reduced in the Criminal Court by the end of 1971, this added to backlogs at the Judicial Conference. There was also an accumulation by the end of 1971 of over 100,000 disposition records already reported to NYSIIS by the Conference which were still not recorded in criminal history files of each defendant*.

As of December 1, 1972, there were 75,000 dispositions** on JC 500 forms backlogged within the Judicial Conference itself (an estimated 6 months backlog). This is significantly less than the September 1, 1971 backlog figure which was estimated as over one year's backlog.

According to estimates as of December, 1972, there also remains an accumulation at NYSIIS of 60,000 dispositions** reported by the Judicial Conference. This is down 40,000 since the end of 1971. The courts are believed to be reasonably current with their processing of JC 500 forms.

The rate of reduction, based on the above figures, indicates that in total, the total backlog in the

*Program Audit-New York State Criminal Justice Information System, Legislative Commission on Expenditure Review, March 17, 1972, pp.24-25.

**Source: Memorandum dated December 13, 1972 to Al Delaney from Dan Englander.

system still amounts to about one year. In other words, a person arrested in the latter part of 1971, whose case was disposed of after April, 1972, is unlikely to have it appear on his May, 1973 "rap" sheet. Even if this backlog is eliminated, serious problems will remain which are discussed in the following sections.

Operating Problems in Supreme Court Respecting JC 500 Reports. During the period of procedures documentation by the EDC analysts, the Clerk's Office of the Supreme Court, Criminal Term, in New York County intermittently received batches of Criminal Disposition Reports, Form JC 500, from the Judicial Conference. Such "turn-around" documents were already partially filled out with defendant's names and other identifying information. In the Clerk's Office, a separate unit of six to eight employees was assigned primarily to handle the work required to complete such partially filled out incoming JC 500's (after matching each one with available court papers) and to catch up with a very substantial backlog of thousands of incomplete JC 500 forms.

To fill out a JC 500 form, it was necessary to locate the case file (after any required determination of the indictment number by reference to an index card), to determine from the case file the actions of the court to date and the status of the case, and to enter this information on the JC 500 by putting checkmarks in appropriate boxes and writing in other details in the spaces provided. These actions are supposed to be done in accordance with the detailed instructions of a 71 page manual prepared by the Judicial Conference.

According to this manual, the Clerk's Office is supposed to return completed JC 500's, as well as those that it cannot complete, to the Judicial Conference. Unless the form as returned shows the final disposition of the case, the system calls for the Judicial Conference to keep sending additional partially filled out JC 500 forms to the Clerk's Office until the final disposition of the case is reported.

A study of a limited number of completed JC 500 forms about to be returned to the Judicial Conference revealed that there were significant misunderstandings and confusion about how to fill out the JC 500 form. For example, there were failures even to indicate in the appropriate charge column the action taken or status of a particular charge in a case. In other instances, a plea would be entered to "other offenses" in the charge column without any indication of action taken by the Grand Jury.

In fact, at the time of this limited study in the spring of 1972, it was not possible to find any JC 500 which was filled out strictly in accordance with the Judicial Conference Manual.

Conferences with parties from the unit responsible for completing JC 500 forms confirmed that such omissions, discrepancies and inconsistencies were likely to be common in many JC 500 forms already returned to the Judicial Conference. Yet, according to the JC 500 unit in the Supreme Court, the Judicial Conference had never questioned any of the data on completed JC 500 forms. As discussed earlier, it is possible that the heavy backlogs of JC 500 forms impaired the ability of the Judicial Conference to screen those forms for accuracy.

As a result of these findings, EDC recommended that the Chief Clerk set up a session with representatives of the Judicial Conference concerning proper completion of JC 500 forms. The Conference took place in April, 1972. Questions raised by the manual were discussed and clarified, and representatives of the Judicial Conference informally suggested that the return of JC 500 forms could be delayed until the Clerk's Office was in a position to report final disposition and sentencing*. The Judicial Conference has since been returning some JC 500 forms to the Supreme Court Clerk's Office for corrections.

Another problem noted during the period of our study was the accumulation of incomplete JC 500 forms in the Clerk's Office. By May, 1972, over 2,100 JC500 forms had accumulated possibly some from as far back as 1966. These could not be completed because the case could not be identified due to name variation, data variation or simply no record of the case. The procedure specified in the Judicial Conference Instruction Manual for returning incomplete reports was not followed until May, 1972 when the 2,100 incomplete JC 500 forms were returned to the Judicial Conference.

Costs of Filling Out Each JC 500 Form. The EDC Task Force made an evaluation of the payroll costs (exclusive of vacations, fringe benefits, sick leave, central administrative expenses, etc.) of completing each JC 500 report received by the Clerk's Office.

As shown in Illustration 1, total payroll costs to the Supreme Court for processing approximately 2,300 JC 500 forms in May, 1972 was approximately \$3,247. This is an average payroll cost of \$1.41 per JC 500 form.

*Our recommendations are to expand this concept by having all JC 500 reports remain with court papers until final disposition of the respective case.

SUPREME COURT, NEW YORK COUNTY

May 1972 Payroll Cost Per JC 500 Report

Quantity for Period: 2300 JC 500 Reports filled out
 Total Payroll Costs for completing 2300 JC 500 Reports: \$3,247

\$3,247
 \$2,300 \$1.41 - Per Report

Breakdown:

<u>Full Time</u>	<u>Annual Pay</u>
1 Person	\$13,800.00
1 Person	6,350.00
4 Persons x \$5,200	<u>20,800.00</u>
TOTAL FULL TIME.	\$40,950.00

Weekly payroll costs of permanent positions amount to:- \$787.00

Two part-time persons working 15 hours each a week @ \$2.25 per hour = 67.50

Total Payroll Costs Per Week.....\$854.50

May 1-25, 1972-19 Working days

3 Weeks (\$854.50) = \$2,563.50

4 Days (4/5 of \$854.50) = 683.60

Payroll Cost for 19 Days...\$3,247.10

Even assuming that the information collected in the JC 500 forms is being used as indicated in the Judicial Conference Manual, this appears to be an excessively high cost. According to a program audit dated March 17, 1972 by the Legislative Commission on Expenditure Review, there was a backlog of over 37,000 JC 500 forms in the Supreme Court as of September 1, 1971. Payroll costs for completing these forms based on the above per unit cost would approximate \$55,000.00.

The high cost of a single step in the JC 500 system is apparent when viewed in the light of more than 940,000 JC 500 reports already collected from the courts and an intake of fingerprintable arrest cases in New York City alone approaching 100,000 annually. It is obvious that an operating unit payroll cost of \$1.00, \$.50 or even \$.25 for completing a single JC 500 form makes this a very costly system for gathering information.

It is possible that the per unit cost of completing JC 500 forms can be reduced substantially by assigning this responsibility to the Criminal Court. According to figures provided in the Program Audit (at p.23), the New York City Criminal Court completed 80,000 JC 500 forms from June to September, 1971 under a special grant of about \$20,000.00. This suggests a considerably lower per unit cost of filling out a JC 500 form of about \$.25 as opposed to \$1.41 in the Supreme Court.

This disparity in comparative costs may be explained in part by different procedures and possibly greater complexity of Supreme Court case data requirements. For example, in the Criminal Court, JC 500 reports are filled in using the Docket Book as a source rather than searching in the files for the case papers. In addition, personnel assigned to the task may be lower paid. Unified administration of the Criminal Court and Criminal Branch of the Supreme Court should provide an opportunity to test more efficient procedures to reduce the unit costs for completing Supreme Court JC 500 Reports.

Even with such lower costs, the present JC 500 reporting system remains burdensome to the operating levels of the courts. By way of illustration, in the six months period from January to June, 1972, almost 9,000 man hours were worked by Criminal Court personnel in filling out JC 500 reports. The average number of JC 500 forms completed per hour ranged from a little over 9 to 13*. Even if the higher rate of productivity were achieved in all

*Six Month Report of the Criminal Court of the City of New York, January - June, 1972, pp.10, 71-73.

counties, filling out JC 500 forms for Criminal Court dispositions alone, in accordance with present requirements, would require about 15,000 man hours per year.

Judicial Conference Observations. Representatives of the State Administrator's Office arranged for several meetings with EDC analysts and for a tour through its data processing operations, in January, 1973.

The features of the JC 500 reporting system that the EDC analysts had not been exposed to when analyzing the system from the level of the Chief Clerk's Office, Supreme Court-Criminal Term were presented in discussions. This system is one of twelve major electronic programs run by the Judicial Conference, many of which are primarily for producing statistics and historical data.

It was explained that the JC 500 reporting system is more than a case reporting system. It accounts for every charge cited against the defendant at the time of arrest, including those charges introduced by the complaint form and by the indictment if there is one. (This can be a long list of charges if the ADA in the Complaint Room does not agree with the arresting officer's charges, and even more so, if the Grand Jury indicts on charges different from those already charged.) Then, if the defendant is convicted on another charge or pleads guilty to another charge, this too is included. (In the NYSIIS system, only the arrest charges and the charges before the court at time of disposition are carried in its records.)*

*The JC 500 form for arraigned cases shows the charges at time of arrest as reported by NYSIIS. The data processing system for the JC 500 form assigns a line number, e.g., 01, 02, 03, 04, etc., to each charge and thereafter, the charge is identified by line number when the system is processing any action regarding the charge. The line number is also shown upon printing an undisposed charge on the JC 500 form. Disposed charges are not printed. Thus, line numbers cannot be noted for charges added to the JC 500 form by a court clerk because unknown is the next unused line number in the record. As a result, any added or changed charges must be coded consecutively line 51, 52, etc., for the data processing system to call upon the next available line for recording each of the additional charges. For a case to be completely disposed of, the Judicial Conference must have a disposition action against each line number; otherwise, the charge remains open and the conditioning for producing another JC 500 for such charges remains. (Although told this, EDC analysts have illustrations which indicate that this may not always be true for open charges. See Illustration 3 and 4.)

