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ACQUISITIONS

THE USE OF
DESK APPEARANCE TICKETS (DAT's)
IN NEW YORK CITY

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ODED BEN-AMI
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FOREWORD

This study was undertaken by the New York City Criminal Justice Agency (CJA) in conjunction with the Criminal Justice Bureau of the New York City Police Department.

CJA is a public benefit corporation, which, as of August 1, 1977, assumed the functions formerly carried out by the Pretrial Services Agency of the Vera Institute of Justice. These functions include interviewing defendants after arrest and before arraignment to make release recommendations to the court, notifying released defendants of their court-related obligations and conducting research on matters of importance to the criminal justice system. CJA is funded in equal portions by the City of New York and the Federal government through the Mayor's Criminal Justice Coordinating Council.

This study consists of two parts:

- a) a general description of Desk Appearance Tickets (DAT's), their role in New York City criminal justice, the characteristics of their recipients, and their eventual legal outcomes;
- b) a discussion of a pilot program in pre-arraignment notification -- the use of mailed reminders to increase the rate at which DAT defendants meet their court obligations.

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THE USE OF
DESK APPEARANCE TICKETS
IN NEW YORK CITY

I. BACKGROUND

A Desk Appearance Ticket (DAT) is a written appointment, or summons, for arraignment at a future date. It is the instrument by which an accused person may be released from custody soon after arrest, instead of undergoing pre-arraignment detention. DAT issuance, also known as stationhouse release, is a practical extension of the pretrial release model: defendants with strong community ties are likely to fulfill their court-related obligations without the imposition of financial conditions (i.e., bail) whether released at arraignment or at any other point between apprehension and case disposition.

Besides the personal benefits of pretrial release -- less disruption of a defendant's work and family-life, avoiding the discomforts of confinement, freedom to prepare a defense -- there are a number of potential institutional advantages to DAT compared to custody arraignment. Police Department overtime costs are reduced by scheduling arraignments only during an officer's regular tour of duty, and individual officers may spend less time in the courthouse by scheduling more than one DAT for the same day. Moreover, it is possible to divert suitable cases from the formal court process, to mediation programs for example, given the extra time between arrest and scheduled arraignment. Similarly, the District Attorney has a greater opportunity to assess his case, to determine whether the complaining witness will appear in court, and possibly, to decline prosecution.

The New York State Criminal Procedure Law allows for DAT issuance in any non-felony street arrest. Though pre-arraignment bail of up to \$500 may be imposed in some cases, release is usually effected without financial security; the defendant is only required to sign an acknowledgement that he has received the appearance ticket and that he agrees to appear on the designated day. If the defendant fails to appear as prescribed, a bench warrant is issued for his arrest.

Local New York City policy accounts for a number of administrative refinements not addressed by the Criminal Procedure Law. For example, though the statute does not specify the duration of release, DAT arraignment in New York City is usually scheduled between ten and thirty-five days from the day of issuance. Also, there are about ten arrest categories, most notably possession of weapons, prostitution, and gambling, which the Police Department considers serious enough to require detention until the defendant can be photographed officially. Such defendants are automatically disqualified from stationhouse release.

The use of DAT's as a regular alternative to pretrial detention dates back to 1964 and the Manhattan Summons Project, cosponsored by the New York Police Department and the Vera Institute of Justice. The success of that program, as measured by consistently low failure-to-appear (FTA) rates among released defendants, led to rapid expansion and eventual institutionalization of the DAT concept. From a handful of defendants released at selected precincts during the pilot program, DAT issuance climbed to over 14,000 in 1967-68,

the first year of city-wide operation, to over 32,000 in 1970, and to over 40,000 in each of the last four years (see Table I.) Between 1974 and 1977, 17.4% of all arrests, 30.4% of all non-felony arrests, were followed by DAT release.

Table I: DAT Issuance in New York City

1964	(less than) 1,000
1967/8	14,232
1970/1	31,946
1974	44,033
1975	43,473
1976	43,564
1977	45,452

Table Ia: DAT Issuance by Borough

	<u>Manhattan</u>	<u>Brooklyn</u>	<u>Bronx</u>	<u>Queens</u>	<u>S.I.</u>
1974	14,702	13,413	6,270	7,452	2,196
1975	20,170	10,307	4,608	6,302	2,086
1976	17,466	13,365	7,346	3,534	1,853
1977	21,447	14,216	5,648	3,133	1,008

II. ISSUANCE PATTERNS

From the program's inception, issuance patterns have varied among boroughs and across time, as is evident from Table II. This table shows DAT's as a proportion of the total misdemeanor and violation arrests recorded by the Police Department in each borough. In Queens, for example, issuance rates differ by as much as 32 percentage points over four years. And in 1974, DAT's were issued almost three times as often in Brooklyn as in Manhattan, though by 1977 the gap had narrowed appreciably.

Table II: DAT's as a Proportion of Misdemeanor and Violation Arrests

	Manhattan	Brooklyn	Bronx	Queens	Staten Isl.	City Total
1974	17%	58%	45%	53%	74%	31%
1975	25%	41%	24%	40%	77%	31%
1976	36%	48%	41%	22%	78%	39%
1977	41%	49%	35%	21%	41%	40%

A. Charge Types

A CJA review of one week of arraignments revealed that the make-up of DAT cases varies widely from borough to borough, as well. For instance, defendants whose most serious arrest charge was for theft (petit larceny and/or criminal possession of stolen property) accounted for 43% of all DAT's citywide, but in the Bronx theft cases accounted for only 12% of DAT's, and in Queens for 53%. Similar interborough spreads are evident as well in the other charge-type categories that comprise the majority of DAT cases identified in the survey (see Table III.)*

* Also see Appendix A for an explanation of charge type categories and Appendix B for a description of the survey.

