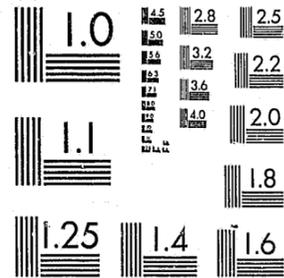


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART  
NATIONAL BUREAU OF STANDARDS-1963-A

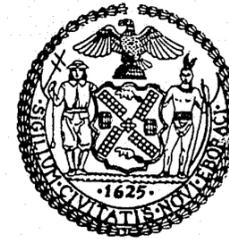
Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

Date Filmed

3/04/81



THE CITY OF NEW YORK

# CRIMINAL JUSTICE COORDINATING COUNCIL

RESEARCH, EVALUATION AND  
INFORMATION DIVISION

PRETRIAL SERVICES IN CRIMINAL COURT:  
AN EVALUATION OF THE NEW YORK CITY  
CRIMINAL JUSTICE AGENCY

72386

PRETRIAL SERVICES IN CRIMINAL COURT:  
AN EVALUATION OF THE NEW YORK CITY  
CRIMINAL JUSTICE AGENCY

NCJRS

OCT 8 1980

ACQUISITIONS

By  
Steven Belenko, Ph.D.

RESEARCH, EVALUATION, AND INFORMATION DIVISION

Criminal Justice Coordinating Council

111 John Street

New York, New York 10038

JUNE 1980

ACKNOWLEDGEMENTS

The following CJCC staff members assisted in the preparation of this report: Sydney Brink compiled and tabulated the summary data; Anne Torre assisted with site visits and field interviews; Barbara Harvey and Gail Wallace did the typing.

## EXECUTIVE SUMMARY

### I. History And Overview Of CJA

This report is an evaluation of the operations of the New York City Criminal Justice Agency (CJA) during Fiscal Year 1979-80.<sup>1</sup> CJA, which has its origins in the bail reform movement of the early 1960's, is a public benefit corporation whose staff interviews arrested defendants in New York City and makes recommendations for pretrial release, notifies released defendants of upcoming Criminal Court dates, and conducts research on the criminal justice system.

Formed from the Vera Institute of Justice Pretrial Services Agency on August 1, 1977, CJA received a combination of Federal LEAA funds (\$1.4 million) and New York City tax-levy funds (\$1.6 million) in its first year. During its second year, CJA received \$3,400,000 in City tax-levy funds plus a small amount of LEAA money, and in the current Fiscal Year 1979-80, the agency is fully supported by tax-levy funds (\$3,504,000).

Under its current structure, CJA operates to assist the criminal justice system in several important ways. During the past several years, three major goals have emerged; as stated in the FY 79-80 CJA contract with CJCC, these are:

- (1) to decrease the number of days spent in detention by defendants who could safely be released to the community while awaiting trial,
- (2) to reduce the rate of nonappearance in court by defendants released from detention and awaiting trial,
- (3) to operate a citywide pretrial services agency providing a variety of services to the public, criminal justice agencies and defendants enabling the pretrial process to operate with greater efficiency and fairness.

As a means of achieving these goals, CJA has contracted with the City to perform a number of tasks related to interviewing arrested defendants, recom-

---

<sup>1</sup>This evaluation report covers CJA's activities during the period July 1, 1979 through April 30, 1980. However, the analysis of ROR, failure-to-appear, and cost data is limited to the period July 1-December 31, 1979 (unless otherwise noted). Because of CJA's conversion to its UDIIS computer system, and consequent programming delays, no data on CJA's basic operations during the current fiscal year were available for analysis until early May 1980. Thus a number of the more detailed analyses planned for this evaluation could not be carried out.

mending them for release on recognizance, and notifying them of scheduled court appearances. Additional tasks relate to conducting research and disseminating information both on its own operations and specific research projects. CJA's contract specifies the following responsibilities:

- (1) Collect background information on all defendants in the Criminal Courts and provide an assessment of the strength of the defendant's community ties to the courts, prosecutor, and defense attorney. CJA will interview defendants, verify the information, and summarize criminal history data obtained from DCJS.
- (2) Contact released defendants prior to scheduled court dates in order to notify defendants of required court appearances.
- (3) Interview misdemeanants and evaluate them for eligibility for Desk Appearance Tickets (DATs), and notify DAT defendants of arraignment and other court dates.
- (4) Study and evaluate other pretrial service agencies to determine the best methods of pretrial release.
- (5) Collect and publish statistics on its own operations and related criminal justice statistics, and disseminate this information to criminal justice agencies and the public.
- (6) Study problems related to pretrial release, detention, and failure-to-appear rates. Investigate broader problems of criminal justice system efficiency and operation, and conduct experimental programs if desirable, to test or implement new projects.
- (7) Operate, jointly with the Department of Correction (DOC), the Unified Defendant and Inmate Information System (UDIIS). This system would sustain the daily operations of CJA and DOC (related to inmate location and delivery to court) and support research needs. CJA would pursue agreements to coordinate and share relevant data with other information systems such as PROMIS, NYPD MISD, and OCA, and would work closely with the CIRCLE Committee to ensure compatibility and cooperation with the other systems.
- (8) Operate a Pre-Court Management Project in Brooklyn, pending approval of related criminal justice system agencies, to study the flow of cases through the arrest-to-arraignment process and the time it takes to complete each major step in the process.

#### Interviewing, Verification, And ROR Recommendation

Probably the major task for CJA, and the impetus for its original creation, is to interview arrested defendants prior to arraignment, assess the strength of community ties, and make a recommendation to the arraignment judge as to whether or not the defendant should be released on his own recognizance. Defendants are interviewed by CJA staff shortly after arrest, usually at Central Booking. Information on the defendant's residential, employment, and family status is collected; attempts are then made to verify this information by telephone. Additional information from the Police Department arrest report and a summary of prior convictions and outstanding warrants from the NYSID sheet are added to the CJA information sheet.

When this process is completed, generally within a few hours of arrest, the CJA interviewer makes a summary release recommendation based on the strength of community ties and the likelihood of voluntary return to court, and stamps the information sheet, which is forwarded to the arraignment judge, prosecutor, and defense attorney. The arraignment judge then examines the CJA interview and recommendation, and in conjunction with other factors in the case, arrives at a bail/ROR decision.

#### Defendant Notification

CJA is responsible for notifying all ROR'd defendants of upcoming court dates, whether or not CJA had recommended release. The notification system operates through a combination of defendant check-ins, computerized notification letters, and follow-up telephone calls. These notification efforts continue through the pretrial period, and cover all Criminal Court appearances through disposition or transfer to the Supreme Court.

#### Research

CJA maintains an active research department which conducts ongoing and special analyses of its own operations, and examines other relevant criminal justice issues and problems. Although much of CJA's research is based on analysis of defendant and court calendar information in its data base, the agency also conducts field studies and uses other sources of information such as interviews and site visits. One major study, the Bail Research Project, is currently under way and will address basic issues in CJA's recommendation process and impact on judicial release decisions.

## II. Description Of CJA Administrative Structure

The organizational structure of CJA includes a central administration office located at 305 Broadway in Manhattan, and four borough offices located in Manhattan, Brooklyn,<sup>1</sup>Bronx, and Queens. Although the borough offices handle day-to-day court-related operations somewhat independently, the central office sets policy, supervises the borough activities, provides administrative and fiscal services, and generally tries to insure that ROR and notifications activities in the boroughs are carried out in a uniform and efficient manner. In addition, the agency's CETA contract is administered out of the central office.

### A. Central Office

CJA's administrative headquarters contain the agency's administrative, fiscal, information systems, and research staff. A total of \$936,360

<sup>1</sup>Staten Island operations are handled through the Brooklyn Office.

(including 31 full-time staff members) was budgeted for central office operations in FY 79-80; this figure includes data processing costs for all borough operations.

#### 1. Information Systems

CJA's computer system is under the direction of the Director of Management and Information Systems, with overall supervision provided by the Associate Director for Policy. The staff has handled the development and operation of the UDIIS computer system (which replaced the previous Meditech system) in conjunction with the New York City Department of Correction (DOC).

#### 2. Research

Six full-time staff members (supported by CJCC-administered funds) are involved in research and evaluation at CJA, under the director of the Associate Director for Policy. Part-time staff are also used for interviewing, site observation, and other data collection activities. The research staff conducts both large-scale ongoing studies and short-term projects, two of which are being jointly supervised by the Department of Correction. Aside from CJA's own, internally-generated projects, requests for research studies are made regularly by various outside agencies. In addition, the research staff prepares the regular CJA monthly and quarterly reports which summarize the agency's ongoing ROR and notifications activities.

#### B. Borough Offices

CJA's defendant interviewing, verification, and notifications operations are based in the four borough offices. Although each site is budgeted to have a Borough Director and Deputy Borough Director, the directors' lines were left vacant for most of FY 79-80 for all boroughs except Brooklyn. (By leaving these lines vacant, the agency was able to generate accruals to help pay for unanticipated computer costs from FY 78-79.) For this reason, more supervision and control of borough operations has been maintained by the central office than in the past. This reduction in decentralized power has meant that changes in operations or policies must be cleared through the Director of Operations prior to implementation. Recruitment and initial screening of interviewing and notification personnel is also controlled by the central office. The central office also developed and implemented standardized interviewer training materials and procedures, although there are borough-wide differences in the way the actual training process is carried out.

There are several basic similarities in the operations and structure of the CJA borough offices. All are located at or near the Criminal Courts buildings. Interviewers and some other personnel are based at the Police Department Central Booking facility, where most of the defendant interviews occur. Computer terminals for data entry and data retrieval are located both at Central Booking and the borough administrative office.

#### III. CJA's Role In The Arraignment Process And Release On Recognizance

CJA plays a major role in the arrest-to-arraignment process by interviewing arrested defendants, verifying information related to community ties, and making a recommendation to the arraignment judge as to whether or not the defendant should be released from detention pending trial.

#### A. Description Of Interviewing And Verification, And The CJA Point System

The process of interviewing arrested defendants, verifying information obtained, and making a release recommendation to the arraignment judge is central to CJA's operations. In addition to collecting key facts to be used in the recommendation, the interview serves to supply CJA with the contact information needed to notify defendants of subsequent court dates. The interview data, supplemented by Criminal Court calendar data, are entered into CJA's computer where they provide the basis for automated, daily operational functions as well as research and management analysis.

#### 1. The Defendant Interview

Most CJA interviews take place at the holding cells in Central Booking. Arrestees are brought to Central Booking after arrest to be booked, photographed, fingerprinted, and await arraignment. On average, arrestees may spend five or six hours in the Central Booking cells before arraignment or transfer to court or DOC detention cells. CJA interviews are administered through the bars of the holding cells, usually about four to five hours after the defendant is arrested, but shortly after the defendant is placed in the detention cell. With certain exceptions, CJA practice is to interview every defendant between arrest and arraignment. Those not interviewed include:

- . Defendants in jail against whom additional charges are brought;
- . Defendants released from the precinct on Desk Appearance Tickets in Brooklyn and Queens, or issued DATs by authorities other than the Police Department;
- . In all boroughs, defendants arrested for violations, on out-of-state warrants, or rearrested for just an outstanding bench warrant;

- . Defendants arrested under Supreme Court warrants;
- . In Manhattan, defendants charged with prostitution;
- . Juveniles, except those designated under the Juvenile Offender Law.

The CJA interview report form is a one-page document that elicits information from the defendant on current and prior residences, living arrangements, personal contacts, employment and income, and current schooling. In addition, information on the present arrest and prior criminal record are obtained from the Police Department arrest report and NYSID sheet, respectively.

## 2. Verification

After the interview is completed, the interviewer returns to the CJA work area at Central Booking and begins attempts to verify information obtained from the defendant. Verification is accomplished mainly by telephone, although sometimes, when a contact is at court for arraignment, the interviewer will attempt to verify information in person. Verification attempts are recorded, and the CJA recommendation points tabulated, on the reverse side of the interview form. Verification attempts are made until the NYSID sheet is received from Albany, at which point verification efforts usually stop, even if contact has not been completed.

## 3. NYSID and Other Information

When the NYSID sheet is returned, the interviewer reviews it and records certain information on the CJA report form. If the defendant had no prior misdemeanor or felony arrest, then "first arrest" is checked. The number of prior misdemeanor and felony convictions are tabulated and indicated on the interview form. In addition, the interviewer records information on any open cases where the disposition has yet to be entered on the NYSID sheet, and checks whether any outstanding warrants are attached.

## 4. CJA Recommendations and the Point System

After completing the final verification attempt and entering NYSID data, the CJA interviewer initiates the process of assessing the defendant's community ties and making a release recommendation. The point system used by CJA is based on the model used by Vera in the Manhattan Bail Project, but has been modified and condensed over the years. Using a series of standardized statements printed on the back of the interview form, the interviewer totals the number of points and applies one of the following stamps to the interview:

RECOMMENDED: VERIFIED COMMUNITY TIES

QUALIFIED: UNVERIFIED COMMUNITY TIES

No Recommendation Due To:

- |  |   |
|--|---|
| <input type="checkbox"/> Insufficient Community Ties       | <input type="checkbox"/> Residence Outside NYC Area |
| <input type="checkbox"/> Conflicting Residence Information | <input type="checkbox"/> Incomplete Interview       |

No Recommendation Due To:

- |  |   |
|--|---|
| <input type="checkbox"/> Bench Warrant Attached to NYSID | <input type="checkbox"/> No NYSID Available   |
| <input type="checkbox"/> Bail-Jumping Charge             | <input type="checkbox"/> For Information Only |

## B. Number of Interviews

. During the period July-December 1979, excluding DATs, CJA interviewed 50,188 defendants arraigned in Criminal Court, an average of 8,365 per month. Manhattan, with 18,512 interviews (36.5% of the total) and Brooklyn (12,243 or 24.4%) had the highest interview volumes, reflecting the relative number of arrests in the boroughs. A total of 9,265 interviews were conducted in the Bronx, 9,328 in Queens, and 840 in Staten Island.

. Compared with the same period in 1978, CJA interviewed 12.7% fewer defendants during the latter half of 1979 (50,188 versus 57,512). The reduction was most noticeable in Brooklyn, which showed a 20.8% decrease in number of interviews. This reduction in interviews reflects a comparable reduction in arrests between the two time periods; the number of arrests during July-December 1979 was 13.4% lower than during July-December 1978. The percentage of arrestees interviewed by CJA remained the same.

## C. CJA Recommendations

Generally, patterns of CJA recommendations have remained stable over time. During the period July-December 1979, major findings with regard to the distribution of CJA recommendations were:

. As in prior years, about half of the interviewed defendants overall received a Recommended stamp (31.7% verified and 16.1% qualified). Manhattan, with its relatively large proportion of transient and out-of-state arrestees, had the lowest rate of Recommended defendants (24.0% verified and 13.7% qualified) and highest proportion of defendants Not Recommended due to weak community ties, 42.8% (compared with an average of about 26% for the other boroughs). Citywide, 32.4% of defendants were not recommended due to insufficient community ties.

. Affidavit charge severity was related somewhat to the CJA recommendation. Defendants arrested on felony charges were more likely than those arrested for misdemeanors to be Recommended-Verified (36.3% versus 26.8%) or Qualified (17.3% versus 14.9%).

#### D. Arrestment Outcomes and ROR Rates

Since many cases are disposed of at arraignment, the actual size of the pretrial release population (and therefore the size of the group requiring notifications) is smaller than the number of defendants recommended for release. Further, judges release a number of defendants who were not recommended by CJA, and set bail or remand defendants who were recommended for ROR by CJA. An important issue in evaluating CJA's effectiveness is the extent to which judges utilize the information gathered by CJA and follow the agency's release recommendations.

##### 1. Disposition Rates

Overall, 65.7% of the interviewed cases were not disposed at arraignment, a rate similar to that of previous years. Defendants who were recommended by CJA were less likely to have their cases disposed at arraignment (71%) than those not recommended (59.5%), or with a bench warrant (58.1%). With a positive recommendation and higher likelihood of ROR, there may be less pressure to obtain a guilty plea.

##### 2. ROR Rates

The release rate for nondisposed cases was higher for defendants who are recommended for ROR by CJA; 66.6% of Recommended-Verified and 60.8% of Qualified defendants were ROR'd at arraignment. In contrast, 52% of defendants Not Recommended because of insufficient community ties were released. The fact that more than half of these defendants were released reflects that, especially for defendants charged with less serious crimes, judges are willing to ROR many defendants even if they have weak community ties.

Since CJA recommendations are mainly based on community ties and do not take into account such factors as the severity of the charge (except for certain crimes), circumstances and strength of the case and the demeanor or the defendant, it is expected that many defendants recommended by CJA will not be ROR'd at arraignment. The higher ROR rate for CJA-recommended defendants does suggest that judges do take the CJA community ties data into account when making a bail decision. Within each CJA recommendation category, defendants charged with more serious crimes were less likely to be ROR'd and more likely to not make bail or be remanded. However, no matter how serious or minor the charge, defendants receiving a positive CJA recommendation were more likely to be ROR'd than defendants who are not recommended.

Defendants charged with A or B felonies who received a verified recommendation from CJA were about 1½ times more likely to be ROR'd (34.9%) than those Not Recommended (22.5%). For misdemeanants about 80% of Recommended-Verified and Qualified defendants are released, compared with only 66% of Not Recommended defendants. Thus, even for minor charges, the strength of community ties appears to affect judges' release decisions.

#### E. Issues

Because only a limited amount of data on interviewing, verification, and CJA recommendations were available for the current period, a full assessment of CJA's impact on judges' pretrial release decisions and the arrest-to-arraignment process cannot be made at this time. Nevertheless, patterns which emerge from the available data, together with more qualitative data obtained from interviews with arraignment judges, attorneys, and other criminal justice system personnel suggest that CJA is fulfilling its role in the ROR process and is achieving its goal of reducing the amount of time spent in pretrial detention.

Interviews with a number of arraignment judges in New York City Criminal Court indicated that most judges do place a lot of weight on the information contained on the CJA interview when making a ROR decision. Some judges expressed confidence that defendants receiving a positive CJA recommendation will have a lower FTA rate. Reservations about CJA's verification procedures and incomplete interviews were expressed by some judges. Because CJA places important emphasis on not delaying the arrest-to-arraignment process, verifications are often not completed before the interview forms must be moved on with the defendant. Time and resource constraints mean that verifications must be done over the telephone, making it somewhat difficult to assess the quality of the information obtained, and making it difficult to reach contacts at certain hours of the day. Finally, although there was some concern expressed by judges about incomplete interviews, only 4 to 5% of CJA interviews are stamped "Incomplete".

One issue which has been raised about CJA's role in the ROR process is whether it is necessary for CJA to interview every defendant. Since resources are scarce, CJA might save money by interviewing fewer defendants. Further, many agree that the judge's decision is clear in many cases: most defendants arrested on minor charges would be ROR'd anyway, and most arrested on serious charges would not. However, this report concludes that it is important at this time for CJA to continue to interview all arraigned defendants, regardless of charge.

#### IV. CJA Notification System and Failure to Appear Rates

As a means of achieving its goal of reducing the rate of nonappearance in court by defendants released on recognizance, CJA operates a pretrial notifications system. Based on computer-generated reminder letters, defendant check-ins, and telephone reminders, the system attempts to keep the failure-to-appear (FTA) rate low by reminding released defendants of scheduled

adjournment dates and the importance of their appearance in court.

#### A. Failure To Appear Rates

A key measure of the effectiveness of CJA's notifications efforts is the rate of failures to appear in court. FTA rates of released defendants were analyzed according to CJA recommendation and charge severity. Also, FTA rates for ROR'd and bailed defendants were compared.

The major findings for July-December 1979 were:

. Aggregate FTA rates are lowest in all boroughs for defendants with verified community ties (5.3% overall), and Qualified defendants in general have the second lowest FTA rates (7.4% overall). As reported in earlier studies, defendants who are Not Recommended due to insufficient community ties and those with current Bench Warrants have the highest aggregate FTA rates, (13.2% and 15.2% respectively). Thus, regardless of actual release status, CJA-recommended defendants continue to have lower FTA rates than other defendants.

. Willful FTAs, as in the past, tend to be substantially lower than aggregate FTAs, while showing the same pattern by CJA recommendation. The ratio of aggregate to willful FTA rates provides a measure of the "clearance" rate of FTAs, the extent to which defendants voluntarily return to court. If Verified and Qualified defendants are better risks, then this ratio should be larger than for other defendants. The results confirm this expectation: the aggregate/willful FTA ratio is consistently highest for Recommended: Verified and Qualified defendants (1.89 and 1.68 citywide compared with 1.45 for other recommendation categories).

Traditionally, monetary bail has been used by the court system to assure a defendant's appearance in court. In recent years, the experience of pretrial release agencies has demonstrated that many defendants can be released without financial conditions and still have a high probability of returning to court. Aggregate FTA rates were analyzed by the defendants' release status at arraignment and at the time of the scheduled court appearance:

. Within all categories of release, defendants who received the Recommended-Verified CJA stamp had the lowest FTA rates. For example, Verified defendants who were ROR'd at arraignment and remained ROR'd at the time of scheduled court date had an FTA rate of 5.2%. Qualified defendants in general had the next lowest FTA rate, again looking at these rates within each release category.

. More serious charges are correlated with lower FTA rates, with misdemeanants tending to have the highest rate of FTAs (10.7 percent overall) and defendants charged with A or B felonies the lowest (6.5% overall) this trend was observed across all recommendation categories. Since ROR is more selectively applied in more serious felony cases, these defendants are likely to have been judi- cially good risks.

. The results also suggested that CJA's highest recommendation may be a more accurate predictor of return to court for the more serious charges. FTA rates for defendants who were Recommended-Verified and those who were Qualified are relatively lower for the more serious charges. For Recommended-Verified defendants charged with A, B or C felonies, FTA rates were only one-third as great as for defendants in the Not Recommended category. In contrast, FTA rates were about 45% lower for defendants facing other, less serious charges.

#### V. CJA's Role In The Use Of Desk Appearance Tickets

Many arrestees are released prior to arraignment under a procedure called a Desk Appearance Ticket (DAT). CJA also plays an important role in DAT cases and the scheduling and notifications of arraignment.

The issuance of DATs has become an established part of the arrest procedure, and has resulted in substantial savings in police officer time and court costs. However, the FTA rate for docketed DATs at arraignment appearances has traditionally been high, on the order of 33%. The results of pilot studies suggested that CJA notification might reduce the warrant rate for DATs, especially if the defendant address information was accurate. Thus, CJA began notifying docketed DATs of arraignment appearances on June 1, 1978. At the present time, notification follow-up calls for DATs are handled by CETA workers.

CJA recently compared DAT arraignment FTA rates for sample periods in November 1979 and March 1980 in Brooklyn and Manhattan. In Brooklyn, where no notifications had been done in November and both letter and telephone contacts made in March, the FTA rates decreased from 46% to 35%. In Manhattan, where telephone notifications were added during the period to the letter notifications done in November 1979, the FTA rate showed no substantial change, decreasing from 42% to 39%.

In addition, CJA interviews defendants who would potentially be issued DATs in the Bronx and Manhattan. CJA administers a shortened version of its interview form to determine whether there are sufficient community ties to release the prisoner with some certainty of his returning for arraignment at a future date. The address is verified through a phone call or consultation of the reverse directory. In the Bronx, CJA presents an explicit recommendation to the Police Desk Sergeant on duty; in Manhattan, CJA communicates the defendant's identity, address and phone information to the Desk Sergeant but without a recommendation. In both boroughs, the final issuance decision is made by the Desk Sergeant.

At the time of preparation of this report, data for FY 1979-80 on the number of DAT interviews conducted, number of arraignment notifications, and arraignment FTA rates were not available from CJA. Therefore, the current impact of CJA's work regarding the issuance of DATs cannot be assessed, nor can the extent of resources expended by the agency be reliably estimated at this time. Extrapolating data from FY 1978-79, it is estimated that CJA conducted 11,000 DAT interviews in Manhattan and the Bronx, and sent notification letters to about 16,500 DATs scheduled for arraignment, during the period July-December 1979.

Data from earlier notifications studies suggest, however, that CJA may be able to reduce the FTA rate at DAT arraignments. Further, CJA's participation in interviewing and scheduling DATs has saved Police Department resources and resulted in more efficient scheduling in Manhattan and the Bronx. It is not known whether CJA interviews in these boroughs yield more accurate address information than was available from Police Department records, and thus whether the rate of return from the Post Office of notification letters has decreased since CJA interviewing began.

#### IV. CJA Research Activities

In addition to defendant interviewing and notifications, CJA's third major type of activity involves research on various aspects of the criminal justice system. Using its large defendant database, CJA has produced a number of reports during the past few years related to defendant characteristics, failure-to-appear rates, the impact of notifications, DAT's, and other topics. Although some studies are initiated in-house, research requests are also received from outside agencies. CJA's database of defendant and criminal court calendar information provide the raw data for a number of potential studies. In addition, CJA's large field staff and ready access to Police, Court, and other criminal justice data enhance its ability to generate research of interest to the system in a timely fashion.

CJA's research staff is involved in two basic types of activities: ongoing monitoring of CJA operations and production of monthly and quarterly operations reports, and preparation of special short- or long-term research projects.

##### A. Quarterly Operations Reports

The monthly and quarterly reports have in the past contained a standard set of tables which summarize CJA's recommendations, release rates and arraignment outcomes, FTA rates, and DAT arraignment outcomes and FTA rates. The reports were also designed to provide an overview of the arraignment process and Criminal Court activities. Because of the delays associated with the

changeover to its new information system (UDIIS), however, CJA has not yet issued a quarterly report covering the current fiscal year. The last monthly report issued was for August 1979, and the last CJA quarterly report covered the period April through June 1979. Quarterly reports covering the July-December 1979 period are expected to be published in June 1980.

The quarterly reports are distributed to a number of individuals throughout the criminal justice system, including judges, criminal justice researchers, prosecutors, Legal Aid Society, and other pretrial services agencies. Interviews with some of these individuals indicated mixed feelings about the usefulness of the reports. The plethora of tables and graphs bother some, who would like to see more explanatory text. Others point out that because the basic statistics do not change very much from quarter to quarter, perhaps semiannual reports would be more useful. Finally, the delay in producing the reports may detract from their usefulness for policy decisions. CJA is presently revising the format of its quarterly reports in response to criticism and suggestions, and it may be that future reports will gain wider acceptance and impact within the criminal justice system.

##### B. Special Studies

A total of 22 reports were produced by CJA during the four-year period ending December 31, 1979, an average of 5-6 per year.

Most of CJA's studies have made use of the data routinely collected for ROR and notification operations. However, CJA also will utilize field staff to collect additional data as needed.

CJA's research output has slowed during the current fiscal year, with only one report issued as of April 1980--the Juvenile Offender report prepared jointly with DCJS. In comparison, five research reports were issued during FY 78-79. For the most part this reduction of reports reflects delays in implementing UDIIS: this system has not yet been utilized for CJA research, and were diverted to assist in the development of UDIIS and conversion from Meditech.

However, several studies have been underway during this fiscal year: these include the Bail Research Project, Short-term Detention Study, DOC Classification study, and the New York State Department of Correction Services (DOCS) utilization study. Some of these studies have been funded under outside grants. CJA staff participate in other research activities. For example, Brooklyn and Bronx CJA staff collect and tabulate data on the time between arrest and arraignment. CJA staff will be cooperating with the Queens County District Attorney's Office in the latter's Bench Warrant Prosecution Project, which recently began under CJCC funding and is designed to expedite and increase the rate

of successful prosecution of bail-jumping cases.

Bail Research Project. This is a study of major importance to CJA, and should answer a number of basic questions about the viability of the CJA point system and the extent to which judges make use of CJA recommendations, basic issues which have been raised over the past several years. The Bail Research Project involves an evaluation of the CJA Point System, the impact of CJA recommendations on actual release decisions, and development of a revised point system. An analysis tape is now in preparation and is expected to be ready during June 1980, when data analysis should begin.

#### C. Assessment of CJA Research Activities

An analysis of CJA's past research efforts and discussions with individuals throughout the criminal justice system indicate that for the most part CJA is properly fulfilling its role as a research organization. It has been able to make use of its database to produce reports on a number of aspects of criminal case processing and defendant characteristics. Some studies have led to policy changes which have improved the efficiency of the criminal justice system and led to cost savings. At the present time, CJA is the only agency with a high quality automated database capable of producing analyses of defendants and Criminal Court processing for the five boroughs. The conversion to a new information system this year resulted in delays in issuing CJA quarterly reports and other research products.

### VII CJA Information System

#### A. Background and Development

CJA's information system was originally implemented and run under a subcontract with the Meditech Corporation. However, concerns over rising costs, delays in generating summary statistics, and some limitations in analytical capabilities led CJA to consider the development of its own in-house information system to supplant Meditech. Further, following a collaborative study, with DOC, of the July 1977 New York City blackout at the request of the Deputy Mayor for Criminal Justice, plans for developing a joint information system were initiated. Because the DOC information system (called the Inmate Information System--IIS) was to a large extent a subset of data already contained in the CJA data base, the agencies felt that substantial benefits would accrue from having a joint system. DOC had also had substantial technical and administrative problems with IIS. Board of Estimate approval of the UDIIS grant occurred in July 1978. Other technical delays meant that delivery and acceptance of the new machines did not occur until January 1979. On July 1, 1979 UDIIS became entirely supported by City tax levy funds.