The Judicial Conference estimates that 50% of the JC 500 records for New York City and the rest of the state are concerned with only one charge. The EDC analysts confirmed this through another source. It is the other 50% that complicates the JC 500 reporting system.

These conferences illustrated to the EDC analysts the heavy reliance that the system places upon court clerks to fill out JC 500 forms carefully and accurately. The EDC analysts emphasized that the court's action regarding the charges are frequently not evident to the court clerk from the case records, and as a result, many of the court clerk's entries on the JC 500 are assumptions. (The response was that the type of records being kept by the courts might perhaps be changed to reflect better the type of information needed for the JC 500 program and for the courts themselves.)

Check digit techniques, similar to those in commercial installations, are applied in the system to identifying numbers as a verification measure to the key punch operations and to eliminate the possibility of mismatched disposition information when it is subsequently combined with arrest information.

According to the Judicial Conference representatives, most of the information for items 1 through 10 on the JC 500 form are required by NYSIIS. (See Illustration 2.) Items 11 through 17 (which pertain to type of trial, length of trial, Judges name, Defendant's counsel, bail and defendant's status) were added to the JC 500 form solely for the Judicial Conference's objectives.

If the Judicial Conference captures certain statistics as spinoffs from NYSIIS requirements, some feel it will have benefited and can justify the expense of its intermediary role. The EDC analysts noted that who precisely wants what out of this information could not be indicated. A significant portion of this information is not management oriented. None of it appears to be used.

The JC 500 program was placed on a statewide basis as of December 15, 1972. The system is reportedly being studied for improvements and simplifications by a planning staff, which recently implemented improvements in the JC 501 form. However, this staff is revising the JC 500 form to provide for more rather than less court action designations. It is also supposed to be rewriting the JC 500 manual. Other suggested improvements that the planning staff would like to work on affecting the JC 500 program and other programs are under preliminary development.

Throughout these efforts is the absence of any clear picture of what the State Administrator's office is doing or would like to do with the detailed information that is required on each JC 500 form. The objectives and needs of any on-line management information system appear lacking in these ambitious plans. Research programs (or statistical analysis) under way or planned are not available. As late as the end of 1972, it was stated:

"There is no question but that we have never published any statistics that have resulted from our system, but our limited staff resources have been dedicated to the data collection aspect of the system, not what statistics would flow from the data collected..."

Lack of Confidence in the Criminal Disposition Reporting System. Throughout the period of the EDC Court Studies, there has been growing indication of a lack of confidence by judges and other court personnel in the reliability, completeness, accuracy and legibility of criminal history records received from NYSIIS (NYSIIS "rap" sheets). These records are supposed to include all available disposition information, by each charge. It is the first stated purpose of the JC 500 system to gather and transmit such information to NYSIIS.

Rightly or wrongly, Criminal Court and Supreme Court judges interviewed were unanimous in expressing lack of confidence in NYSIIS "rap" sheets. All cited examples of charges listed as open which were in fact disposed of. Several cited examples of serious felony charges which were not shown at all but which were uncovered by a manual search of court files. (One judge recalled having seen the defendant in a previous case.) In some cases, open bench warrants were not shown. (The EDC Task Force has examined a number of examples of such omissions.)

Two other problems observed and frequently cited by judges were the poor legibility of the "rap" sheet and the lengthy and cumbersome format which is used to include detailed information on a charge-by-charge basis. EDC has seen examples of "rap" sheets which run up to eleven pages (and still contain several open charges). The result is to impair seriously the utility of even an accurate and complete NYSIIS criminal history record to an arraigning judge who must make determinations within a relatively short period of time. Court records and files are also burdened.

The "summary of New York State criminal history information" at the beginning of each NYSIIS "rap" sheet, does not altogether remedy the problem of legibility and excessive length. In fact, the practice of grouping open arrest charges and closed disposition charges under the same "charge" column can be misleading. A "rap" sheet with dis-

positions appears to show a summary of charges which may look much less serious than a "rap sheet of open charges which shows the original (often more serious) arrest charges. To find the original arrest charge where the summary shows only the disposition charge, one must search through detailed entries on back-up pages.

Even if backlogs of JC 500 reports were current and timely disposition information available for inclusion on NYSIIS criminal history records, it is unclear to us whether complete and accurate charge related disposition information can be obtained under the present JC 500 system. Dispositions frequently cannot be matched against each charge shown (particularly original "arrest" charges) because charges are often dropped, changed or disposed of without any clear indication of their outcome on court papers.

If some but not all charges are dropped by the Assistant District Attorney in the Complaint Room, court papers would not show the charge or its disposition and we are aware of no procedure followed by other agencies to report such dispositions, by arrest charge, to the Judicial Conference. Similarly, we could find no procedure for updating disposition records where an appeal or subsequent collateral challenge resulted in a dismissal of a conviction or a new trial. In many other instances, the disposal of the charge is simply not reported or cannot be located.

Judges who have spoken to EDC Task Force members have repeatedly stressed their helplessness in the face of NYSIIS "rap" sheets in which they now have little or no confidence. A frequent observed event in Arraignment Parts in Criminal Court is the judge asking the defendant's counsel what happened to an open arrest shown on the NYSIIS criminal history record. Invariably the response is "I believe (or the defendant informs me that) it was dismissed, your honor." Without complete information, the judge has little choice but to give the defendant the benefit of the doubt.

Possible Replacement of the Present JC 500 System. A fundamental question is whether the present JC 500 system should be retained at all.

This question was considered by an experienced EDC analyst who documented procedures in depth for the Clerk's Office serving the Criminal Parts in the Supreme Court in New York County. His documentation included the studies of the Statistical unit and a detailed review of the Judicial Conference Instruction Manual referred to above, and subsequent conferences and review of the Judicial

Conference level. In addition, the EDC forms analyst (a senior man from another company) was asked to make an independent evaluation.

Based on work done to date, both EDC analysts were in agreement that the present JC 500 system may not now serve any of the purposes for which it was designed. Nor is the present system now working for improving the administration of criminal justice to the extent originally anticipated.

The inability of the JC 500 disposition reporting system to provide timely, complete, and accurate arrest charge-related dispositions has been discussed above at pp. 3 - 12. At present this is the primary purpose and priority of the system and, despite heroic efforts, it is not being achieved.

The second stated use of the JC 500 system is:

"to provide the Judicial Conference with statistical data which can be used to improve the administration of the criminal court system." (Instruction Manual, p.2.)

The JC 500 system of collecting statistical data fails at this time as an administrative or management information system for the following reasons:

- a. Statistical data, to be useful or meaningful to management, must be current and available daily or at least weekly. The JC 500 system, as it is designed, cannot collect data that is reasonably current. Even if simplified as proposed, the system loses too much time in the various steps required to get statistical data on case handling. By the time the case file is complete and the JC 500 form is sent to the Judicial Conference, relevant information may already be weeks or even months old. Requiring separate JC 500 reports at the various stages of the case, on the other hand, would be even more burdensome and costly with little offsetting benefit.
- b. The backlogging of JC 500 reports at every stage of the process causes additional aging of statistical data that is already too stale for management purposes.
- c. The JC 500 statistical data collected on a charge by charge basis is too voluminous to be useful to management. Simplified statistics with particular indicators, which can be kept manageable and current, are needed by court management to monitor and improve the administration and operation of courts handling criminal cases. For example, the Comparative Statistical Profile designed by and used in the New York City Criminal Court is a step in this direction.
- d. If the time and money currently being spent on the JC 500 system at the operating levels of the courts in New York City are indicative of what the system is costing, total cost appears very excessive for a statistical system for use by management.

5. Even if the system were timely and economical, the advantages to the Judicial Conference of having detailed data on every charge of every fingerprintable case are not clear, unless this level of administration is contemplating a central control over every such charge throughout the state.

Another use for the information collected under the JC 500 system is stated: "to compile data for in-depth research purposes." (Instruction Manual, p.3). Already for these purposes, the JC 500 system calls for extensive information not necessary to NYSIIS requirements and for an interim accounting of various actions on a charge by charge basis, including charges not before the court in the final disposition. Statistical "spinoffs" from an electronic data processing system are cited by planners as justification for research value evaluated against the costs of maintaining the system to the Judicial Conference and the courts. Such a statistical capability as a resource for in-depth research is questionable. In-depth research would be better and more economically conducted as separate projects with particular purposes, performed over limited periods of time. (Even the NYSIIS electronic data bank could be a resource for certain data required in research.) Expenses of conducting each such statistical research project should be chargeable to that project.

The last stated purpose of the JC 500 system is:

"4. To provide the New York State Department of Correction with data on the disposition of arrests."
(Instruction Manual, p.3.)

As discussed below (pp. 28-31), such information is separately prepared at the operating court levels and transmitted to the New York State Department of Correctional Services on Forms 5103, 5104, 5105. At present, we are not aware of any use made of the JC 500 data by the Department of Correctional Services, nor of any offer to that agency of such data by the Judicial Conference.

In sum, none of the "court" purposes of the JC 500 system are currently being served. From the standpoint of a management information system, improving administration, and in-house research, the present JC 500 system is of little help. We have doubts as to whether an individual defendant charge-by-charge disposition reporting system will ever meet the management information or research needs of a statewide court system on an economical, efficient and timely basis. Even when viewed as a charge related disposition information system for updating individual criminal records, serious problems remain and lack of confidence in the accuracy of NYSIIS records is growing.