Table III: Charge Types Among DAT Arraignments
April 25 - May 1, 1977

	<u>Manhattan</u>	<u>Brooklyn</u>	<u>Bronx</u>	<u>Queens</u>	<u>S. I.</u>	<u>City Total</u>
Theft	36%	27%	12%	53%	45%	32% (247)
Traffic	20%	26%	22%	16%	15%	21% (163)
Conduct	6%	14%	12%	13%	5%	10% (78)
Narcotics	9%	14%	11%	1%	5%	10% (74)
Assault	9%	5%	12%	7%	8%	8% (59)
Others	20%	14%	31%	10%	19%	19% (142)
TOTAL	100% (338)	100% (215)	100% (95)	100% (75)	100% (40)	100% (763)

Table III(a): Charge Types Among Non-DAT Misdemeanor Arraignments
April 25 - May 1, 1977

Theft	29%	27%	30%	37%	46%	31% (230)
Traffic	6%	12%	9%	0%	8%	7% (49)
Conduct	11%	12%	16%	14%	0%	12% (92)
Narcotics	19%	9%	8%	11%	0%	13% (97)
Assault	8%	16%	16%	19%	23%	14% (102)
Others	27%	24%	21%	19%	23%	23% (183)
TOTAL	100% (295)	100% (182)	100% (108)	100% (155)	100% (13)	100% (753)

Table IV: Charge Severities Among DAT Arraignments
April 25 - May 1, 1977

A Misdemeanor	69%	61%	62%	77%	68%	67% (509)
B Misdemeanor	6%	8%	11%	5%	18%	8% (58)
Uncl. Misdemeanor	19%	26%	22%	15%	15%	21% (159)
Violation	6%	5%	5%	3%	0%	5% (37)
TOTAL	100% (338)	100% (215)	100% (95)	100% (75)	100% (40)	100% (763)

Given the differing economic and demographic composition of the five boroughs, different distributions of defendant and case characteristics are inevitable. As Table III(a) reveals, among defendants arrested for misdemeanors and held for arraignment (during the same week) the charge type distributions are equally diverse from borough to borough. And, although the proportions shown in Tables III and III(a) are not definitive, it appears that defendants arrested on traffic offenses are most likely to receive DAT's and defendants arrested for assault are least likely to receive DAT's. The other charge types, generally speaking, are equally represented in the DAT and non-DAT groups.

Table IV shows (smaller) differences in the distribution of charge severities, as well. In most of the city, however, 60 to 70 percent of DAT cases that reach arraignment are for "A" misdemeanors. The other severity categories, including the Unclassified Misdemeanors (traffic offenses, almost exclusively), make up varying proportions of DAT's within the boroughs.

B. Issuing Authorities

Another reason for these variations is the somewhat decentralized administration of DAT issuance. So that defendants can be released quickly and efficiently, and to relieve some of the administrative burden from the Police Department, special officers employed by some of the larger department stores may conduct the pre-DAT interviews and issue DAT's from their own sites after obtaining the telephone consent of the desk officer at the nearest precinct. NYCPD statistics for the first quarter of 1977 (Table V) indicate that less than 10% of the city's DAT's are not issued from the Police

Department's stationhouses; all the other major issuing authorities book and release their defendants at Police Department facilities and under the supervision of a Police Department desk officer.

Table V: DAT Issuance Among NYC Authorities
January - March , 1977

	<u>Manhattan</u>	<u>Brooklyn</u>	<u>Bronx</u>	<u>Queens</u>	<u>Staten Island</u>	<u>City Total</u>
NYC Police Department	58%	62%	88%	87%	95%	67%
Transit Authority PD	34%	13%	6%	6%	*	21%
Department store police	3%	19%	*	*	*	7%
Housing Authority PD	2%	5%	5%	2%	3%	4*
Others	3%	*	*	4	1%	1%
	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
	(4577)	(3470)	(1133)	(709)	(434)	(10,323)

* less than 1%

A recent CJA study (described in Appendix B) provides a breakdown of charge types for the individual issuing authorities among DAT's in selected precincts in Brooklyn and Manhattan:

Table VI: Charge Types Among DAT Issuing Authorities
Selected Precincts, Fall, 1977

	NYPD	Transit	Department Stores
Theft	33%	69%	92%
Conduct	17%	9%	6%
Narcotics	13%	4%	2%
Traffic	18%	1%	0%
Assault	7%	5%	1%
Others	19%	13%	2%
Total	100%	100%	100%
	(682)	(634)	(392)

As is to be expected, the department store DAT's are issued mostly for shoplifting arrests (petit larceny and/or criminal possession of stolen property), while Transit Police issue DAT's primarily for theft of services -- entering a bus or subway without paying the fare. The Police Department, on the other hand, shows DAT issuance for a broad range of charge types.

C. Criminal Histories

Another important and interesting aspect of DAT issuance is the criminal history and arrest records of DAT defendants. Tables VII - IX, derived from data gathered in the recent CJA study, show that among Misdemeanor (fingerprintable) DAT defendants in sample precincts in Brooklyn and Manhattan

- a) almost two thirds (63%) had been arrested at least once before;
- b) roughly one third (33%) had been convicted at least once before;
- c) the incidence of prior arrests and prior convictions does not vary widely across charge types.

The incidence of prior arrests is probably slightly lower among the sampled DAT defendants than among their detained Misdemeanor counterparts.* Quite likely, the difference is attributable in part to the warrant investigation -- a mandatory "name-check" against Police Department records -- which serves to disqualify a proportion of past offenders from DAT release. The CJA study indicates that this method is quite effective in culling out defendants with outstanding warrants: only one defendant in the Brooklyn sample and 13 (2.5%) of the defendants in the Manhattan sample had undetected warrants outstanding at the time of DAT release.

* A one-week sample of Brooklyn and Manhattan detained misdemeanor defendants showed a 75% prior arrest rate.