#### B. System Implementation And Current Status

Problems in the development of the DOC component of UDIIS have arisen due to extensive turnover of the staff assigned at DOC to UDIIS. As of April 1980, DOC still had some distance to go to complete implementation of its part of the system. However, during the past year CJA has proceeded in development of its component and at the end of September 1979 formally converted to UDIIS from the Meditech system.

At the present time UDIIS is fully operational from the CJA side, although software programming for summary statistics has not yet been completed. An extensive set of interactive screen applications for CJA defendant data has been completed and is operational, although not all are being used at present. These screens provide a multitude of data entry, retrieval, and management functions, including the initiation of new defendant cases, updating of case files, defendant appearance histories, court calendar schedules, daily interview volume, DAT arraignment schedules, arrest-to-arraignment times, etc. Response time for these screens is very rapid.

#### C. Assessment of UDIIS

At this time, without the DOC component of UDIIS operational, it is difficult to evaluate the success of the system. Although the CJA component is close to its full operating level, the full potential and efficiency of the system will not be reached until the DOC half of the system is finalized, perhaps by the end of 1980. Problems which may arise from the inclusion of DOC data in the system cannot be assessed. Any long-term cost savings which may accrue because of the joint CJA-DOC system cannot yet be determined.

UDIIS is a fast, flexible information system that was set up by CJA relatively quickly, especially when compared with the development problems encountered by other criminal justice information systems. Its full capacity, cost-efficiency, and usefulness cannot be assessed until the DOC component is completed in the course of the next year. Delays in setting up the transfer of OCA data to UDIIS have resulted in some duplication of data entry and additional costs to CJA. With the continued supervision of the CIRCLE Committee, such duplication of effort should be minimized in the future and any interfact between UDIIS and OCA, PROMIS and the Police Department will occur in a mutually satisfactory way. In the meantime, UDIIS appears to be superior to CJA's previous Meditech system and a valuable management and research tool for the agency's operations.

### VIII. Analysis Of CJA Costs

. Total agency expenditures of tax-levy funds for the period July-December 1979 were about \$1,750,000. About 40% of CJA's expenditures (\$682,000) were for interviewing/verification and another 40% for notifications activities (\$701,000). Research costs (not including money spent under separate research grants) were estimated at \$83,305 (4.7%) and administrative/fiscal costs a combined 16.4% of CJA expenditures (\$288,500).

. Citywide, the estimated unit cost per interview for the period of analysis was \$11.15 if DAT interviews are included and \$13.59 if they are excluded. Taking into account the inflation rate over the past five years, these costs compare quite favorably with the unit costs estimated by CJA in 1975 for Brooklyn (\$14.39) and Bronx (\$12.00). The current estimated cost per interview in Brooklyn, \$12.09, also compares favorably with the estimate of \$10.10 for this borough made by the Bureau of the Budget in 1975. Reflecting perhaps the economics of scale, Manhattan CJA had the lowest cost per interview (including DATs), \$9.22, and Queens the highest, \$14.11.

. Citywide, CJA interviewing staff conducted slightly less than one interview per hour (0.84), including verification time and time spent interviewing DATs. This rate also includes time spent calculating CJA points and applying the CJA recommendation, but does not include data entry time. Brooklyn and Manhattan were the most productive boroughs during this period, averaging 0.95 and 1.04 interviews per interviewing staff hour, respectively. Since the Manhattan figure includes DAT interviews, which may take less time to administer than regular defendant interviews, this rate may actually be more comparable to Brooklyn's, which includes no DAT interviews. The lowest productivity rate was found in the Bronx, which averaged an estimated 0.74 interviews per hour.

. A total of 61,553 post-arraignment appearances for ROR'd defendants were scheduled during the period July-December 1979. Each of these appearances required a CJA notification. With total estimated notifications expenditures of \$700,783 for this time period, the cost per notification was estimated at \$11.39. In 1977, CJA estimated the cost per notification in Manhattan as \$10.38 per appearance, about 9.7% lower than the current estimate. Given that computer costs for the July-December 1979 period are relatively high because of non-recurring start-up costs for UDIIS, it is expected that the unit cost per notification will be lower during the coming year.

### IX. General Discussion

In general, personnel throughout the criminal justice system speak favorably about CJA and the value of its activities. Because of the volume of cases handled in Criminal Court and the speed at which arraignments occur (2 to 5 minutes per case), judges, defense attorneys and most prosecutors are helped by having background information on a defendant to assist in making ROR decisions (and sometimes disposition decisions). By law, community ties is one

piece of information to be used in release decisions. Judges generally express satisfaction with the information contained on the CJA interview, and report that the CJA recommendation and community ties information are important factors in their bail/ROR decision. CJA's position as an independent agency seems to enhance that credibility.

The suggestion that the Department of Probation take over CJA's activities was raised this year as a means of saving money for the City because New York State might reimburse the City for some of the costs. Probation performed the ROR function for the City during the period 1964-1973 (although they did not perform notifications activities). However, deficiencies and other problems with Probation's ROR activities led to the return of the ROR function to the Vera Institute of Justice in 1973, through its newly formed Pretrial Services Agency. In part because of Probation's problems operating the ROR program (and the limitations of the services it was able to provide) and the stress placed by criminal justice system personnel on the independence and flexibility of CJA, it would not seem advisable to return CJA's functions to Probation. CJA's ability to be flexible in its operations and respond quickly to outside requests for data and research studies probably could not be matched by a government agency.

Given the costs of CJA interviewing operations, the question of whether it is necessary to interview all defendants should also be considered. Theoretically, the agency could reduce the size of its interviewing staff and thus reduce costs if not all defendants were interviewed. If, for example, defendants arrested for misdemeanors are likely to be released at arraignment with or without a CJA recommendation, some have argued that CJA should therefore not interview defendants held on minor charges. For a number of reasons, discussed in this report, this does not appear to be a good idea at this time, nor would it necessarily reduce agency costs.

Through additional research efforts and consequent policy changes, CJA should seek ways of improving its efficiency and reducing costs. For example, it is important for the agency to study the effects of verification procedures on judicial release decisions. Do judges take into account the completeness of verification when making an ROR decision? Does the type of contact, friend or family member, affect this decision? Do judges respond differently to verification attempts for different charges? The Bail Research Project, when completed by CJA, will provide some insight into this issue, but more complete documentation of interviewer's verification attempts and the results of these attempts would be required in order to fully investigate the impact of these efforts.

Related to the importance of CJA studying more closely the impact of verification, is the need for the agency to educate arraignment judges about the agency's activities, and to establish more regular contact with judges in order to elicit comments on CJA's interviewing and recommendation process and gather more information on how judges use the CJA information. Although perhaps somewhat difficult to operationalize, a regular dialogue between the agency and one of its primary groups of clients, arraignment judges, could enhance judges' understanding of CJA's role in the arrest-to-arraignment process, increase the impact of its recommendations on ROR decisions, and improve the efficiency of its operations. Problems that may surface with individual judges concerning the CJA interview could also be resolved more quickly if more frequent contacts occurred.

Prior research, also supported by current data, has indicated that positive CJA recommendations predict low FTA rates and suggests that its notification system is effective in reducing these rates. However, since the Brooklyn Notification Study was conducted in 1976, it may be appropriate for CJA to replicate this study in the near future, on a citywide basis. CJA's analyses of its notifications activities should include the relative impact of different types and levels of notification efforts (e.g. phone calls vs. letters, defendant-initiated contact vs. CJA-initiated contact). By analyzing its notifications system, the agency might find ways of reducing its notification costs (an estimated 40% of CJA's expenditures) while maintaining low defendant failure-to-appear rates. Prior to conducting such research, CJA needs to expand its documentation of notification efforts using its computer system.

Further savings may accrue to the agency as its UDIIS system approaches full development. During the past year, one-time costs were incurred in setting up the CJA component of the system. In the long-term, it is likely that costs to CJA will be lower (and more controllable) than under the Meditech system, although the extent of any long-term cost savings are contingent somewhat on the timely development of the Department of Corrections' component of the system.

This evaluation suggests that CJA plays an important and necessary role in criminal case processing in New York City. The information collected on the CJA defendant interview has an impact on judicial ROR decisions: defendants with verified and unverified community ties are more likely to be ROR'd than defendants with weak ties, and have lower failure-to-appear rates while released. Through its DAT interviewing and notifications of DAT arraignment appearances, CJA appears to have helped to reduce the high FTA rate for DAT arraignments. In addition, by assuming tasks related to scheduling and processing of DATs in

Manhattan and the Bronx, CJA has helped the Police Department save resources and improve its efficiency. The addition of CETA workers to its staff this year has enabled CJA to expand its services in a number of different areas.

During the past year, CJA has continued to serve the criminal justice community as a resource for defendant and criminal court data, studies of arrest-to-arraignment delay, and other research information. The completion of UDIIS and its link with DOC inmate data will enhance the value of CJA's database and increase the potential scope of its research efforts. During the next year results from CJA's Bail Research Project and other ongoing research efforts are needed to help clarify CJA's impact on ROR and to identify ways of improving the cost-efficiency of the agency's operations.

TABLE OF CONTENTS

|  | <u>Page</u> |
|--|-------------|
| EXECUTIVE SUMMARY . . . . .  | v           |
| LIST OF TABLES . . . . .   | xxix        |
| LIST OF FIGURES . . . . .  | xxxiii      |
| CHAPTER I - HISTORY AND OVERVIEW OF CJA  |             |
| A. Bail Reform Movement and Creation of CJA . . . . .  | 1           |
| 1. History of the Agency . . . . .   | 3           |
| B. Evaluation of Pretrial Release Programs -<br>General Issues . . . . .                     | 5           |
| C. Overview of CJA Activities . . . . .  | 6           |
| 1. Interviewing, Verification, and ROR<br>Recommendation . . . . .                           | 8           |
| 2. Defendant Notification . . . . .  | 8           |
| 3. Research . . . . .  | 8           |
| 4. CJA's Role in the Criminal Justice System . . . . .                                       | 8           |
| D. Outline of this Report . . . . .  | 9           |
| CHAPTER II - DESCRIPTION OF CJA ADMINISTRATIVE STRUCTURE                                     |             |
| A. Central Office . . . . .  | 11          |
| 1. Information Systems . . . . .   | 11          |
| 2. Research . . . . .  | 12          |
| B. Borough Offices . . . . .   | 13          |
| 1. Brooklyn . . . . .  | 14          |
| 2. Bronx . . . . .   | 17          |
| 3. Manhattan . . . . .   | 19          |
| 4. Queens . . . . .  | 21          |
| CHAPTER III - CJA'S ROLE IN THE ARRAIGNMENT PROCESS AND RELEASE<br>ON RECOGNIZANCE . . . . . |             |
| A. Description of Interviewing and Verification, and<br>the CJA Point System . . . . .       | 24          |
| 1. The Defendant Interview . . . . .   | 25          |
| 2. Verification . . . . .  | 30          |
| 3. NYSID and Other Information . . . . .   | 33          |
| 4. CJA Recommendations and the Point System . . . . .  | 33          |
| 5. Forms Processing and Data Entry Procedures . . . . .                                      | 37          |
| 6. Interviewing Staff . . . . .  | 39          |
| 7. Discussion . . . . .  | 41          |

|  | <u>Page</u> |
|--|-------------|
| B. Number of Interviews . . . . .  | 44          |
| 1. Number of Interviews by Arrest Charge . . . . .                         | 45          |
| C. CJA Recommendations . . . . .   | 47          |
| 1. CJA Recommendations by Borough . . . . .                                | 47          |
| 2. CJA Recommendations by Charge Severity . . . . .                        | 49          |
| D. Arraignment Outcomes and ROR Rates . . . . .                            | 49          |
| 1. Disposition Rates . . . . .   | 49          |
| 2. ROR Rates . . . . .   | 51          |
| 3. ROR Rates by Charge Severity and CJA Recommendation . . . . .           | 54          |
| E. Discussion . . . . .  | 56          |
| CHAPTER IV - CJA NOTIFICATION SYSTEM AND FAILURE TO APPEAR RATES . . . . . | 60          |
| A. Notifications Procedures . . . . .                                      | 60          |
| 1. Documentation . . . . .   | 61          |
| B. Failure to Appear Rates . . . . .                                       | 62          |
| 1. FTA Rates by CJA Recommendation . . . . .                               | 62          |
| 2. FTA Rates by Release Status and CJA Recommendation . . . . .            | 64          |
| 3. FTA Rates by Charge Severity . . . . .                                  | 67          |
| 4. Post-Plea Failure to Appear Rates . . . . .                             | 69          |
| C. Discussion . . . . .  | 71          |
| CHAPTER V - CJA'S ROLE IN THE USE OF DESK APPEARANCE TICKETS . . . . .     | 74          |
| A. Background . . . . .  | 74          |
| B. Notifications and FTA Rates . . . . .                                   | 75          |
| C. DAT Interviews and Scheduling . . . . .                                 | 76          |
| D. Conclusions . . . . .   | 76          |
| CHAPTER VI - CJA RESEARCH ACTIVITIES . . . . .                             | 79          |
| A. Research Staff and Budget . . . . .                                     | 79          |
| B. Types of Activities . . . . .   | 80          |
| 1. Quarterly Operations Reports . . . . .                                  | 80          |
| 2. Special Studies . . . . .   | 81          |
| C. Assessment of CJA Research Activities . . . . .                         | 86          |

|   | <u>Page</u> |
|---|-------------|
| CHAPTER VII - CJA INFORMATION SYSTEM . . . . .  | 89          |
| A. Background and Development . . . . .   | 89          |
| B. System Implementation And Current Status . . . . .                                   | 89          |
| 1. Description of the System . . . . .  | 90          |
| 2. Interface With Other Information Systems . . . . .                                   | 91          |
| C. Assessment of UDIIS . . . . .  | 92          |
| CHAPTER VIII - ANALYSIS OF CJA COSTS . . . . .  | 94          |
| A. CJA Budget Analysis . . . . .  | 94          |
| B. CJA Costs by Borough and Type of Activity, FY 79-80 . . . . .                        | 97          |
| 1. Allocation of Central Office Expenditures . . . . .                                  | 99          |
| C. CJA Interviewing and Verification: Interviewer Productivity and Unit Costs . . . . . | 106         |
| 1. Cost Per Interview/Verification . . . . .  | 106         |
| 2. Interviewer Productivity . . . . .   | 107         |
| D. Unit Cost Per Notification . . . . .   | 110         |
| E. Research and Information Systems Cost . . . . .                                      | 111         |
| CHAPTER IX - GENERAL DISCUSSION . . . . .   | 113         |

LIST OF TABLES

| <u>TABLE</u> |   | <u>Page</u> |
|--------------|---|-------------|
| II.1         | Full-Time Central Office CJA Staff as of<br>April 30, 1980 . . . . .  | 12          |
| II.2         | Organizational Structure of Brooklyn CJA<br>as of April 1980 . . . . .                                      | 15          |
| II.3         | Organizational Structure of Bronx CJA<br>as of April 1980 . . . . .   | 18          |
| II.4         | Organizational Structure of Manhattan CJA<br>as of April 1980 . . . . .                                     | 20          |
| II.5         | Organizational Structure of Queens CJA<br>as of April 1980 . . . . .  | 22          |
| III.1        | Number of CJA Interviews and New York City<br>Arrests by Charge Severity, Fiscal<br>Year 1978-79 . . . . .  | 26          |
| III.2        | Key Data Elements and Sources on CJA<br>Interview Form . . . . .  | 30          |
| III.3        | CJA Recommendation Categories (Stamps) . . . . .  | 35          |
| III.4        | Information Data-Entered Into UDIIS From<br>CJA Interview Form . . . . .                                    | 38          |
| III.5        | Number of CJA Interviews by Borough,<br>July-December 1979 . . . . .  | 44          |
| III.6        | Number of Interviews by Affidavit Charge<br>Severity, July-December 1979 . . . . .                          | 46          |
| III.7        | Number of Interviews by Affidavit Charge<br>Type, July-December 1979 . . . . .                              | 47          |
| III.8        | CJA Recommendations by Borough, July-<br>December 1979 . . . . .  | 48          |
| III.9        | CJA Recommendations by Affidavit Charge<br>Severity, July-December 1979 . . . . .                           | 50          |
| III.10       | Arraignment Outcomes by CJA Recommendation . . . . .  | 52          |
| III.11       | Relationship Between CJA Recommendation and<br>Arraignment Judges' Decision, Nondisposed<br>Cases . . . . . | 53          |
| III.12       | Arraignment Outcomes by Charge Severity and<br>CJA Recommendation . . . . .                                 | 55          |

LIST OF TABLES - Continued

| <u>TABLE</u> |  | <u>Page</u> |
|--------------|--|-------------|
| III.13       | ROR Rates at Arraignment by Charge Severity<br>and CJA Recommendation . . . . .  | 56          |
| IV.1         | Aggregate and Willful Failure To Appear Rates<br>by CJA Recommendation and Borough . . . . .                                 | 63          |
| IV.2         | Aggregate/Willful FTA Ratios by CJA<br>Recommendation, All ROR'd Defendants . . . . .  | 65          |
| IV.3         | Aggregate Failure To Appear Rates, by Release<br>Status and CJA Recommendation . . . . .                                     | 66          |
| IV.4         | Aggregate FTA Rates by Charge Severity and<br>CJA Recommendation . . . . .   | 68          |
| IV.5         | Failure To Appear Rates for Disposed Cases,<br>by CJA Recommendation . . . . .   | 70          |
| VI.1         | Research Reports Prepared by CJA, 1976-1979 . . . . .  | 82          |
| VIII.1       | New York City Criminal Justice Agency Budget<br>Summary, Fiscal Years 78-79 and 79-80 . . . . .                              | 95          |
| VIII.2       | CJA Average Monthly Expenditures . . . . .   | 96          |
| VIII.3       | CJA Expenditures, July-December 1979, by Site,<br>City Tax-Levy Funds . . . . .  | 98          |
| VIII.4       | Allocation of CJA Borough Staff Time by<br>Activity . . . . .  | 100         |
| VIII.5       | Borough Personnel Expenditures by Staff Type . . . . .   | 101         |
| VIII.6       | Estimated Borough Personnel Costs (Salary<br>and Fringes) by Activity . . . . .  | 102         |
| VIII.7       | Total Borough Expenditures by Activity . . . . .   | 102         |
| VIII.8       | Central Office Expenditures by Activity,<br>July-December 1979 . . . . .   | 103         |
| VIII.9       | Total Estimated Costs of Borough Interviewing,<br>Verification and Notifications Operations,<br>July-December 1979 . . . . . | 105         |
| VIII.10      | Total Estimated CJA Expenditures, by Activity<br>July-December 1979 . . . . .  | 106         |
| VIII.11      | Estimated CJA Costs per Interview and<br>Verification, by Borough, July-<br>December 1979 . . . . .                          | 108         |

LIST OF TABLES - Continued

| <u>TABLE</u> |  | <u>Page</u> |
|--------------|--|-------------|
| VIII.12      | Interviewing Staff Productivity by Borough,<br>October-December 1979 . . . . . | 109         |
| VIII.13      | Estimated CJA Costs Per Notification,<br>July-December 1979 . . . . .          | 110         |

LIST OF FIGURES

| <u>FIGURE</u> |   | <u>PAGE</u> |
|---------------|---|-------------|
| III.1         | New York City Criminal Justice Agency<br>Interview Report . . . . .       | 28-29       |
| III.2         | Reverse Side of NYC Criminal Justice Agency<br>Interview Report . . . . . | 31          |
| III.3         | Recommendation Basis - CJA Interview Form . . . . .                       | 34          |
| V.1           | CJA/NYPD DAT Consideration Form . . . . .                                 | 77          |

I. HISTORY AND OVERVIEW OF CJA

This report is an evaluation of the operations of the New York City Criminal Justice Agency (CJA) during Fiscal Year 1979-80. CJA, which has its origins in the bail reform movement of the early 1960's, is a public benefit corporation whose staff interviews arrested defendants in New York City and makes recommendations for pretrial release, notifies released defendants of upcoming Criminal Court dates, and conducts research on the criminal justice system.

A. Bail Reform Movement and Creation of CJA

Pretrial release programs originated in the early 1960's as a reaction against the use of bail to detain defendants prior to trial. Although the use of monetary bail as a means of assuring that a defendant will appear in court goes back to 13th century English law, studies by Caleb Foote and others through the 1950's<sup>1</sup> indicated that for many reasons the use of monetary bail was resulting in inequitable detention of defendants:

Vast numbers of defendants spent months, even years in jails before trial because they could not raise bail money;

The amount of bail set was generally based solely on the nature of the charge with little individual attention given to factors in the individual defendant's life that related to the likelihood he would flee;

The defendants who stayed in jail before trial for want of bail pled guilty or were convicted after trial more often and received prison sentences more often than those on bail and in virtually all cases lost their jobs and self-respect. Their families were often broken up and deprived of economic support;

The conditions in pretrial detention jails were usually worse than in the reformatories housing convicted prisoners;

Commercial bail bondsmen charged fees of 10 percent or more of the bond set by the court for doing virtually nothing;

Only a very small number of defendants (a few percent) actually fled to avoid trial.<sup>2</sup>

<sup>1</sup>For example: Caleb Foote, et al., "Compelling Appearance in Court: Administration of Bail in Philadelphia," University of Pennsylvania Law Review, Vol. 102 (1954), pp. 1031-1079 and "The Administration of Bail in New York City," University of Pennsylvania Law Review, Vol. 108 (1960), pp. 693-730; Roscoe Pound and Felix Frankfurter, eds., Criminal Justice in Cleveland: Report of the Administration of Criminal Justice in Cleveland, Ohio, (Cleveland: The Cleveland Foundation, 1922; reprinted, Montclair, New Jersey: Patterson Smith, 1968), pp. 290-292; and Wayne L. Morse and Ronald H. Beattie, "Survey of the Administration of Criminal Justice in Oregon, Report No. 1: Final Report of 1771 Felony Cases in Multnomah County," Oregon Law Review, Vol. 11 (June 1932), pp. 86-117, 148-150.

<sup>2</sup>D. Freed and P. Wald, Bail in the United States (Washington, D.C.: U.S. Department of Justice, 1964).

As an outgrowth of this reasearch, the Vera Foundation (later the Vera Institute of Justice) established a pilot program in October 1961 called the Manhattan Bail Project. The purpose of this project was to test the notion that defendants with strong ties to the community could be released from detention without money bail yet have an equally high likelihood of returning to court. More specifically, the project was based on the following procedures:

- (1) Indigent defendants awaiting arraignment in Manhattan's Criminal Courts would be questioned by Vera staff interviewers to determine how deep their community roots were and thus whether they could be relied upon to return to court for trial if they were released without bail.
- (2) The test of indigency would be representation by a Legal Aid lawyer.
- (3) Questions would seek information about the defendant's length of residence in the city, his family ties, and his employment situation.
- (4) Responses of the defendant would be verified immediately in personal or telephone interviews with family, friends, and employers.
- (5) When verified information indicated that an individual was trustworthy and could be depended on to return for trial, the Vera staff member would appear at arraignment and recommend to the judge that the accused be released on his own recognizance (ROR or pretrial parole) pending trial.<sup>3</sup>

A controlled study of the Manhattan Bail Project aimed at determining whether judges given verified information would in fact release more defendants on their own recognizance, and whether released defendants would return for trial at the same rate as those released on bail, was completed in 1963.<sup>4</sup> The results of this evaluation indicated that judges did release many defendants recommended by the Project, and that released defendants had a lower rate of failure to appear in court than those out on bail.

The positive results of the Manhattan Bail Project led to the quick spread of pretrial release programs. In 1963 the District of Columbia established its Bail Agency. National conferences on bail reform and the implementation of pretrial release programs were held in 1964 and 1965, and by 1965 at least forty-two jurisdictions in the U.S. had established programs modeled

<sup>3</sup>Vera Institute of Justice, Programs in Criminal Justice Reform: Ten Year Report 1961-1971 (New York, 1972).

<sup>4</sup>Charles Ares, Ann Rankin and Herbert Sturz, "The Manhattan Bail Project: An Interim Report on the Use of Pretrial Parole," New York University Law Review, 38 (1963).

after the Manhattan Bail Project. By 1977, at least 115 programs were in operation. The Federal Bail Reform Act of 1966 also gave significant impetus to the spread of pretrial release programs. Although this act applied only to the Federal court system and District of Columbia, it established a firm presumption in favor of pretrial release on recognizance (ROR) without money bail, and authorized a scale of conditions of release that judges might impose during the pretrial period, ranging from ROR to surety bond. In making a release decision, the judge was to take into account information on the type and circumstances of the offense charged, weight of the evidence, family and community ties, employment and financial status, prior criminal history, and "character and mental condition."

The current New York State Criminal Procedure Law embodies similar criteria. Section 510.30 states that

To the extent that the issuance of an order of recognizance or bail and the terms thereof are matters of discretion rather than of law, an application is determined on the basis of the following factors and criteria:

(a) With respect to any principal, the court must consider the kind and degree of control or restriction that is necessary to secure his court attendance when required. In determining that matter, the court must, on the basis of available information, consider and take into account:

- (i) the principal's character, reputation, habits and mental condition;
- (ii) his employment and financial resources; and
- (iii) his family ties and the length of his residence, if any, in the community; and
- (iv) his criminal record if any; and
- (v) his record of previous adjudication as a juvenile delinquent, as retained pursuant to section 753(b) of the Family Court Act; or, of pending cases where fingerprints are retained pursuant to section 724(a) of such act, or a youthful offender, if any; and
- (vi) his previous record if any in responding to court appearances when required or with respect to flight to avoid criminal prosecution; and
- (vii) if he is a defendant, the weight of the evidence against him in the pending criminal action and any other factor indicating probability or improbability of conviction; or in the case of an application for bail or recognizance pending appeal, the merit or lack of merit of the appeal; and
- (viii) if he is a defendant, the sentence which may be or has been imposed upon conviction.

#### 1. History of the Agency

The Manhattan Bail Project continued through August 1964, at which time the New York City Office of Probation (OP) assumed the administration of

the project, later expanding it to the five boroughs. Thus, the procedures for making ROR recommendations and reducing pretrial detention became a permanent part of the City's criminal justice system. Under the Office of Probation, the ROR program consisted mainly of interviewing defendants and making release recommendations to arraignment judges; follow-up notifications of defendants were not routinely performed. Data collection and processing were handled manually.

Probation administered the City's ROR program for more than eight years. During this period dissatisfaction developed with Probation's ROR operations for several reasons: (a) the proportion of arraigned defendants interviewed by OP averaged only 58% because of insufficient staff, (b) the court's reliance on OP's release recommendations decreased, and (c) the court administration indicated that many more defendants could be released if sufficient and more accurate data were available.<sup>5</sup>

In June 1973, at the request of the court administration, State Crime Control Board, and the Criminal Justice Coordinating Council (CJCC), its functions were returned to the Vera Institute as part of the newly formed Pretrial Services Agency (PTSA), operating under a grant from the Law Enforcement Assistance Administration (LEAA). PTSA was set up to provide, in addition to interviewing defendants and making ROR recommendations to the court, notifications to defendants of required court appearances and a Supervised Release program. In addition, a computer system was set up during the first year to handle agency operations. PTSA, which began initially in Brooklyn, was expanded to include Staten Island in June 1974, Bronx in December 1974, Manhattan in February 1976, and Queens in December 1976, at which point PTSA became a city-wide operation. PTSA was funded mostly by Federal LEAA funds provided through CJCC.

After four years, the agency was institutionalized as an independent nonprofit corporation. On August 1, 1977, PTSA became the New York City Criminal Justice Agency, receiving a combination of Federal LEAA (\$1.4 million) and New York City tax-levy funds (\$1.6 million). During its second year, CJA received \$3,400,000 in City tax-levy funds plus a small amount of LEAA money, and in the current Fiscal Year 1979-80, the agency is fully supported by tax-levy funds (\$3,504,000).<sup>6</sup>

<sup>5</sup>Allen Brawer, Evaluation of Pretrial Services Agency, New York City Bureau of the Budget (February 1975).

<sup>6</sup>CJA has also received a number of small special-purpose research grants from other agencies, which have not been included in these figures.