I. Recommendation: Phase out the State Administrator's operational role in disposition reporting data flow. Develop a case (as opposed to charge) disposition reporting system from operating courts to NYSIIS. We recommend that immediate consideration

be given to eventual termination of the role of the Judicial Conference (State Administrator's Office) in operating the JC 500 system because it is cumbersome and costly and because the Judicial Conference's role in the system is operational and not administrative.

It is the viewpoint of the EDC analysts that the Judicial Conference has placed itself in the middle of a daily data processing flow between the clerical offices of the courts, over which it has limited operating control, and NYSIIS, over which it has no control at all. In this position, the Judicial Conference is performing operational, and not administrative, functions in an area of many constraints.

Responsibility for disposition reporting is also fragmented. The Judicial Conference may be criticized rightly and wrongly for the status of the NYSIIS "rap" sheet. If backlogs are cleared, EDC analysts foresee a smoother, but never entirely acceptable, operation for several reasons:

1. JC 500 work is not an integral part of the court system such as the JC 153 form Report on Criminal Term Proceedings. Completion of JC 500 forms is low priority. Clerks assigned to this work are taken off whenever they are needed on more pressing court work. But the Judicial Conference, because of its direct involvement, can be cited as being responsible for delays or other problems. It does not have the capability to send its own units down to the courts to do JC 500 work.

2. The operational functions being performed at the State Administrator's Office level in sponsoring a system centering around the JC 500 "turnaround" document are misplaced. This office is normally concerned with higher level administrative - not operational - functions in a statewide court system. Attempting to perform operating level functions in a relatively small "top level" administrative office has led to poor relations with court personnel upon which successful performance depends. Both levels freely blame each other for JC 500 system problems, both accuse each other of not understanding the other's problem, and both feel that the other must "change their ways."

3. Even if the problems resulting from functional misplacement can be alleviated, the JC 500 system remains entirely dependent upon an outside entity. NYSIIS may make changes in its electronic data processing that affect the Judicial Conference's JC 500 reporting system. Recently, for example, NYSIIS changed from a 9 to a 14 character code to designate the crime and wants the Judicial Conference to do the same. As of January, 1973 the Judicial Conference was staying with a 9 character

code, but a few more changes may compel the Judicial Conference to adjust to the NYSIIS system.

Collecting disposition data for NYSIIS or other agencies should ultimately be the direct responsibility of NYSIIS itself or of the District Attorney's Office or operating courts under uniform standards for a simplified reporting system. Ideally, from the standpoint of consolidating responsibility, NYSIIS itself should collect its own data by assigning staff units on a periodic or permanent basis (depending upon disposition volume) to operating courts to examine and record relevant information from completed case papers.

Alternatively, if an arrest charge-related disposition reporting system is continued, in New York City the District Attorney's office may be in the best position to trace the evolution of charges and their disposition, and, therefore, to complete JC 500 reports and furnish copies to NYSIIS. If, however, operating levels of the courts must provide whatever disposition information is agreed upon as necessary, this should be done directly to NYSIIS and other interested agencies.

A multi-part disposition reporting form or unit record with appropriate identifying information (initial copy, to be furnished to NYSIIS upon arrest) attached to the courts or D.A.'s case papers could be completed, detached and sent immediately to each interested agency. The place of "final disposition" (using an agreed upon definition) would trigger completion of such form or copy.

Adopting a more simplified disposition reporting system should include serious consideration to reporting all disposition information (including issuance of a bench warrant or determination of unfitness to stand trial, etc.) after the defendant's case is "disposed" of (including sentence, if any). Conversion of a case papers file from active to closed can trigger disposition reporting especially if a copy of the disposition report form is attached to the case papers.

We further recommend consideration, in multi-charge cases, of substituting case-related disposition reporting in place of present attempts to relate each recorded disposition back to each arrest charge. (If the disposition reporting form is not completed until a multi-charge case is closed, case-related disposition reporting should not create difficulties in determining whether any charges remain open.) Items 11 through 17 on the present JC 500 form might also be deleted absent any showing that the information required therein is effectively utilized.

In reassessing present individual criminal history reporting, we would urge parties having responsibility in designing and operating this system to consult more regularly with the people who must rely on it. Judges, correctional officers, police and other interested parties should be asked not only what information they need but why they need it and how and when they use it.

In this connection, the Judicial Conference can continue to perform a vital function by exercising supervisory and administrative responsibilities concerning court disposition reporting by systems implementation and improvement, instruction manuals, periodical audits, review of court-related needs, and better field liaison. (EDC analysts noted that the present liaison with court clerical services was very low key.)

Pending the phasing out of the operational role of the State Administrator's Office in this system (or if this role is to be maintained contrary to the above recommendations), there follow recommendations for immediate action to simplify the JC 500 work flow. These recommendations should ease some of the present burdens the system puts on operating and administrative levels of the court system. For example, implementation of the first two recommendations described below (which should require no systems changes) should eliminate almost one third of the JC 500 reports respecting felony arrest cases which now must be completed in the Criminal Court at the time of transfer to the Supreme Court. It should also eliminate the subsequent preparing of a new set of partially filled out turnaround documents relating to the same defendants' cases which are sent by the Judicial Conference to the Supreme Court for further tracing and matching with case papers to record final dispositions (see appendices i-iii).

Recommendations 3 and 4 below (which would require some systems and programing changes) should eliminate the use of a turnaround document entirely. We believe substantial savings can potentially be achieved through such a simplification of work flow (see appendix iii). In addition, a speed up in the flow of some disposition information would be made possible, because the reporting of criminal Court dispositions, which frequently occur at or shortly after arraignment, would no longer have to await the receipt of the appropriate JC 500 form.

II. Immediate Recommendations: Simplification of JC 500 Workflow

1. The EDC Supreme Court Task Force Phase One Organization Report has already recommended that the Central Records Division and other appropriate clerical operations of the Criminal Court should be given responsibility for the completion of all JC 500 forms. If case filing and docketing were combined in a single system servicing both the Criminal Court and the Supreme Court, Criminal Branch, consolidating responsibility for disposition reporting would be a natural by-product.

2. In any event, we recommend an immediate review of the practice of filling out and returning a JC 500 whenever a felony case leaves the Criminal Court. This practice necessitates the completion of another JC 500 form when the case is finally disposed of by the Grand Jury, the Supreme Court, or after return to the Criminal Court. It should be possible to establish procedures for having a partially filled out JC 500 remain with the court papers when they leave the Criminal Court and until the JC 500 can be completed upon final disposition.

The establishment of a unified management over the Criminal Court and Criminal Branch of the Supreme Court in New York County and the Bronx provides an opportunity to consolidate JC 500 disposition reporting. In addition, the filling out of JC 500 reports can await the outcome of felony cases transferred to the Supreme Court, thereby eliminating the practice of partially completing JC 500 forms in the Criminal Court upon the transfer of such cases.

3. As discussed above (pp.4-9), the present JC 500 system uses as its basic unit a partially completed "turnaround" document (the JC 500 itself). The Conference determines when the "turnaround" document is delivered to the courts and must be filled out. We recommend eliminating the use of this "turnaround" feature.

This procedure is grounded upon lack of faith in the ability of the court to fill out a JC 500 form when the case is completed. The use of such a procedure necessitates time-consuming tracing of source data (the case papers in the Supreme Court or the Docket Book in the Criminal Court). It also creates a "feast or famine" situation in operating courts which receive fluctuating loads of partially filled out JC 500 forms from the Judicial Conference at varying intervals of time. While the courts await these JC 500 forms, the dispositions that are to be reported on them are already in other court statistics, leaving the JC 500 system with incomplete and unreconcilable totals.

We recommend that standard operating procedures be established for the courts themselves to fill out a JC 500 form (or an appropriate revision thereof) each time a case is completed. The original Docket number (or indictment number as the case may be) and other identifying information, can serve as a check against the same information previously entered on the JC 501 and transmitted to the Judicial Conference immediately when a case is initiated. We include in this recommendation an administrative provision that the number of JC 500s prepared for completed cases be balanced with other statistics issued by the courts on completed cases, so that all statistical reconciliations would be possible.

The Judicial Conference computer can identify cases remaining undisposed of after a specified period of months by screening for docket numbers or indictment numbers, etc. received on JC 501s which remain unmatched by completed JC 500s.

The Conference can periodically send lists of unmatched dockets or indictment numbers, etc. so that relevant disposition information can be obtained or the status of the case determined. If the specified period a case can remain open without initiating a status inquiry as to disposition is six months or more, we believe that lists of unmatched numbers would be limited and the burden of tracing source data greatly reduced. (A separate EDC report recommends the advantage of a single numbering system for both Criminal and Supreme Court cases.)

4. If the combined fingerprint card and form JC 501 were redesigned and carbonized, it should be possible to produce a form JC 500 as a carbon copy which could be attached to the court papers until completion of the case. The JC 500 copy could then be detached for filling out and return of the JC 500 to the Judicial Conference. This reduces the likelihood of error by operating courts (cited by Judicial Conference planners as an objection to eliminating use of a turnaround document). It also should eliminate the need to locate and associate a partially filled out JC 500 with the case papers to which it is related.

After circulating a draft report containing this recommendation, EDC analysts learned that Mr. Simeon Gordon of the Management Planning Unit of the Judicial Conference, prepared out of his own efforts a similar recommendation. To quote from his Memorandum dated December 26, 1972*:

"The proposal would require the design of a new multipart form, a portion of which will be sent to NYSIIS as the arrest and fingerprint record and another portion of which will be sent to the J.C. as the disposition report. All portions of the form will contain a preprinted self-checking number that will allow correlating all information about a defendant."

Portions of the form would be retained with the case papers and follow the defendant from arrest to disposition:

"As the charges change or are dismissed, etc., notations will be made in a well defined format on the remaining portion of the form.---- Periodically the J.C. would query the courts with respect to cases which disposition reports were not received."