Table VII: Prior Arrest Record Among DAT Defendants*
 Selected Precincts, Fall, 1977
 (Exclusive of Violation "DAT's")

(N) = total number of defendants)

	Manhattan	Brooklyn
Thefts, not Dep't Store	61% (269)	62% (103)
Thefts, Department Store	71% (48)	67% (94)
All Others	64% (202)	59% (204)
Total	63% (519)	62% (401)

Table VIII: Convictions Among DAT Defendants With Prior Arrest(s)*

	Manhattan	Brooklyn
No Prior Conviction	42%	51%
Prior Misdemeanor Conviction(s), No Felony Conviction	36%	36%
Prior Felony Conviction(s)	<u>22%</u>	<u>13%</u>
	100% (316)	100% (244)

Table IX : Open Cases Among DAT Defendants With Prior Arrest(s)*

	Manhattan	Brooklyn
No Open Cases	21%	25%
One	25%	24%
Two	14%	14%
Three	11%	13%
Four or more	<u>28%</u>	<u>25%</u>
	100% (321)	100% (248)

* As reported by New York State Department of Criminal Justice Services (DCJS) on criminal history (NYSIID) report.

D. Demographics

Demographic information on DAT defendants is provided in Figures I - III. They reveal additional divergencies in age, gender, and ethnicity distributions across charge types and between boroughs. For example, defendants issued DAT's for traffic arrests tend to be much older than average and defendants DAT's on conduct charges tend to be younger: of the former group almost three quarters (73%) are 26 years or older, while in the latter group just over one third (37%) are in the same age range. Moreover, the Brooklyn "conduct" defendants are much younger than the Manhattan ones: 46% in Brooklyn are between sixteen and twenty years old, as against 32% in Manhattan. Generally, however, DAT defendants are rather young, younger even than the general arrest population -- within each of the charge types analyzed at least one third of the DAT defendants are sixteen to twenty year old's. In Manhattan, by comparison, only 15% of the general arrest population is within that age range.

Across charge types males outnumber females, but in differing proportions. Theft DAT's in general, and department store shoplifting DAT's in particular, account for most of the female DAT defendants in the sample. In no other charge type category do men account for less than 86% of the total.

Variation in ethnicity is also apparent across charge types. Blacks are most frequently represented in theft DAT's, whites in conduct and assault, and Spanish-surnamed defendants in traffic offenses. The gender and ethnicity distributions of the observed DAT cases conform roughly to the same distributions among the general arrest population.

Figure I: DAT Age Distribution, by Charge Type
Selected Precincts, Fall, 1977

		16-20	21-25	26-30	31-40	41+		
Theft, Other Than Department Store	Man	33	29	18	12	7	100%	(468)
	Bklyn	50	22	16	10	2	100%	(200)

		16-20	21-25	26-30	31-40	41+		
Theft, Department Store	Man	35	38	18	5	5	100%	(63)
	Bklyn	37	28	18	13	4	100%	(279)

		16-20	21-25	26-30	31-40	41+		
Conduct	Man	32	28	19	13	8	100%	(97)
	Bklyn	46	19	15	15	5	100%	(83)

		16-20	21-25	26-30	31-40	41+		
Narcotics	Man	40	26	19	11	4	100%	(83)
	Bklyn	43	30	18	8	2	100%	(115)

		16-20	21-25	26-30	31-40	41+		
Traffic	Man	8	17	23	34	18	100%	(65)
	Bklyn	7	22	29	26	16	100%	(69)

		16-20	21-25	26-30	31-40	41+		
Assault	Man	24	21	19	23	13	100%	(53)
	Bklyn	32	15	15	32	5	100%	(40)

Figure II: DAT. Gender Distribution, by Charge Type
Selected Precincts, Fall, 1977

		Male	Female	
Theft, Other Than Department Store	Man	88	12	100% (475)
	Bklyn	80	20	100% (205)

		Male	Female	
Theft, Department Store	Man	63	37	100% (63)
	Bklyn	51	49	100% (293)

		Male	Female	
Conduct	Man	90	10	100% (97)
	Bklyn	86	14	100% (170)

		Male	Female	
Narcotics	Man	98	1	100% (88)
	Bklyn	91	9	100% (116)

		Male	Female	
Traffic	Man	98	1	100% (65)
	Bklyn	96	4	100% (70)

		Male	Female	
Assault	Man	93	7	100% (55)
	Bklyn	88	12	100% (41)

Figure III: DAT Ethnicity Distribution, by Charge Type Selected Precincts, Fall, 1977

Theft, Other than Department Store

	BLACK	WHITE	SPANISH SURNAME	OTHER	
Man	65	12	22		100% (468)
Bklyn	61	21	16	3	100% (198)

Theft, Department Store

	BLACK	WHITE	SPANISH SURNAME	OTHER	
Man	68	11	19		100% (63)
Bklyn	77		8	14	100% (288)

Conduct

	BLACK	WHITE	SPANISH SURNAME	OTHER	
Man	56	22	17	5	100% (95)
Bklyn	59	21	19		100% (165)

Narcotics

	BLACK	WHITE	SPANISH SURNAME	OTHER	
Man	54	16	29		100% (79)
Bklyn	62	15	22		100% (114)

Traffic

	BLACK	WHITE	SPANISH SURNAME	OTHER	
Man	62	3	34		100% (61)
Bklyn	32	30	36		100% (69)

Assault

	BLACK	WHITE	SPANISH SURNAME	OTHER	
Man	44	31	25		100% (55)
Bklyn	63	15	22		100% (41)

III. ARRAIGNMENT OUTCOMES

One of the arguments for stationhouse release is the patent injustice of detaining citizens who are unlikely to be incarcerated after arraignment, either pending trial or as a result of conviction. In general, cases bearing low charge severities are disposed more often at arraignment than cases with high charge severities, and convicted misdemeanants are infrequently sentenced to serve time. Almost 70% of the cases of DAT defendants who appear in court as scheduled are disposed at arraignment. Of the DAT defendants who plead guilty at arraignment, 70% are sentenced to pay a fine, 25% are given conditional discharges, and most of the remaining 5% are adjourned for a Probation investigation pending sentence (and released on recognizance.) Only three of the 514 DAT defendants in CJA's sample were imprisoned at arraignment.