B. Evaluation of Pretrial Release Programs - General Issues

In a major review of the effectiveness of pretrial release programs, produced by the National Center for State Courts in 1975, six key areas were identified by criminal justice policymakers and prior literature as being of primary importance in assessing the performance of pretrial release programs and of the bail system in general:

- (1) Release rates - how effective is a particular system or program in terms of securing the release of the largest possible proportion of the total defendant population?
- (2) Speed of operations - how quickly does a system or program operate to secure the release of a defendant who is eligible for such release?
- (3) Equal justice - how effective is a system or program in minimizing differential treatment of defendants based on wealth or other invidious distinctions?
- (4) Failure-to-appear rates - how effective is a system or program in ensuring that released defendants return for scheduled court appearances?
- (5) Pretrial crime - how effective is a system or program in obtaining release for persons who do not commit crimes while released awaiting trial?
- (6) Economic costs and benefits - how cost-effective is a particular system or program, in economic terms?<sup>7</sup>

During the past fifteen years, a number of studies have been produced which have evaluated pretrial release programs, including studies of individual programs and national cross-jurisdictional comparisons. However, because of the inherent difficulties in conducting experimental research within the court system, few evaluations have been able to address these research issues in a comprehensive, empirical manner. Thus, the question of the true impact of pretrial release programs is still unresolved, and the relative effectiveness of different types of pretrial programs has not been rigorously explored.

A recent national study of pretrial release programs by Wayne Thomas<sup>8</sup> found that the development of pretrial release programs was accompanied by large increases in the overall percentage of defendants released and the percentages of those released without financial conditions, and that the pretrial programs played a major role in affecting these increases. It appears that

<sup>7</sup>Barry Mahoney, An Evaluation of Policy Related Research on the Effectiveness of Pretrial Release Programs (Denver, Colorado: National Center for State Courts, 1975).

<sup>8</sup>Wayne H. Thomas, Bail Reform in America (Berkeley, California: University of California Press, 1976).

pretrial release programs have been able to alter judicial attitudes about the use of alternative forms of release. However, the question of whether agencies which operate in jurisdictions with relatively long histories of nonfinancial release continue to have an impact on release rates and bail decisions is still open to debate. The increase in the defendant population and overcrowding in jails have also affected release decisions. The Phase I report of the National Evaluation Program on Pretrial Release Programs<sup>9</sup> identified a number of key gaps in our knowledge of the impact and effectiveness of pretrial release programs.

Phase II of the National Evaluation is currently being conducted by the Lazar Institute under LEAA funding, and is scheduled to be completed in November 1980. By conducting in-depth evaluations of a national sample of pretrial release programs, the Phase II study will address many of these unresolved questions, including,

- The extent of criminality among pretrial releasees.
- The failure-to-appear rates of releasees.
- Are different types of release (e.g., own recognizance, money bail, deposit bail, supervised release) associated with different rates of criminality or failure-to-appear?
- Do certain defendant characteristics (e.g., age, race, sex, current charge, prior criminal record, community ties) seem to affect rates of pretrial criminality or failure-to-appear?
- How are release decisions made in various jurisdictions?
- The nature of the interrelationships between pretrial release programs and other parts of the criminal justice system.
- The costs and benefits of alternative types of pretrial release.<sup>10</sup>

Although the issues discussed above apply to CJA operations in a general way, data limitations precluded a full assessment of these issues in the present report. There are also other specific issues which have arisen regarding the agency's impact on ROR decisions and failure-to-appear rates, and the cost of CJA's operations. These issues will be addressed in this report.

#### C. Overview of CJA Activities

Under its current structure, CJA operates to assist the criminal justice system in several important ways. During the past several years, three

<sup>9</sup>W. M. Thomas, et al., National Evaluation Program Phase I Summary Report: Pretrial Release Programs (NILECJ, LEAA, U.S. Department of Justice, April 1977).

<sup>10</sup>M. A., Toborg, M. D. Sorin, N. I. Silver, "Pretrial Release: An Evaluation of Defendant Outcomes and Program Impact," Pretrial Services Annual Journal (Washington, D.C., 1978).

major goals have emerged; as stated in the FY 79-80 CJA contract with CJCC, these are:

- (1) to decrease the number of days spent in detention by defendants who could safely be released to the community while awaiting trial,
- (2) to reduce the rate of nonappearance in court by defendants released from detention and awaiting trial,
- (3) to operate a citywide pretrial services agency providing a variety of services to the public criminal justice agencies and defendants enabling the pretrial process to operate with greater efficiency and fairness.

As a means of achieving these goals, CJA has contracted with the City to perform a number of tasks related to interviewing arrested defendants, recommending them for release on recognizance, and notifying them of scheduled court appearances. Additional tasks relate to conducting research and disseminating information both on its own operations and specific research projects. CJA's contract specifies the following responsibilities:

- (1) Collect background information on all defendants in the Criminal Courts and provide an assessment of the strength of the defendant's community ties to the courts, prosecutor, and defense attorney. CJA will interview defendants, verify the information, and summarize criminal history data obtained from DCJS.
- (2) Contact released defendants prior to scheduled court dates in order to notify defendants of required court appearances.
- (3) Interview misdemeanants and evaluate them for eligibility for Desk Appearance Tickets (DATs), and notify DAT defendants of arraignment and other court dates.
- (4) Study and evaluate other pretrial service agencies to determine the best methods of pretrial release.
- (5) Collect and publish statistics on its own operations and related criminal justice statistics, and disseminate this information to criminal justice agencies and the public.
- (6) Study problems related to pretrial release, detention, and failure-to-appear rates. Investigate broader problems of criminal justice system efficiency and operation, and conduct experimental programs if desirable, to test or implement new projects.
- (7) Operate, jointly with the Department of Correction (DOC), the Unified Defendant and Inmate Information System (UDIIS). This system would sustain the daily operations of CJA and DOC (related to inmate location and delivery to court) and support research needs. CJA would pursue agreements to coordinate and share relevant data with other information systems such as PROMIS, NYPD MISD, and OCA, and would work closely with the CIRCLE Committee to ensure compatibility and cooperation with the other systems.
- (8) Operate a Pre-Court Management Project in Brooklyn, pending approval of related criminal justice system agencies, to study the flow of cases through the arrest-to-arraignment process and the time it takes to complete each major step in the process.

### 1. Interviewing, Verification, and ROR Recommendation

Probably the major task for CJA, and the impetus for its original creation, is to interview arrested defendants prior to arraignment, assess the strength of community ties, and make a recommendation to the arraignment judge as to whether or not the defendant should be released on his own recognizance. Defendants are interviewed by CJA staff shortly after arrest, usually at Central Booking. Information on the defendant's residential, employment, and family status is collected; attempts are then made to verify this information by telephone. Additional information from the Police Department arrest report and a summary of prior convictions and outstanding warrants from the NYSID<sup>11</sup> Sheet are added to the CJA information sheet.

When this process is completed, generally within a few hours of arrest, the CJA interviewer makes a summary release recommendation based on the strength of community ties and the likelihood of voluntary return to court, and stamps the information sheet, which is forwarded to the arraignment judge, prosecutor, and defense attorney. The arraignment judge then examines the CJA interview and recommendation, and in conjunction with other factors in the case, arrives at a bail/ROR decision.

### 2. Defendant Notification

CJA is responsible for notifying all ROR'd defendants of upcoming court dates, whether or not CJA had recommended release. The notification system operates through a combination of defendant check-ins, computerized notification letters, and follow-up telephone calls. These notification efforts continue through the pretrial period, and cover all Criminal Court appearances through disposition or transfer to the Supreme Court.

### 3. Research

CJA maintains an active research department which conducts ongoing and special analyses of its own operations, and examines other relevant criminal justice issues and problems. Although much of CJA's research is based on analysis of defendant and court calendar information in its data base, the agency also conducts field studies and uses other sources of information such as interviews and site visits. One major study, the Bail Research Project, is currently under way and will address basic issues in CJA's recommendation process and impact on judicial release decisions.

### 4. CJA's Role in the Criminal Justice System

In order to properly assess the value of CJA's operations and success in achieving its goals, it is important to understand the agency's position

<sup>11</sup>The defendant's arrest history, maintained by the N.Y. State Division of Criminal Justice Services.

within the criminal justice system and the perspective from which other parts of the system relate to and perceive CJA's role.

One major aspect to keep in mind, and one that is stressed by many individuals throughout the criminal justice system, is CJA's position as a private, independent agency. This independence may allow CJA to be more objective and flexible in its operations, to be able to respond quickly and efficiently to the needs of the system, and to enhance its credibility with judges. Further, CJA's ability to set up and evaluate pilot research projects may be enhanced by its reputation as a "service" agency for the criminal justice system as well as its ability to design and complete research projects fairly quickly.

Given the political nature of the criminal justice system, the question of CJA's role in the system and its relationship with the other components is important in assessing CJA's value to the system and its ability to effectively carry out its goals. Although CJA has evolved from a pretrial release agency, the question of whether its primary client is the judiciary (in assisting bail/release decisions and reducing FTA rates), the defendant (in helping as many defendants as possible avoid pretrial detention while keeping failure-to-appear rates low), or whether CJA should have a larger role as a research and planning agency, needs to be clearly answered. At the present time, the agency emphasizes all three aspects, although as the UDIIS system develops and expands, the agency may place more emphasis on its ability to identify, evaluate, and help alleviate problems in criminal justice system processing.

### D. Outline of this Report

This evaluation report covers CJA's activities during the period July 1, 1979 through April 30, 1980. However, the analysis of ROR, failure-to-appear, and cost data is limited to the period July 1-December 31, 1979 (unless otherwise noted). Because of CJA's conversion to its UDIIS computer system,<sup>12</sup> and consequent programming delays, data on CJA's basic operations during the current fiscal year were not available for analysis until early May 1980. Because of the limited time for analysis, and the fact that only basic summary data were available, a number of the more detailed analyses planned for this evaluation could not be carried out. Thus, some issues about CJA's operations and impact on the criminal justice system remain unresolved

<sup>12</sup>Discussed in chapter VII.

at this time. Nevertheless, certain general conclusions about CJA are made on the basis of analysis of operations data obtained from CJA; interviews in all boroughs with arraignment judges, Legal Aid Society attorneys, prosecuting attorneys, and other criminal justice personnel; observations of Criminal Court arraignment proceedings in several boroughs; site visits to all CJA offices and observations of staff activities, including interviewing, verification, and notification; site visits to Police Department Central Booking facilities in all boroughs; discussions with a number of current and former CJA staff members and members of the CJA Board of Directors; and a review of previous research and evaluation reports on CJA and its predecessor, PTSA.

Chapter II includes a description of the administrative structure and staffing of CJA's central office and its four borough sites. Chapter III describes the agency's procedures for interviewing, verifying, and recommending defendants for ROR, and presents an analysis of CJA recommendations, arraignment outcomes, and ROR rates for the period July-December 1979. Chapter IV describes CJA's notification system and includes an analysis of failure-to-appear rates and their relationship to CJA recommendations. Chapter V describes CJA's role in the issuance of Desk Appearance Tickets, including DAT interviews and notifications. Chapters VI and VII assess CJA's research activities and new information system, respectively. Chapter VIII is an analysis of CJA's current tax-levy budget and the costs of the agency's operations during the current year; the productivity of CJA's interviewing staff is also assessed. Finally, Chapter IX contains a summary of the issues and recommendations presented in this evaluation.

## II. DESCRIPTION OF CJA ADMINISTRATIVE STRUCTURE

The organizational structure of CJA includes a central administration office located at 305 Broadway in Manhattan, and four borough offices located in Manhattan, Brooklyn,<sup>1</sup> Bronx, and Queens. Although the borough offices handle day-to-day court-related operations somewhat independently, the central office sets policy, supervises the borough activities, provides administrative and fiscal services, and generally tries to insure that ROR and notifications activities in the boroughs are carried out in a uniform and efficient manner. In addition, the agency's CETA contract is administered out of the central office.

### A. Central Office

CJA's administrative headquarters contain the agency's administrative, fiscal, information systems, and research staff. A total of \$936,360 (including 31 full-time staff members) was budgeted for central office operations in FY 79-80; this figure includes data processing costs for all borough operations.

Administrative direction of the agency is handled by the Executive Director, Associate Director for Policy, Director of Operations,<sup>2</sup> Associate Director-Counsel, and several supporting staff. All fiscal operations, including payroll processing, purchasing, budget monitoring, and disbursement are carried out by the central office fiscal staff. (Borough office fiscal personnel have been eliminated.) The central staff breakdown, as of April 30, 1980, is presented in table II.1. Since some overlapping of staff roles occurs, these numbers are approximate. For example, a programmer working in information system development may also assist in research projects; the Associate Director for Policy spends a large part of his time supervising research activities.

#### 1. Information Systems

CJA's computer system is under the direction of the Director of Management and Information Systems, with overall supervision provided by the Associate Director for Policy. The staff has handled the development and

<sup>1</sup>Staten Island operations are handled through the Brooklyn office.

<sup>2</sup>Also supervises personnel recruitment and training for the borough offices.

TABLE II.1  
FULL-TIME CENTRAL OFFICE CJA STAFF  
AS OF APRIL 30, 1980<sup>a</sup>

| FUNCTION              | NUMBER OF<br>FULL-TIME STAFF | PERCENT OF<br>CENTRAL STAFF |
|-----------------------|------------------------------|-----------------------------|
| Agency Administration | 11                           | 38%                         |
| Fiscal                | 5                            | 17                          |
| Information Systems   | 7                            | 24                          |
| Research              | 6                            | 21                          |
| TOTAL                 | 29                           | 100%                        |

<sup>a</sup>Includes only staff supported by New York City tax-levy funds administered by CJCC.

operation of the UDIIS computer system (which replaced the previous Meditech system) in conjunction with the New York City Department of Correction (DOC).<sup>3</sup>

CJA's computer is located in a separate office at 60 Lafayette Street, although on-line terminals are located at the central office and the various borough sites, where most data entry takes place.

2. Research

Six full-time staff members (supported by CJCC-administered funds) are involved in research and evaluation at CJA, under the direction of the Associate Director for Policy.<sup>4</sup> The staff includes two research associates, two research analysts, a research assistant, and an administrative assistant. Part-time staff are also used for interviewing, site observation, and other data collection activities. The research staff conducts both large-scale ongoing studies and short-term projects, two of which are being jointly supervised by the Department of Correction. Aside from CJA's own, internally-generated projects, requests for research studies are made regularly by various outside agencies. In addition, the research staff prepares the regular CJA

<sup>3</sup>The design and development of UDIIS is discussed in chapter VII.

<sup>4</sup>Two additional full-time researchers are supported by outside grants.

monthly and quarterly reports which summarize the agency's ongoing ROR and notifications activities. A detailed description and assessment of CJA's research activities over the past year is presented in chapter VI.

B. Borough Offices

CJA's defendant interviewing, verification, and notifications operations are based in the four borough offices. Borough budget and staff allocations are described in chapter VIII. Although each site is budgeted to have a Borough Director and Deputy Borough Director, the directors' lines were left vacant for most of FY 79-80 for all boroughs except Brooklyn. (By leaving these lines vacant, the agency was able to generate accruals to help pay for unanticipated computer costs from FY 78-79.) For this reason, more supervision and control of borough operations has been maintained by the central office than in the past. This reduction in decentralized power has meant that changes in operations or policies must be cleared through the Director of Operations prior to implementation. Recruitment and initial screening of interviewing and notification personnel is also controlled by the central office. When an opening in a borough office occurs, the borough staff contacts the Director of Operations, who then sends the names of several candidates from the central pool to the borough office for further screening and final hiring approval. The central office also developed and implemented standardized interviewer training materials and procedures, although there are borough-wide differences in the way the actual training process is carried out.

There are several basic similarities in the operations and structure of the CJA borough offices. All are located at or near the Criminal Courts buildings. Interviewers and some other personnel are based at the Police Department Central Booking facility, where most of the defendant interviews occur. Computer terminals for data entry and data retrieval are located both at Central Booking and the borough administrative office.

In the following sections, the physical set-up, staff, and organization of each borough office will be described. The staff are described as of April 1980, although CJA laid off several staff members in May, notably six notifications assistants. CETA staff are not included in the following descriptions. Further, unique aspects of the borough office or of the county's case processing procedures will be discussed, especially as they may affect CJA's operating procedures or its role within the borough's criminal justice system.

1. Brooklyn

The Brooklyn office is the oldest and most firmly established of CJA's borough offices; Vera's Pretrial Services Agency began operations here in June 1973. Partly because of its long association with the Brooklyn court system, and a history of cooperation from other parts of the system, this CJA office has tended to serve as the "testing ground" for a number of CJA operational innovations and research studies. Brooklyn CJA served as the test site for development of the UDIIS system and conversion from Meditech during the past year.

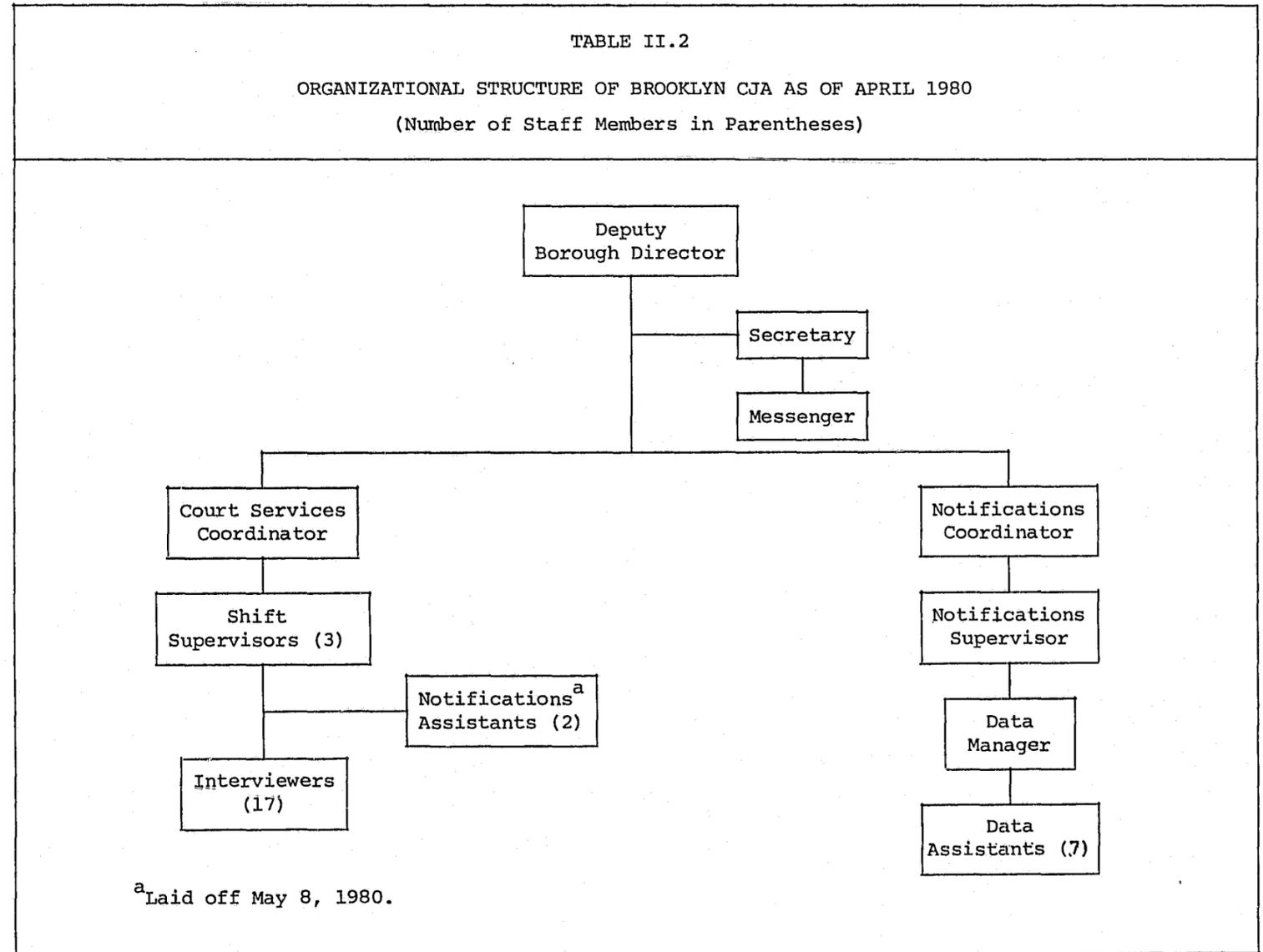
With a FY 79-80 budget of \$673,575, Brooklyn is the second largest unit after Manhattan, reflecting the relative size of the Kings County criminal caseload. Through March 1980, it was the only unit which had a Borough Director in addition to a Deputy Director.<sup>5</sup> Although budgeted for a full-time staff of forty persons, a total of 36 were on staff as of April 1980; a personnel assistant was laid off earlier this year, a court services coordinator had been on leave for most of the year, and a notifications supervisor was on loan to the Bronx CJA unit. Table II.2 presents the current organization structure of the Brooklyn unit.

In Brooklyn, the Court Services Coordinator functions as the first level of upper management, and is responsible for the day-to-day supervision of all interviewing, verification, data entry, and notifications activities. This role differs from the other borough units where the Court Services Coordinator mainly supervises interviewing and verification, while a Notifications Coordinator is responsible for data entry and notification. This latter staff line was only recently filled in Brooklyn, however, and the Court Services Coordinator had assumed a combined supervisory role for most of this year.

The Shift Supervisors are based at the 84th Precinct Central Booking facility and are responsible for 24-hour supervision of the CJA interviewers. As in the other boroughs, Shift Supervisors have usually been promoted from interviewer positions.

The eighteen interviewers provide round-the-clock coverage at Central Booking and are responsible for interviewing defendants following arrest, verifying the information obtained, collecting and transferring data to the ROR sheet from the NYSID sheet and other documents, and entering ROR data onto the

<sup>5</sup>In April 1980, the Borough Director was transferred to the central office to become CJA's Director of Operations.



CJA computer.<sup>6</sup>

About 25% of the data entry from the ROR sheet, and all of the data entry from the court calendars (used for the notification system) are handled by seven data assistants, supervised by the data manager. These individuals work 8:00 a.m. to 11:00 p.m. in two shifts, Monday through Friday. Finally, two notifications assistants have responsibility for telephoning defendants to remind them of upcoming court dates, logging incoming defendant phone calls, and performing other duties related to maintaining contact with defendants prior to disposition or grand jury indictment.

The administrative, data entry, and notifications staff are located in the borough's pleasant, spacious main office at 16 Court Street, near the Municipal Building and Borough Hall, but several blocks from the Criminal Court Building. Interviewers and shift supervisors, as mentioned above, are located at Central Booking in the 84th Precinct, about a 15 minute walk from the Court Street office.

At Central Booking, CJA staff members occupy a relatively comfortable room just off the cell area where defendants are temporarily held following arrest and booking. The office contains two computer terminals for the entry and retrieval of defendant data, telephones for verification and defendant check-in calls, and storage space. Although somewhat cramped, the office is quiet, well-located, and appears adequate for CJA's needs. The Police Department provides the space free of charge. In addition, the Police Department provides CJA with a small work area in the FAX room, where another CJA terminal is located. There the defendant's NYSID sheet is returned from Albany (along with his fingerprints), and CJA interviewers summarize the arrest history. A check for any active warrants is also made through the CJA terminal.

CJA interviews in Brooklyn are conducted at Central Booking under somewhat unpleasant conditions. Defendants are crowded into a long narrow cell that is dirty, dark and dank. The absence of a toilet in the cell means that defendants often urinate on the floor. Interviews are conducted through the bars of the cell where interviewers must contend with noise, physical discomfort, and the presence of other defendants crowded into a small area.

<sup>6</sup>For a full description of the interviewing and verification process, see chapter III.

## 2. Bronx

The Bronx CJA unit is the third largest borough operation, with an allocation of \$594,408 and budgeted staff of 37. It began operations in December 1974. There had been no Borough Director since September 1979 but a new director was hired in April 1980. As of April 1980, only 28 full-time employees and one part-time interviewer were on staff.

The current staff organization for the Bronx unit is summarized in table II.3. The Court Services Coordinator oversees the ROR interviewing and verification staff, while the Notifications Coordinator is responsible for all post-arraignment data entry and notification, supervising two notifications assistants<sup>7</sup> (who maintain telephone contact with defendants scheduled for post-arraignment court appearances) and three data assistants (who enter relevant data from the daily court calendar and other information needed for defendant notification). In addition, the data assistants enter special time data being used for the arrest-to-arraignment time study currently being conducted by the Mayor's Office in cooperation with CJA. Two of the data assistants work on the day shift, and one works evenings from 4:30 p.m. to 12:30 a.m. Finally, the notifications supervisor acts as a trouble-shooter for computer problems and assists the Notifications Coordinator in overseeing the data entry process and acts as a liaison with court system personnel.

In addition to the CJA line staff just mentioned, fourteen CETA workers are assigned to the Bronx unit. The CETA workers supplement existing CJA staff in providing information on court cases to defendants and their family members, and are involved in two special projects: Warrant Follow-Up and the Bail Expediting Project.

Bronx CJA occupies a spacious, pleasant office in the new Bronx Criminal Court Building. CJA does not pay rent in this City-owned building. This unit benefits greatly from the fact that all stages of the arrest-to-arraignment process are located within the same building. The Central Booking facility, detention cells, County Clerk's office, and courtrooms are all located within the building close to the CJA office. Although most CJA staff are situated in that office, interviewers and shift supervisors spend most of their time at Central Booking, where interviewing, verification, and data entry take place.

<sup>7</sup>Laid off May 8, 1980.

As in the other boroughs, interviews are conducted through the bars of the small detention cell. CJA interviewing staff work behind a large counter where terminals, telephones, and files are located. Although somewhat cramped, this area is fairly quiet and bright and appears adequate for CJA's needs.

In general, Bronx CJA benefits greatly from its central location. Relationships with other actors in the criminal justice system appear to be good; the court administration, Police Department, District Attorney, and Legal Aid Society have all been supportive of CJA's work.

3. Manhattan

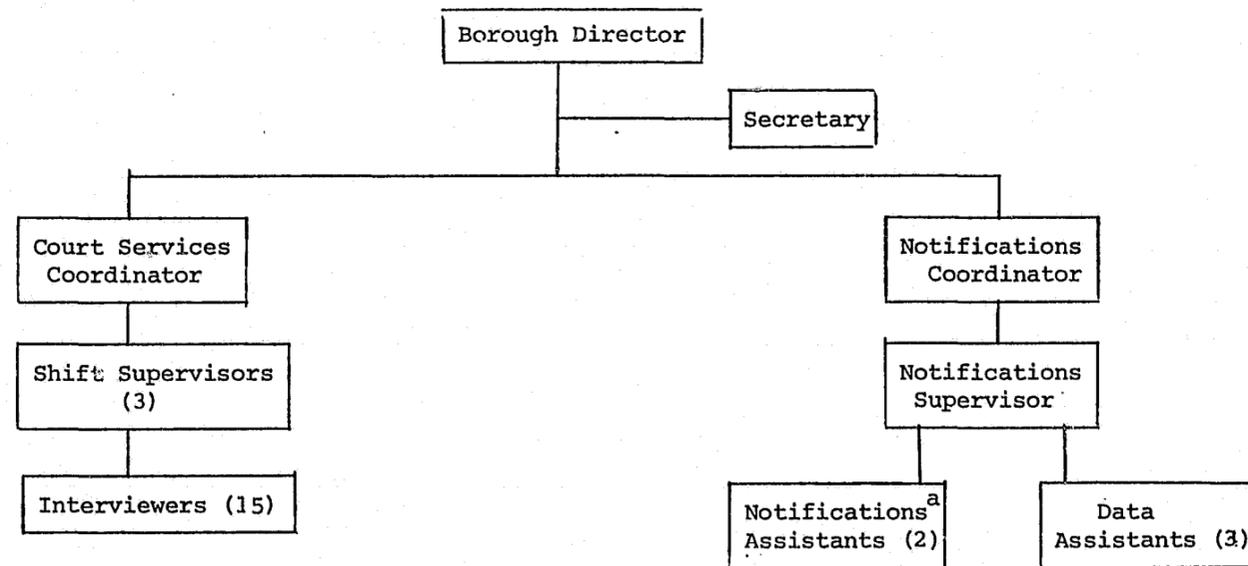
This largest of CJA's borough offices is located close to the Criminal Court Building and Police Department Headquarters Central Booking facility in lower Manhattan. Manhattan CJA began operations as part of the Pretrial Services Agency in March 1976, and in FY 79-80 had an allocation of \$867,083 with a budgeted full-time staff of 53 persons. A Borough Director was recently hired (April 1980); the line had remained unfilled since September 1979. As of April 1980 47 full-time employees were on the Manhattan CJA staff. The staff organization is shown in table II.4.

In contrast with the Brooklyn and Bronx units, there is more overlapping of responsibilities by the Manhattan CJA coordinators and supervisors. For example, the shift supervisors, in addition to overseeing the ROR interviewing process, also handle some supervision of the data and notifications assistants. Similarly, the Court Services and Notifications Coordinators share some supervisory responsibilities at Central Booking.

Manhattan CJA interviewers are about equally assigned to each of the three 8-hour shifts, although the bulk of ROR interviewing is performed during the 4:00 p.m. to 12:00 a.m. shift. The data assistants, who handle most of the data entry, also work in shifts at Central Booking. Interviewers assist in entering data from the ROR sheet onto the CJA computer. The Notifications Coordinator, aside from supervising the data entry and notifications staff, also is responsible for the CETA staff assigned to the Manhattan unit.