The attached illustrative flow charts (Appendices i, ii and iii), attempt to show the presumed flow of Judicial Conference Reports JC 501 and JC 500 (in felony cases only) under the present system and the recommended simplified system. An additional illustrative flow sheet depicts possible savings if the current system is simplified as proposed.

*Source: Memorandum dated December 26, 1972 to Larry Marcus, Dan Englander, Richard Coyne (EDC) from Simeon E. Gordon, Subject: "User Originated Disposition Report under the JC 500 Program."

5. When cases are transferred to (or from) the Family Court, the Judicial Conference instruction Manual (pp.40-42) calls for completion and return of a JC 500 form at the time of transfer. A subsequent JC 500 form is sent by the Conference to the Family Court receiving the transferred case ". . .where it should be held in the case folder until the court takes some action in the case."

Again, we recommend that completion of any JC 500 Criminal Disposition Report normally be deferred until final disposition of the case. Until such time the JC 500 form can be held in the appropriate case folder. This eliminates the need for tracing case papers and for filling out and returning more than one JC 500 form for each case.

There may be other times when transfers to or from one court to another cause unnecessary duplication in filling out JC 500 Reports. Our recommendation here should be applied where feasible to such situations.

6. Sometimes the present system makes no allowance for getting correct disposition information. For example, if a disposed of case is reversed or a new trial ordered on appeal or through a successful collateral attack, we would find no procedure for sending corrected disposition information to the Judicial Conference on a new JC 500 or otherwise. We recommend establishment of procedures to deal with such exceptional cases especially because of the importance to the individual involved of having an accurate criminal history record.

Comments on EDC Recommendations.

Comment: The JC 500 reporting system is a closed loop system with unique identifying information continually under machine control using check digit techniques thereby virtually eliminating the possibility of mismatched disposition information when it is subsequently combined with arrest information.

EDC Rspnse: If a system similar to the JC 500 reporting system were in the commercial environment, we would not describe it as a "closed loop" system. The JC 500 form, after it is returned to the Judicial Conference, has to be reviewed manually and input manually into the electronic data processing system by keypunch operators. If the JC 500 form were so designed and produced that it could be read by optical scanners to produce the input into the system, and if the Judicial Conference, having such capability, were processing the JC 500 forms in this manner, the EDC analysts would call the JC 500 reporting system a closed loop system.

EDC's Immediate Recommendations for simplifying the system do not eliminate any of the "unique identifying information continued under machine control using check digit techniques." In layman's terms, the JC 500 electronic data processing system combines certain data to produce a machine number. This number is under machine control only to the extent: (1) that the machine creates the number and (2) that the data used to establish the number on which all other input data must match, comes from outside the Judicial Conference, i.e., the arrest data forwarded electronically by NYSIIS. Exactly what data are used for this match number is not known to the EDC analysts, but it is believed to include the NYSIIS number, age, sex, court code and date of arrest. With Immediate Recommendation 3, the opportunity for error may be greater because this matching data would be manually entered on the JC 500 form. Under Immediate Recommendation 4, which we prefer, this data would simply be a "carbon copy" of the original data in the redesign of the fingerprint card - JC 501 form to provide a copy as the JC 500 form.

In any event, errors from manually written entries should not cause "mismatched" disposition information, i.e., the disposition of case recorded to the wrong defendant. Such a potential, even as a calculated risk in a record of this importance, can be avoided by sophisticated electronic data processing techniques such as those already used by the planners of the JC 500 system. Because of these techniques, just one error such as wrong age or sex or one wrong digit in the NYSIIS number will only result in a "no match," which is quite different from a "mismatch."

Comment: The JC 500 reporting system may be triggered by the legally required action of an arrest record being filed with NYSIIS by the appropriate arresting agency, thereby insuring that a disposition report is initiated for each arrest.

EDC Response: Upon receiving an arrest record, NYSIIS introduces the arrest information into its electronic data processing system and promptly transmits this information

to the Judicial Conference. The Judicial Conference merges this information and the information from the JC 501 form that the court sent in. The electronic data processing system will fill out a JC 500 form for each arrested person reported by NYSIIS unless a JC 501, if received, indicates the person was not arraigned. The Judicial Conference then sends the JC 500 form to the clerk's office for the court on record.

The Immediate Recommendations for simplifying the JC 500 system eliminate only the requirement for the Judicial Conference to prepare a JC 500 form and send it on to the clerk's office for the court on record. The Judicial Conference could continue to store the arrest data from NYSIIS and the arraigned or not arraigned data from the JC 501 form. The insurance that a disposition report is completed for each arrest on record in its stored data would come into operation later when dunning the courts regarding pending cases that have been open beyond a stated period such as six months or more.

Comment: Based on past experience in trying to match the previous version of the JC 501 Report of Docket form with arrest records sent to us by NYSIIS, despite best efforts it was possible to successfully match only 75% to 80% of reports based on manually recorded matching information. Such an unmatched ratio of this magnitude would place an untenable burden on available resources in the way of exception processing and related follow-up procedures that would be required.

EDC Response: Experiences with data processing in the commercial area makes the EDC analysts unaware of any situation where the reason for only a 75% to 80% match was the fact that the matching information had been manually recorded. Upon in depth studies, such situations were found to be due to many reasons. The most important would not be manual recording.

For example, the EDC analysts have been told that the NYSIIS number, when used as an identifying number in any situation, has been a cause for errors. The number has many digits, and by its configuration, does into relate to any other data. For a time in the past, the "B" number (the NYC number) would be entered on a form in the block intended for the NYSIIS number. (Eventually this was straightened out.)

There have also been problems with the date of a night arrest. The fingerprint card, from which NYSIIS gets its arrest information, would show one date and the complaint papers, a different date. The misunderstanding has been corrected. The arrested person might also give

one name in the police stationhouse and a different name in the Complaint Room. As a result, the NYSIIS arrest information and the old version of the JC 501, (Report of Docket form) would differ as to name.

In fact, a "joint-development between NYSIIS and the Judicial Conference of a new two part fingerprint card*" has solved the matching problem. The upper part is the fingerprint card and the lower part replaces the old JC 501 Report of Docket form. One of the advantages of this combined form is the control number that is preprinted on both parts. This control number is used in the matching operations of the electronic data processing and apparently has produced a higher match ratio. The fact that the lower part, having been filled in and detached at time of arrest, is now with the case in the Complaint Room ready to be completed when action on the case is decided, has reduced the number of JC 501s that never reached the Judicial Conference.

The relation of EDC's present Immediate Recommendations to the measures taken already jointly by NYSIIS and the Judicial Conference to improve the match ratio should be noted: Redesigned fingerprint card and JC 501 form to provide a combination form versus EDC's proposal to redesign the fingerprint card - JC 501 form to provide (through carbonization) a JC 500 copy. The JC 501 with the case papers ready to report action as opposed to EDC's proposed JC 500 carbon copy remaining with the case papers until it is possible to report court action immediately. It is our opinion that the simplification and other improvements already realized by combining the fingerprint card and JC 501 form make clear the additional opportunities for further extension of this concept to simplify the JC 500 system.

The EDC analysts thus believe that the implementation of EDC's Immediate Recommendations will produce a match ratio that is no worse than what is now being experienced by the Judicial Conference with the new two part fingerprint card. Although the new match ratio for the fingerprint card entry and the JC 501 entry is unknown to the EDC analysts, it was good enough to extend the system state-wide*

It should also be noted that although the Judicial Conference allows 60 days for the JC 501 form to come in, its electronic data processing system is programmed to produce a JC 500 form without the JC 501 form. The JC 501 form reports the defendant as either being arraigned or not arraigned. A JC 500 form issued without a JC 501 form could be for a defendant who was not arraigned and, thus, not recorded in the court's Index Book or Docket Book. The clerk's office, when it receives such a JC 500, has no way to identify the defendant or the case.

*Memorandum dated 12/13/72 to Thomas F. McCoy from Larry Marcus, subject: "Douglas Dodge's Memorandum of December 5.

The EDC analyst have seen in the clerk's office piles of JC 500 forms that could not be identified. Examination of these JC 500s has revealed other discrepancies, presumably made in the Judicial Conference's data processing, such as name does not agree with court record or there is no such docket number.

In sum, the Judicial Conference's closed loop system is, by design, unloading its unmatched work and data input errors in the court's clerical offices. The EDC analysts have also been advised by the Judicial Conference that it intends to send out another JC 500 form for each unmatched arrest record, the effect of which is to load the clerk's office with a second JC 500 form for those already in the unidentified piles.

The EDC analysts feel that the magnitude of the present discrepancy situation is buried in the system and find the lack of a management system administering and controlling unmatched work, an omission in the JC 500 systems planning.

The EDC analysts would suggest a formal system for reporting unmatched JC 500 disposition entries to the clerk's office, organized along these lines:

- a. Unmatched disposition entries would be listed on a preprinted form so spaced to provide (1) for the description of the discrepancy, which would be entered by the computer and (2) for the correction which is to be entered by the clerk's office for the courts. Instructions on the form would require the corrections to be made in the format that keypunch operators can follow to reinput the entry.
- b. A date would be indicated for completion of the corrections and the return of the form.
- c. Summary totals for each office by type of error plus previous months' totals by type of error for comparison and indication of improvement.
- d. Frequency of report, i.e., weekly, semi-weekly, monthly, would depend upon the volume. The criterion would be to keep the number of pages in the Error Report low so that the office having to check out the entries would regard it as a reasonable task.

Comment: There would be no reliable way in which a disposition charge could be related back to the appropriate charge at arrest.

EDC Response: In conversations with Judicial Conference people, this point was made repeatedly to the EDC analysts.