Table X: DAT Arraignment Outcomes
April 25 - May 1, 1977

	<u>Manhattan</u>	<u>Brooklyn</u>	<u>Bronx</u>	<u>Queens</u>	<u>Staten Island</u>	<u>City Total</u>
Continued	33%	19%	23%	43%	59%	31%
Dismissed/ACD	32%	33%	25%	21%	12%	30%
Pled Guilty	35%	48%	42%	37%	29%	39%
	-----	-----	-----	-----	-----	-----
	100%	100%	100%	100%	100%	100%
	(999)	(153)	(60)	(68)	(34)	(514)

Similar outcomes were recorded for arraigned defendants in the selected precincts that comprise the more recent DAT study.

Only 23% of that group's arraignment cases were continued, and the large majority of those defendants were released on recognizance. Of the 444 defendants who pled guilty at arraignment, 284 (64%) were sentenced to pay a fine, 151 (34%) were given conditional discharges, and only 4 (1%) were imprisoned.

Some interesting disposition patterns reveal themselves when these arraignment outcomes are tabulated by charge type and by issuing authority (Tables XI and XII.) In both boroughs the disposition rate is lowest by far among assault DAT cases and highest among narcotics cases. Brooklyn narcotics cases, in fact, result in Adjournments in Contemplation of Dismissal* (ACD) two thirds of the time. And in the most numerous charge type, theft, five out of ten Manhattan DAT cases result in guilty pleas, compared to three out of ten in Brooklyn.

The only DAT category where dismissals occur in a significant proportion is among NYCPD arrests in Manhattan (8%). Across all issuing authorities, however, ACD's are much more common than dismissals.

* Agreement by all parties that the case will be dismissed automatically in six months or a year if the defendant is not arrested again in the intervening time.

Table XI: DAT Arraignment Outcomes, by Charge Type
Selected Precincts, Fall, 1977

	Theft		Conduct		Narcotics		Traffic		Assault		Others	
	Man	Bklyn	Man	Bklyn	Man	Bklyn	Man	Bklyn	Man	Bklyn	Man	Bklyn
Continued	20%	28%	23%	19%	20%	7%	13%	14%	66%	43%	33%	28%
Dismissed	1%	4%	5%	1%	17%	1%	3%	0%	3%	0%	4%	7%
ACD	30%	37%	35%	41%	27%	67%	0%	2%	17%	19%	19%	32%
Pled Guilty	49%	31%	37%	40%	37%	25%	83%	84%	14%	38%	44%	33%
	100%	100%	100%	101%	101%	100%	99%	100%	100%	100%	100%	100%
	(271)	(258)	(43)	(124)	(30)	(84)	(30)	(50)	(29)	(21)	(73)	(69)

Table XII: DAT Arraignment Outcomes, by Issuing Authority
Selected Precincts, Fall, 1977

	NYPD		Transit Police		Department Stores	
	Man	Bklyn	Man	Bklyn	Man	Bklyn
Continued	29%	25%	20%	17%	37%	26%
Dismissed	8%	4%	0%	2%	0%	4%
ACD	22%	28%	29%	43%	17%	41%
Pled Guilty	40%	43%	51%	39%	47%	29%
	99%	100%	100%	101%	101%	100%
	(164)	(199)	(248)	(132)	(30)	(148)

IV. NON-ARRAIGNMENT OUTCOMES

A large number of DAT cases do not reach arraignment as scheduled, however. Some are diverted to mediation, some are declined prosecution by the District Attorney's office, and some, where the defendant fails to appear, result in bench warrants.

A. Mediation and Declined Prosecution

In Manhattan, DAT cases that qualify are diverted to the Institute for Mediation and Conflict Resolution (IMCR) Dispute Center where, if all parties concerned are amenable, a civil contract is drawn between defendant and civilian complainant(s) and criminal charges are dropped. Of 952 Manhattan DAT's, 64 (7%) were referred to mediation. Ultimately, one-third of them were mediated and an additional one-fourth were declined prosecution. Of the 26 cases that were docketed for arraignment, 8 were disposed, 13 were continued for hearings, and 5 (19%) resulted in bench warrants.

Table XIII: DAT Cases Referred to Mediation
Manhattan, Selected Precincts, Fall, 1977

	Assault	Conduct	Other	Total
Referred to Mediation	31	31	2	64
Mediated	<u>-14</u>	<u>- 5</u>	<u>- 2</u>	<u>- 21</u>
Returned to System	17	26	0	43
Declined Prosecution	<u>- 4</u>	<u>-12</u>		<u>-17</u>
		*		
Docketed for Arraignment	13	13		26
Dismissed/ACD'd	2	4		6
Pled Guilty	1	1		2
Continued	10	3		13
Bench Warrant	0	5		5

* One case: information unavailable.

In Brooklyn, where DAT cases are not usually referred to a mediation program and where the District Attorney will decline to prosecute only as the result of a civilian complainant's non-appearance or non-compliance in pressing charges, only 30 (3%)* of 997 observed cases were declined prosecution. By contrast, a total of 100 (11%) of the observed cases were declined in Manhattan, where the District Attorney's office seeks to minimize the prosecution of arrests which will probably be dismissed at arraignment.

As Table XIV reveals, narcotics DAT's are the most likely candidates for non-prosecution and theft DAT's are least likely.

Table XIV: DAT Cases Declined Prosecution
Manhattan, Selected Precincts, Fall, 1977

	Declined	All DAT's	Proportion Declined**
Narcotics	38	83	46%
Theft	27	535	5%
Conduct	18	97	19%
Assault	7	56	12%
Others	20	181	11%
Total	100	952	11%

* The true figure is probably closer to 5%; many Brooklyn cases for which information is missing actually may have been declined prosecution.

** Lower bound; some cases for which information is missing actually may have been declined prosecution.

B. Warrants

Of the 70,000 bench warrants that are issued in New York City in a typical year, roughly 15,000 are for DAT cases. CJA surveys show that, citywide, one in three defendants fails to appear at the appointed time and place. DAT's emanating from department store shoplifting arrests evince a general failure to appear rate of 45% - 50%, sometimes higher. (The total volume of their warrants, however, probably does not exceed 1,500 per year, citywide.) The tables below show that warrant rates, like virtually all DAT case variables, vary among boroughs and charges.