Manhattan operations are conducted from three sites in lower Manhattan. The administrative, supervisory, and notifications staff occupy offices at 2 Lafayette Street, across the street from Police Headquarters. Another small office is located in the Criminal Court Building at 100 Centre Street. This office is mainly for data assistants, entering court calendars, and CETA staff

TABLE II.3  
ORGANIZATIONAL STRUCTURE OF BRONX CJA AS OF APRIL 1980  
(Number of Staff Members in Parentheses)



<sup>a</sup>Laid off May 8, 1980.

who will be making notification calls to defendants issued warrants for missed court appearances, assisting defendants returning to court on warrants, acting as Court Representatives and Bail Review Specialists, and notifying DATs and post-plea cases.

ROR interviewing, verification and data entry of the ROR sheet take place at the Central Booking facility in the basement of Police Headquarters. CJA staff work in both the FAX room and in a partitioned area nest to the large men's detention cell. Interviewing takes place through the bars of the cell under noisy, cramped conditions. Telephones for verification, and a computer terminal for data entry, are also located in this area. The presence of interviewers, data assistants and supervisors in this small space, together with numerous police personnel walking around near the CJA area and the crowded detention cell, make working conditions less than ideal.

4. Queens

The Queens CJA unit began operations in December 1976, and is the smallest of the borough units. For FY 79-80, the unit had a budget of \$432,304 and a budgeted staff of 26 full-time employees. There has been no Borough Director since Spring 1979. As of April 1980, 24 full-time employees were on staff, with the organizational structure shown in table II.5.

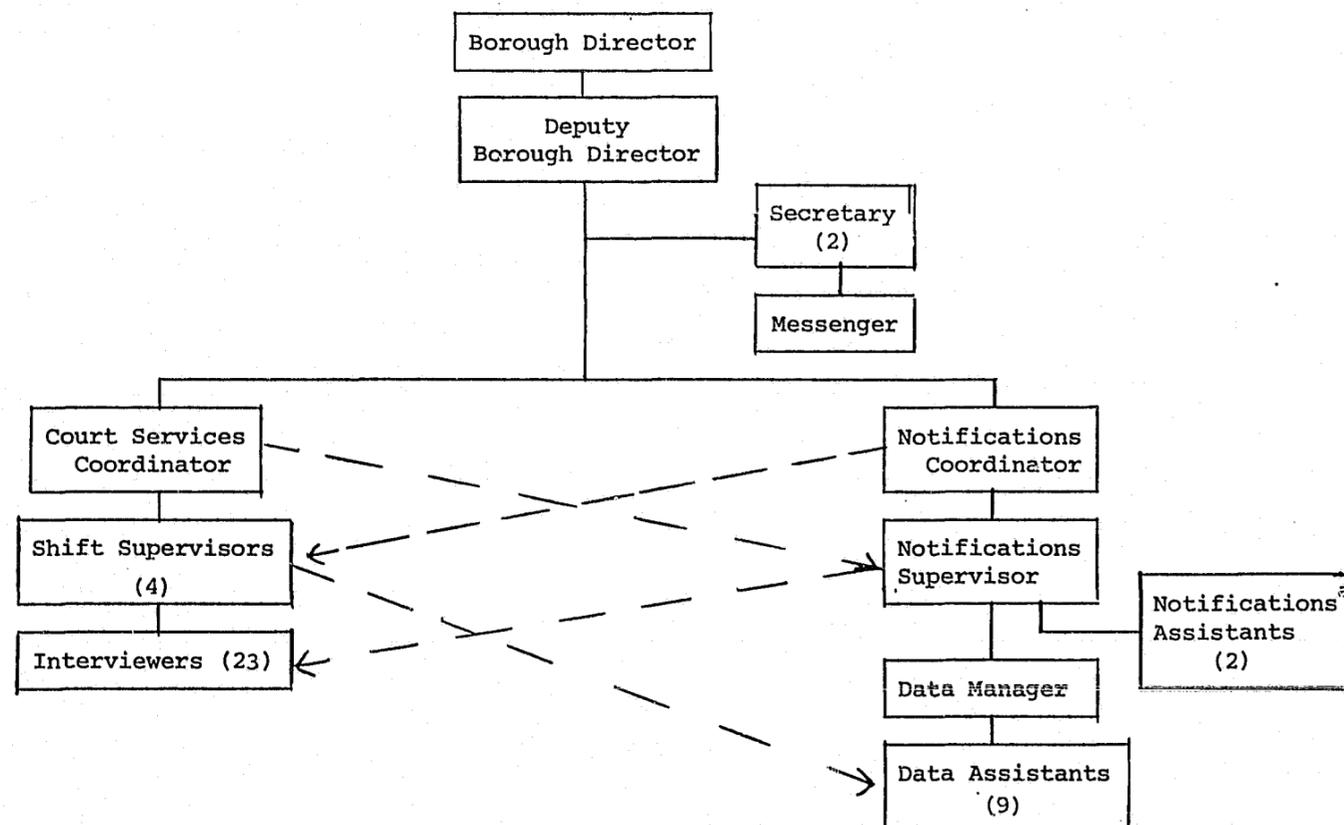
Interviewers and shift supervisors, located at Central Booking in the 112th Precinct, perform ROR interviewing, verification and data entry tasks. Unlike other boroughs, Queens Central Booking does not receive arrested defendants after midnight. Also, defendants arrested before midnight are transferred to other precincts in the borough to await arraignment the next day. Thus, interviewers on the midnight to 8:00 a.m. shift must travel to other precincts to interview defendants who were not seen at Central Booking, although their shift duty begins there. The CJA rental car is generally used for these trips.

At Central Booking, CJA has been provided with a reasonably spacious, quiet office, near the FAX room, but some distance from the detention cells. Unfortunately, Central Booking is located in Forest Hills about two miles from the main Queens CJA office in the Supreme Court Building. Thus, in contrast with the other boroughs, the interviewing staff here are somewhat removed from the rest of the CJA operation.

The Queens CJA office is located in the lower level of the Supreme Court Building in Kew Gardens, just across the street from the Criminal Court.

TABLE II.4

ORGANIZATIONAL STRUCTURE OF MANHATTAN CJA AS OF APRIL 1980  
(Number of Staff Members in Parentheses)



<sup>a</sup>Laid off May 8, 1980

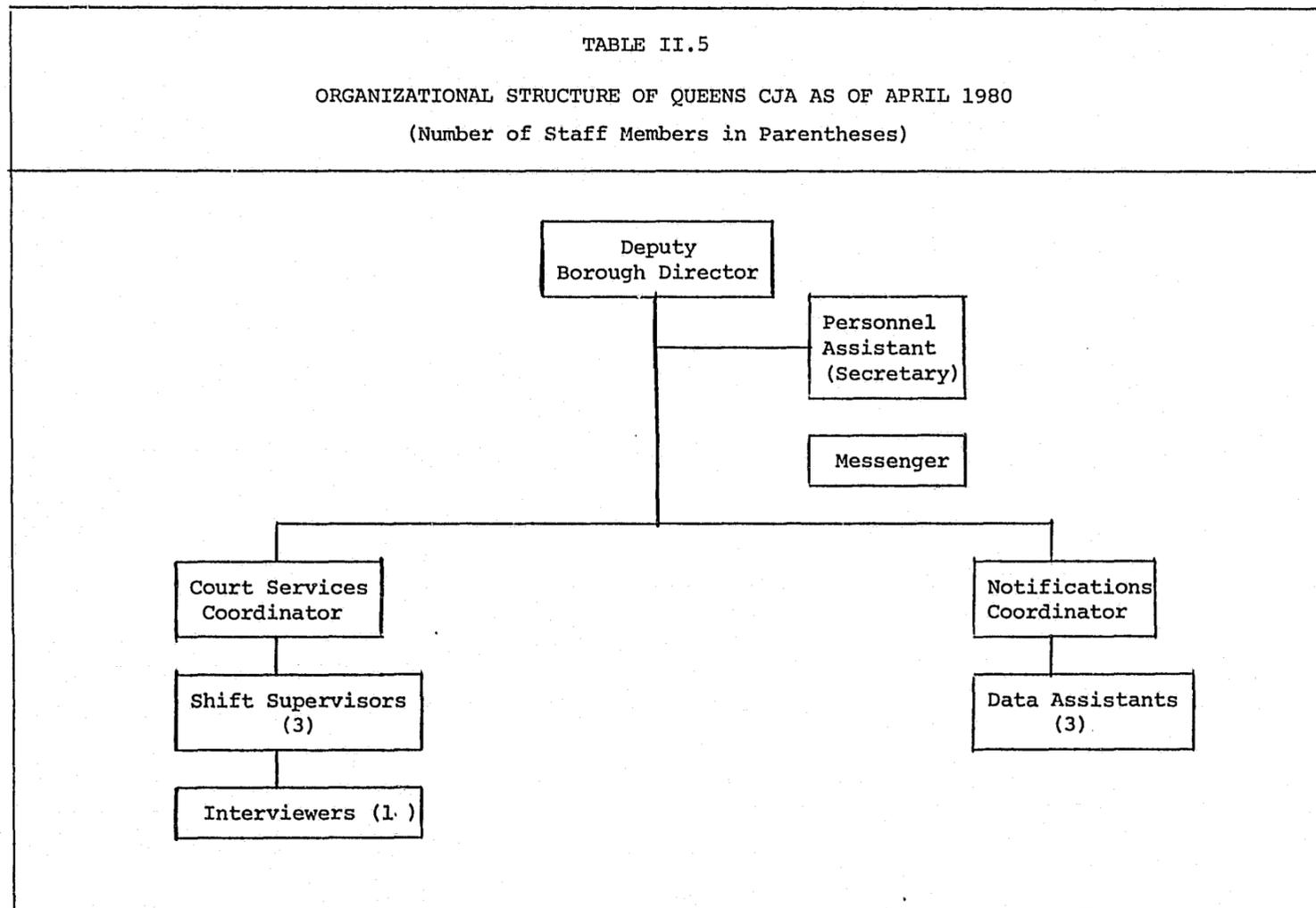
Situated just next to the jury waiting room, the CJA office is a single large room with partitioned offices, which is somewhat cramped and noisy. Noise from the jury room filters in and can be distracting. Although well-situated in relation to the Court Building, the Queens CJA office is the least attractive and comfortable of the borough offices.

CJA also has a small room on the main corridor of the Criminal Court Building's lower level, near the courtrooms. Here several computer terminals are located, and the data assistants and the notifications coordinator enter court calendar and arraignment time data, and make telephone notifications. Although well-located, this room is extremely small and cramped, and is directly on a main public corridor. Because of its location near the courtrooms, people regularly stop in to ask questions about court cases, which can disrupt the flow of work of the data entry staff.

TABLE II.5

ORGANIZATIONAL STRUCTURE OF QUEENS CJA AS OF APRIL 1980

(Number of Staff Members in Parentheses)



III. CJA'S ROLE IN THE ARRAIGNMENT PROCESS  
AND RELEASE ON RECOGNIZANCE

CJA plays a major role in the arrest-to-arraignment process by interviewing arrested defendants, verifying information related to community ties, and making a recommendation to the arraignment judge as to whether or not the defendant should be released from detention pending trial. In this chapter the interview and verification procedures, and the guidelines used in making release recommendations (the CJA "point system") are described in detail. The second half of the chapter presents an analysis of the results of CJA's interviews and release recommendations during the current fiscal year, and an assessment of CJA's role in the ROR process.

A. Description of Interviewing and Verification,  
and the CJA Point System

The process of interviewing arrested defendants, verifying information obtained, and making a release recommendation to the arraignment judge is central to CJA's operations. In addition to collecting key facts to be used in the recommendation, the interview serves to supply CJA with the contact information needed to notify defendants of subsequent court dates. The interview data, supplemented by Criminal Court calendar data, are entered into CJA's computer where they provide the basis for automated, daily operational functions as well as research and management analysis. In this section, a number of aspects of the interviewing process will be described and assessed, from initial contact to completion of data entry:

- the defendant interview
- verification
- NYSID sheet and other data collection
- CJA point system and recommendations
- data entry procedures and paper processing
- the interviewing staff.

Although the basic procedures are uniform throughout the City, some operational differences exist within the various boroughs and will be described where appropriate. In general, differences in procedures among the borough offices are a matter of degree and the basic operation is the same in all the boroughs, although staff responsibilities may vary somewhat. As mentioned earlier, CJA tries to maintain policy consistency and central administrative

control through its Director of Operations, especially in the absence of Borough Directors in two of the four site offices.

1. The Defendant Interview

a. The Setting. Most CJA interviews take place at the holding cells in Central Booking. Arrestees are brought to Central Booking after arrest to be booked, photographed, fingerprinted, and await arraignment. On average, arrestees may spend five or six hours in the Central Booking cells before arraignment or transfer to court or DOC detention cells. CJA interviews are administered through the bars of the holding cells, usually about four to five hours after the defendant is arrested, but shortly after the defendant is placed in the detention cell. Conditions for the interview are rather unpleasant for interviewer and arrestee alike. Other defendants may be sitting nearby and are able to overhear the interview; defendants are sometimes handcuffed together. Interviewers in the Bronx and Brooklyn have to stand up while administering the interview. In Manhattan, CJA has a work area next to the cell, and the interviewer sits at a small table next to the bars.

Because of the location of the interviewing, CJA's operations depend on the cooperation of Police Department personnel to ensure smooth functioning and limited delays in getting access to arrestees and their papers. In general, site visits and discussion with CJA and police personnel indicated that CJA is fairly well integrated into the arrest/pre-arraignment process, and that police officers are aware of CJA's role and view the interview as a "standard" step in the process that does not interfere with police activities. In the past, when Central Booking facilities were first being set up, there was apparently some initial resistance to CJA's presence, possibly reflecting the belief that the CJA interview and verification would hinder the pre-arraignment process.<sup>1</sup> CJA had difficulty at first obtaining adequate space for the interviewing staff to work. At the present time, however, CJA has a reasonable amount of space at each of the Central Booking facilities, although the Manhattan interview area is noisy and public.

b. Interview and Data Entry Procedures. With certain exceptions, CJA staff interview every defendant between arrest and arraignment. Those not interviewed include:

<sup>1</sup>In the past, defendants were generally booked at the local police precinct, then taken to detention cells in the courthouse where the CJA interview took place.

- Defendants in jail against whom additional charges are brought;
- Defendants released from the precinct on Desk Appearance Tickets in Brooklyn and Queens, or issued DATs by authorities other than the Police Department;
- In all boroughs, defendants arrested for violations, on out-of-state warrants, or rearrested for just an outstanding bench warrant;
- Defendants arrested under Supreme Court warrants;
- In Manhattan, defendants charged with prostitution;
- Juveniles, except those designated under the Juvenile Offender Law.

Largely because of the high number of DATs who are not interviewed, these exclusions meant that CJA conducted interviews on only 135,000 (67.6%) of the 200,000 persons aged 16 or older who were arrested in New York City during FY 78-79. Table III.1 shows the number of CJA interviews by affidavit charge severity conducted during that time period,<sup>2</sup> and the number of New York City arrests for the same period. CJA interviewed about 80% of arrestees charged with felonies (not including juveniles) and 71% of misdemeanor defendants. Overall, 67.6% of all arrestees were interviewed by CJA.

TABLE III.1  
NUMBER OF CJA INTERVIEWS AND NEW YORK CITY ARRESTS  
BY CHARGE SEVERITY, FISCAL YEAR 1978-79

| CHARGE SEVERITY    | NUMBER OF CJA INTERVIEWS | NUMBER OF NEW YORK CITY ARRESTS, AGED 16 OR OLDER | PERCENT INTERVIEWED |
|--------------------|--------------------------|---|---------------------|
| Felony             | 73,887                   | 92,627  | 79.8%               |
| Misdemeanor        | 59,461 <sup>a</sup>      | 84,087  | 70.7                |
| Other <sup>b</sup> | 1,411                    | 22,519  | 6.3                 |
| TOTAL              | 134,759                  | 199,233   | 67.6%               |

<sup>a</sup>Includes an estimated 22,000 DAT interviews in Manhattan and Bronx.

<sup>b</sup>Includes violations, traffic infractions, other.

SOURCE: CJA Quarterly Reports and New York City Police Department, Office of Management Analysis, Crime Analysis Section.

<sup>2</sup>The number of DAT interviews for Manhattan and Bronx is a projected estimate for this period. Data on the exact number of interviews were not available.

It is expected that the rate of interviewing misdemeanants would be relatively low since CJA does not interview DATs in Brooklyn or Queens. Aside from defendants who refused interviews, CJA would not interview felony arrestees falling in the above categories or defendants who are moved out of Central Booking before an interview can be administered. Further, prosecutors occasionally reduce an arrest charge from a felony to a misdemeanor; the CJA charge severity in table III.1 is based on the affidavit charge. It may be that Police Department arrest statistics overstate the number of felony arrestees eligible for interviews by including 343 dismissals, multiple arrest numbers, and other cases. Recent CJA studies on missed interviews indicated that only one to three percent of summary arrest cases that had actually been docketed had not been interviewed by CJA. It is important for CJA to continue to investigate in detail the reasons for the apparent differences between felony arrests and the number of interviews.

As mentioned above, defendants are interviewed through the cell bars within a few hours of arrest. The interviewer calls the defendant over, introduces him/herself and explains the purpose of the interview and the role of CJA. The interviewer further assures the defendant that he/she is not an attorney or connected with any law enforcement agency, and that the information obtained in the interview will be used to help the judge determine whether bail will be set or the defendant will be ROR'd. The defendant is also told about CJA's post-arraignment check-in and notification system, that the information will be verified and kept on file, and that the defendant's participation is voluntary.

The CJA interview report form (figure III.1) is a one-page document that elicits information from the defendant on current and prior residences, living arrangements, personal contacts, employment and income, and current schooling. In addition, information on the present arrest and prior criminal record are obtained from the Police Department arrest report and NYSID sheet, respectively. Table III.2 summarizes the types of information obtained, the source, and whether or not the information is to be verified. CJA interviews take approximately 15-20 minutes to administer, and in general the interviewers are able to get answers to all the questions.

Interviewing procedures are basically the same in all boroughs, with some minor differences. In Manhattan and the Bronx, defendants released on a DAT are given an abbreviated interview from which information needed for

FIGURE III.1

| NEW YORK CITY<br>CRIMINAL JUSTICE AGENCY                                     |                |   |   | INTERVIEW REPORT |  |   |             | 417720   |                           |  |   | INT<br>36/29 |  |
|--|----------------|---|---|------------------|--|---|-------------|--|---------------------------|--|---|--------------|--|
| LAST NAME  |                |   | FIRST   |                  |  | MIDDLE  |             |  | NYSID/ARREST REPORT AKA S |  |   |              |  |
| AGE  | DATE OF BIRTH  | SEX<br><input type="checkbox"/> M <input type="checkbox"/> F  | ETHNICITY<br><input type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> AI <input type="checkbox"/> OTH |                  |  | ARREST DATE   | ARREST TIME | PRECINCT/ARREST #                                  |                           |  |   |              |  |
| INTERVIEW DATE   | INTERVIEW TIME | INTERVIEW LOCATION<br><input type="checkbox"/> CB <input type="checkbox"/> COURT <input type="checkbox"/> PCT |   |                  | ARRESTING OFFICER                              |   |             | COMMAND  | ADD'L ID                  |  |   |              |  |
| CJA INTERVIEWER  |                | INT CLASS   | INTERVIEW LANGUAGE<br><input type="checkbox"/> ENG <input type="checkbox"/> SP <input type="checkbox"/> _____   |                  |  | ARREST CHARGES  |             | 1  | 2                         | 3  | 4 |              |  |
| DOCKET NUMBERS   |                | 2   | 3   | 4                | NYSID NUMBER                                   |   |             |  |                           |  |   |              |  |
| <b>VERIFIED INFORMATION</b>  |                |   |   |                  |  | THIS REPORT ASSESSES THE DEFENDANT'S COMMUNITY TIES AS DEFINED IN SECTIONS 2(a)(ii) and 2(a)(iii) OF CPL 510.30. A POSITIVE ASSESSMENT IS WITHHELD FOR DEFENDANTS WITH OUTSTANDING BENCH WARRANTS AS DEFINED IN SECTION 2(a)(v). THIS REPORT DOES NOT CONSIDER OTHER CRITERIA LISTED IN CPL 510.30 SUCH AS THE DEFENDANT'S MENTAL CONDITION, HIS CRIMINAL RECORD, THE WEIGHT OF THE EVIDENCE OR THE POSSIBLE SENTENCE |             |  |                           |  |   |              |  |
| CURRENT ADDRESS . . . . . <input type="checkbox"/>                           |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| LENGTH OF RESIDENCE . . . . . <input type="checkbox"/><br>AT CURRENT ADDRESS |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| ALTERNATE ADDRESS . . . . . <input type="checkbox"/>                         |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| PERSONS LIVES WITH . . . . . <input type="checkbox"/>                        |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| EMPLOYMENT STATUS . . . . . <input type="checkbox"/>                         |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| TELEPHONE . . . . . <input type="checkbox"/>                                 |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| NONE OF THE ABOVE . . . . . <input type="checkbox"/>                         |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| VERIFIER _____   |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| REQUESTS NO CJA VERIFICATION <input type="checkbox"/>                        |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| <input type="checkbox"/> CONFLICT RE: _____                                  |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| <input type="checkbox"/> PENDING CASE (ADD'L INFO BELOW)                     |                |   |   |                  |  |   |             |  |                           |  |   |              |  |
| <b>RESIDENCE/<br/>FAMILY</b>   |                | CURRENT ADDRESS   |   |                  | CITY/STATE                                     |   |             | ZIP  |                           | APT<br>FL<br>RM  |   |              |  |
| CURRENTLY LIVES WITH:  |                | <input type="checkbox"/> ALONE  |   |                  | <input type="checkbox"/> SPOUSE                |   |             | <input type="checkbox"/> COMMON LAW SPOUSE (6 MOS) |                           | <input type="checkbox"/> FRIEND  |   |              |  |
| RELATIONSHIP _____   |                | ALL THAT APPLY  |   |                  | <input type="checkbox"/> PARENT                |   |             | <input type="checkbox"/> GRANDPARENT               |                           | <input type="checkbox"/> CHILDREN _____  |   |              |  |
| NAME _____   |                | <input type="checkbox"/> LEGAL GUARDIAN   |   |                  | <input type="checkbox"/> OTHER RELATIVES _____ |   |             | <input type="checkbox"/> INSTITUTIONALIZED         |                           | <input type="checkbox"/> INCARCERATED  |   |              |  |
| CAN RETURN TO <input type="checkbox"/> YES                                   |                | CURRENT c/o   |   |                  | PHONE #  |   |             | NAME LISTED  |                           | AT CURRENT ADDRESS   |   |              |  |
| CURRENT ADDRESS <input type="checkbox"/> NO                                  |                |   |   |                  |  |   |             |  |                           | YRS MOS  |   |              |  |
| CAN RETURN TO <input type="checkbox"/> YES                                   |                | <input type="checkbox"/> ALTERNATE ADDRESS  |   |                  | <input type="checkbox"/> MAILING ADDRESS       |   |             | PRIOR ADDRESS                                      |                           | AT PRIOR ADDRESS   |   |              |  |
| ALTERNATE ADDRESS <input type="checkbox"/> NO                                |                |   |   |                  |  |   |             |  |                           | YRS MOS  |   |              |  |
| PHONE #  |                | CITY/STATE/ZIP  |   |                  | CITY/STATE/ZIP                                 |   |             | CONTACT NAME                                       |                           |  |   |              |  |
| NAME LISTED  |                | c/o   |   |                  | RELATIONSHIP                                   |   |             | PHONE #  |                           | RELATIONSHIP   |   |              |  |
|  |                |   |   |                  |  |   |             |  |                           | CONTACT <input type="checkbox"/> YES<br>STILL <input type="checkbox"/> NO<br>RESIDES |   |              |  |

FIGURE III.1 - Continued

|                                     |  |   |   |  |   |  |   |   |            |  |
|-------------------------------------|--|---|---|--|---|--|---|---|------------|--|
| EXPECTS SOMEONE AT ARRAIGNMENT      |  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO       |   | NAME _____<br>RELATIONSHIP _____   |   | ON PAROLE <input type="checkbox"/> YES <input type="checkbox"/> NO   | ON PROBATION <input type="checkbox"/> YES <input type="checkbox"/> NO | IN TREATMENT PROGRAM <input type="checkbox"/> YES <input type="checkbox"/> NO | TYPE _____ |  |
| <b>EMPLOYMENT/SCHOOL</b>            | EMPLOYED <input type="checkbox"/> FT <input type="checkbox"/> PT   | IN SCHOOL <input type="checkbox"/> FT <input type="checkbox"/> PT | TRAINING PROGRAM <input type="checkbox"/> FT <input type="checkbox"/> PT  | <input type="checkbox"/> NONE  |   | <input type="checkbox"/> UNEMPLOYED<br>LENGTH OF UNEMPLOYMENT<br>YRS MOS <input type="checkbox"/> NEVER WORKED |   | <input type="checkbox"/> DISABLED   |            |  |
|                                     | DEPENDENTS SUPPORTED   | NAME _____  |   | LENGTH OF EMPLOYMENT<br>YRS MOS  |   | GRADE COMP   |   |   |            |  |
| TAKE HOME PAY \$ PER                | ADDRESS _____  |   | SUPPORTED BY: <input type="checkbox"/> PARENTS <input type="checkbox"/> WELFARE <input type="checkbox"/> SSI                                |  |   |  |   |   |            |  |
| HOURS PER WEEK                      | PHONE # _____  | SHIFT _____   | JOB POSITION _____  | CJA CAN CONTACT <input type="checkbox"/> YES <input type="checkbox"/> NO | <input type="checkbox"/> UNEMP. COMP <input type="checkbox"/> OTHER _____ |  |   |   |            |  |
| <b>CRIMINAL RECORD</b>              | FIRST ARREST (EXCLUDING VIOLATIONS) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NYSID NOT AVAILABLE  |   | PRIOR CONVICTIONS   |  | OPEN CASES  |  |   |   |            |  |
|                                     | WARRANT ATTACHED TO NYSID <input type="checkbox"/> BENCH <input type="checkbox"/> ARREST <input type="checkbox"/> FAMILY COURT <input type="checkbox"/> OTHER <input type="checkbox"/> NONE ATTACHED |   | OTHER BENCH WARRANT INDICATED IN CJA FILES AND VERIFIED BY NYPD <input type="checkbox"/> YES (ADD'L INFO BELOW) <input type="checkbox"/> NO |  |   |  |   |   |            |  |
| OPEN CASES FROM NYSID (MOST RECENT) |  |   | ADDITIONAL CJA INFORMATION  |  |   | NO ADD'L INFO  |   |   |            |  |
| ARREST DATE                         | BOROUGH  | CHARGE  | DOCKET #  | DISPOSITION  |   |  |   |   |            |  |
| 1.                                  |  |   |   |  |   |  |   |   |            |  |
| 2.                                  |  |   |   |  |   |  |   |   |            |  |
| 3.                                  |  |   |   |  |   |  |   |   |            |  |
| <b>MISC.</b>                        | GRAY SHADING INFORMATION FROM OFFICIAL SOURCES   |   | DK DOESN'T KNOW   |  | NA NOT APPLICABLE   |  | RA REFUSES TO ANSWER  |   |            |  |
|                                     | NO SHADING INFORMATION FROM DEFENDANT  |   |   |  |   |  |   |   |            |  |

COURT

NYSID SHEET LISTS DEFENDANT'S ADDRESS AS

TABLE III.2  
KEY DATA ELEMENTS AND SOURCES  
ON CJA INTERVIEW FORM

| ELEMENT  | SOURCE                        | VERIFIED |
|--|-------------------------------|----------|
| Basic Demographics (Age, sex, ethnicity)       | Defendant                     | No       |
| Current Address and Telephone Number           | Defendant                     | Yes      |
| Length of Residence at Current Address         | Defendant                     | Yes      |
| Current Living Arrangements and Marital Status | Defendant                     | Yes      |
| Prior Address                                  | Defendant                     | No       |
| Current Employment/School Status               | Defendant                     | Yes      |
| Other Employment Information                   | Defendant                     | No       |
| Current Arrest Charges                         | Police Department             | N.A.     |
| Prior Convictions                              | NYSID Sheet                   | N.A.     |
| Outstanding Warrants                           | NYSID Sheet and CJA Data Base | Yes      |
| Other Personal Contacts                        | Defendant                     | No       |

-29-

notification contact is obtained.<sup>3</sup> In Queens, most interviews during the mid-night shift are done at precincts rather than at Central Booking.

2. Verification

After the interview is completed, the interviewer returns to the CJA work area at Central Booking and begins attempts to verify information obtained from the defendant. Verification is accomplished mainly by telephone, although sometimes, when a contact is at court for arraignment, the interviewer will attempt to verify information in person. Verification attempts are recorded, and the CJA recommendation points tabulated, on the reverse side of the interview

<sup>3</sup>In Queens and Brooklyn, this contact information is transferred from Police Department records. In the Bronx, CJA staff also make a release recommendation for potential DATs. See chapter V.

form, shown in figure III.2.