In examining the reports and memorandum turned over to us by the Judicial Conference, we find that this capability to relate back to the appropriate charge at arrest was established as a requirement. But we examined NYSIIS "Rap" sheets made available to us, and found several arrest charges that were still open although the case had been completed.

The Immediate Recommendations by EDC should not change in any way the present abilities of the system to relate back dispositions to charges. The real problem under present or proposed procedures is that any relationships between the arrest charges and the charges in the Complaint form or in the Grand Jury indictment may be incidental. The defendant is not tried on arrest charges. The police decide upon the arrest charges, the Assistant District Attorney in the Complaint Room interprets the arrest in his own legal way and decides upon the charges to be recorded on the Complaint form. The Grand Jury, upon the Assistant District Attorney's presentation of the case, decides upon the charges in its indictment. The Criminal Court acts upon the Assistant District Attorney's Complaint form; the Supreme Court-Criminal Term acts upon the charges in the Grand Jury indictment only, regardless of whether they are the same or different from what is in the Complaint form. The arrest charges are not so presented either before the Criminal Court or the Supreme Court; only the charges coming through the District Attorney's office are presented. The fact that the charges are often the same is only incidental.

The EDC analysts observed the efforts of the clerks in the Chief Clerk's Office, Supreme Court-Criminal Term to determine from the case papers what happened to the charges shown on the JC 500. These charges would be arrest charges and Complaint form charges that the Criminal Court Clerk left open. Many of the checkmarks entered on the JC 500 by the Supreme Court clerks for these charges were assumptions. There would be no way to tell from the case papers what happened.

Judicial Conference representatives indicate that the quality of this reporting system depends upon the performance of the court's personnel and their records. If the quality is poor, they feel the courts should upgrade their reporting capability. The EDC analysts feel that the Judicial Conference is imposing a requirement upon court personnel that is outside of record keeping and court procedures. The thoughts and reasoning of the District Attorney's Office and the Grand Jury are not of record, only their conclusions.

The requirement of the JC 500 reporting system to relate the disposition chargeback to the appropriate charge at arrest is outside the facts as to what happens in the court's processing system. The EDC analysts have been unsuccessful in establishing any meaningful reason or need for the arrest charge to disposition accountability. If there is such need, the District Attorney's offices are in a better position to provide such accountability.

Comment: The suggestion that the courts be dunned periodically for dispositions on open cases by way of docket number listing seems appealing at first blush but - without the facilities of a turn-around document to track a specific case through the system, I question how the appropriate court to which the notice should be sent would be determined.

EDC Response: This comment indicates, apparently, that the present JC 500 reporting system does not include a "dunning" program. It is known to the EDC analysts that there are JC 500 forms in the Chief Clerk's Office, Supreme Court-Criminal Term being retained there awaiting the completion of the cases. The Judicial Conference had not sent to that office a dunning list regarding these forms during the period the EDC analysts were conducting their studies in that office. The EDC analysts were aware of the numerous cases in the files about which a dunning system could have inquired as to their status. To have had a dunning report to reveal the number of cases pending, say 6 months or more, would be meaningful information to the administration. The EDC analysts consider the lack of such a system in the JC 500 reporting system to be an omission in terms of providing the state administrator with useful data.

EDC's Immediate Recommendations recommend that a listing of unmatched numbers be sent to the court initially reported to have the case. The clerk's office of this court would determine the status of the defendant from its record and would indicate this on the dunning list. If its record indicates that the defendant's case has been transferred to another court, the name of the court could be entered on the dunning list. (Combining administration of Criminal Court and Supreme Court reporting systems in the same County would normally permit immediate search in the transferee court's records for the case papers.)

One of the purposes of the dunning list is to disclose the cases that have been completed, but are still carried as open cases in the records of the Judicial Conference. For such cases, the clerk's office prepares a JC 500 form whenever it is apparent that there was sufficient time prior to the cut-off date of the dunning list for a JC 500 form to have been received by the Judicial Conference. For all other completed cases on the dunning list, it is assumed that the JC 500 form is either in transit or was not completed prior to the cut-off time.

The dunning list and missing JC 500 forms for completed cases would be returned to the Judicial Conference by the date indicated. Failure of any office to do this by the deadline would call for administrative action. The Judicial Conference would process the JC 500 forms and put through "change in court" entries for the cases so noted on the dunning list. These cases, if still open, could be included

on the next dunning lists to those courts.

If the dunning lists are reasonable in length, the offices will process these lists by the date required for their return. For this reason, the introduction of a dunning list system should start with just showing old cases, such as 9 months or more. Then, as the age of the case backlog reduces, the dunning period would be reduced until the dunning is for 6 months or more. It is not essential to issue dunning lists monthly; they can be produced every other month or every third month. The EDC analysts do not foresee any volume problems with this approach if all parties cooperate.

Other Statistics for the Judicial Conference
and the NYS Department of Correctional Services

Background. The Statistical Section of the Supreme Court, New York County, Clerk's Office is responsible for the following statistical reports required by the Judicial Conference and by the NYS Department of Correctional Services.

Judicial Conference: Form JC 153, Report of Criminal Term Proceedings. (One report for each part).

NYS Department of Correctional Services:

Form 5103, Return C-District Attorney's Report on Grand Jury.

(By agreement, the Statistical Section is preparing this report, even though it is required of the District Attorney).

Form 5104, Return D-Outcome of Procedures in Supreme and County Court.

Form 5105, Return E-Report of Sentences in Criminal Cases.

These reports pertain basically to the same information, i.e., the number of defendants involved in each type of Grand Jury action and the number of defendants whose cases were disposed of during the period. But the requirements for accounting for these defendants on these reports are so different that two distinct systems are in effect.

The Judicial Conference statistics are furnished by the court clerks for each part. The court actions are posted to the JC 153 form daily. At the end of the Term, all of the JC 153 forms, one from each part, are sent to the Judicial Conference, presumably to be summarized and analyzed.

The statistics for the NYS Department of Correctional Services are developed by the court clerks in the Statistical Section from the case jackets and Grand Jury informations (not in case jackets). These are routed to the Statistical Section after the Docket Section has completed its processing. The case jackets are routed to the Statistical Section again after sentencing or other final disposition takes place.

The EDC Phase One Organization Report contained a detailed description of the statistical reporting required under the JC 153 and forms 5103, 5104 and 5105 for the NYS Department of Correctional

Services. (See Report, appendix viii, pp.75-79). The analysis which follows expands on the observations previously made in the EDC Phase One Report.

Analysis. The differences in the statistical requirements for the JC 153 and the NYS Department of Correctional Services forms and the factors that contribute to these differences are as follows:

1. The JC 153 statistics are for the court term; whereas the NYS Department of Correctional Services statistics are for the calendar month.
2. The number of indictments shown in the JC 153 statistics is the number of defendants on the indictments filed in Part 30; whereas, this number for the NYS Department of Correctional Services reports is the count of defendants on the case jackets for indictments that are routed to the court clerk-Statistical Section during the month. Case jackets are released to the Statistical Section after the Docket Section has matched the complaint papers and the indictments. In some situations, this may not take place until after the statistical work for the month has closed.
3. The JC 153 statistics require data on the number of defendants indicted and the number of defendants against whom the complaints were dismissed, but not the number of defendants whose cases were referred to the lower court. The statistics for the NYS Department of Correctional Services include all of these Grand Jury actions.
4. Dispositions reported on the JC 153 form are the number of defendants whose cases have been disposed of on that day; whereas, the instructions for NYS Department of Correctional Services reports require that the number of defendants convicted or adjudicated youthful offender is not to be reported until sentenced. Since a probation report is required for sentencing, it can be as much as a month after the disposition of the case before the probation report is received and the sentence rendered. The reporting of a disposition and sentence to the Department is further delayed by the time it takes the Docket Section to complete its posting and to release the case jacket to the Statistical Section.
5. The JC 153 does not include in its count of dispositions defendants for whom bench warrants have been issued; whereas, the reports for the NYS Department for Correctional Services do.
6. The JC 153 only distinguishes between felony and misdemeanor in its statistics. The NYS Department of Correctional Services reports require statistics be provided by 54 classes of offense, 8 classes of disposition and 9 classes of sentence.

As previously pointed out in EDC's Phase One Report, providing such a breakdown of statistics for the NYS Department of Correctional Services is complicated and time consuming. In addition, the use to

which such information is put is unclear. As stated in the Program Audit dated March 17, 1972 of the Legislative Commission On Expenditure Review referred to previously: "The statistics are not available in published form from the Department, but it does classify, compile and file all data received and furnishes them to interested agencies upon request. Although Sections 615-619 of Correction Law require that the Department prepare such reports of criminal statistics for the legislature, this has not been done for a number of years for economy reasons and because of other priorities." The Program Audit also points out that these tabulations are not compatible with the Uniform Crime Reporting Program being developed by the Department of Justice and the Federal Bureau of Investigation.

An electronic system for this work may develop the statistical requirements for both the Judicial Conference and the NYS Department of Correctional Services out of one output of data, but some of the above mentioned differences will continue as long as there is a difference in period, i.e., calendar month vs. term; in the breakdown of Grand Jury actions, and in what and when dispositions are to be reported.

The District Attorney's office also produces daily statistics that do not always agree with the statistics that are being posted daily on the JC 153 forms for the Judicial Conference by the court clerks. These variances in the daily entries are being eliminated by the Chief Clerk through daily reconciliations with the District Attorney's figures and through supervisory measures with those court clerks who are erring in their statistical reporting.

Recommendations. The Judicial Conference and the NYS Department of Correctional Services should be required to agree upon one set of statistical requirements, one format, and one system. We believe that the preferred system would provide disposition information required by both NYSIIS for updating individual criminal records and by the Department of Correctional Services.