Table XV. DAT Failure to Appear (FTA) Rates*
April 25 - May 1, 1977

	Manhattan	Brooklyn	Bronx	Queens	S.I.	City Total
%FTA	41%	29%	37%	9%	15%	33%
(N)	(338)	(215)	(95)	(75)	(40)	(763)

Table XIX: DAT FTA Rates*, by Charge Type
Selected Precincts, Fall, 1977

	%FTA	Manhattan	Brooklyn
Theft, other than Dep't Store	(N)	45.6% (217)	33.0% (97)
Theft, Dep't Store		62.5% (32)	48.1% (135)
Conduct		51.0% (49)	26.8% (71)
Narcotics		21.4% (14)	22.4% (58)
Traffic		48.4% (31)	16.2% (37)
Assault		14.3% (21)	7.7% (13)

*The FTA rate is defined as the percentage of scheduled arraignments (N) in which a bench warrant is issued.

V. NOTIFICATION

One of the features of CJA's DAT study was a pilot program in DAT notification -- an attempt to reduce the FTA rate by reminding defendants of their obligation to appear for arraignment as scheduled. Between the issuance of a DAT and the arraignment, up to thirty-five days later, there is usually no contact between the defendant and the police or the court. Research at CJA has shown that timely notification makes a significant positive impact on the return rate of defendants whose cases are adjourned past arraignment. By extension, we expected that pre-arraignment letter reminders would increase the likelihood of appearance among DAT defendants as well.

Notification for about 1000 DAT defendants, 500 each in Brooklyn and Manhattan, consisted of a computer-generated form letter (Appendix C) mailed six days before the scheduled arraignment date. The mailing address for each defendant was taken from the Police Department's arrest report. Whereas CJA's normal (post-arraignment) follow-up program obliges a defendant to check in with the agency immediately upon release, the DAT defendants received no further communications -- though the agency's telephone number appeared on the letterhead and staff members were available to answer DAT-related inquiries.

The results of the pilot notification project indicate that full implementation of such a program would have a measurable impact.

Within the four Manhattan precincts studied the overall FTA rate* was 45.6% among defendants who were not notified by CJA and 34.1% among notified defendants, a warrant reduction of 25%. In Brooklyn the overall FTA rate was reduced from 33.1% to 31.6% for the notified group, an improvement of 5%. The FTA rates for DAT defendants within individual issuing authorities were reduced in varying degrees (see Tables XX and XXI.) In Manhattan a 27% reduction was recorded for department store DAT's, and an 18% reduction for NYPD DAT's. In Brooklyn, the reductions were 2% and 7%, respectively.

Tests of the statistical significance of the differences between various subgroups were performed using a one-tailed t-test. The results are reported in Appendix D. The superscripts found in Tables XVII through XIX (e.g. "Notification Impact³" or "18%^a") direct the reader to the statistical result in the appendix.

The most consistent impact of letter notification seems to be on the FTA rates of non-department store theft cases and conduct cases (see Table XIX.) When shoplifting arrests are segregated from the other department store arrests it becomes evident that the decrease in that issuing authority's collective FTA rates resides in the non-shoplifting arrests. In Manhattan, the FTA rate of shoplifting DAT's was 62.5% for the non-notified group and 61.3% for the notified group, despite the 27% reduction recorded above for department store DAT's as a whole; in Brooklyn the rates were 48.1% and 48.6%, respectively.

* The FTA rates of Transit Authority DAT's were anomalous in both boroughs, and are discussed separately, below.

*

Table XVII: Notification Impact on DAT FTA Rates
Selected Precincts, Fall, 1977
(Exclusive of Transit Authority Arrests)

Manhattan	% FTA	(N)
A) Not Notified	45.6%	(204)
B) Notified	34.1%	(179)
1. Letter Not Returned	26.6%	(124)
2. Letter Returned	50.9%	(55)
Notification Impact ¹	25% reduction in FTA rate	
Good Address Impact ²	42% reduction in FTA rate	
Brooklyn		
A) Not Notified	33.1%	(362)
B) Notified	31.6%	(361)
1. Letter Not Returned	28.4%	(324)
2) Letter Returned	59.5%	(37)
Notification Impact ³	5% reduction in FTA rate	
Good Address Impact ⁴	14% reduction in FTA rate	

* The FTA rate is defined as the percentage of scheduled arraignments (N) in which a bench warrant was issued for failure to appear.

Table XVIII : Notification Impact on DAT FTA Rates^{*}, by
 Issuing Authority
 Selected Precincts, Fall, 1977

		NYPD	Dep't Store	Others
Manhattan				
A)	Not Notified	37.8%	72.1%	42.3%
	% FTA (N)	(135)	(43)	(26)
B)	Notified	31.0%	52.5%	17.4%
		(116)	(40)	(23)
	1. Letter Not Returned	24.4%	40.7%	15.8%
		(78)	(27)	(19)
	2. Letter Returned	44.7%	76.9%	25.0%
		(38)	(13)	(4)
Brooklyn				
A)	Not Notified	23.3%	47.9%	24.7%
		(129)	(140)	(93)
B)	Notified	21.7%	47.0%	18.1%
		(138)	(151)	(72)
	1. Letter Not Returned	18.4%	43.2%	17.9%
		(125)	(132)	(67)
	2. Letter Returned	53.8%	73.7%	20.0%
		(13)	(19)	(5)

Per Cent Reduction in FTA Rates

Manhattan				
	Notification Impact ⁵	18% ^a	27% ^b	59% ^c
	Good Address Impact ⁶	35% ^a	44% ^b	63% ^c
Brooklyn				
	Notification Impact ⁷	7% ^a	2% ^b	27% ^c
	Good Address Impact ⁸	21% ^a	10% ^b	28% ^c

* The FTA rate is defined as the percentage of scheduled arraignments (N) in which a bench warrant was issued for failure to appear.