FIGURE III.2

| FIGURE III.2 |      |                    |   |  |
|--------------|------|--------------------|---|--|
| CJA VERIFIER | TIME | NO CONTACT EXPLAIN | RECORD OF VERIFICATION  | MEANS OF CONTACT                           |
| 1            |      |                    | NAME _____ RELATIONSHIP TO DEFENDANT _____<br>PHONE # _____ SPOKE TO _____                                      | <input type="checkbox"/> PHONE             |
| 2            |      |                    | REFERENCE STATED THAT DEFENDANT LIVES AT _____ RELATIONSHIP _____   | <input type="checkbox"/> IN COURT          |
| 3            |      |                    | APT FL RM _____ ZIP _____   | <input type="checkbox"/> REVERSE DIRECTORY |
|              |      |                    | LIVES WITH (NAME) _____ HIS/HER _____   | <input type="checkbox"/> _____             |
|              |      |                    | LIVES AT ABOVE ADDRESS FOR _____ PHONE # _____  | <input type="checkbox"/> ENGLISH           |
|              |      |                    | IS EMPLOYED, IN SCHOOL, IN TRAINING AT _____ <input type="checkbox"/> FT <input type="checkbox"/> PT            | <input type="checkbox"/> SPANISH           |
|              |      |                    | ALTERNATE ADDRESS _____   | <input type="checkbox"/> _____             |
| 1            |      |                    | NAME _____ RELATIONSHIP TO DEFENDANT _____  | <input type="checkbox"/> PHONE             |
| 2            |      |                    | PHONE # _____ SPOKE TO _____  | <input type="checkbox"/> IN COURT          |
| 3            |      |                    | REFERENCE STATED THAT DEFENDANT LIVES AT _____ RELATIONSHIP _____   | <input type="checkbox"/> REVERSE DIRECTORY |
|              |      |                    | APT FL RM _____ ZIP _____   | <input type="checkbox"/> _____             |
|              |      |                    | LIVES WITH (NAME) _____ HIS/HER _____   | <input type="checkbox"/> ENGLISH           |
|              |      |                    | LIVES AT ABOVE ADDRESS FOR _____ PHONE # _____  | <input type="checkbox"/> SPANISH           |
|              |      |                    | IS EMPLOYED, IN SCHOOL, IN TRAINING AT _____ <input type="checkbox"/> FT <input checked="" type="checkbox"/> PT | <input type="checkbox"/> _____             |
|              |      |                    | ALTERNATE ADDRESS _____   | <input type="checkbox"/> _____             |
|              |      |                    | NAME _____ RELATIONSHIP _____   | <input type="checkbox"/> PHONE             |
|              |      |                    | PHONE # _____   | <input type="checkbox"/> IN COURT          |
|              |      |                    |   | <input type="checkbox"/> REVERSE DIRECTORY |
|              |      |                    |   | <input type="checkbox"/> _____             |
|              |      |                    |   | <input type="checkbox"/> ENGLISH           |
|              |      |                    |   | <input type="checkbox"/> SPANISH           |
|              |      |                    |   | <input type="checkbox"/> _____             |

When a contact is reached (usually a relative or friend), the CJA interviewer explains the purpose of the call and records the information given by the reference. The information verified includes: (1) the defendant's current address, (2) how long he has lived there, (3) existence of a working home telephone, (4) any alternate defendant address, (5) whom the defendant lives with, and (6) the name of the employer, school or training program. Employment is considered verified when any one of the following items are verified: name of the company, address, or type of work performed by the defendant.

Verification attempts are made until the NYSID sheet is received from Albany, at which point verification efforts usually stop, even if contact has not been completed.

a. Resolving Conflicts. In some cases, the defendant and his reference give conflicting information, which the CJA interviewer must attempt to resolve. After receiving conflicting information from the reference, the interviewer returns to the defendant and states the nature of the conflict (but not the exact information provided by the reference). If the defendant changes the information to match that given by the reference, the information is considered verified. If the defendant insists his original information is correct, then the interviewer attempts to contact another reference to verify the information. Conflicting information is recorded on the interview form. Also, if the address provided by the defendant cannot be verified, but is different than the address given on the NYSID sheet, the defendant is asked to resolve this conflict. If not resolved, the differences are noted on the interview form and can affect the CJA recommendation.

In some cases the defendant is no longer in the detention area when the interviewer returns to ask about conflicting information. The unresolved conflict is then noted on the form and no further attempt is made to contact the defendant.

3. NYSID and Other Information

When the NYSID sheet is returned, the interviewer reviews it and records certain information on the CJA report form. If the defendant had no prior misdemeanor or felony arrest, then "first arrest" is checked. The number of prior misdemeanor and felony convictions are tabulated and indicated on the interview form. In addition, the interviewer records information on any open cases where the disposition has yet to be entered on the NYSID sheet, and checks whether any outstanding warrants are attached. Because "reading" the NYSID sheet can be a difficult and time-consuming task and the information is so important for bail/release decisions, CJA places particular emphasis on the NYSID sheet during interviewer training.

When an open case is discovered on the NYSID sheet, the interviewer checks the CJA computer for any additional information, such as final disposition, adjournment date or docket number, and enters it on the CJA interview form. Also, open cases on the CJA data base are checked for outstanding warrants not attached to the NYSID sheet. This information is also recorded on the interview form. Outstanding warrants are checked with the Police Department Warrant Division to make sure that the warrant has not yet been cleared.

4. CJA Recommendations and the Point System

After completing the final verification attempt and entering NYSID data, the CJA interviewer initiates the process of assessing the defendant's community ties and making a release recommendation. The point system used by CJA is based on the model used by Vera in the Manhattan Bail Project, but has been modified and condensed over the years.<sup>4</sup>

The CJA recommendation is based on six statements related to community ties, and located on the back of the interview form (figure III.3). For each statement there are several possible outcomes, depending upon the defendant's and reference's responses: true, true verified, false, false verified,

<sup>4</sup>CJA is currently conducting a study to reassess its point system; see chapter VI.

and unresolved conflict (see legend on figure III.3).

FIGURE III.3

| RECOMMENDATION BASIS         |  | T     | TV | F | FV | U |
|------------------------------|--|-------|----|---|----|---|
| 1                            | DEFENDANT HAS VERIFIED NYC AREA ADDRESS AND ONE OR MORE OF THE DEFENDANT'S RESPONSES TO "LIVES WITH" "HOW LONG AT CURRENT ADDRESS" OR "EMPLOYMENT/SCHOOL/TRAINING" VERIFIED. |       |    |   |    |   |
| 2                            | DEFENDANT HAS A WORKING PHONE IN HIS RESIDENCE.  |       |    |   |    |   |
| 3                            | DEFENDANT HAS LIVED AT HIS CURRENT ADDRESS 1½ YEARS OR MORE.   |       |    |   |    |   |
| 4                            | DEFENDANT EXPECTS SOMEONE AT HIS ARRAIGNMENT (NOT COMPLAINANT OR ATTORNEY).  |       |    |   |    |   |
| 5                            | DEFENDANT LIVES WITH PARENT, SPOUSE, C/L SPOUSE FOR 6 MONTHS, GRANDPARENT OR LEGAL GUARDIAN.   |       |    |   |    |   |
| 6                            | DEFENDANT IS EMPLOYED, IN SCHOOL, OR IN TRAINING PROGRAM FULL TIME.  |       |    |   |    |   |
| NYSID # <input type="text"/> |  | TOTAL |    |   |    |   |

ADDITIONAL COMMENTS:

DEFENDANT HAS NYC AREA ADDRESS T TV F FV U

LEGEND

T (true) - the defendant's response to the question involved, although unverified, makes the statement true.

TV (true verified) - the defendant's response to the question makes the statement true and the response has been verified.

F (false) - the defendant's unverified response to the question makes the statement false.

FV (false verified) - the defendant's response to the question makes the statement false and this response has been verified.

U (unresolved conflict) - there has been no resolution of the conflict between the defendant's response and the reference's statement regarding a given question.

The first statement is the major "community ties" requirement and must be "true verified" in order for the defendant to receive a CJA release recommendation. For this statement to be true verified, two conditions must be satisfied:

- (1) The defendant reported a New York City area address (the five boroughs, Nassau, Suffolk or Westchester), and the exact address was verified; and

- (2) One or more of the defendant's responses to "Lives with," "How long at current address," or "Employed/school/training" was verified.

The fourth statement, that the defendant expects someone at his arraignment, is not verified, and is considered "true" if the defendant gives a positive response to this question. For statement 6, employment is considered verified if one or more of the following items are verified: the employer's name, employer's address, or the type of work performed by the defendant.

After checking the appropriate columns for each of the six statements, the interviewer totals the number of check marks in the "True" and "True Verified" columns, and applies one of the CJA stamps shown in table III.3.

| TABLE III.3<br>CJA RECOMMENDATION CATEGORIES (STAMPS)      |   |
|--|---|
| RECOMMENDED: VERIFIED COMMUNITY TIES                       |   |
| QUALIFIED: UNVERIFIED COMMUNITY TIES                       |   |
| No Recommendation Due To:                                  |   |
| <input type="checkbox"/> Insufficient Community Ties       | <input type="checkbox"/> Residence Outside NYC Area |
| <input type="checkbox"/> Conflicting Residence Information | <input type="checkbox"/> Incomplete Interview       |
| No Recommendation Due To:                                  |   |
| <input type="checkbox"/> Bench Warrant Attached to NYSID   | <input type="checkbox"/> No NYSID Available         |
| <input type="checkbox"/> Bail-Jumping Charge               | <input type="checkbox"/> For Information Only       |

The strongest CJA release recommendation is Recommended: Verified Community Ties. In order to receive this recommendation, the defendant must have at least three statements checked "true" and/or "true verified," one of which must be statement #1. Thus, defendants in this category have a verified NYC address and verified responses to "Lives with," "How long at current address," and/or "Employment/school/training." In addition, two of the other five statements are "true" or "true verified."

To receive a Qualified: Unverified Community Ties recommendation, a defendant must have at least three "true" or "true verified" statements, but statement #1 is false; that is, the defendant's address or living arrangements/

employment could not be verified. The defendant must have reported a NYC area address to receive this Qualified recommendation.

Defendants who do not meet the criteria for either "Recommended: Verified Community Ties" or "Qualified: Unverified Community Ties" or are ineligible for a CJA release recommendation can fall into eight possible "No Recommendation" categories, as follows:

Insufficient Community Ties. Defendants fall into this category if they had less than three "true" and/or "true verified" statements, or were charged with escape from prison or absconding from a temporary release program (Penal Law Sections 205.10, 205.15, 205.16, 205.17, or 205.18).

Residence Outside NYC Area. Includes defendants who state that they do not live in the five boroughs, Nassau, Suffolk, or Westchester. Residents of New Jersey, including nearby sites such as Newark or Jersey City, would therefore fall into this category.

Conflicting Residence Information. If the defendant and reference provide different current addresses, and the conflict is not resolved, the defendant receives this "no recommendation" stamp.

Incomplete Interview. This category is reserved for (a) defendants who refuse to be interviewed (either the whole questionnaire or any of the point-related questions), (b) defendants who do not speak English or Spanish and for whom a translator is not available, or (c) defendants who are drunk, incoherent, or unruly.

Bench Warrant Attached to NYSID. Defendants with an outstanding bench warrant attached to their NYSID sheet receive this "no recommendation" stamp. Other types of warrants are not included in this category.<sup>5</sup>

No NYSID Available. If the defendant has been arrested before but the NYSID sheet is not available, this stamp is given even if the defendant would qualify for a CJA recommendation on the basis of verified community ties.

Bail Jumping Charge. This stamp is given when defendants are charged with Penal Law Sections 215.56 or 215.57 (bail jumping in second and first degree, respectively).

For Information Only. If the preceding three categories do not apply, and the defendant has been charged with murder or attempted murder in the first or second degree, this stamp is given. These defendants are not

<sup>5</sup>An additional category, "Bench Warrant Outstanding," is sometimes used if no warrant is attached to the NYSID sheet but the CJA data base indicates the existence of an outstanding bench warrant.

eligible to receive a CJA recommendation, but the CJA interview form is submitted to the court for its records and to assist the court in making a bail decision.

Juvenile offenders automatically receive the stamp "Juvenile Offender - For Information Only," although they are given the full interview and verification is done. However, no criminal history information is summarized, and juvenile offenders are not included in CJA's notifications system.

5. Forms Processing and Data Entry Procedures

Because of the vital role of CJA's computer data base in their notifications and research activities, and a desire not to delay the arrest to arraignment process, CJA tries to enter data from the interview form as expeditiously as possible. (Data are entered on-line from computer terminals located near the interview areas.) This means in practice that different data are entered at different points during the pre-arraignment process. Although procedures vary somewhat in the four boroughs and according to the time of day, the ROR data entry process generally operates in the following manner:<sup>6</sup>

After the defendant is interviewed and arrest information transferred from the Police Department forms, and prior to verification, the interviewer initializes the case on the CJA computer terminal located at Central Booking. At this point a case file is opened and the basic identifier data are entered. This is done at this point in case papers are lost in process; CJA would then have at least basic identification and contact information in the computer. Early entry of data also allows CJA to respond to inquiries regarding the stage of the arraignment process for a case.

Following verification and return of the NYSID sheet from Albany, the remainder of the data are entered. (If the NYSID sheet is delayed, the interviewer may enter as much of the interview data as possible and enter the NYSID data at a later time in order to expedite the data entry process.) For the most part, interviewers enter the data from their own interviews, which should reduce the chance of transcription error. In general, interviewers are able to complete data entry during their shifts, unless there is a particularly heavy interview load.

It is important to note that at the present time not all the data collected in the interview form are entered onto the computer, although space

<sup>6</sup>With the exception of Manhattan, interviewers handle most of the data entry for the interview form. In Manhattan, data assistants enter most of the interview data.

has been allotted in the file for all data elements. In part this reflects the extensive backlog in data entry which occurred when CJA switched over to UDIIS in September 1979. At that time there was a 30-day backlog in ROR sheet data entry, and in order to catch up it was decided to limit data entry only to those items needed for CJA's basic operations reports and notifications system. A list of the data elements that are currently being entered onto the computer is presented in table III.4.

| TABLE III.4<br>INFORMATION DATA-ENTERED INTO UDIIS<br>FROM CJA INTERVIEW FORM |   |
|---|---|
| Defendant Name  | Precinct Arrest Number  |
| Age   | Arresting Officer, Command, and Tax I.D. Number (Manhattan and Bronx DATs only) |
| Date of Birth   |   |
| Sex   | Arrest Charge 1   |
| Ethnicity   | Arrest Charge 2   |
| Current Address   | Docket Number(s)  |
| Current c/o   |   |
| Telephone Number  | NYSID Number  |
| Time at Current Address   | First Arrest?   |
| Additional Contact, Telephone Number  | Number of Prior Convictions   |
|   | Number of Open Cases  |
| Arrest Date   | Warrant Attached to NYSID   |
| Arrest Time   |   |
|   | CJA Stamp   |

In addition to information from the interview form, other data entry required for special studies also are entered during the pre-arraignment process. For example, data on arrest-to-arraignment time are being collected and entered for a study conducted under the supervision of the Criminal Justice Coordinator's office. The entry of data for special studies is usually handled by the data assistants rather than interviewers. The entry of data from the daily Criminal Court calendar is a separate process and will be discussed in chapter IV.

In Queens and Brooklyn, where defendants receiving DATs are not interviewed, information from Police Department reports are extracted and data-entered to be used primarily for DAT notifications. In Bronx and Manhattan, where all DATs are given an abbreviated CJA interview, data are entered from the CJA form.

a. Paper Flow. Criminal justice case processing in New York City is characterized by extensive paperwork and complex document handling as a case proceeds from arrest through arraignment. The sheer volume of cases handled at each Central Booking facility, as well as the number of agencies requiring paper documentation for each case (Police Department, District Attorney, Court Clerk, DCJS, CJA, Legal Aid Society, etc.) means that the processing of defendant papers can be somewhat time-consuming. CJA provides some assistance to the Police Department with its paperwork. For example, in Manhattan CJA staff at Central Booking "break down" the package of arrest papers at the stage after the fingerprints are received and send appropriate copies of the various papers on to the District Attorney's office and Police Department for further processing. In Manhattan and the Bronx, CJA staff help with DAT scheduling and filing paperwork, and assist the Police Department in providing lists of scheduled DATs. In Queens, CJA provides the District Attorney with lists of scheduled DATs. Also, paperwork associated with the study of arrest-to-arraignment time in the Bronx (initiated by the Criminal Justice Coordinator's office) is handled by CJA staff.

#### 6. Interviewing Staff

A total of 68 full-time interviewers are currently employed by CJA: 17 in Brooklyn, 15 in the Bronx, 23 in Manhattan, and 13 in Queens. In addition, 4 part-time interviewers are used. Recruiting and initial screening of interviewers is handled by CJA's Director of Operations, and an active file of potential interviewers is maintained in the central office. When a staff opening occurs in one of the boroughs, the Director of Operations sends the names of several candidates to the Borough Director or Acting Director for final screening and hiring. Recruitment is accomplished through college placement offices and word-of-mouth, and CJA appears to have no trouble maintaining an active pool of qualified applicants. The basic qualifications include either a Bachelor's Degree or two years of college with two years of full-time work experience with some type of client contact. Bilingual ability is stressed and almost 50% of CJA's interviewers speak Spanish. Interviewers are most often

recent college graduates in a criminal justice-related field who wish to get practical experience in a criminal justice setting.

a. Interviewer Training. CJA pays close attention to the training of its interviewing staff. Because of the sensitive nature of their jobs and the importance of collecting accurate and complete data, CJA supervisory staff generally spend about two weeks training new interviewers and closely monitor their work for the first four months of employment. Although the training process has been standardized to some degree, each of the borough offices varies the training somewhat. In this section the typical interviewer training routine will be described and assessed, and significant borough variations pointed out. Depending on staff needs at any given time, however, interviewers might not receive the full training regimen; on-the-job training might be increased instead.

During the first week, interviewers receive information about CJA and the ROR process from the administrative staff, and more detailed training and observation of interviewing, verifications, and notifications by the Court Services and Notifications Coordinators. The interviewer may spend one or two days observing interviews, conducting mock interviews, and receiving detailed information about the ROR interview form. Another one or two days would be spent in training in the use of the computer terminals for data entry and retrieval.

During the first few days on the job, interviewers also study the ROR Operational Manual, a training manual published by CJA in February 1978. This document reviews the ROR process and provides information on interviewing procedures and regulations. Procedures are discussed for asking specific interview questions, reading the NYSID sheet, and determining the CJA recommendation. Used as the major written training document, this manual is clearly written and logically organized, and, in conjunction with observation and on-the-job training, appears to be adequate for CJA's training needs.

During the second week of training, the interviewers are generally put on a shift and given actual, on-the-job training. Under observation by shift supervisors, they conduct defendant interviews and begin entering interview data onto the computer. Supervised verification calls are made, and completed interviews are reviewed and discussed with the interviewer. In the Bronx, interviewers do not read the NYSID sheet or put on a CJA stamp until they have had one month of experience; shift supervisors or experienced interviewers will complete these tasks during this period. In this borough, all of

the interviewer's ROR forms are reviewed by a supervisor during this first month.

Interviewers are under probation for the first four months of employment. Written performance evaluations are given by supervisors at the end of two and four months; if these reviews are satisfactory, the interviewer becomes a permanent employee and his/her work is reviewed at six-month intervals thereafter. Retraining is provided as needed.

b. Staff Turnover. CJA interviewers experience difficult working conditions, relatively low pay, odd working hours, and fairly routine work. Thus, it is not surprising that turnover of interviewing staff is fairly extensive at CJA. Roughly 40% of the interviewers leave during each year, and the average length of stay appears to be about one year. Although CJA does make every effort to promote interviewers to higher-level positions, the number of supervisory jobs is limited. Further, many interviewers take the job in order to get experience working in the criminal justice system prior to going on to graduate school or other types of jobs, and do not intend to stay at CJA for any length of time.

The turnover of interviewers does not seem to really present a problem for the efficiency of CJA operations. As mentioned earlier, CJA has little difficulty recruiting and hiring interviewers, and usually has a backlog of eligible candidates waiting to be hired. Because of the nature of the job, it is difficult for interviewers to remain interested and productive after a year on the job. Thus, it may be to CJA's benefit that there is a constant flow of new interviewers, and that after a year or so, interviewers are either promoted to supervisory positions or leave the agency. On the negative side, the training of new interviewers uses supervisory staff time and resources, and new interviewers may be less productive and efficient than more experienced personnel.

#### 7. Discussion

In the preceding sections, CJA's procedures for interviewing defendants, verifying the data, and making ROR recommendations were discussed. Although on the whole the procedures used have been developed and fine-tuned over a number of years and appear to be operating smoothly, several possible problem areas should be noted.

CJA's policies emphasize smooth operation of the arrest-to-arraignment process and, therefore, one of the agency's main priorities is to

avoid delaying the process by holding up a defendant's papers in order to complete an interview or verification. Although this is certainly an important and valid goal, it should be recognized that it is sometimes accomplished at the expense of a complete and accurate interview. On occasion a defendant's chances of receiving a "Recommended" stamp are reduced when time pressures do not allow verification attempts to be completed. Once a NYSID sheet has been returned and read, verification procedures are generally stopped even if incomplete, and the CJA stamp is applied. In particular, if an interview is done on the midnight shift, verification calls are sometimes not made until the morning; if the NYSID sheet comes in during the night, the papers are sent on and the defendant can receive a "Qualified" recommendation at best.<sup>7</sup> It also appears that CJA fails to interview some eligible defendants. Although for the most part this failure to interview is beyond the agency's control, it is important for CJA to more closely analyze the reasons for and patterns of noninterviews in order to minimize the rate. Judges will often request a CJA interview if a defendant does reach arraignment without an interview form.

Again, it may be that efforts to speed up the arrest-to-arraignment process should take priority over complete interviews or full verifications. However, this priority should be clearly stated to arraignment judges and other criminal justice system personnel because of some concern over incomplete interviews or missing or conflicting information.<sup>8</sup> To the extent that incomplete interviews reflect efforts not to delay arraignment, or occasional difficulty in maintaining access to a defendant, CJA should not be blamed.

Occasional complaints from judges about the quality of interview data have surfaced and need to be addressed. CJA's training and supervisory procedures appear to be sound. To the extent that inaccurate or misleading information on a CJA interview reflects the volume of interviews and limited amount of time to administer them, CJA should explain these problems to judges. In administering approximately 112,000 ROR interviews per year, occasional data quality problems are bound to surface. To the extent that inaccurate or missing data reflects lax supervisory or quality control procedures, however, CJA should be concerned. A review and tightening of their quality control

<sup>7</sup>Sometimes, interviewers can complete a verification at arraignment if a contact is present, and thus change the CJA stamp to Recommended: Verified Community Ties.

<sup>8</sup>Time pressures also mean that CJA cannot always find a defendant to resolve conflicting information after talking to a reference.

procedures may help identify problem areas leading to lower-quality data. For example, it may be that interviews completed during certain shifts or days may be more likely to have missing information. Completeness of interviews may vary with the length of time an interviewer has been employed.

A second issue which has been raised by some judges is the quality and credibility of CJA's verifications. Because verifications are usually carried out by telephone and through friends and/or family members, questions have occasionally been raised about the usefulness of this information. Can friends or relatives be relied upon to give truthful responses since they clearly have a stake in the defendant's release? Obviously, because of financial and time constraints, telephone verification is the only feasible procedure; however, how does it affect the accuracy of information obtained? Further, judges may tend to place less weight on community ties information that is unverified.

Another factor which may reflect the quality of the data, but which is to a large extent beyond CJA's control, is the interview setting. The physically uncomfortable, noisy, tense, and public environment in which CJA interviews are administered may affect the quality of the data obtained, although to what extent cannot be determined.

Several other points have been raised by judges and other personnel with respect to CJA's interviewing/verification procedures. For example, CJA does not make recommendations for defendants who live in New Jersey, even as close by as Newark or Jersey City (although addresses are verified), and this policy has been questioned by some, since some judges might be willing to release certain Newark or other nearby New Jersey residents if community ties were verified. Second, verification of other income such as welfare, and parole/probation status might prolong the verification process but could provide useful information. Finally, the reasons for an incomplete interview are not always indicated on the ROR sheet and judges might respond differently to defendants whose interviews are incomplete because of a language problem, as opposed to those who were uncooperative or abusive. Although some of these suggestions have probably been made before, and some may not be feasible, they are issues that are on the minds of some arraignment judges and CJA should consider responding to these points.

B. Number of Interviews

Table III.5 presents the number of interviews conducted by CJA during the period July-December, 1979, excluding DATs.<sup>9</sup> During this period, CJA interviewed 50,188 defendants arraigned in Criminal Court, an average of 8,365 per month. Interview volume, as in previous years, tended to be lowest during December, followed by November and August. Manhattan, with 18,512 interviews (36.5% of the total) and Brooklyn (12,243 or 24.4%) had the highest interview volumes, reflecting the relative number of arrests in the boroughs.

TABLE III.5  
NUMBER OF CJA INTERVIEWS BY BOROUGH,  
JULY-DECEMBER 1979<sup>a</sup>

| MONTH                        | BOROUGH  |          |           |         |                  | CITYWIDE<br>TOTAL |
|------------------------------|----------|----------|-----------|---------|------------------|-------------------|
|                              | Brooklyn | Bronx    | Manhattan | Queens  | Staten<br>Island |                   |
| July                         | 2,427    | 1,992    | 3,726     | 1,857   | 204              | 10,206            |
| August                       | 2,018    | 1,542    | 2,985     | 1,400   | 100              | 8,045             |
| September                    | 1,942    | 1,557    | 3,195     | 1,476   | 128              | 8,298             |
| October                      | 2,427    | 1,709    | 3,591     | 1,880   | 198              | 9,805             |
| November                     | 1,957    | 1,310    | 2,566     | 1,469   | 122              | 7,424             |
| December                     | 1,472    | 1,155    | 2,449     | 1,246   | 88               | 6,410             |
| TOTAL                        | 12,243   | 9,265    | 18,512    | 9,328   | 840              | 50,188            |
| (July -<br>December<br>1978) | (15,463) | (10,537) | (21,218)  | (9,510) | (784)            | (57,512)          |

<sup>a</sup>Cases interviewed and arraigned. Does not include Manhattan and Bronx DAT interviews.

It should be noted that these figures, aside from excluding Manhattan and Bronx DAT interviews, also do not include cases that were interviewed but not arraigned because the DA declined to prosecute ("343'd") or because the case

<sup>9</sup>DAT interviews are conducted in Manhattan and the Bronx. See chapter V.

was diverted to mediation. While CJA usually conducts these interviews, the cases are deleted from CJA records if no arraignment takes place. Although precise figures on the number of defendants that are interviewed but not arraigned are not available, it is estimated that about 30-35 cases per day are 343'd throughout the City. Thus, during July-December 1979 CJA interviewed up to 6,000 defendants in addition to the 50,000 shown in table III.5. While these additional interviews represent a considerable loss of productivity to CJA (at about one-half hour per interview, 3,000 man-hours were lost interviewing defendants whose cases are later dropped from the system), there seems to be no way to avoid this. CJA interviews defendants shortly after their arrival in Central Booking, and decisions to divert to mediation or decline to prosecute are often not made until later in the process; CJA cannot predict which cases will be dropped and therefore must interview every defendant.

Compared with the same period in 1978, CJA interviewed 12.7% fewer defendants during the latter half of 1979 (50,188 versus 57,512). The reduction was most noticeable in Brooklyn, which showed a 20.8% decrease in number of interviews. Analyzing the number of arrests in New York City during this time period, it is clear that this reduction in interviews reflects, in part, a comparable reduction in arrests between the two time periods; the number of arrests during July-December 1979 was 13.4% lower than during July-December 1978. The percentage of arrestees interviewed by CJA remained the same.

1. Number of Interviews by Arrest Charge

Since the severity and type of arrest charge affect the disposition and processing of a criminal case, and thus the degree of CJA involvement in a case, it is important to analyze the distribution of CJA interviews by arrest charge. Tables III.6 and III.7 present these distributions by affidavit charge severity and charge type, respectively.

Slightly over half of the interviewed cases are charged with felonies. Compared with the same period in 1978, the percentage of D felonies (24% versus 30% in 1978) and E felonies (10% versus 18%) has decreased, while the percentage of misdemeanors has increased substantially (44% compared with 32% in 1978). Presumably these changes in charge patterns reflect changes in the arrestee population rather than changes in CJA interview policies or procedures. In all, 9.6% of CJA cases are charged with A or B felonies.