Short of designing such a system, the following modifications to existing requirements might be implemented:

1. Form JC 153 should be improved by design and format to provide for balancing with a control total and for crossfooting and balancing with total column. A very basic control total would be the number of defendants on the day's calendar. Every day, the entries to the JC 153 form for the day's court actions would be added and the total reconciled with the number of defendants on the calendar.

The total for the month for each line that is shown in the total column would be added and compared with the total of all columns.

To accomplish this, the form JC 153 would be revised to provide a line for the number of defendants whose cases were adjourned or taken off calendar, so that the number of defendants in court actions that did not result in dispositions can be recorded. A total line

would be incorporated in the form design to provide for columnar totals and for a crossfooting of the columnar totals to be balanced with the total of the total column.

2. The statistical classification of each court action should be recorded on the calendar, and each day, this classification should be independently verified and correlated with the entry on the JC 153 form. At least 18 court clerks are now posting statistical entries of court actions. The accuracy of their work varies. Verification is needed to maintain quality.

3. Eventually, when on electronics, statistics might be developed for all from one statistical input. But reliance on one statistical classification should and can be initiated before going over to a computer system.

4. A physical inventory of all open cases, including those being held in parts and chambers should be taken monthly by part and according to status. The inventory count for these open cases should be reconciled with the Docket Book and the index card to provide a new pending cases statistic.

EDC Supreme Court Task Force
May, 1973

CRIMINAL DISPOSITION REPORT

(Reduced - Original size 9-3/8" x 14")

J.C.	NYSIS NO.	NAME	AGE	SEX	COURT CODE	19	COURT	DOCKET OR INDICEMENT NO.	20-26
DATE OF ARREST	ARRESTING AGENCY	DATE LAST ACTION	[7] SENTENCE						
CHARGE	27-34	CUSTODY TIME	36-43	FINE - AMOUNT	44-50	DISCHARGED	51	PROBATION TIME	52-59
CHARGE 2	27-34								
CHARGE 3	27-34								
CHARGE 4	27-34								
1	2	3	60-61] ARRAIGNMENT & HEARING <input type="checkbox"/> (1A) DISMISSED <input type="checkbox"/> (1B) CHARGE WITHDRAWN <input type="checkbox"/> (1C) HELD FOR GRAND JURY ACTION <input type="checkbox"/> (1D) HELD FOR TRIAL - THIS COURT <input type="checkbox"/> (1E) NOT ARRAIGNED ON THIS CHARGE <input type="checkbox"/> (2A) DISMISSED (NO BILL) CASE/INDICEMENT NUMBER [71-79] <input type="checkbox"/> (2B) INDICED <input type="checkbox"/> (2C) INDICTED FOR OTHER OFFENSE(S) <input type="checkbox"/> (2D) CHARGE NOT CONSIDERED <input type="checkbox"/> (3A) GUILTY <input type="checkbox"/> (3B) NOT GUILTY <input type="checkbox"/> (3C) GUILTY TO OTHER OFFENSE(S) <input type="checkbox"/> (4A) ACQUITTAL (AFTER TRIAL) <input type="checkbox"/> (4B) ACQUITTAL DIRECTED BY COURT - JURY TRIAL <input type="checkbox"/> (4C) CONVICTED (AFTER TRIAL) <input type="checkbox"/> (4D) CONVICTED OF OTHER OFFENSE(S) <input type="checkbox"/> (4E) MISTRIAL (Specify Type) <input type="checkbox"/> (4F) WAYWARD MINOR <input type="checkbox"/> (4G) YOUTHFUL OFFENDER <input type="checkbox"/> (4H) INSANE <input type="checkbox"/> (4I) MENTAL DEFECTIVE <input type="checkbox"/> (4J) D. O. R. (DISCHARGED ON OWN RECOGNIZANCE) <input type="checkbox"/> (4K) CASE DISPOSED OF IN FAMILY COURT <input type="checkbox"/> (4M) DISMISSED AFTER ARRAIGNMENT AND/OR HEARING <input type="checkbox"/> (4N) CONSOLIDATED WITH <input type="checkbox"/> (4O) ABATED BY DEATH OF DEFENDANT (Specify Docket Or Indictment No.) <input type="checkbox"/> (4P) BENCH WARRANT ISSUED <input type="checkbox"/> (4Q) CIVILY CERTIFIED TO NARCOTICS ADDICTION CONTROL COMMISSION <input type="checkbox"/> (4R) WAIVED TO ANOTHER JURISDICTION (OUTSIDE N. Y. S. UNIFIED COURT SYSTEM) <input type="checkbox"/> (4X) OTHER (Specify) <input type="checkbox"/> (5A) CHARGE PENDING <input type="checkbox"/> (5B) OTHER CHARGES PENDING <input type="checkbox"/> (6A) CRIMINAL COURT (NYC) <input type="checkbox"/> (6B) COUNTY COURT <input type="checkbox"/> (6C) SUPREME COURT <input type="checkbox"/> (6D) FAMILY COURT <input type="checkbox"/> (6E) OTHER (Specify) <input type="checkbox"/> (6F) CHANGE (Specify County and Court)						
			<input type="checkbox"/> (8) DATE SENTENCED MONTH DAY YR 19 20-21 22-23		<input type="checkbox"/> (9) NAME OF INSTITUTION OR HOSPITAL COMMITTED TO				
			<input type="checkbox"/> (10) SENTENCES TO RUN CONSECUTIVELY		<input type="checkbox"/> (11) TRIAL (Check One) <input type="checkbox"/> JUDGE ONLY <input type="checkbox"/> JUDGE AND JURY <input type="checkbox"/> PANEL OF JUDGES				
			<input type="checkbox"/> (12) LENGTH OF TRIAL (Number of Trial Days)		<input type="checkbox"/> (13) DATE OF REPORTED ACTION (FOR ITEMS 1A-6F) MONTH DAY YR 32 33-34 35-36				
			<input type="checkbox"/> (14) JUDGE(S) (Print First Initial, Full Last Name)		<input type="checkbox"/> (15) COUNSEL (Check Appropriate Box(es)) <input type="checkbox"/> RETAINED <input type="checkbox"/> ASSIGNED <input type="checkbox"/> LEGAL AID <input type="checkbox"/> PUBLIC DEFENDER <input type="checkbox"/> NO COUNSEL				
			<input type="checkbox"/> (16) BAIL (Complete Appropriate Item(s)) <input type="checkbox"/> NOT SET <input type="checkbox"/> FORFEITED <input type="checkbox"/> SURRENDERED <input type="checkbox"/> PAROLED <input type="checkbox"/> AMOUNT SET		<input type="checkbox"/> (17) DEFENDANT (Check One) <input type="checkbox"/> RELEASED <input type="checkbox"/> IN CUSTODY				
			<input type="checkbox"/> (18) REMARKS (Specify)		<input type="checkbox"/> (19) PREPARED BY DATE PREPARED				

Date 11-27-72 0000 AN ACTUAL NYSIIS "RAP" SHEET Illustration 2- Names and identifying numbers deleted

NYSIIS No. 00000000 Inquiry Name Doe, John Skin Light Tone White Sex Male Hgt. 5'6" FBI No. 00000 As Doe, John App. Birth 10-26-52 Soc. No. 00000000 Sec. No. 00000000

Confidential to: Criminal Court New York Prt 1A 100 Centre St. New York, N.Y. 10013 Fax 000000

Summary of NYS Criminal History Information

Date	Charges	Disposition
1 01-03-70	PL E FEL Grand Larceny-3rd	
2 11-01-70	PL A MISD Criminal Trespass 2nd PL A MISD Possession Stolen Property-3rd	11-20-70 6 MOS 11-20-70 6 MOS
3 07-27-71	PL B MISD Loitering Unlaw Use/Pos drugs PL A MISD Possession Hypodermic instrumt. PL A MISD Possession Dangerous drug-6th	
4 12-04-71	PL A MISD Possession Stolen Property-3rd PL A MISD Petit Larceny	12-08-71 90 days 12-08-71 See Other Dispd
5 07-12-72	PL D FEL Burglary - 3rd PL A MISD Possession Stolen Property-3rd	
6 08-31-72	PL D FEL Burglary - 3rd PL A MISD Possession Dangerous Drug-6th	
7 11-20-72	PL A MISD Petit Larceny PL A MISD Possession Stolen Property-3rd	

Although not shown, two of the arrests were dismissed

Although not shown, defendant's parole revoked and bench warrant issued

Criminal History

1 Arrest John Doe Agency ID 0000000
 Crime Date/Place 01-03-70 New York County New York
 Arrest Date/Place 01-03-70 New York County New York
 Agency NY City Police Dept. Pct 014 New York NY 10001
 Arrest Charges
 PL 155.30-00 Class E FEL Grand Larceny-3rd

2 Arrest John Doe Agency ID 0000000
 Crime Date/Place 11-01-70 Bronx County New York
 Arrest Date/Place 11-01-70 Bronx County New York
 Agency NY City Police Dept. Pct 040 Bronx NY 10454
 Assoc John Doe
 Arrest Charges
 PL 165.40-00 Class A MISD Possession Stolen Property-3rd

Date 11-27-72 0000 AN ACTUAL NYSIIS "RAP" SHEET Illustration 3
Names and identifying numbers deleted Continued

NYSIIS No. 00000000
Inquiry Skin Light
Name Doe, John Tone Sex Male Hgt. 5'6" FBI
Known Rac. White Soc. No. 00000
As Doe, John App. Birth 10-26-52 Sec. No. 00000000

Criminal History

The disposition of this arrest charge is not indicated

PL 140.20-00 Class D FEL Burglary - 3rd
Disposition: 11-20-70 Docket No. 0000000

Criminal Court Bronx New York
Charge: PL 140.15-00 Class A MISD Criminal Trespass 2nd
Action: 11-20-70 Conv. Plea of Guilty to Above Lesser Offense
Sentence: 6 MOS