Figure IV(a) : FAILURE-TO-APPEAR RATES BY ISSUING AUTHORITY
 Selected Precincts, Fall, 1977

(24)

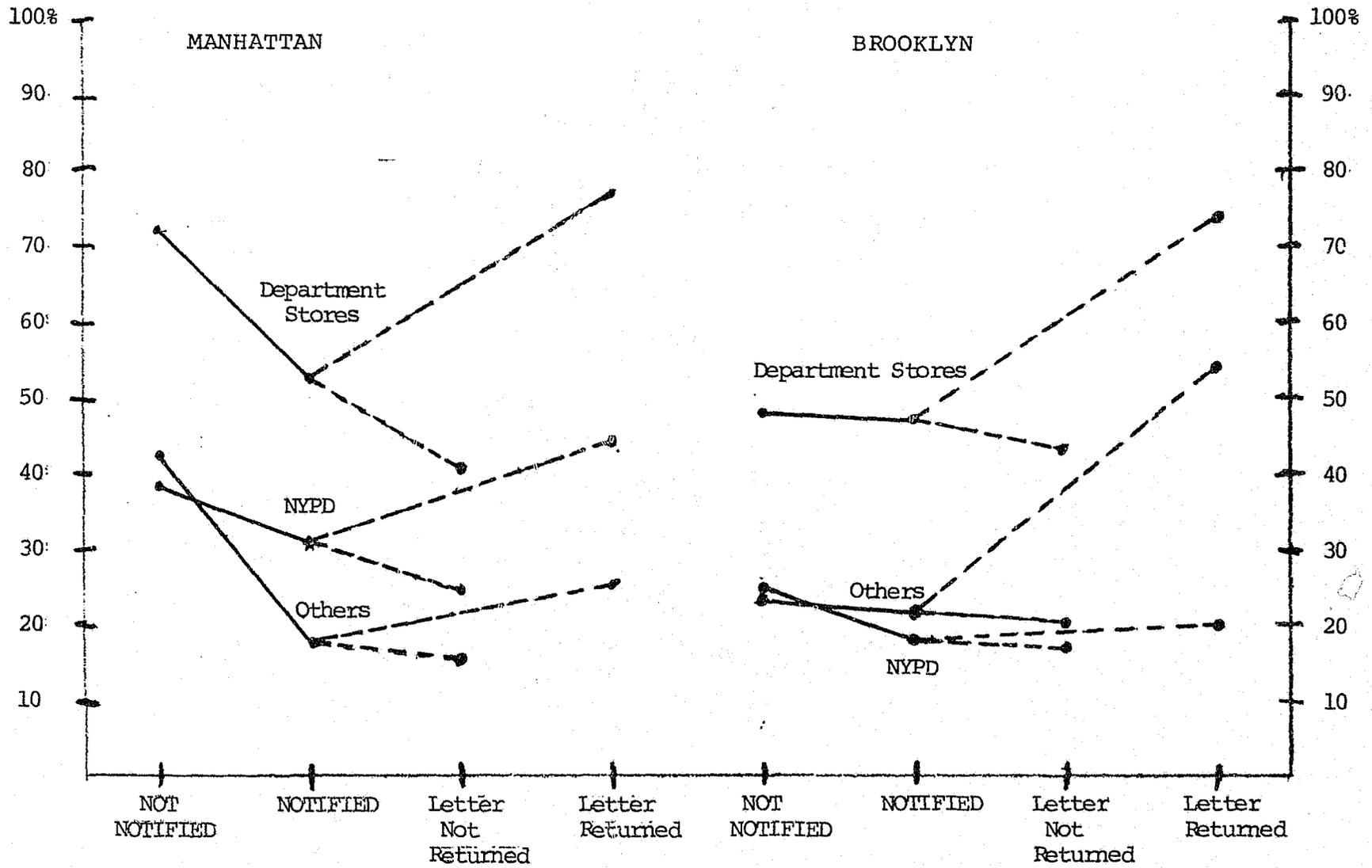


Table XIX: Notification Impact on DAT FTA Rate*, by Charge Type
 Selected Precincts, Fall, 1977
 (Exclusive of Transit Authority Arrests)

		Thefts, other than Dep't Store	Thefts, Dep't Store	Conduct	Traffic	Narcotics	Assault
Manhattan							
A) Not Notified	% FTA (N)	60.0% (45)	62.5% (32)	46.2% (39)	50.0% (30)	21.4% (14)	10.0% (10)
B) Notified		43.2% (44)	61.3% (31)	6.3% (16)	44.0% (25)	16.7% (42)	0.0% (7)
Brooklyn							
A) Not Notified		35.2% (54)	48.1% (135)	26.2% (61)	16.2% (37)	24.5% (49)	12.5% (8)
B) Notified		23.4% (47)	48.6% (144)	17.7% (62)	25.9% (27)	16.7% (42)	0.0% (7)

Notification Impact: Per Cent Reduction in FTA Rate

Manhattan ⁹	28% ^a	2% ^b	87% ^c	12% ^d	19% ^e	100% ^f
Brooklyn ¹⁰	33% ^a	none	32% ^c	none	32% ^e	100% ^f

* The FTA rate is defined as the percentage of scheduled arraignments (N) in which a bench warrant was issued for failure to appear.

A. Address Quality

One of the most important, though hardly surprising, findings of this study is that the quality of a defendant's address is a strong predictor of his likelihood to appear as required. Across all categories, the FTA rates of defendants whose notification letters were returned by the post office for insufficient address were much higher than the FTA rates of defendants whose letters were not returned. The difference between the "good-address" defendants and the general DAT population (made up of both good and bad-address defendants) shows itself in a 42% difference of failure to appear in Manhattan and a 14% difference in Brooklyn. Figure XXI(a) illustrates the consistency of the importance of a good address, even among DAT categories that were not strongly affected by letter notification.

As Table XXIII shows, the most frequent reason for letter returns was "address unknown". Besides actual non-residence at the given address, this label is used to explain non-delivery due to unlabeled and missing mailboxes and for refusal to accept. "No Such Number" means that the street address does not exist; 5% of all the Manhattan mailings were returned bearing this stamp.