TABLE III. 6  
NUMBER OF INTERVIEWS BY AFFIDAVIT CHARGE SEVERITY,  
JULY-DECEMBER 1979

| <u>AFFIDAVIT CHARGE SEVERITY</u>        | <u>NUMBER OF INTERVIEWS</u> | <u>PERCENT OF INTERVIEWS</u> |
|---|-----------------------------|------------------------------|
| <u>All Felonies</u>                     | 26,469                      | 52.7%                        |
| A Felony                                | 1,524                       | 3.0%                         |
| B Felony                                | 3,333                       | 6.6                          |
| C Felony                                | 4,219                       | 8.4                          |
| D Felony                                | 12,245                      | 24.4                         |
| E Felony                                | 5,148                       | 10.3                         |
| <u>All Misdemeanors</u>                 | 22,261                      | 44.4%                        |
| A Misdemeanor                           | 18,748                      | 37.4%                        |
| B Misdemeanor                           | 3,176                       | 6.3                          |
| Unclassified Misdemeanor                | 337                         | 0.7                          |
| <u>Violation, Other, Missing Charge</u> | 1,458                       | 2.9%                         |
| <b>TOTAL</b>                            | <b>50,188</b>               | <b>100.0%</b>                |

Although CJA has slightly revised its categorization of charge types, the distribution of charges (table III.7) did not change substantially from the previous year. About 37% of interviewed defendants were charged with property crimes, 15.7% with "harm to persons" (assault, murder, manslaughter, rape, kidnapping) and 12.6% with "harm to persons and property" (mostly robbery or arson).

TABLE III. 7  
NUMBER OF INTERVIEWS BY AFFIDAVIT CHARGE TYPE,  
JULY-DECEMBER 1979

| AFFIDAVIT CHARGE TYPE        | NUMBER OF INTERVIEWS <sup>a</sup> | PERCENT OF INTERVIEWS |
|------------------------------|-----------------------------------|-----------------------|
| Harm to Persons              | 7,880                             | 15.7%                 |
| Harm to Persons and Property | 6,324                             | 12.6                  |
| Weapons                      | 3,664                             | 7.3                   |
| Property                     | 18,369                            | 36.6                  |
| Drugs                        | 4,918                             | 9.8                   |
| Misconduct                   | 4,718                             | 9.4                   |
| Other                        | 4,315                             | 8.6                   |
| TOTAL                        | 50,188                            | 100.0%                |

<sup>a</sup>Estimated; data for Brooklyn for August 1979 were not available.

C. CJA Recommendations

In this section, the distribution of CJA release recommendations is analyzed for the period July-December 1979. As described above, CJA has two types of ROR recommendations based on strong community ties; Recommended: Verified Community Ties, and Qualified: Unverified Community Ties. In the latter category, the defendant reports strong community ties but the information could not be verified. Generally, patterns of CJA recommendations have remained stable over time.

1. CJA Recommendations by Borough

Table III.8 presents the percentages of defendants receiving the various CJA stamps during the latter half of 1979. As in prior years, about half of all interviewed defendants received a Recommended stamp (31.7% verified and 16.1% qualified). Manhattan, with its relatively large proportion of transient and out-of-state arrestees, had the lowest rate of Recommended defendants (24.0% verified and 13.7% qualified) and highest proportion of defendants Not Recommended due to weak community ties, (42.8% compared with an average of about 26% for the other boroughs).

TABLE III. 8  
CJA RECOMMENDATIONS BY BOROUGH,  
JULY-DECEMBER 1979

| CJA RECOMMENDATION                    | BOROUGH                    |       |           |        | TOTAL  |
|---------------------------------------|----------------------------|-------|-----------|--------|--------|
|                                       | Brooklyn and Staten Island | Bronx | Manhattan | Queens |        |
| Recommended-Verified                  | 37.7%                      | 35.0% | 24.0%     | 35.4%  | 31.7%  |
| Qualified                             | 15.8                       | 16.4  | 13.7      | 21.2   | 16.1   |
| Not Recommended (Weak Community Ties) | 26.1                       | 28.1  | 42.8      | 24.9   | 32.4   |
| Bench Warrant                         | 8.6                        | 9.7   | 11.1      | 7.2    | 9.5    |
| For Information Only <sup>a</sup>     | 2.1                        | 2.8   | 1.0       | 2.2    | 1.9    |
| Incomplete Interviews                 | 5.9                        | 3.9   | 3.5       | 4.8    | 4.4    |
| No NYSID Sheet                        | 2.1                        | 1.1   | 0.9       | 1.8    | 1.4    |
| Juvenile Offender/Bail Jumping Charge | 0.3                        | 0.1   | 0.1       | -0-    | 0.1    |
| Missing Stamp                         | 1.4                        | 2.8   | 3.0       | 2.5    | 2.4    |
| TOTAL NUMBER OF INTERVIEWS            | 13,083                     | 9,265 | 18,512    | 9,328  | 50,188 |

<sup>a</sup>Defendant charged with homicide.

The percentage of defendants with incomplete interviews was highest in Brooklyn (5.9%) and lowest in Manhattan (3.5%) These differences could reflect the relative amounts of time that defendants are kept in the detention cell at Central Booking, or the nature of the defendant population. Brooklyn, however, had the lowest rate of defendants whose CJA stamps were missing, 1.4%, compared with about 2.8% for the rest of the boroughs. It is not known whether the CJA stamps were never applied to the ROR interview form or were applied but not data-entered. The rates of incomplete interviews and missing stamps appear reasonably low, but it would be useful for CJA to investigate more closely the reasons for these cases and the extent to which the agency

can control the numbers of incomplete interviews. Given the large interview volume, the citywide rate of 4.4% incomplete interviews, while low, represents a total of 2,222 defendants who did not receive a CJA recommendation.

2. CJA Recommendations by Charge Severity

Table III.9 presents the distribution of CJA recommendations by affidavit charge severity. The data indicate that the charge is related somewhat to the CJA recommendation. Defendants arrested on felony charges were more likely than those arrested for misdemeanors to be Recommended-Verified (36.3% versus 26.8%) or Qualified (17.3% versus 14.9%). This may reflect the fact that felony arrestees are older and thus more likely to be employed and have community ties. Also, many misdemeanants with community ties are released on Desk Appearance Tickets prior to the CJA interview (see chapter V). Lazarsfeld had found in 1974 that the CJA recommendation was not correlated with charge severity.

These data show, not surprisingly, that defendants receiving the CJA stamp "For Information Only" were most likely to have been charged with A or B felonies. Finally, defendants charged with misdemeanors were more likely to have a bench warrant than felony arrestees (11.5% compared with 7.8%).

D. Arraignment Outcomes and ROR Rates

In this section the rate of disposition of cases at arraignment and the actual release rates of CJA-recommended defendants are analyzed. Since many cases are disposed of at arraignment, the actual size of the pretrial release population (and therefore the size of the group requiring notifications) is smaller than the number of defendants recommended for release. Further, judges release a number of defendants who were not recommended by CJA, and set bail or remand defendants who were recommended for ROR by CJA. An important issue in evaluating CJA's effectiveness is the extent to which judges utilize the information gathered by CJA and follow the agency's release recommendations. Table III.10 summarizes the disposition rates and arraignment outcomes by CJA recommendation.

1. Disposition Rates

Overall, 65.7% of the interviewed cases were not disposed at arraignment, a rate similar to that of previous periods.<sup>10</sup> As expected, nearly all

<sup>10</sup>As in prior years, Manhattan tended to have the highest rates of disposition, and Bronx and Queens the lowest.

| TABLE III.9   |                   |          |          |          |             |                     |        |
|---|-------------------|----------|----------|----------|-------------|---------------------|--------|
| CJA RECOMMENDATIONS BY AFFIDAVIT CHARGE SEVERITY,<br>JULY-DECEMBER 1979 |                   |          |          |          |             |                     |        |
| CJA RECOMMENDATION  | CHARGE SEVERITY   |          |          |          |             |                     | TOTAL  |
|   | A and B<br>Felony | C Felony | D Felony | E Felony | Misdemeanor | Violation/<br>Other |        |
| Recommended-Verified  | 32.1%             | 37.3%    | 37.2%    | 37.2%    | 26.8%       | 22.7%               | 31.7%  |
| Qualified   | 13.0              | 17.2     | 18.8     | 17.8     | 14.9        | 12.5                | 16.1   |
| Not Recommended   | 26.0              | 29.6     | 28.8     | 29.3     | 37.3        | 28.9                | 32.4   |
| Bench Warrant   | 8.5               | 7.8      | 7.6      | 7.4      | 11.2        | 14.5                | 9.5    |
| For Information Only  | 14.6              | 1.9      | 0.9      | 0.3      | 0.2         | 1.3                 | 1.9    |
| Other   | 5.8               | 6.1      | 6.7      | 7.9      | 9.6         | 20.0                | 8.3    |
| TOTAL NUMBER  | 4,857             | 4,219    | 12,245   | 5,147    | 22,261      | 1,458               | 50,188 |

Information Only cases (96.8%) were nondisposed. However, it is interesting that defendants who were recommended by CJA were less likely to have their cases disposed at arraignment (71%) than those not recommended (59.5%), or with a bench warrant (58.1%). With a positive recommendation and higher likelihood of ROR, there may be less pressure to obtain a guilty plea. Disposition rates are, of course, related to the severity of the charge. The likelihood of a disposition at arraignment decreases as the severity increases (see table III.12).

2. ROR Rates

Table III.10 shows the percentage of nondisposed cases that were ROR'd by the arraignment judge, by CJA recommendation. The release rate for nondisposed cases is higher for defendants who are recommended for ROR by CJA; 66.6% of Recommended-Verified and 60.8% of Qualified defendants were ROR'd at arraignment. In contrast, 52% of defendants Not Recommended because of insufficient community ties were released. The fact that more than half of these defendants were released reflects that, especially for defendants charged with less serious crimes, judges are willing to ROR many defendants even if they have weak community ties.<sup>11</sup>

Since CJA recommendations are mainly based on community ties and do not take into account such factors as the severity of the charge (except for murder charges), circumstances and strength of the case and the demeanor of the defendant, it is expected that many defendants recommended by CJA will not be ROR'd at arraignment. The higher ROR rate for CJA-recommended defendants does suggest that judges do take the CJA community ties data into account when making a bail decision.

In order to clarify the extent of "agreement" between the arraignment judges and CJA with respect to the release of a defendant, the CJA recommendation and arraignment outcome data from table III.10 for nondisposed cases were simplified and are presented in table III.11. In this table, defendants receiving Recommended-Verified or Qualified stamps were combined into one group ("CJA recommends ROR") and all other defendants in a second group ("CJA does not recommend ROR"). Similarly, defendants in nondisposed cases who were ROR'd at arraignment were categorized as "Judge favors ROR" and those not ROR'd as "Judge does not favor ROR."

<sup>11</sup>Despite the fact that, as shown in chapter IV, these defendants have high failure-to-appear rates.

| TABLE III.10<br>ARRAIGNMENT OUTCOMES BY CJA RECOMMENDATION             |                         |           |                    |                  |                     |         |         |
|--|-------------------------|-----------|--------------------|------------------|---------------------|---------|---------|
| ARRAIGNMENT OUTCOMES<br>AND RELEASE STATUS                             | CJA RECOMMENDATION      |           |                    |                  |                     |         | TOTAL   |
|  | Recommended<br>Verified | Qualified | Not<br>Recommended | Bench<br>Warrant | Information<br>Only | Other   |         |
| <u>Nondisposed</u>   |                         |           |                    |                  |                     |         |         |
| ROR  | 66.6%                   | 60.8%     | 52.0%              | 27.3%            | 13.3%               | 49.3%   | 55.2%   |
| Bail Made  | 3.9                     | 3.7       | 3.7                | 3.0              | 4.5                 | 3.8     | 3.8     |
| Bail Not Made  | 26.1                    | 32.3      | 39.8               | 63.0             | 48.1                | 34.0    | 32.8    |
| Remanded   | 0.5                     | 0.8       | 2.0                | 2.3              | 29.6                | 9.5     | 2.7     |
| Missing Outcome  | 2.8                     | 2.4       | 2.6                | 4.4              | 4.5                 | 3.4     | 2.9     |
| TOTAL NUMBER NONDISPOSED   | 11,401                  | 6,011     | 9,758              | 2,767            | 965                 | 2,546   | 33,448  |
| (Percent of All Cases)   | (71.2%)                 | (71.0%)   | (59.5%)            | (58.1%)          | (96.8%)             | (60.1%) | (65.7%) |
| <u>Disposed</u>  |                         |           |                    |                  |                     |         |         |
| Dismissed, Acquittal,<br>or ACD  | 32.7%                   | 31.0%     | 22.1%              | 10.5%            | 34.4%               | 23.9%   | 25.0%   |
| Guilty Plea (Investiga-<br>tion and Sentencing or<br>Sentence Imposed) | 66.0                    | 67.1      | 76.9               | 72.5             | 53.1                | 73.9    | 71.8    |
| Other Disposed   | 1.3                     | 1.9       | 1.0                | 17.0             | 15.6                | 2.1     | 3.2     |
| TOTAL NUMBER DISPOSED  | 4,611                   | 2,461     | 6,635              | 1,997            | 32                  | 1,691   | 17,427  |
| TOTAL NUMBER OF CASES  | 16,012                  | 8,472     | 16,393             | 4,764            | 997                 | 4,237   | 50,875  |

| TABLE III.11  |                   |                   |                    |
|---|-------------------|-------------------|--------------------|
| RELATIONSHIP BETWEEN CJA RECOMMENDATION AND<br>ARRAIGNMENT JUDGES' ROR DECISION, NON-DISPOSED CASES<br>(Number of Cases in Parentheses) |                   |                   |                    |
|   | JUDGE FAVORS ROR: |                   | CJA TOTAL          |
|   | YES               | NO                |                    |
| <u>CJA</u>  |                   |                   |                    |
| <u>RECOMMENDS ROR:</u> YES  | 33.6%<br>(11,248) | 18.4%<br>(6,164)  | 52.0%<br>(17,412)  |
| NO  | 21.6%<br>(7,208)  | 26.4%<br>(8,828)  | 48.0%<br>(16,036)  |
| <u>JUDGES' TOTAL:</u>   | 55.2%<br>(18,456) | 44.8%<br>(14,992) | 100.0%<br>(33,448) |

Thus, this table shows that overall, CJA recommended ROR for 52% of defendants in nondisposed cases, while judges actually ROR'd 55.2% of the defendants. Further, the table shows the extent to which there was agreement between CJA and the judge about whether or not the defendant should be ROR'd. In 33.6% of the cases, both the agency and judge favored ROR and in 26.4% of the cases both did not favor ROR; thus, there was agreement in 60% of the cases. In 40% of the cases, there was a disparity between the CJA recommendation and the judges' ROR decision; either the agency favored ROR but the judge did not release (18.4% of the cases) or the agency did not recommend release, but the judge ROR'd the defendant anyway (21.6% of the cases).

Comparing these results with a similar analysis conducted by Lazarsfeld in 1974 (for Brooklyn PTSA), the overall extent of agreement between the agency and the judges has remained the same (61% agreement and 39% disagreement in 1974). However, the pattern of release recommendations and decisions has changed. In 1974, the agency was more likely to recommend ROR (64% of defendants versus 52% in 1979) and judges were less likely to ROR. Looking at the data from another perspective, in 1979 compared with 1974, judges were more likely to agree with CJA and ROR those defendants who received a positive recommendation (64.6% versus 51% in 1974), but also less likely not to ROR a defendant that CJA does not recommend (55.1% versus 78% in 1974).

In other words, judges now appear to be more likely to release defendants in general, although they are still influenced by the CJA recommendation. Data from the present Bail Research Study (see chapter VI) should help to clarify both the reasons for agreement or disagreement between the CJA recommendation and the judge's ROR decision, and the relative weight of factors which enter into the ROR decision.

The arraignment outcomes table also illustrates that most defendants who have bail set are not able to post bail at the time of arraignment. While 32.8% of those with nondisposed cases did not make bail, only 3.8% did (representing only about 10% of those for whom bail was set). Defendants who were not recommended by CJA, had a bench warrant, or were in the Information Only category were more likely not to make bail, probably reflecting both a higher bail and the lack of resources to post bail. These defendants also had a high remand rate. Although the rate of remand without bail was low (2.7% overall), about 30% of "Information Only" defendants were remanded; this high rate is expected given the serious charges faced by defendants in this category.

### 3. ROR Rates by Charge Severity and CJA Recommendation

Except for defendants charged with murder (who receive the "For Information Only" stamp), CJA makes its recommendation without taking into account the current arrest charge. Since the severity of the charge is one of the important factors considered by arraignment judges in making a release decision, it would be expected that the extent of agreement with the CJA recommendation would vary by the severity of the charge. Moreover, if judges are in fact taking community ties information into account, then ROR rates for Verified and Qualified defendants should be higher than for those Not Recommended by CJA, independent of charge severity. Table III.12 summarizes arraignment outcomes by charge severity and CJA recommendation.

Not surprisingly, within each CJA recommendation category defendants charged with more serious crimes are less likely to be ROR'd and more likely to not make bail or be remanded. However, it is also apparent, looking across CJA recommendation categories, that no matter how serious or minor the charge, defendants receiving a positive CJA recommendation are more likely to be ROR'd than defendants who are not recommended. This can be seen more clearly in table III.13.

TABLE III.13  
ROR RATES AT ARRAIGNMENT BY  
CHARGE SEVERITY AND CJA RECOMMENDATION

| CHARGE SEVERITY      | CJA RECOMMENDATION    |        |               |        |                 |        |
|----------------------|-----------------------|--------|---------------|--------|-----------------|--------|
|                      | Recommended: Verified |        | Qualified     |        | Not Recommended |        |
|                      | Percent ROR'd         | Number | Percent ROR'd | Number | Percent ROR'd   | Number |
| A or B Felony        | 34.9%                 | 1,471  | 29.1%         | 595    | 22.5%           | 1,166  |
| C Felony             | 53.9                  | 1,438  | 49.0          | 672    | 36.2            | 1,109  |
| D Felony             | 69.0                  | 3,720  | 63.0          | 1,884  | 50.9            | 2,733  |
| E Felony             | 76.9                  | 1,387  | 69.3          | 665    | 58.0            | 1,015  |
| Misdemeanor or Other | 83.1                  | 3,121  | 78.5          | 1,775  | 66.2            | 3,523  |

TABLE III.12  
ARRAIGNMENT OUTCOMES BY CHARGE SEVERITY AND CJA RECOMMENDATION

| ARRAIGNMENT OUTCOMES | RECOMMENDED: VERIFIED |       |       |       |               | QUALIFIED |       |       |       |               | NOT RECOMMENDED |       |       |       |               |
|----------------------|-----------------------|-------|-------|-------|---------------|-----------|-------|-------|-------|---------------|-----------------|-------|-------|-------|---------------|
|                      | A/B                   | C     | D     | E     | Misd. & Other | A/B       | C     | D     | E     | Misd. & Other | A/B             | C     | D     | E     | Misd. & Other |
| Percent Nondisposed  | 95.6%                 | 91.0% | 80.7% | 70.7% | 52.7%         | 95.5%     | 92.1% | 81.2% | 71.8% | 52.2%         | 93.2%           | 88.5% | 76.6% | 65.7% | 41.4%         |
| ROR                  | 34.9%                 | 53.9% | 69.0% | 76.9% | 83.1%         | 29.1%     | 49.0% | 63.0% | 69.3% | 78.5%         | 22.5%           | 36.2% | 50.9% | 58.0% | 66.2%         |
| Bail Made            | 4.5                   | 5.8   | 4.7   | 4.1   | 2.3           | 4.5       | 5.2   | 4.4   | 3.8   | 2.7           | 3.2             | 2.9   | 4.2   | 3.6   | 2.6           |
| Bail Not Made        | 54.9                  | 37.1  | 24.6  | 18.0  | 12.8          | 60.0      | 43.0  | 29.9  | 29.5  | 16.2          | 68.2            | 57.6  | 40.8  | 33.6  | 27.4          |
| Remand               | 1.3                   | 0.8   | 0.3   | 0.1   | 0.6           | 3.0       | 0.7   | 0.8   | 0.2   | 0.6           | 2.9             | 1.6   | 1.7   | 2.2   | 2.1           |
| Missing              | 4.4                   | 2.4   | 1.5   | 0.9   | 1.1           | 3.4       | 2.1   | 1.9   | 2.3   | 2.0           | 3.3             | 1.7   | 2.5   | 2.6   | 1.7           |
| TOTAL NUMBER         | 1,471                 | 1,438 | 3,720 | 1,387 | 3,121         | 595       | 672   | 1,884 | 665   | 1,775         | 1,166           | 1,109 | 2,733 | 1,015 | 3,523         |

Defendants charged with A or B felonies who received a verified recommendation from CJA were about 1½ times more likely to be ROR'd (34.9%) than those Not Recommended (22.5%). For the least serious charges, about 80% of Recommended-Verified and Qualified defendants are released, compared with only 66% of Not Recommended defendants. Thus, even for minor charges, the strength of community ties appears to affect judges' release decisions.

E. Discussion

In this chapter CJA's role in pretrial release has been described and data from its ROR activities for the first half of FY 79-80 analyzed. Because only a limited amount of data on interviewing, verification, and CJA recommendations were available for that time period, the analysis has been by necessity somewhat cursory, and a full assessment of CJA's impact on judges' pretrial release decisions and the arrest-to-arraignment process cannot be made at this time. Nevertheless, patterns which emerge from the available data, together with more qualitative data obtained from interviews with arraignment judges, attorneys, and other criminal justice system personnel suggest that CJA is fulfilling its role in the ROR process and is achieving its objective of reducing the amount of time spent in pretrial detention.

During the July-December 1979 period, CJA interviewed 50,188 defendants arraigned in Criminal Court in New York City, of which slightly over half were charged with felonies (mostly D and E felonies). Of these, 31.7% received CJA's most positive stamp, Recommended-Verified, and an additional 16.1% were Qualified: Unverified Community Ties. About one-third of defendant received a Not Recommended stamp because of insufficient community ties. As in previous years, the distribution of recommendations varied somewhat among the boroughs. The CJA recommendation was also correlated to some extent with charge severity: misdemeanants were more likely to receive a Not Recommended stamp and less likely to receive a positive recommendation than those charged with felonies. They may be because many misdemeanants with strong community ties are released on DATs.

As in the past, ROR rates for defendants receiving a positive CJA recommendation were higher than for those Not Recommended; 66.6% of Recommended-Verified and 60.8% of Qualified defendants with nondisposed cases were ROR'd at arraignment, compared with 52% of defendants Not Recommended due to weak community ties. It is clear, however, that judges are willing to release some defendants even if CJA does not recommend them: 45% of defendants who did not receive a positive recommendation from CJA were ROR'd by the judge. Overall, there was agreement between CJA and the judges in 60% of the cases as to whether or not a defendant should be ROR'd, the same percentage found in a previous study conducted in 1974.

When arraignment outcomes are analyzed by charge severity (tables III.12 and III.13, it is apparent that defendants receiving a positive CJA recommendation are more likely to be released at arraignment, no matter how serious the charge. Charge severity is clearly an important factor in a judge's ROR decision. These results suggest that CJA is achieving its objective of increasing the number of defendants who are released from pretrial detention. Coupled with the analysis of failure-to-appear rates (chapter IV) which shows that defendants receiving positive CJA recommendations have the lowest FTA rates, it appears that CJA is recommending pretrial release for those who do have a high probability of returning to court.

Aside from the community ties information which helps determine CJA's release recommendation, judges are required by New York State statute to consider other factors when making a bail/release decision. These other key factors, including the current arrest charge, the mental condition of the

defendant, and the strength of the prosecutor's case, are not part of CJA's recommendation. Thus, it is not surprising that in many cases, the judges' ROR decision differs from the CJA recommendation because of these and other factors. In addition, although theoretically it is not a factor to be considered in an ROR decision, judges sometimes base this decision on their perceived likelihood of the defendant committing another crime while on release, or the "danger to the community" factor.

Interviews with a number of arraignment judges in New York City Criminal Court indicated that most judges do place considerable weight on the information contained on the CJA interview when making a ROR decision. Some judges expressed confidence that defendants receiving a positive CJA recommendation will have a lower FTA rate.<sup>12</sup> Reservations about CJA's verification procedures and incomplete interviews were expressed by some judges. Because CJA places important emphasis on not delaying the arrest-to-arraignment process, verifications are often not completed before the interview forms must be moved on with the defendant. Time and resource constraints mean that verifications must be done over the telephone, making it somewhat difficult to assess the quality of the information obtained, and making it difficult to reach contacts at certain hours of the day. Finally, although there was some concern expressed by judges about incomplete interviews, only 4 to 5% of CJA interviews are stamped "Incomplete."

Although within the context of this evaluation it was not possible to assess how the completeness and "quality" of the verification process affected judicial release decisions, a number of judges are clearly concerned about this issue. This concern perhaps could be ameliorated somewhat through discussions with judges about CJA's role in the arrest-to-arraignment process and their interviewing and verification procedures. The extent to which incomplete verifications affect the ROR decision, for different charges, is an important issue which should be examined by CJA. For a number of reasons, it is very important for CJA to establish more formal, regular contact with arraignment judges, of which there is very little at the present time. Further, CJA might consider conducting an experiment in which verification procedures

<sup>12</sup>It may be useful for CJA to emphasize this low FTA rate to judges as a means of increasing their confidence in CJA recommendations. However, it is possible that if judges released a greater proportion of defendants with positive recommendations, FTA rates would go up.

were expanded in order to determine the impact on arrest-to-arraignment delay and judicial release decisions.

One issue which has been raised about CJA's role in the ROR process is whether it is necessary for CJA to interview every defendant. Since resources are scarce, CJA might save money by interviewing fewer defendants. Further, many argue that the judge's decision is clear in many cases; most defendants arrested on minor charges would be ROR'd anyway, and most arrested on serious charges would not. However, the data presented in this chapter and other considerations suggest that it is important for CJA to continue to interview all arraigned defendants, regardless of charge, because of several factors.

First, the data from July-December 1979 indicated that for all charges, minor and severe, judges release defendants with positive CJA recommendations at a higher rate than those Not Recommended: community ties are thus a factor in release decisions. Second, judges take other factors in addition to charge severity into consideration when making release decisions; thus about one-fourth of misdemeanants with nondisposed cases are not ROR'd at arraignment, while about 30% of A or B felony defendants are released on recognizance. Third, although there may be cases where a defendant will clearly be or not be ROR'd, there is no way for CJA to predict this on the basis of charge alone, nor should this responsibility be placed on a CJA interviewer. Finally, and perhaps most important, the data collected on the CJA interview is used for the agency's notifications system as well as making an ROR recommendation. If CJA is to notify all released defendants, then the information needed to notify all defendants must be collected prior to arraignment. These defendant data are also important if CJA is to maintain a full database which allows the agency to conduct research on the entire Criminal Court system and arraignment process.

If, as it appears, judges do use CJA interview information to help them make release decisions, the question has been raised whether CJA's position as an independent agency enhances this impact. Further, since it appears that judges are more likely to release defendants than in the past, would ROR rates change if CJA did not interview defendants and make release recommendations? Without a rigorous, controlled study, the effect on release rates of eliminating CJA recommendations cannot be determined. By statute, community ties information must be collected and assessed in making a bail/release decision; most criminal justice system personnel feel that CJA's position as an independent agency makes this information more credible to judges. CJA appears to be able to perform this role with a minimal impact on arrest-to-arraignment time and a positive impact on the rate at which defendants are released on recognizance.

#### IV. CJA NOTIFICATION SYSTEM AND FAILURE TO APPEAR RATES

As a means of achieving its goal of reducing the rate of nonappearance in court by defendants released on recognizance, CJA operates a pretrial notifications system.<sup>1</sup> Based on computer-generated reminder letters, defendant check-ins, and telephone reminders, the system attempts to keep the failure-to-appear (FTA) rate low by reminding released defendants of scheduled adjournment dates and the importance of their appearance in court. In this chapter CJA's notification system will be described and failure-to-appear rates of released defendants analyzed. Previous research will be examined to assess the impact of the notification system on FTA rates.

##### A. Notifications Procedures

The notifications process begins with the entry into the CJA computer of data needed to contact defendants with scheduled court dates. Each day, CJA's data assistants in each borough enter information from the Criminal Court calendars: docket number, adjournment date, court part, and disposition, if any. This information is linked with the defendant's name, address, and telephone number, previously entered from the CJA interview.

When a defendant is released at arraignment, he is supposed to receive a card from the court officer which describes CJA and instructs him to check in with the agency (by telephone or in person) within 24 hours after release, to obtain information about subsequent court dates. Two days later, CJA staff attempt to call all defendants who did not check in within 24 hours. It is CJA's feeling that the 24-hour check-in helps to reduce subsequent failure-to-appear rates by establishing an agency-defendant link and by identifying those defendants who did not check in and therefore may need extra notification effort. Although prior research has suggested that the check-in is associated with lower FTA rates, this may only be true for certain types of defendants.

Lazersfeld<sup>2</sup> found that the FTA rate for post-arraignment appearances was 4% for defendants who checked in on their own, compared with over 11% for

<sup>1</sup>CJA notifies ROR'd defendants whether or not CJA had recommended release. Although CJA has for several years considered expanding notifications to defendants released on bail, this has not yet been implemented. Defendants released on DATs are notified, however (See chapter V). Post-plea notifications are also conducted on a limited scale; see section IV. B.4.