NYC Correctional Inst for Men East Elmhurst, Queens NY
Charge: PL 165.40-00 Class A MISD Possession Stolen Property-3rd
Action: 11-20-70 To Convicted Plea of Guilty
Sentence: 6 MOS

Inst. Admission: 12-01-70 NYC Corr Rcptn and Class Center Inmate ID 0000000
1010 Hazen St. E Elmhurst Queens NY 11370
Sentence Length: 6 MOS
New Court Commitment: Not on Parole

3
Arrest: John Doe Agency ID 0000000
Crime Date/Place 07-27-71 New York County New York
Arrest Date/Place 07-27-71 New York County New York
Agency: NY City Policy Dept. Pct 014 New York NY 10001
Assoc: John Doe
Arrest Charges:
PL 240.36-00 Class B MISD Loitering Unlaw Use/Pds Drugs
PL 220.45-00 Class A MISD Possession Hypodermic Instrumt
PL 220.05-00 Class A MISD Possession Dangerous Drug-6th

4
Arrest: John Doe
Crime Date/Place: 12-04-71 Bronx County New York
Arrest Date/Place: 12-04-71 Bronx County New York
Agency: NY City Policy Dept. Pct 042 Bronx NY 10491
Assoc: John Doe
Arrest Charges:
PL 155.25-00 Class A MISD Petit Larceny
PL 165.40-00 Class A MISD Possession Stolen Property-3rd
Disposition: 12-05-71 Docket NO. 0000000
Criminal Court Bronx New York
Charge: PL 165.40.00 Class A MISD Possession Stolen Property-3rd
Action: 12-08-71 Convicted Plea of Guilty
Sentence 90 Days
NYC Correctional Inst For Men East Elmhurst, Queens NY
Charge: PL 155.25-00 Class A MISD Petit Larceny
Action: 12-05-71 Convicted Plea of Guilty
Sentence Covered Under PL 1654000000
Inst. Admission: 12-01-71 NYC Corr Rcptn and Class Cntr Inmate ID 0000000
1010 Hasen St. E Elmhurst Queens NY 11370
Sentence Length: 90 Days

Date 11-27-72 0000 AN ACTUAL NYSIIS "RAP" SHEET Illustration 3
Names and identifying numbers deleted Continued

NYSIIS No. 00000000
Inquiry Skin Light
Name Doe, John Tone Sex Male Hgt. 5'6" FBI
Known Rac. White Soc. No. 00000
As Doe, John App. Birth 10-26-52 Sec. No. 00000000

Criminal History

New Court Commitment Not On Parole

5
Arrest: John Doe Agency ID 00000000
Crime Date/Place: 07-12-72 New York County New York
Arrest Date/Place: 07-12-72 New York County New York
Agency: NY City Police Dept Pct 019 New York NY 10021
Assoc: John Doe
Arrest Charges:
PL 140.20-00 Class D FEL Burglary-3rd
PL 185.40-00 Class A MISD Possession Stolen Property-3rd

6
Arrest: John Doe Agency ID 00000000
Crime Date/Place: 05-31-72 New York City New York
Arrest Date/Place: 05-31-72 New York County New York
Agency: NY City Police Dept New York NY 10013
Arrest Charges:
PL 140.20-00 Class D FEL Burglary-3rd
PL 220.05-00 Class A MISD Possession Dangerous Drug-6th

7
Arrest: John Doe Agency ID 00000000
Crime Date/Place: 11-20-72 New York City New York
Arrest Date/Place: 11-20-72 New York County New York
Agency: NY City Police Dept. Pct 023 New York NY 10029
Arrest Charges:
PL 115.25-00 Class A MISD Petit Larceny
PL 165.40-00 Class A MISD Possession Stolen Property-3rd

Other Information

Names Used by Subject:
John Doe Freq 01 John Doe
John Doe Freq 01 John Doe
John Doe Freq 01 John Doe

Recorded Addresses:
01-03-70 221 East 28 St NYC New York
11-01-70 540 E. 148 St NYC New York
12-01-70 540 E. 148 St BX New York
07-27-71 161 West 36 St NYC New York
12-05-71 540 E. 148 St NYC New York
12-10-71 540 E. 148 St BRX New York
07-12-72 5735 Hunter St PHILA Pennsylvania
08-31-72 140 West 71 St NYC New York
11-20-72 140 West 71 St NYC New York

Social Security Number Used: Freq 00 000-00-0000
Birth Date/Place:
Freq 04 10-26-52 Freq 01 San Juan Puerto Rico
Freq 01 10-26-51 Freq 03 Miami Florida

Date 11-27-72 0000 AN ACTUAL NYSIIS "RAP" SHEET Illustration 3.
 Names and identifying numbers deleted Continued

NYSIIS NO. 00000000
 Inquiry Name Doe, John Skin Light
 Known Name Doe, John Tone
 AS Doe, John Rac. White Sex Male Hgt. 5'6" FBI
 App. Birth 10-26-52 Soc. No. 00000
 Sec. No. 00000000

---- Other Information ----

Freq 02 10-26-53	Freq 02	Florida
Freq 01 06-15-53	Freq 02 Caguas	Puerto Rico
Freq 00 10-26-33	Freq 01 Miami	Florida

The above response to your inquiry, based on fingerprint ID contains all available information in our file.

Comment

This format requires too many pages. To illustrate:

1. This "rap" sheet for 7 arrests with dispositions on only 2 arrests required 4 8½" x 11" pages. When the dispositions on all of the 7 arrests are reported, probably 5 pages will be required for the information.
2. Also, noted during the EDC Survey was a "rap" sheet for 35 arrests with 13 dispositions still to be reported. This required 11 8½" x 11" pages. When all dispositions are reported, the "rap" sheet will take 14-16 pages.

Charge To Charge Accountability

The EDC analysts have been told that the system endeavors to report dispositions by charge in a way that can be related back to charges at arrest. On this "Rap" sheet there is one arrest charge, a felony, the disposition of which would have to be assumed as charge 155.25 Class A Misd. Petit Larceny. To what arrest charges are the other disposition charges to be related?

Arrest Charges

PL 155.30-00 Class E Fel. Grand Larceny-3rd

Disposition

Charge: PL 155.25-00 Class A Misd. Petit Larceny
 PL 120.00-00 Class A Misd. Assault-3rd
 PL 240.25-00 Viol. Harassment
 Action: 02-15-72 Convicted Plea of Guilty

An Illustration of Some of the Space Consuming and Meaningless Data Keeping and Reporting in the JC 500/NYSIIS System

1. The following illustration shows what happens in the system and on the "rap" sheet when the JC 501 reports that charges were dismissed.

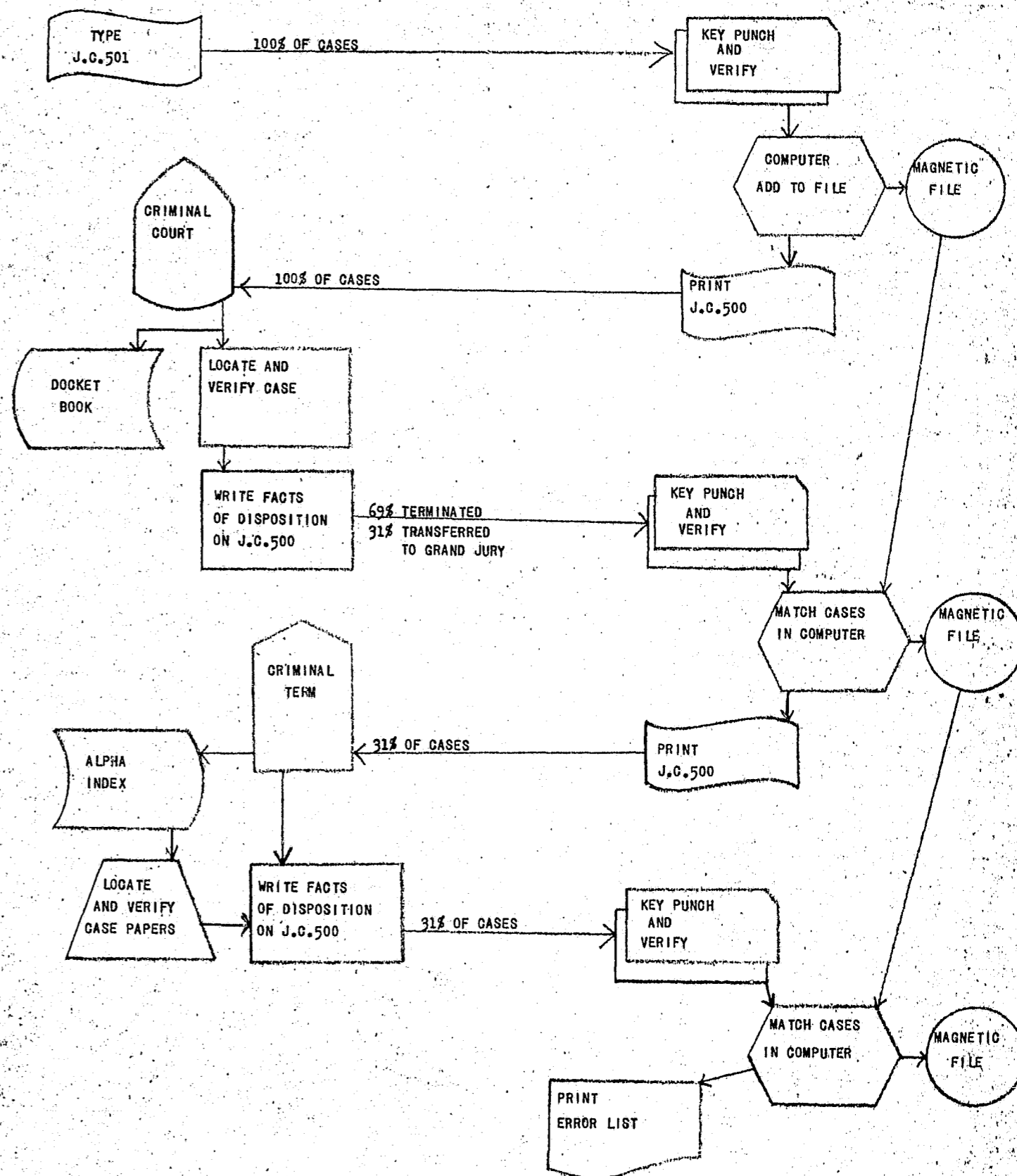
Arrest Charges:

- PL 220.45-00 Class A Misd. Possession Hypodermic Instrunt
- PL 220.10-00 Class E Fel. Possession Dangerous Drugs-5th
- PL 220.15-01 Class D Fel. Pos Dang Narco Drug W/Int Sell

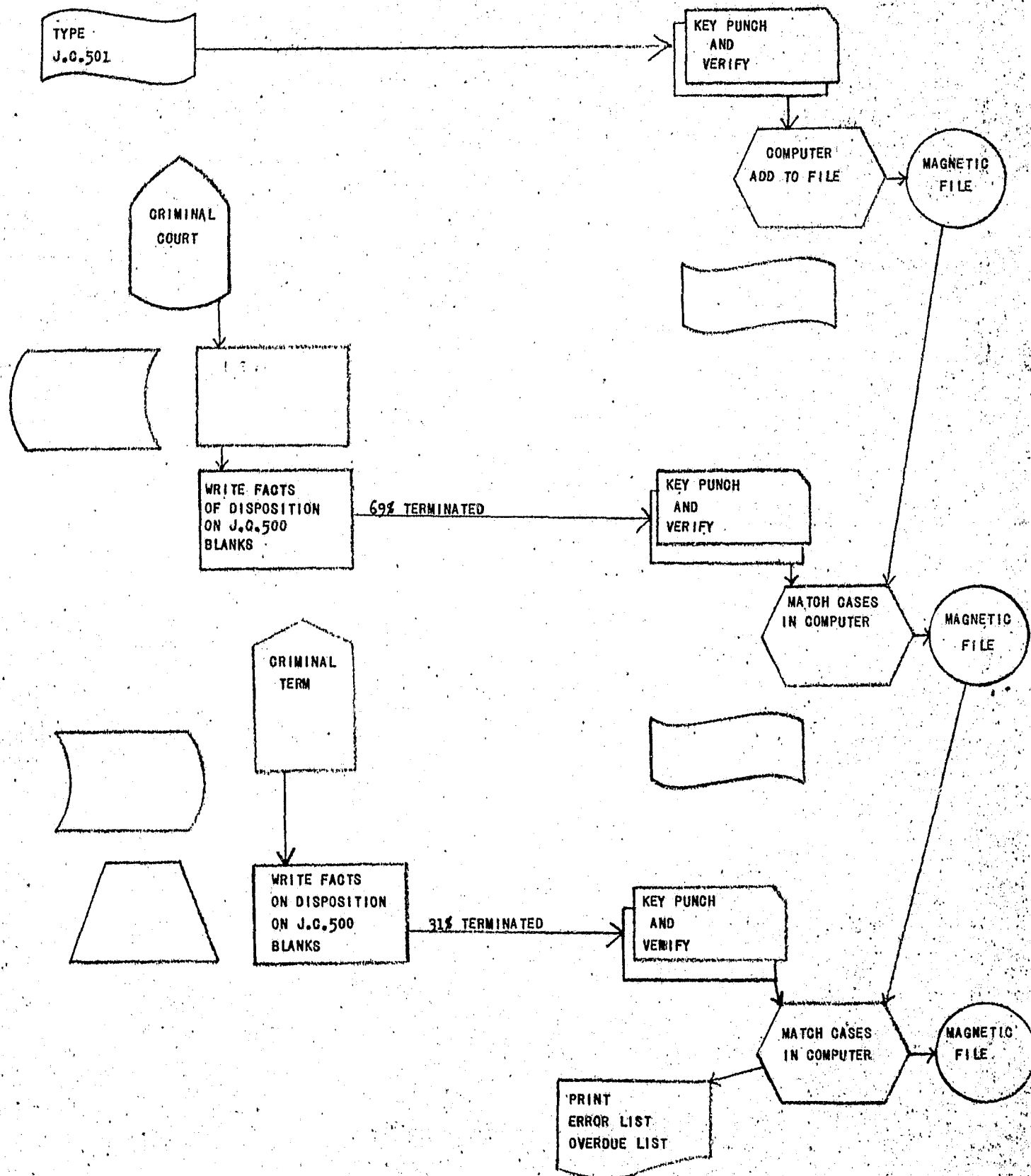
Disposition:

- Charge: PL 220.15-00 Class D Fel Possession Dangerous Drug-4th
- Action: 08-21-70 Not Arraigned on this charge
- Charge: PL 220.10-00 Class E Fel Possession Dangerous Drug-5th
- Action: 08-21-70 Not Arraigned on this charge
- Charge: PL 220.45-00 Class A Misd Possession Hypodermic Intrunt
- Action: 08-21-70 Not Arraigned on this charge

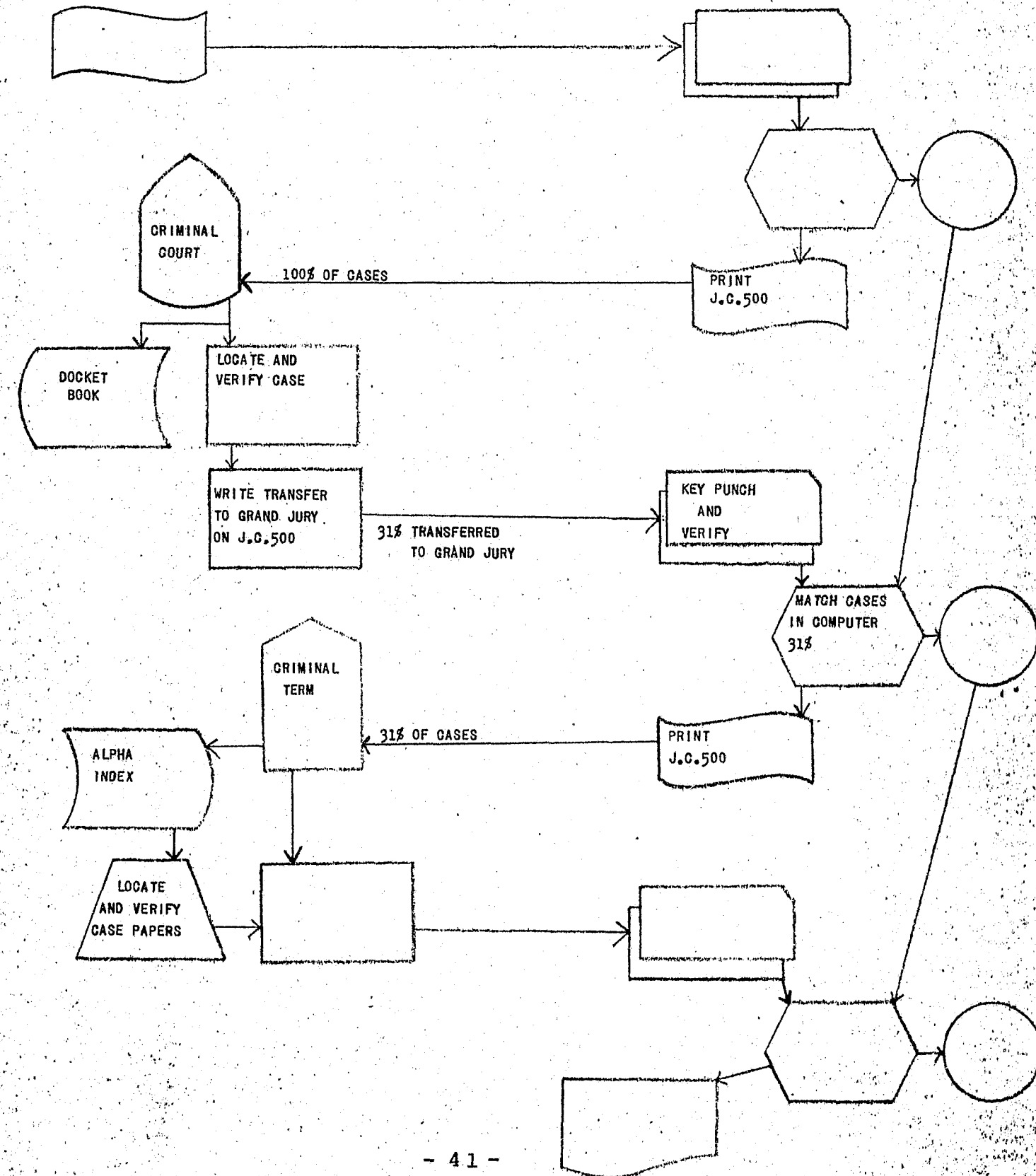
Appendix i
 Procedure Outline of J.C.500 - Disposition Reporting System -
 Illustrating only felony cases, with assumed rate of 31% of
 cases referred to grand jury.
 - Presumed Present Procedure -



Procedure Outline of J.C.500 - Disposition Reporting System -
 Illustrating only felony cases, with assumed rate of 31% of
 cases referred to grand jury.
 - Proposed Procedure -



Procedure Outline of J.C.500 - Disposition Reporting System -
 Illustrating only felony cases, with assumed rate of 31% of
 cases referred to grand jury.
 - Savings by Proposed Procedure -



END

7 ables/more