Table XX: Letters Returned by Post Office

A) VOLUME

	Manhattan Letters Returned/Sent	Brooklyn Letters Returned/Sent
NYPD	52/157 (33%)	16/159 (10%)
Transit	58/221 (26%)	17/105 (16%)
Dept. Stores	13/40 (33%)	20/158 (13%)
Others	4/28 (14%)	5/79 (6%)
Total	127/446 (29%)	58/501 (12%)

B) REASONS

	Manhattan	Brooklyn
Addressee Unknown	54%	42%
Moved	25%*	46%
No Such Number	18%	9%
Other	3%	3%
	<hr/>	<hr/>
Total	100% (127)	100% (58)

* Includes 12 (9%) letters returned from hotels, marked "Not Registered At". No such letters were returned in the Brooklyn sample.

B. Transit Authority

In both boroughs defendants issued DAT's by Transit Authority Police showed anomalous reactions to notification. In Manhattan the FTA rate decreased only seven percent, from 41.0% to 38.3% -- much less than the rates of the other issuing authorities -- and in Brooklyn the FTA rate actually increased among notified defendants, from 22.4% to 32.3%. If we are to attribute these unexpected results to something other than the vicissitudes of sampling, we can say only that Transit "farebeat" defendants, like department store shoplifting defendants, seem to be unaffected by letter notification, and that the FTA rates of all other Transit Authority arrest categories probably can be decreased in the same proportions as the arrests of other issuing authorities.

APPENDIX A

EXAMPLES OF CHARGES IN EACH CJA CHARGE TYPE CATEGORY

- | | |
|--|---|
| <p>1. Assault - *Assault
Menacing
Manslaughter
Murder
Rape
Sexual abuse
Kidnapping
Unlawful imprisonment
Coercion
Endangering the welfare
of a child</p> | <p>6. Weapons - Possession of weapon
Manufacture of weapons
Unlawful dealing with
fireworks
Unlawful possession
of noxious materials</p> |
| <p>2. Robbery - Robbery</p> | <p>7. Morals - Abortion
Sexual misconduct
Sodomy
Fortune telling
Promoting gambling
Prostitution
Public lewdness</p> |
| <p>3. Theft - Burglary
*Petit larceny
Grand larceny
Unauthorized use of
a vehicle
Criminal possession
of stolen property
Unlawful use of slugs</p> | <p>8. Forgery - Forgery
Falsifying business
records
Falsifying public records
Bribery
Eavesdropping
False advertising
Rent gouging</p> |
| <p>4. Conduct - Criminal solicitation
Conspiracy
Reckless endangerment
Criminal trespass
Criminal mischief
Arson
Criminal usury
Official misconduct
Obstructing firefighting
operations
Riot
Inciting to riot
Unlawful assembly
Criminal anarchy
*Disorderly conduct
Loitering
Public intoxication
Criminal nuisance</p> | <p>9. Obstructing justice -
Escape
Bail jumping
Absconding from temporary
release
Promoting prison
contraband
Resisting arrest
Perjury
Bribing a witness or juror
Tampering with a witness
or juror
Criminal contempt</p> |
| <p>5. Drugs - *Criminal possession of a
controlled substance
*Criminal sale of a
controlled substance
Possession of a hypodermic
instrument</p> | <p>10. Other -
Vehicle and traffic code
Driving with Susp'd License
Driving While Intoxicated

Administrative code
Public health code
Tax code
Housing Code</p> |

* Most frequent components of DAT charge types.

APPENDIX B:

DESCRIPTION AND SAMPLING PROCEDURES OF DAT STUDIES

I. One-Week Survey; April 25-29, 1977

An examination of arraignment calendar data for 763 DAT defendant/case(s) docketed in New York City Criminal Courts during one week. This survey was designed to provide basic information on DAT issuance patterns (charge-types, charge-severities, borough distributions) and arraignment outcomes. The survey does not include cases declined for prosecution, mediated, or in any other way diverted from Criminal Court.

II. In-Depth Study; Fall, 1977

A detailed examination of arrest and court-related data for roughly 2,000 defendants issued DAT's in eight precincts. This study and a simultaneous pilot program in DAT notification were implemented in conjunction and with the assistance of the New York City Police Department. The agencies had three major aims:

- 1) to gather data for future research on DAT policies and procedures;
- 2) to gain a thorough understanding of failure-to-appear among DAT's; and
- 3) to reduce the DAT FTA rate.

The pilot program in DAT notification provided for inclusion of only 1,000 (about half) of the observed cases. Defendants were assigned to either group according to the last digit of the arrest number: "odds" for notification, "evens" for observation only. This method effectively cut across relevant case traits in a nearly random manner and permitted a controlled analysis of notification impact.

These precincts were selected on the basis of their broad representation of residential, commercial and industrial districts in the two boroughs. Precincts 14 and 84, in particular, were selected because they produce the highest volumes of DAT's in their respective boroughs and because they are the precincts of record for the majority of New York City department store shoplifting DAT's.

Manhattan Precincts: 14 (Midtown South), 20, 32, 34.
Defendants arrested between October 3 and November 24, 1977.

Brooklyn Precincts: 68, 73, 78, 84.
Defendants arrested between October 11 and December 26, 1977.

Unlike the one-week calendar survey, this study examines all DAT cases -- not merely those that reach arraignment -- and provides a more comprehensive profile of DAT recipients. On the other hand, since DAT's in these eight precincts are over-represented on some categories (shoplifting, for instance) and emanate from just two boroughs, they cannot accurately mirror all of New York's DAT population. For this reason issuance patterns, demographic breakdowns, and arraignment outcomes are only discussed categorically (by charge type or issuing authority) rather than in the aggregate.

APPENDIX C: SAMPLE NOTIFICATION LETTER

NEW YORK CITY

CRIMINAL JUSTICE AGENCY

100 CENTRE STREET (ROOM 135)

NEW YORK, NEW YORK 10013

(212) 577-0544

Concerning your DAT:

After you were arrested you were released by the police and given a Desk Appearance Ticket (DAT). As a result of that arrest you must appear before an arraignment judge at the Manhattan Criminal Court, 100 Centre Street, on the date and time written below.

When you arrive, first go to Room 205 on the second floor and show your Desk Appearance Ticket to the clerk at the desk. You will then be instructed to go to the court part (room) written below.