<sup>2</sup>Paul F. Lazersfeld, An Evaluation of the Pretrial Services Agency of the Vera Institute of Justice (December 1974).

other defendants. However, it is possible that a self-selection bias is operating, in that defendants who check in on their own are more responsible, have access to a telephone, and have stronger community ties. Lazarsfeld also reported that 35% of recommended defendants checked in within 24 hours compared with only 22% of other interviewed defendants. It would be appropriate at this time for CJA to update the Lazerfeld data and assess the current impact of check-in and follow-up procedures on FTA rates for different classes of defendants.

Seven days prior to a scheduled court appearance, the CJA computer automatically prints notification letters to ROR'd defendants due in court. This letter reminds the defendant of when and where he must appear, instructs him to call CJA prior to the court date, and explains that a warrant will be issued if he does not show up in court.

If there are fewer than seven days between court appearances, the computer prints a list of scheduled defendants and CJA staff attempt to contact them by phone; notification letters are not sent in these cases.

When defendants check in prior to their court date, this information is entered into the computer. Two days prior to each court date, the computer generates a list of those defendants who are due in court but did not check in, and attempts are made to contact them by telephone to remind them of the required court appearance.

If the defendant fails to appear in court, a bench warrant is issued. During the first 30 days, CJA continues to try contacting the defendant and get him to return to court, for those out on bail as well as ROR'd defendants. If the defendant returns to court he is asked to check in at the CJA office, and a CJA staff member then escorts the defendant to the Court Clerk's office and the courtroom, where the defendant is given another court date and the warrant vacated. After 30 days, if a defendant has not yet returned to court, CJA stops its notification efforts.<sup>3</sup>

#### 1. Documentation

At the present time CJA does not systematically enter its telephone and letter notification efforts onto its computer, so data on the extent of different types of notifications are not available for analysis. Although the number of letters sent out can be imputed from the number of scheduled defendant appearances (minus the number of appearances scheduled less than seven

<sup>3</sup>A pilot program is now underway in the Bronx, using CETA workers, to continue notifications beyond these 30 days and to search for certain defendants in the communities to try to convince them to return to court.

days apart, for which no letters are sent), CJA does not routinely tabulate and analyze its notifications efforts. Defendant check-ins and outgoing telephone calls are logged in by hand at the borough offices, but are not summarized regularly by the agency. Since the notifications process consumes a substantial portion of CJA's resources, it would be appropriate for the agency to pay closer attention to the documentation of these efforts and analysis of their effectiveness in a more systematic manner.

#### B. Failure To Appear Rates

Since one of CJA's primary objectives is to minimize the rate of defendant nonappearance in court for released defendants, a key measure of the effectiveness of CJA's notifications efforts is the rate of failures to appear in court. In this section of the FTA rates of released defendants will be analyzed by CJA recommendation and charge severity. Also, FTA rates for ROR'd and bailed defendants will be compared.

##### 1. FTA Rates by CJA Recommendation

Table IV.1 presents the aggregate and willful FTA rates for each borough for the July-December 1979 period, by CJA recommendation. Although CJA notifies all defendants who are released on recognizance at arraignment regardless of the CJA recommendation, it has been consistently found in the past that Recommended-Verified and Qualified defendants have lower FTA's than other defendants.

A defendant failure to appear in court may be intentional or non-intentional. For example, the defendant may have been ill, forgotten the court date, been unable to find the proper courtroom, or been afraid to appear in court. The aggregate failure-to-appear rate refers to this initial missed court appearance. However, many defendants voluntarily return to court within 30 days of an initial failure-to-appear, because of CJA's notification efforts, contacts by the Police Department Warrant Division or Legal Aid Society, or some other reason. After 30 days, CJA considers the defendant to have deliberately missed a court appearance and recalculates the FTA rate to exclude those defendants who returned to court within 30 days; this second count yields the willful FTA rate.

The FTA data for July-December 1979 are consistent with previous agency findings. Aggregate FTA rates are lowest in all boroughs for defendants with verified community ties (5.3% overall), and Qualified defendants in general have the second lowest FTA rates (7.4% overall). As reported in earlier studies,

**CONTINUED**

**1 OF 2**

Manhattan defendants tend to have the highest FTA rates in all recommendation categories (11.4% aggregate and 7.5% willful FTA). Citywide defendants who are Not Recommended due to insufficient community ties and those with current Bench Warrants have the highest aggregate FTA rates, (13.2% and 15.2% respectively). Thus, regardless of actual release status, CJA-recommended defendants continue to have lower FTA rates than other defendants.

Willful FTAs, as in the past, tend to be substantially lower than aggregate FTAs, while showing the same pattern by CJA recommendation. The ratio of aggregate to willful FTA rates provides a measure of the "clearance" rate of FTAs, the extent to which defendants voluntarily return to court. If Verified and Qualified defendants are better risks, then this ratio should be larger than for other defendants. The results (table IV.2) confirm this expectation: the aggregate/willful FTA ratio is consistently highest for Recommended: Verified and Qualified defendants (1.89 and 1.68 citywide compared with 1.45 for other recommendation categories).

Thus, CJA-recommended defendants not only have lower FTA rates, but those that do fail to appear initially have the highest rate of return to court within 30 days. This could reflect that these defendants are indeed better risks, that CJA's efforts to get defendants to return to court are more effective (or more extensive) for Recommended defendants, or a combination of these factors. In the absence of detailed data on CJA's notifications efforts, it is not known whether notifications following initial failure to appear are more intensive for Recommended defendants. Since these defendants are more likely to have a working telephone, permanent residence, and other contacts, it may be that they are simply easier for CJA to reach and thus remind them of their failure to appear in court. If this were the case, the results presented in table IV.2 would suggest that CJA's post-failure to appear notifications do have an impact on returns to court. Further analysis of these efforts are needed to evaluate the factors affecting the aggregate/willful FTA ratios.

2. FTA Rates by Release Status and CJA Recommendation

Traditionally, monetary bail has been used by the court system to assure a defendant's appearance in court. In recent years, the experience of pretrial release agencies has demonstrated that many defendants can be released without financial conditions and still have a high probability of returning to court. In this section aggregate FTA rates are analyzed by the defendants' release

TABLE IV.1

AGGREGATE AND WILLFUL FAILURE TO APPEAR RATES, BY CJA RECOMMENDATION AND BOROUGH<sup>a</sup>  
(Number of Scheduled Appearances in Parentheses)

| CJA RECOMMENDATION   | BOROUGH          |             |                  |             |                   |             |                  |             |                  |             |
|----------------------|------------------|-------------|------------------|-------------|-------------------|-------------|------------------|-------------|------------------|-------------|
|                      | BROOKLYN         |             | BRONX            |             | MANHATTAN         |             | QUEENS           |             | TOTAL            |             |
|                      | Aggregate FTA    | Willful FTA | Aggregate FTA    | Willful FTA | Aggregate FTA     | Willful FTA | Aggregate FTA    | Willful FTA | Aggregate FTA    | Willful FTA |
| Recommended-Verified | 5.8%<br>(7,278)  | 2.7%        | 4.2%<br>(5,776)  | 2.3%        | 6.5%<br>(7,132)   | 3.4%        | 4.4%<br>(5,226)  | 2.4%        | 5.3%<br>(25,412) | 2.8%        |
| Qualified            | 6.7<br>(2,931)   | 3.8         | 7.4<br>(2,942)   | 4.4         | 9.4<br>(3,449)    | 5.7         | 5.4<br>(2,677)   | 3.3         | 7.4<br>(11,999)  | 4.4         |
| Not Recommended      | 10.2<br>(3,753)  | 6.6         | 12.0<br>(3,696)  | 8.5         | 16.0<br>(6,967)   | 11.2        | 11.4<br>(2,035)  | 7.8         | 13.2<br>(16,451) | 9.1         |
| Bench Warrant        | 14.1<br>(832)    | 8.8         | 12.6<br>(842)    | 9.3         | 17.8<br>(1,143)   | 13.2        | 15.2<br>(349)    | 10.6        | 15.2<br>(3,166)  | 10.7        |
| Other                | 10.2<br>(1,445)  | 6.5         | 10.2<br>(904)    | 7.2         | 13.0<br>(1,214)   | 9.5         | 6.3<br>(966)     | 3.5         | 10.1<br>(4,529)  | 6.8         |
| TOTAL                | 7.8%<br>(16,239) | 4.4%        | 7.8%<br>(14,160) | 5.1%        | 11.4%<br>(19,905) | 7.5%        | 6.4%<br>(11,253) | 3.9%        | 8.7%<br>(61,557) | 5.5%        |

<sup>a</sup> ROR'd defendants only

TABLE IV.2  
AGGREGATE/WILLFUL FTA RATIOS BY CJA RECOMMENDATION,  
ALL ROR'D DEFENDANTS<sup>a</sup>

| CJA RECOMMENDATION | BOROUGH  |       |           |        | TOTAL |
|--------------------|----------|-------|-----------|--------|-------|
|                    | Brooklyn | Bronx | Manhattan | Queens |       |
| Verified           | 2.15     | 1.83  | 1.91      | 1.83   | 1.89  |
| Qualified          | 1.76     | 1.68  | 1.65      | 1.64   | 1.68  |
| Not Recommended    | 1.55     | 1.41  | 1.43      | 1.46   | 1.45  |
| Bench Warrant      | 1.60     | 1.35  | 1.35      | 1.43   | 1.42  |
| Other              | 1.57     | 1.42  | 1.37      | 1.80   | 1.49  |
| TOTAL              | 1.77     | 1.53  | 1.52      | 1.64   | 1.58  |

<sup>a</sup>The ratios were calculated by dividing aggregate FTA by willful FTA.

without financial conditions and still have a high probability of returning to court. In this section aggregate FTA rates are analyzed by the defendants' release status at arraignment and at the time of the scheduled court appearance.<sup>4</sup> Table IV.3 summarizes the data.

Within all categories of release, defendants who received the Recommended-Verified CJA stamp had the lowest FTA rates. For example, Verified defendants who were ROR'd at arraignment and remained ROR'd at the time of scheduled court date had an FTA rate of 5.2%. Qualified defendants in general had the next lowest FTA rate, again looking at these rates within each release category.

Interestingly, defendants who were initially held at arraignment but subsequently ROR'd had the highest FTA rates within all CJA recommendation categories (12.0% overall). Among this group, those who had received a Not Recommended stamp from CJA had an FTA rate of 15.7%. Many defendants in this group are those who were released from detention under CPL 180.80 or 170.70, which provide for ROR of a defendant held beyond a certain period without a hearing or disposition.

<sup>4</sup>A defendant's release status can change during the court process. For example, a person detained at arraignment may be ROR'd or make bail at a subsequent court appearance.

TABLE IV.3  
AGGREGATE FAILURE TO APPEAR RATES, BY RELEASE STATUS AND CJA RECOMMENDATION  
(Number of Scheduled Appearances in Parentheses)

| RELEASE STATUS |                    | CJA RECOMMENDATION |           |                 |               |         | TOTAL    |
|----------------|--------------------|--------------------|-----------|-----------------|---------------|---------|----------|
|                |                    | Verified           | Qualified | Not Recommended | Bench Warrant | Other   |          |
| ROR:           | At Appearance      |                    |           |                 |               |         |          |
|                | At Arraignment     |                    |           |                 |               |         |          |
|                | 1. ROR             | 5.2%               | 7.1%      | 12.8%           | 14.8%         | 9.6%    | 8.2%     |
|                |                    | (22,382)           | (10,475)  | (13,066)        | (1,976)       | (3,392) | (51,293) |
|                | 2. Bail Made       | 4.0%               | 10.5%     | 6.5%            | 12.7%         | 3.8%    | 6.5%     |
|                | (274)              | (105)              | (169)     | (63)            | (53)          | (664)   |          |
|                | 3. Held            | 6.9%               | 9.1%      | 15.7%           | 15.9%         | 12.6%   | 12.0%    |
|                |                    | (2,252)            | (1,208)   | (2,809)         | (1,059)       | (945)   | (8,273)  |
|                | 4. Unknown         | 5.6%               | 6.6%      | 11.6%           | 17.6%         | 10.2%   | 8.7%     |
|                |                    | (503)              | (211)     | (406)           | (68)          | (137)   | (1,325)  |
|                | 5. TOTAL ROR       | 5.3%               | 7.4%      | 13.2%           | 15.2%         | 10.0%   | 8.7%     |
|                |                    | (25,411)           | (11,999)  | (16,450)        | (3,166)       | (4,527) | (61,553) |
| BAIL MADE:     | 6. ROR             | 4.6%               | 6.4%      | 15.5%           | 3.1%          | 8.7%    | 7.5%     |
|                |                    | (109)              | (47)      | (58)            | (32)          | (23)    | (267)    |
|                | 7. Bail Made       | 3.0%               | 4.0%      | 6.8%            | 10.3%         | 4.5%    | 4.7%     |
|                |                    | (1,355)            | (682)     | (760)           | (263)         | (352)   | (3,412)  |
|                | 8. Held            | 4.6%               | 5.4%      | 7.4%            | 11.3%         | 5.1%    | 6.2%     |
|                |                    | (1,512)            | (698)     | (959)           | (441)         | (393)   | (4,003)  |
|                | 9. TOTAL BAIL MADE | 3.8%               | 4.7%      | 7.4%            | 10.6%         | 5.1%    | 5.6%     |
|                |                    | (2,981)            | (1,432)   | (1,788)         | (737)         | (783)   | (7,719)  |

CJA's notification letters and telephone reminders are only provided for defendants who are ROR'd by the court, not for those who make bail. The data in table IV. 3, however, suggests that monetary bail was associated with low FTA rates. Defendants who made bail at arraignment and remained out on bail at the time of scheduled court appearance had the lowest aggregate FTA rates: 3.0% for those Recommended-Verified and 4.7% overall (see row 7 in table IV. 3). Overall, defendants who were out on bail at the time of court appearance had lower FTA rates than those who were ROR'd (5.6% versus 8.7%; see rows 5 and 9). These differences are observed across all recommendation categories.

It is not clear, without further analyses and comparisons between the bail and ROR population, why defendants out on bail have lower FTA rates, even without CJA notifications. The data do suggest that financial release conditions do help assure a defendant's appearance in court, although it is possible that those who make bail would have had low FTA rates anyway if they had been ROR'd. This is a relatively small, self-selected group of those who were able to post bail. In a sense, having the money to post bail (or access to the money) is itself a form of community tie. Bail bondsmen would also put pressure on defendants to appear in court. Further, defendants who might have high FTA rates but are not able to make bail remain in detention. Results from CJA's Bail Research study should help to clarify these findings (see Chapter VI).

3. FTA Rates by Charge Severity

The severity of arrest charge faced by a defendant was found to affect both the arraignment outcome and the likelihood of ROR. It is also possible that charge severity is associated with different FTA rates, and that these rates interact with the CJA recommendation. Table IV.4 presents aggregate FTA rates by arraignment charge severity and CJA recommendation for ROR'd defendants.

The data indicate that more serious charges are correlated with lower FTA rates, with misdemeanants tending to have the highest rate of FTAs (10.7 percent overall) and defendants charged with A or B felonies the lowest (6.5% overall) this trend can be observed across all recommendation categories. Since ROR is more selectively applied in more serious felony cases, these defendants are likely to have been judged as relatively good risks.

These results also suggest that CJA's highest recommendation may be a more accurate predictor of return to court for the more serious charges. FTA rates for defendants who were Recommended-Verified and those who were Qualified are relatively lower for the more serious charges. For Recommended-Verified defendants charged with A, B or C felonies, FTA rates were only one-third as great

| TABLE IV.4   |                      |           |                 |               |       |                   |
|--|----------------------|-----------|-----------------|---------------|-------|-------------------|
| AGGREGATE FTA RATES BY CHARGE SEVERITY AND CJA RECOMMENDATION <sup>a</sup> |                      |           |                 |               |       |                   |
| (Number of Scheduled Appearances in Parentheses)                           |                      |           |                 |               |       |                   |
| CHARGE SEVERITY  | CJA RECOMMENDATION   |           |                 |               |       | TOTAL             |
|  | Recommended Verified | Qualified | Not Recommended | Bench Warrant | Other |                   |
| A or B Felony  | 3.6%                 | 6.7%      | 10.9%           | 8.9%          | 5.3%  | 6.5%<br>(5,092)   |
| C Felony   | 4.0                  | 5.8       | 11.2            | 13.0          | 8.1   | 7.0<br>(6,386)    |
| D Felony   | 4.9                  | 7.0       | 11.1            | 13.2          | 8.8   | 7.5%<br>(19,801)  |
| E Felony   | 5.4                  | 6.9       | 13.4            | 23.4          | 12.3  | 8.9%<br>(7,647)   |
| Misdemeanor  | 6.7                  | 8.7       | 15.9            | 16.7          | 12.5  | 10.7%<br>(20,563) |
| Other  | 6.1                  | 5.3       | 13.1            | 15.8          | 11.8  | 9.3%<br>(2,068)   |
| TOTAL  | 5.3%                 | 7.4%      | 13.2%           | 15.2%         | 10.1% | 8.7%<br>(61,557)  |

<sup>a</sup>ROR'd defendants only

as defendants' in the Not Recommended category. In contrast, FTA rates were about 45% lower for defendants facing other, less serious charges. Although it is possible, but not likely, that CJA notification efforts are more intensive for defendants charged with more serious crimes, a more likely explanation for these results is that those charged with serious crimes but who have been ROR'd represent a special, lower-risk group who would tend to have much lower FTA rates than defendants facing similar charges but who could not gain release from custody. Whether CJA notification efforts helped reduce these serious charge defendants' FTAs cannot yet be determined. However, given their much lower FTAs than defendants in other recommendation categories, it appears that the CJA point system has some ability to predict low FTAs even for defendants charged with serious crimes.

4. Post-Plea Failure to Appear Rates

In the past, CJA has stopped its notification efforts once a case has been disposed in Criminal Court. However, defendants who have entered a guilty plea are often required to return to court for sentencing or to pay a fine, and traditionally the FTA rates for these post-plea appearances have been high. In a pilot study conducted in June-July 1977, CJA tested the effects of notifications on defendants who had pled guilty and had a sentence imposed (PGSI) and those who had pled guilty and whose case was adjourned for a pre-sentence investigation (PGI & S). The results indicated some impact on FTA rates in PGSI defendants (who generally have to return to court to pay a fine), but no effect on PGI & S defendants. Using CETA workers based at its borough offices, CJA now provides notification letters for these post-plea and post-sentencing defendants.

Table IV.5 summarizes the FTA rates for disposed cases, by CJA recommendation. As has been found in the past, FTA rates for these court appearances are higher than for pretrial appearances. The FTA rate for post-plea appearances was 13.6% overall (21.6% in Manhattan) and for post-sentencing appearances was 37.2% (43.4% in Manhattan).

As with pretrial appearances, positive CJA recommendations are associated with lower post-plea FTA rates: Verified and Qualified defendants, City-wide, had post-plea FTAs of 9.5% and 11.5%, respectively and post-sentencing FTA rates of 31.6% and 34.2%, respectively. These rates were lower than for defendants in other recommendation categories.

| STATUS AND BOROUGH      | CJA RECOMMENDATION |           |                 |               |       | TOTAL             |
|-------------------------|--------------------|-----------|-----------------|---------------|-------|-------------------|
|                         | Verified           | Qualified | Not Recommended | Bench Warrant | Other |                   |
| <u>Post-Plea:</u>       |                    |           |                 |               |       |                   |
| Brooklyn                | 10.0%              | 10.3%     | 16.3%           | 14.8%         | 15.5% | 12.8%<br>(2,557)  |
| Bronx                   | 7.2                | 11.7      | 15.2            | 20.2          | 12.7  | 12.0<br>(2,263)   |
| Manhattan               | 14.3               | 17.1      | 27.4            | 25.9          | 21.0  | 21.6<br>(2,683)   |
| Queens                  | 7.9                | 8.8       | 11.6            | 11.9          | 3.1   | 9.0<br>(3,345)    |
| CITYWIDE                | 9.5%               | 11.5%     | 18.5%           | 18.4%         | 12.9% | 13.6%<br>(10,815) |
| <u>Post-Sentencing:</u> |                    |           |                 |               |       |                   |
| Brooklyn                | 28.6%              | 30.7%     | 36.4%           | 37.1%         | 33.8% | 32.6%<br>(2,746)  |
| Bronx                   | 33.5               | 34.0      | 43.2            | 42.9          | 56.8  | 32.6<br>(5,016)   |
| Manhattan               | 36.2               | 43.9      | 46.6            | 52.6          | 42.0  | 43.4<br>(3,641)   |
| Queens                  | 27.1               | 32.6      | 33.0            | 34.5          | 29.8  | 30.5<br>(2,593)   |
| CITYWIDE                | 31.6%              | 34.2%     | 41.4%           | 44.3%         | 41.5% | 37.2%<br>(13,902) |
| <u>TOTAL:</u>           |                    |           |                 |               |       |                   |
| Brooklyn                | 18.9%              | 21.5%     | 26.4%           | 25.0%         | 26.8% | 23.1%             |
| Bronx                   | 24.9               | 26.7      | 35.0            | 36.7          | 42.6  | 30.0              |
| Manhattan               | 26.7               | 29.2      | 38.5            | 42.0          | 34.5  | 34.1              |
| Queens                  | 16.1               | 19.0      | 21.7            | 20.7          | 15.7  | 18.4              |
| GRAND TOTAL             | 21.5%              | 24.1%     | 31.8%           | 32.7%         | 30.4% | 26.9%             |

C. Discussion

One of CJA's primary objectives is to reduce the rate of nonappearance in court by defendants released from detention and awaiting trial. The agency attempts to accomplish this objective both by recommending for release defendants with strong community ties who are expected to be good risks, and by notifying released defendants of upcoming court dates to remind them of the necessity of appearing in court.

The failure-to-appear data for the first half of FY 1979-80, July-December 1979, confirm prior findings that defendants receiving CJA's Recommended-Verified stamp have the lowest FTA rates, and Qualified defendants the second lowest rates. Defendants who were Not Recommended because of weak community ties have the highest rate of FTA, confirming CJA's assessment of their risk of flight.

These findings also hold for defendants who are released on bail, although they receive no notification services from CJA. Bailed defendants who were Recommended-Verified or Qualified had lower FTA rates than those in other recommendation categories. FTA rates for defendants out on bail also were lower than for those out on ROR.

Finally, another indication that a positive CJA recommendation predicts a lower FTA rate is that Verified and Qualified defendants were most likely to return to court after missing an initial appearance. Thus their willful FTA was proportionately lower than their aggregate FTA, compared with defendants who did not receive a positive recommendation.

A rigorous assessment of the effectiveness of CJA notifications was beyond the scope of this evaluation. The true impact on FTA rates of notification letters and telephone calls can only be measured in an experimental setting where released defendants are randomly assigned to notification and non-notification groups, and their subsequent FTA rates compared. However, CJA has conducted such experiments in the past, with the results indicating that notifications efforts do reduce FTAs. In August-September 1976 CJA conducted a notification experiment in Brooklyn in which ROR'd defendants were randomly assigned to experimental and control groups. Experimental defendants received the agency's usual notification letters and reminder telephone calls, while control group defendants received no notifications. Subsequent court appearances were then monitored for a ten-week period.

The results indicated that FTA rates for the experimental group were consistently lower than for the control group, especially for appearances scheduled shortly after arraignment. FTA rates during the first four weeks after

arraignment were 6.4% for the notified and 14.1% for the non-notified group, a statistically significant difference. For appearances scheduled between five and ten weeks after arraignment, the difference in rates decreased gradually, so that for the full ten-week period the FTA rate was 6.3% for the notified and 8.0% for the non-notified group. From six weeks on, however, the differences in FTA rates were not statistically significant.

Another important question, if it is assumed that notifications do have a positive impact on FTA rates, is whether the level of notification activity is important. If computer-generated notification letters alone were as effective in reducing FTA's as letters plus following telephone calls, than the agency would save money by just sending letters, without increasing the FTA rate.

In May 1977 CJA conducted an experiment in Manhattan to address this question. Three randomly assigned groups received different types of notifications: letter only, letter plus follow-up telephone call, and telephone call only. The relative FTA rates were then measured over a ten-week post-arraignment period. The results were somewhat equivocal: defendants in the letter and phone call group had lower FTA rates than the letter only group, especially for those receiving positive recommendations (although the differences were not statistically significant). Contrary to expectations, however, the phone call only group tended to have significantly lower FTA rates than the letter-phone and letter-only groups.

The issue of relative impact of different types and levels of notifications needs further study. The Brooklyn Notification Study was conducted four years ago and may be outdated. As it becomes more important for the agency to keep its costs down, possible ways of reducing notifications costs while keeping FTA rates low should be explored. Since CJA recently laid-off its six notifications assistants, who conducted the bulk of the follow-up telephone calls, the agency may have an opportunity to conduct a "natural" experiment by comparing FTA rates before and after the notifications assistants were on staff. However, it is planned that interviewing staff will assume the task of making notification phone calls.

Finally, it should be noted that the finding of lower FTA rates for defendants out on bail compared with ROR'd defendants (despite CJA's notifications of the latter group) should not be interpreted to mean that notifications efforts are not effective. Those defendants out on bail are a relatively select group that is likely to differ in a number of ways from the ROR population.

It is possible that if they had been ROR'd, and thus received notifications, their FTA rates would have been even lower. Within the bailed group, positive CJA recommendations predict lower FTA rates, as they do for those who are released on recognizance.

#### V. CJA'S ROLE IN THE USE OF DESK APPEARANCE TICKETS

In the preceding chapters only defendants who were detained pending arraignment have been included in the data. However, many arrestees are released prior to arraignment under a procedure called a Desk Appearance Ticket (DAT). CJA also plays an important role in the issuing of DATs and the scheduling and notifications of arraignments, and this chapter describes CJA's participation in that process.

##### A. Background

The practice of issuing DATs derives from a pilot program set up by the Vera Institute of Justice in 1964, called the Manhattan Summons Project. Growing out of Vera's experience with the Manhattan Bail Project, the Summons Project was designed to see whether the Police would release more defendants prior to arraignment if they have verified information about their community ties, and to determine whether the released defendants would make the required appearance at arraignment. Initial results were encouraging, and in 1967 the Summons Project was expanded on a citywide basis, and eligibility expanded to include almost all of those accused of misdemeanors and violations.

The new New York State Criminal Procedure Law, which went into effect in September 1971, officially adopted the Summons Project on a statewide basis, terming the procedure "Desk Appearance Tickets." The New York State Criminal Procedure Law in Articles 140 and 150 sets forth the circumstances under which a DAT can be employed. Any nonfelony arrest is eligible for a DAT unless the identity or address of the suspect cannot be ascertained (or is thought to be inaccurate) or the suspect is believed to reside out of state (CPL 150.75). A police officer is not obliged to issue a DAT if the suspect is under the influence of drugs or alcohol to the degree that he might be a danger to himself or others (CPL 140.20). If an arrestee cannot be arraigned with "reasonable promptness," the arresting authority is required to issue a DAT, although the Criminal Procedure Law does not provide a definition of "promptness" (CPL 140.20). Finally, the DAT may be conditioned upon the posting of prearraignment bail as set forth in CPL 140.30; however, bail is infrequently required in New York City DAT cases. Thus, the statute provides broad scope for the use of DATs in misdemeanor and violation cases. In addition, the NYPD imposes other restrictions: a defendant may not be considered for a DAT if he is wanted by any other law

enforcement officials, if he was arrested on a charge which would be raised to felony grade upon discovery of a previous conviction, or if he was arrested on any of a class of charges known as photographable offenses (most commonly weapons charges). Although more than 100,000 arrestees per year might be eligible, typically only about 44,000 DATs are issued in the City, although this rate varies widely by borough and over time, and is subject to changes in Police Department issuance policies.

The DAT is essentially a written appointment or summons to appear for arraignment at a later date, usually within about 35 days of arrest, although the period between arrest and arraignment varies by borough.

#### B. Notifications and FTA Rates

The issuance of DATs has become an established part of the arrest procedure, and has resulted in substantial savings in police officer time and court costs. However, the FTA rate for docketed DATs<sup>1</sup> at arraignment appearances has traditionally been high, on the order of 33% (highest in Manhattan, about 40%, and lowest in Queens, about 10%). More than 20% of the bench warrants issued in New York City each year (about 15,000) were for failures to appear at DAT arraignments.

In response to these high FTA rates, CJA set up an experiment in 1977 to determine the impact of its notifications system on DATs, which had not been included in CJA's notification procedures. The study, initially conducted in Manhattan and Brooklyn, used letter notification only and found that the FTA was reduced, especially for defendants whose addresses were valid (i.e., their notification letter was not returned by the Post Office). In Manhattan, the FTA rate for notified defendants overall was 34.1% (26.6% for those whose letter was not returned) compared with 45.6% for non-notified DATs. In Brooklyn, the impact was much less substantial; FTA rates for notified DAT defendants was 31.6% (28.4% for those whose letters were not returned) compared with 33.1% for non-notified defendants.<sup>2</sup>

The results of these studies suggested that CJA notification might reduce the warrant rate for DATs, especially if the defendant address information was accurate. Thus, CJA began notifying docketed DATs of arraignment appearances on June 1, 1978 in Manhattan, Brooklyn, Bronx, and Queens.<sup>3</sup> At the present time, notification follow-up calls for DAT's are handled by CETA workers.