If you fail to appear in court a warrant will be issued for your arrest.

John Q. Defendant
Date (Fecha): Nov 25, 1977
Court Part (Parte): APAR2A
Time (Hora): 9:30 AM
DAT # 1234 Arrest # 014 12345

Respecto a su Citación:

Despues que usted fue arrestado la Policia le dio una Citación (Desk Appearance Ticket) y lo dejó en libertad. Como resultado de ese arresto usted debe comparecer en la Corte Criminal de Manhattan, 100 Centre Street, en la fecha y hora indicado.

Cuando usted llegue a la Corte vaya primero al cuarto No. 205 en el segundo piso y enseñele su Citacion (Desk Appearance Ticket) a un empleado de la Corte. Usted entonces sera dirigido a la parte (salón) de la Corte arriba indicado.

Su usted deja de comparecer en la Corte una Orden de Arresto (Warrant) será expedida en su contra.

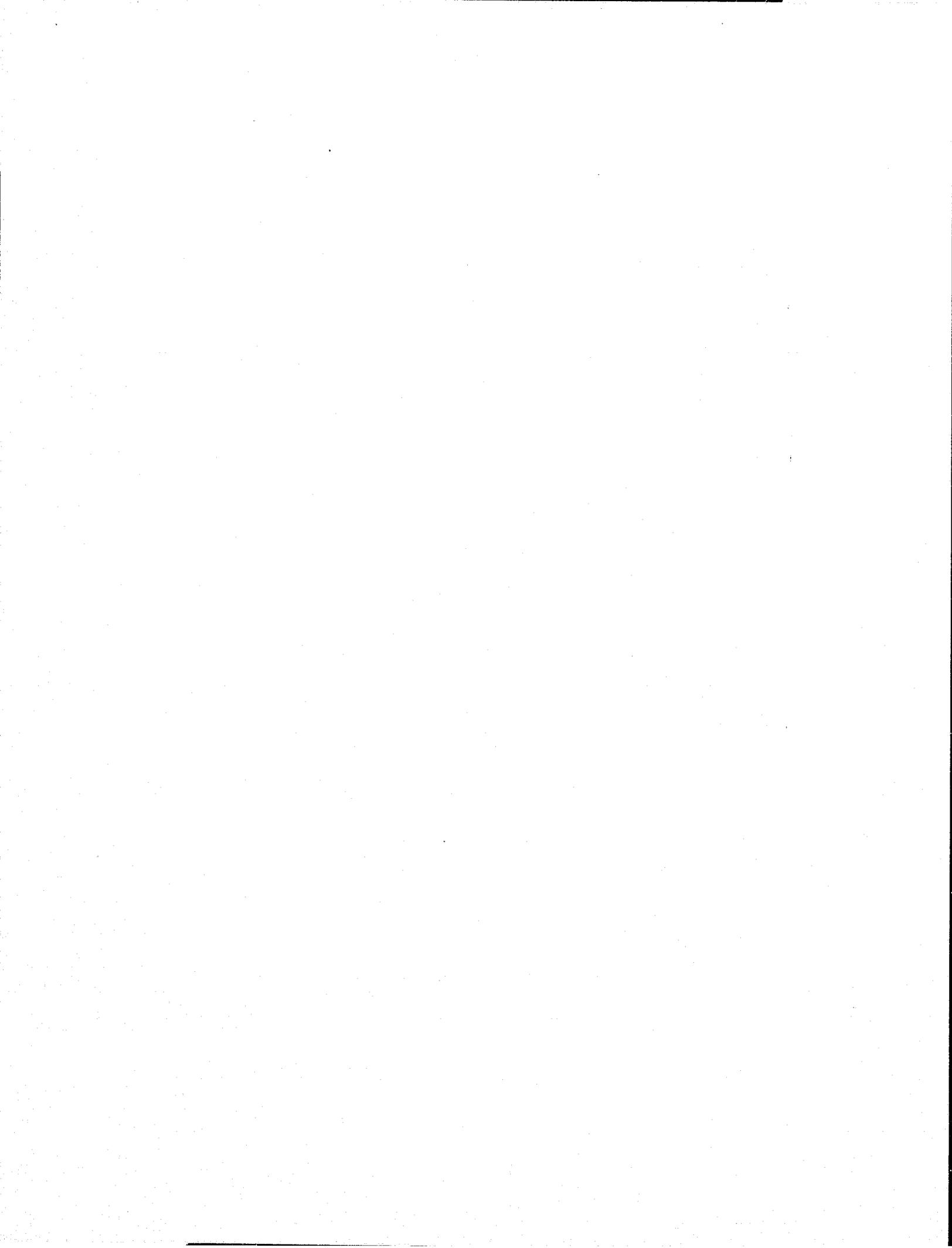
APPENDIX D: STATISTICAL SIGNIFICANCE

Student's t-Test for difference of proportions was used to measure the statistical significance of the notification impact and good address impact reported in Tables XX - XXII.

Since it was hypothesized that notification would have only a positive impact, all the probabilities (p) listed below reflect a one-tailed reading.

	t	Degrees of Freedom	p <	significance
1	2.29	381	.025	**
2	3.43	326	.001	***
3	0.45	721	.4	
4	1.35	684	.1	*
5a	1.12	249	.2	
5b	1.84	81	.05	**
5c	1.89	47	.05	**
6a	2.01	211	.025	**
6b	2.61	68	.005	***
6c	1.90	43	.05	**
7a	0.30	265	.4	
7b	0.14	289	.5	
7c	1.89	47	.05	**
8a	0.95	252	.2	
8b	0.77	270	.25	**
8c	1.90	43	.05	**
9a	1.59	87	.05	**
9b	0.99	61	.2	
9c	2.83	53	.005	***
9d	0.44	53	.4	
9e	0.30	36	.4	
9f	0.97	17	.2	
10a	1.29	99	.1	*
10b	----	---	----	
10c	1.14	121	.2	
10d	----	---	----	
10e	0.92	89	.2	
10f	0.97	13	.2	

* significant at $p < .1$
 ** significant at $p < .05$
 *** significant at $p < .01$



END