<sup>1</sup>Not all issued DATs are docketed; some are diverted to mediation and in some cases the DA declines to prosecute.

<sup>2</sup>A subsequent study conducted in the Bronx found that DAT notification letters reduced the warrant rate from 30% to 23%.

<sup>3</sup>Notifications of DAT defendants in Staten Island began on January 1, 1979.

CJA recently compared DAT arraignment FTA rates for sample periods in November 1979 and March 1980 in Brooklyn and Manhattan. In Brooklyn, where no notifications had been done in November and both letter and telephone contacts made in March, the FTA rates decreased from 46% to 35%. In Manhattan, where telephone notifications were added during the period to the letter notifications done in November 1979, the FTA rate showed no substantial change, decreasing from 42% to 39%.

#### C. DAT Interviews and Scheduling

In addition, CJA interviews defendants who would potentially be issued DATs in the Bronx and Manhattan (this began in December 1978). CJA administers a shortened version of its interview form to determine whether there are sufficient community ties to release the prisoner with some certainty of his returning for arraignment at a future date. The address is verified through a phone call or consultation of the reverse directory. In the Bronx, CJA presents an explicit recommendation to the Police Desk Sergeant on duty (See Figure V.1); presently in Manhattan, CJA communicates the defendant's identity, address and phone information to the Desk Sergeant but without a recommendation. In both boroughs, the final issuance decision is made by the Desk Sergeant. Data are not available at the present time to assess the extent to which police in the Bronx follow CJA's recommendations in issuing DATs.

Additionally, CJA's role in the DAT process has expanded in the Bronx and Manhattan to include actual scheduling of arraignments. To assist the Police Department, CJA uses its computer system to keep track of DATs scheduled for arraignments in the future and to provide the Police Department with available dates for new DATs.

To provide the information needed to notify docketed DAT defendants of scheduled arraignments, CJA enters onto its computer database defendant identification, address, and other contact information. In the Bronx and Manhattan, this information is entered from the CJA interview form; in Brooklyn and Queens, the data are transferred from Police Department records. In addition, the date scheduled for arraignment is entered either on-line at the time of DAT issuance, or from Police Department records.

#### D. Conclusions

At the time of preparation of this report, data for FY 1979-80 on the number of DAT interviews conducted, number of arraignment notifications, and

CJA/NYPD DAT CONSIDERATION FORM (DAT 812)  
To be filled out for every non-felony arrest

Defendant Name (Last, First)    PCT /Arrest #    Arrest Date    CJA Sequence #

1.  ELIGIBLE FOR DAT

based on the absence of any outstanding bench warrant in CJA's files and on community ties information supplied by the defendant and verified through:

- Phone Call
- NY Tel RD
- Coles RD

NOT ELIGIBLE FOR DAT

based on:

- 2.  Insufficient Community Ties
- 3.  Bench Warrant located in CJA's computer files and verified by NYPD
- 4.  Both Conditions

DAT ISSUED

If not CJA eligible, DAT issued because:

- Minor Charge
- Complainant Unavailable
- Delayed Arraignment Probable
- Other \_\_\_\_\_

DAT # \_\_\_\_\_  
RETURN DATE \_\_\_\_\_  
RETURN PART \_\_\_\_\_

DAT NOT ISSUED

- Arrested on Warrant
- Potential Felony
- Intoxicated/Addicted
- Recurring Condition
- Warrant Outstanding

- Type: \_\_\_\_\_
- Companion Case
  - Immediate Arraignment Possible
  - Other \_\_\_\_\_

arraignment FTA rates were not available from CJA. Therefore, the impact of CJA's work regarding the issuance of DATs cannot be assessed, nor can the extent of resources expended by the agency be reliably estimated at this time. Extrapolating data from FY 1978-79, it is estimated that CJA conducted 11,000 DAT interviews in Manhattan and the Bronx, and sent notification letters to about 16,500 DATs scheduled for arraignment, during the period July-December 1979.

Data from earlier notifications studies suggest, however, that CJA may be able to reduce the FTA rate at DAT arraignments.<sup>4</sup> Further, CJA's participation in interviewing and scheduling DATs has saved Police Department resources and resulted in more efficient scheduling in Manhattan and the Bronx. It is not known whether CJA interviews in these boroughs yield more accurate address information than was available from Police Department records, and thus whether the rate of return from the Post Office of notification letters has decreased since CJA interviewing began. This issue should be examined in a future study of DAT notifications. Another issue which could be addressed is the extent to which CJA operations can affect the number of DAT's issued by the Police Department.

<sup>4</sup>Although probably not in Queens, where the FTA rate has always been low.

## VI. CJA RESEARCH ACTIVITIES

In addition to defendant interviewing and notifications, CJA's third major type of activity involves research on various aspects of the criminal justice system. Using its large defendant database, CJA has produced a number of reports during the past few years related to defendant characteristics, failure-to-appear rates, the impact of notifications, DAT's, and other topics. Although some studies are initiated in-house, research requests are also received from outside agencies. In the view of CJA's administration and Board of Directors, the agency's role as a research "arm" of the criminal justice system is of major importance. CJA and its supporters stress that its independence and objectivity allow CJA to respond quickly and with flexibility to requests for research studies; this independence also may make the research they do more credible to the criminal justice community. CJA's database of defendant and criminal court calendar information provide the raw data for a number of potential studies. In addition, CJA's large field staff and ready access to Police, Court, and other criminal justice data enhance its ability to generate research of interest to the system in a timely fashion.

CJA's independence and key role in the arrest-to-arraignment process may also put the agency in a unique position to operate and evaluate pilot programs. In the past, the agency has been able to set up innovative programs on a small scale at one or two sites, evaluate the results, and implement them citywide only if they proved to have an impact and to be cost-effective (e.g., the Bronx Bail Expediting Project, now being implemented with CETA employees.)<sup>1</sup> On the other hand, CJA has also eliminated programs that their research indicated were too costly.

### A. Research Staff and Budget

During FY 79-80, six full-time staff members at the Central Office were involved in research activities (under City tax-levy funding) supervised by the Associate Director for Policy.<sup>2</sup> Part-time workers are also used as needed. Two additional research staff have been hired during this year under

---

<sup>1</sup>The Bronx Bail Expediting Project was an experimental study conducted jointly with DOC in 1978 to facilitate the bail-making process and thus reduce the amount of short-term detention in bail cases.

<sup>2</sup>Research activities include monitoring of CJA's ongoing operations and preparation of monthly and quarterly reports in addition to special studies. See Chapter II.A. for further description of research staff.

specific grants from outside agencies. Because there is some overlapping of responsibility and sharing of resources (such as computer time and field staff) with other components of CJA, the actual research budget is somewhat difficult to estimate. Expenditures of City tax levy funds for research activities for the first six months of FY 79-80 were estimated at \$83,305, including computer costs.<sup>3</sup> This projects to annual research expenditures of about \$167,000, or 4.7% of CJA's overall total budget, and 17.8% of the Central Office Budget. These costs do not include grants from other funding sources such as the National Institute of Corrections or New York State Department of Correctional Services.

B. Types of Activities

CJA's research staff is involved in two basic types of activities: ongoing monitoring of CJA operations and production of monthly and quarterly operations reports, and preparation of special short- or long-term research projects.

1. Quarterly Operations Reports

The monthly and quarterly reports have in the past contained a standard set of tables which summarize CJA's recommendations, release rates and arraignment outcomes, FTA rates, and DAT arraignment outcomes and FTA rates. The reports were also designed to provide an overview of the arraignment process and Criminal Court activities. Because of the delays associated with the changeover to its new information system (UDIIS), however, CJA has not yet issued a quarterly report covering the current fiscal year. The last monthly report issued was for August 1979, and the last CJA quarterly report covered the period April through June 1979.

In the past, quarterly reports have generally not been issued until 4-5 months after the end of the quarter. These delays in issuing reports detract somewhat from the timeliness and usefulness of the data. As of April 1980, CJA staff were still finalizing the software routines to enable UDIIS to generate the summary statistics needed for their quarterly and monthly reports. The summary data began being generated in early May 1980. It is hoped that UDIIS will enable CJA to produce these reports more quickly than was possible under the previous Meditech system.

<sup>3</sup>See Chapter VIII for a fuller discussion of CJA costs.

The quarterly reports are distributed to a number of individuals throughout the criminal justice system, including judges, criminal justice researchers, prosecutors, Legal Aid Society, and other pretrial services agencies. Interviews with some of these individuals indicated mixed feelings about the usefulness of the reports. The plethora of tables and graphs bother some, who would like to see more explanatory text. Others point out that because the basic statistics do not change very much from quarter to quarter, perhaps semiannual reports would be more useful. Finally, the delay in producing the reports may detract from their usefulness for policy decisions. CJA is presently revising the format of its quarterly reports in response to criticism and suggestions, and it may be that future reports will gain wider acceptance and impact within the criminal justice system.

2. Special Studies

A list of the research studies produced by CJA (and its precursor PTSA) since 1976 is presented in table VI.1. A total of 22 reports were produced during the four-year period ending December 31, 1979, an average of 5-6 per year.

Most of CJA's studies have made use of the data routinely collected for ROR and notification operations. However, CJA also will utilize field staff to collect additional data as needed (such as interviews for the Spofford Survey). Although some of these reports were prepared at the request of outside agencies (e.g., Spofford Survey, the Juvenile Offender studies<sup>4</sup>), many of the studies represent evaluations of ongoing CJA operations or reports on the progress of pilot programs. To CJA's credit, new policy changes or programs are usually set up on a relatively small scale and evaluated prior to full-scale implementation. An example of this is CJA's notification system for defendants receiving DAT's, which was tested in the Bronx, and found to have a positive impact on FTA rates, prior to implementing the system in the other boroughs.

<sup>4</sup>The Spofford Survey, conducted in 1978 at the request of the Deputy Mayor for Criminal Justice, was a descriptive profile of the juveniles detained at the Spofford Juvenile Detention Center. The Juvenile Offender Study, conducted jointly with the NY State Division of Criminal Justice Services in 1979, was an analysis of the court processing of those arrested under the Juvenile Offender Statute.

TABLE VI.1  
RESEARCH REPORTS PREPARED BY CJA, 1976-1979

| <u>DATE</u>    | <u>REPORT TITLE</u>   |
|----------------|---|
| 1976 September | Pretrial Characteristics of Male and Female Defendants  |
| October        | Pretrial Status of Felony Defendants  |
| December       | Brooklyn PTSA Notification Experiment   |
| 1977 January   | Warrant Study   |
| February       | Characteristics of Female Detainees   |
| February       | Criminal Court Arraigned Defendants, Classified by Gender   |
| May            | The Pattern of Failures to Appear   |
| August         | Manhattan Notification Experiment   |
| August         | A Demographic Profile of Defendants Arrested in the New York City Blackout  |
| August         | Release Status of Defendants with Bail Set at Arraignment in Manhattan Criminal Court   |
| August         | Supreme Court Arraignments in Brooklyn, Bronx and Manhattan   |
| August         | When Should a Release Agency Intervene? Analysis of a Pilot Program of Making ROR Recommendations Immediately After Arraignment |
| 1978 March     | Spofford Survey   |
| April          | Post-Plea Notification Experiment: An Evaluation of a Pilot Program to Reduce Bench Warrants                                    |
| April          | The Use of Desk Appearance Tickets in New York City   |
| May            | Desk Appearance Tickets Issuance Practices: Brooklyn Central Booking  |
| 1979 February  | Expediting Bail-Making in the Bronx: A Report on a Pilot Program  |
| March          | DAT Policy Review: First Report on a CJA/NYPD Pilot Program in the Bronx  |
| March          | The Processing of Juvenile Offenders in N.Y.C.  |
| March          | The Brooklyn Supreme Court Program of the Criminal Justice Agency - A Descriptive Summary and Evaluation                        |
| May            | The 1977 New York City Blackout: A Summary of Criminal Justice Findings   |
| November       | Juvenile Offenders in New York City: Their Characteristics and the Course of Case Processing (with DCJS)                        |

CJA's research output has slowed considerably during the current fiscal year, with only one report issued during FY 79-80<sup>5</sup>--the Juvenile Offender report prepared jointly with DCJS. In comparison, five research reports were issued during FY 78-79. For the most part this reduction of reports reflects delays in implementing UDIIS: this system has not yet been utilized for CJA research studies. Also, some research staff were diverted to assist in the development of UDIIS and conversion from Meditech.

However, several studies have been underway during this fiscal year, with varying degrees of participation by permanent CJA research staff; these include the Bail Research Project, Short-term Detention Study, DOC Classification study, and the New York State Department of Correctional Services (DOCS) utilization study. Some of these studies have been funded under outside grants.

a. Bail Research Project. This project involves an evaluation of the CJA point system, the impact of CJA recommendations on actual release decisions, and development of a revised point system. Planning for this study was initiated in May 1978, but because of funding problems did not get fully underway until July 1979. The project aims to develop a new recommendation criteria and classification system which will be more relevant for judges' release decisions and also predict failure-to-appear rates within an acceptable level of accuracy.

Because of resource constraints, the Bail Research Project is limited to analysis of a sample of arrest cases in Brooklyn Criminal Court from July 1978-March 1979. This sample of 4,500 cases does not include juvenile offenders or DATs, and covers all stages of the criminal case process from arrest through Criminal Court disposition or grand jury indictment. The five primary stages of the study will include:

1. Analysis of judicial arraignment decisions, including the relationship between community ties and case disposition, the types of cases disposed of at arraignment, and the relative weight of criminal history, community ties, and other defendant background characteristics on bail/release decisions
2. Analysis of association between CJA recommendation and bail/release decisions, including a comparison between groups of defendants for

<sup>5</sup>As of April 1980.

whom the bail/release decision reflected the CJA recommendation and defendants for whom the bail/release decision was contrary. Also, defendants not recommended for release will be compared with defendants recommended or qualified.

3. Analysis of failure-to-appear, by type of release, defendant characteristics, time-at-risk, and comparison between defendants failing to appear and others including development of a tentative predictor model for FTA.
4. Analysis of post-arraignment release decisions, including the factors that affect post-arraignment bail or ROR decisions, and the impact of a positive CJA recommendation on post-arraignment release.
5. Modification of the CJA recommendation system, including the design and testing of several point system models on samples of defendants, with an aim toward developing a more efficient system that allows for higher release and lower FTA rates for "good-risk" defendants.

Through April 1980, the research design had been specified, the research sample selected and data cleaned, and a variable list and codebook prepared. An analysis tape is now in preparation and is expected to be ready in June 1980, when data analysis should begin.

The Bail Research Project is a study of major importance to CJA, and should answer a number of fundamental questions about the viability of the CJA point system and the extent to which judges make use of CJA recommendations, basic issues which have been raised over the past several years. It is important that CJA complete the study in a careful and methodologically sound manner, and that the results of the study be used to improve the cost-effectiveness of the CJA's operations, and help maximize the agency's impact on the ROR process and failures to appear. The agency will be seeking outside funding to help complete the study.

b. Short-term Detention Study. In cooperation with DOC, CJA recently began a study of detainees who are incarcerated for three weeks or less and are released either by posting bail, being released on recognizance, or having the case disposed in Criminal Court. Prior data indicated that about 75% of Criminal Court detainees were released from detention within two weeks. Analysis of this short-term detention population, the reasons for their release, and the process of making bail could lead to modifications of bail-posting procedures to allow detainees to be released earlier, therefore reducing the number of incarcerated defendants.

The objectives of the short-term detention study have been defined by CJA as follows:

- a. To identify the demographic characteristics of the short-term detainees in terms of age, employment, family status, place and length of residence.
- b. To identify the bail amount, charge and criminal history attributes of the short-term detainees.
- c. To define the time, place and method by which release is effected and to identify procedural obstacles to earlier release.
- d. To develop estimates of the impact on the total cross-sectional population of shortened length of stay as well as the budgetary benefits accruing from reduced populations.

Included in the study are a description of the characteristics of short-term detainees using defendant data contained in UDIIS; a description of the administrative procedures operating in the posting of bail, based on field observations in the courts and detention facilities; and a description of the experience with and knowledge about bail-making procedures by those who post bail for defendants (sureties), based upon personal interviews.

The project began in November 1979 and is being administered jointly by CJA and DOC, using CJA staff. Funding is being provided by the National Institute of Corrections. As of April 1980 the specification of variables for the analysis file and the codebook have been prepared, and the surety interviews completed. The study is expected to be completed by July 1980, with two interim reports issued in June (an analysis of the results of the surety interviews, and a description of the City's bail-making facilities).

c. DOC Classification System Study. This study, also conducted jointly with DOC and funded by the National Institute of Corrections, began in January 1979. Using CJA and DOC data on incarcerated defendants, this study is an attempt to analyze the characteristics of different types of detainees, such as short-term versus long-term detainees, in order to develop a better means of inmate classification. By developing profiles of detainees, and their probable length of incarceration, DOC can make more cost-effective decisions on where to house detainees and what ancillary services to provide. Two interim reports are currently in preparation for this study and the final report is expected about September 1980.

d. DOCS Utilization Study. Funded by the New York State Department of Correctional Services, this study is an effort to provide better information to DOCS on inmates sentenced on felony charges to State prisons. At the present time DOCS does not receive sufficient background information on sentenced inmates. By analyzing the defendant information contained in DOC, Probation, CJA, Department of Health, and other reports, CJA will try to assist DOCS in determining its best source(s) of defendant information to enable the Department to more efficiently process incoming inmates. Data coding and entry for the DOCS utilization study began in February 1980, and the final report is expected to be completed in June 1980.

e. Other Research Activities. In addition to these major research projects currently under way, CJA staff participate in other research activities. For example, Brooklyn CJA staff collect and tabulate data on the time between arrest and arraignment and report these results to a Brooklyn Arrest and Arraignment Committee, which meets monthly to discuss problems in arrest-to-arraignment delay in that borough. Bronx staff have collected data for a similar arrest-to-arraignment study. CJA staff will be cooperating with the Queens County District Attorney's Office in the latter's Bench Warrant Prosecution Project, which recently began under CJCC funding and is designed to expedite and increase the rate of successful prosecution of bail-jumping cases.

#### C. Assessment of CJA Research Activities

As pointed out earlier, CJA places much emphasis on its role as an independent agency with the capabilities to conduct policy-relevant research on the criminal justice system, using its own data base. An analysis of CJA's past research efforts and discussions with individuals throughout the criminal justice system indicate that for the most part CJA is properly fulfilling its role as a research organization. It has been able to make use of its data-base to produce reports on a number of aspects of criminal case processing and defendant characteristics. Some studies have led to policy changes which have improved the efficiency of the criminal justice system and led to cost savings.

CJA has not yet produced any quarterly reports covering current fiscal year operations (although reports covering July-December 1979 are expected in June 1980) because of the changeover to the new information system and

subsequent delay in producing summary statistics. Largely because of the system changeover, only one research report has been published during FY 79-80, although research staff have been involved in several ongoing studies which are expected to be completed during the next year. CJA's current contract requires the agency to publish quarterly reports and periodic research reports on its activities and related criminal justice statistics.

However, there have been some questions raised about CJA's prior research products, and some limitations to their usefulness, which need to be addressed. CJA research reports tend to be more descriptive than analytical, and heavily inundated with tables. Statistics tend to be presented in a large number of bivariate permutations, sometimes with unclear organization and unfocused direction of the material. The use of large, complex tables often leads to very small cell sizes and therefore questionable relevance of the data. The heavy use of tables and limited analysis of their content (beyond a description of what the tables contain) has been criticized by some recipients of these reports as making it difficult to assimilate the results. Past reports have mainly been limited to univariate analysis with little or no use of hypothesis testing and inferential statistics.

It may very well be that the format of CJA's research reports are a question of style, and the agency's assessment of what its target audience wants. The existence of many different agencies in the criminal justice system, each with its own needs and interests, perhaps makes it difficult to make strong policy recommendations based on extensive statistical analysis. CJA sees its research role more in terms of collecting, organizing, and presenting data with a minimum of "editorial" comment, so that members of the target audience can interpret the implications of the data from their own perspective. However, it may be useful for CJA to formally survey its target audience about their reactions to CJA's research reports and their suggestions for possible content or format changes. During this year CJA did solicit suggestions for format changes from its monthly/quarterly report recipients, but received a very limited response. Further efforts in this area should be attempted. The acceptance, understanding, and assimilation by the target audience of CJA research is essential to assure the continued policy relevance of CJA research efforts.

Although CJA's database contains a substantial amount of information on defendant background characteristics and criminal court processing, it does have some limitations. Not all data from the CJA interview forms are entered at this time into the computer file, although a more complete data-set is entered for defendant samples used in special studies such as the Bail Research Project. Full information on felony case processing is not included because CJA does not generally follow cases past Criminal Court disposition or grand jury indictment, because of the costs that this would incur. At the present time, however, CJA is the only agency with a high quality automated database capable of producing analyses of defendants and Criminal Court processing for the five boroughs.

A measure of the value of CJA's research efforts, however, may be reflected in the continued requests for research studies from various outside agencies. For example, in the past year, CJA has initiated studies at the request of the Mayor's Office, DOC, and DOCS. Other requests for summary data or small-scale research projects have been routinely received from individuals such as State legislators and agencies such as the Legal Aid Society. Responding to such requests in a timely manner should be an important aspect of CJA's research efforts. Similarly, the design, testing, and evaluation of pilot programs related to ROR or notifications should continue to be a high priority for the agency. Finally, the Bail Research and Short-Term Detention Projects currently underway will be an important measure of CJA's ability to do larger scale studies using multivariate analysis and other more sophisticated research methodologies than have generally been used in the past. An assessment of the research design and early work on the Bail Research study suggest that it will provide important information both in helping CJA make its release recommendation system more efficient and effective, and in increasing the research community's knowledge about ROR and FTA rates. In addition, such research should potentially provide the criminal justice community with a broader and richer perspective on defendant processing and criminal justice system costs, particularly as the joint information system with DOC is developed.

## VII. CJA INFORMATION SYSTEM

Since its inception as the Pretrial Services Agency, CJA has utilized a computer system to manage its interviewing and notifications, store information on defendant characteristics and criminal court calendars, and conduct research. In this chapter the current CJA information system, UDIIS, will be described and evaluated, and its historical development outlined.

### A. Background and Development

CJA's information system was originally implemented and run under a subcontract with the Meditech Corporation. However, concerns over rising costs, delays in generating summary statistics, and some limitations in analytical capabilities led CJA to consider the development of its own in-house information system to supplant Meditech. Further, following a collaborative study, with DOC, of the July 1977 New York City blackout at the request of the Deputy Mayor for Criminal Justice, plans for developing a joint information system were initiated. Because the DOC information system (called the Inmate Information System--IIS) was to a large extent a subset of data already contained in the CJA data base, the agencies felt that substantial benefits would accrue from having a joint system. DOC had also had substantial technical and administrative problems with IIS.

CJA and DOC initially presented a grant application to CJCC for \$210,000 to develop a Unified Defendant and Inmate Information System (UDIIS). The system was designed to contain on-line data on all defendants interviewed by CJA involved in Criminal Court proceedings, all defendants detained in DOC facilities during Supreme Court proceedings, and all sentenced inmates held by DOC.

The approval and implementation of UDIIS ran into initial delays because of the length of the grant approval process. Board of Estimate approval of the UDIIS grant occurred in July 1978. Other technical delays meant that delivery and acceptance of the new machines did not occur until January 1979. On July 1, 1979 UDIIS became entirely supported by City tax levy funds under CJA's contract and DOC's operating budget.

### B. System Implementation And Current Status

Problems in the development of the DOC component of UDIIS have arisen due to extensive turnover of the staff assigned at DOC to UDIIS. The arrival of a new DOC Commissioner in August 1979 resulted in additional delays

and staff turnover. As of April 1980, DOC still had some distance to go to complete implementation of its part of the system. However, during the past year CJA has proceeded in development of its component and at the end of September 1979 formally converted to UDIIS from the Meditech system. It is not known to what extent CJA incurred additional system development costs as a result of DOC's problems.

At the present time UDIIS is fully operational from the CJA side, although software programming for summary statistics has not yet been completed. Further, the delays in data entry resulting from the conversion from Meditech to UDIIS caused up to a 30-day backlog in defendant and court calendar data. In order to reduce this backlog in the Fall of 1979, CJA began entering only those data from the ROR sheet and court calendars that were needed for basic notification and management activities (see table III.4 for a list of these data elements). At the present time CJA has not yet begun entering additional data, although space is allotted on the computer file for all variables. Although data entry is expected to be expanded in the near future for new ROR interviews, it is unlikely that additional data will be retrospectively entered for previously completed interviews, except for samples used in special research studies. Initially, data entry will be expanded to include a summary of the interviewer's verification attempts, which had been data-entered under Meditech. Potentially, the system is capable of storing a running log of each verification attempt and its result, although it is not clear if and when these data will be entered for each interviewed defendant.

#### 1. Description of the System

The central computing hardware for UDIIS consists of two DEC PDP 11/70 minicomputers with tape drive, printer, and three disk drives.<sup>1</sup> A total of 64 on-line, real-time CRT terminals are planned; as of April 1980, 24 terminals were operating at various CJA sites. UDIIS has the potential to handle up to 30 remote interactive terminals on-line at any one time. It is expected that eventually about half of the 64 terminals will be located at DOC and its institutions, and half at CJA sites.

In order to maintain control over data entry, storage, and management reporting, UDIIS employs a data base language called ADMINIS, which is partially self-documenting. ADMINIS is a flexible language that potentially allows UDIIS

<sup>1</sup>Each machine has a CPU of 1000k bytes.

to maintain, store, batch, and retrieve data in a timely and efficient manner, and was used to program the interactive screens used on the CRT terminals. In addition, UDIIS staff developed programs to maintain a data dictionary and cross-reference all data files and application programs. It is not clear how the speed or efficiency of the system will be affected by the addition of the DOC component.

An extensive set of interactive screen applications for CJA defendant data has been completed and is operational, although not all are being used at present. These screens provide a multitude of data entry, retrieval, and management functions, including the initiation of new defendant cases, updating of case files, defendant appearance histories, court calendar schedules, daily interview volume, DAT arraignment schedules, arrest-to-arraignment times, etc. Response time for these screens is very rapid. Some screens are accessible only to supervisors.

#### 2. Interface With Other Information Systems

The planning and development of UDIIS has been monitored by the CIRCLE Committee, of which CJA and DOC are members. CIRCLE's interest is in minimizing the extent of duplication among criminal justice information systems, and maximizing system efficiency by organizing the sharing of data by various systems. From its early developmental stages, UDIIS has planned to develop a line with the Office of Court Administration (OCA) computer system so that court calendar data (used for CJA notifications) can be transmitted to CJA/DOC directly, thus reducing the costs of data input for UDIIS. CJA data assistants would not have to enter court calendar data. Further, these OCA data (adjournments and dispositions) were also to be shared with the Police Department's Management Information System Division (MISD) and the New York County District Attorney's PROMIS system. However, delays have occurred in implementing the data transmission.

As of March 1979 a telephone link with the OCA computer in Albany was established along with a modem for translating the OCA data. However, because of problems encountered with the OCA system, data transmittal has not yet begun, and the telephone link with OCA has been dismantled. At the present time, a new telephone line between the OCA computer in Albany and MISD is in place, along with a line from MISD to UDIIS. Programming work for the data transfer has begun, and barring major problems or delays, data transfer from OCA to UDIIS could begin within the next six months. This transfer

process is being monitored closely by the CIRCLE Committee. When the communications system is finally operationalized, it is anticipated that OCA court data will be transmitted to MISD, PROMIS, and lastly to CJA at considerable cost savings for CJA. In the meantime, the difficulties that OCA has had in setting up the data transfer and operating its information system has resulted in additional costs to CJA (as well as other City-funded agencies).

#### C. Assessment Of UDIIS

At this time, without the DOC component of UDIIS operational, it is difficult to evaluate the success of the system. Although the CJA component is close to its full operating level, the full potential and efficiency of the system will not be reached until the DOC half of the system is finalized, perhaps by the end of 1980. Problems which may arise from the inclusion of DOC data in the system cannot be assessed. Any long-term cost savings which may accrue because of the joint CJA-DOC system cannot yet be determined. Moreover, because it is too early to estimate DOC costs involved in setting up its system, the relative costs of UDIIS compared with CJA's previous Meditech system and DOC's IIS or other criminal justice information systems cannot be addressed at this time.

Relative costs aside, it appears that, for CJA, UDIIS is more flexible and faster than the Meditech system, with more potential for conducting research, efficiently maintaining the data files, and producing summary statistics. Whether in the long run UDIIS will be more cost-efficient than Meditech (which was costing CJA about \$360,000 per year) cannot be stated at this time. In the long run, however, it is likely that the costs to CJA of operating UDIIS will be lower than the costs of the Meditech system.

An important issue for UDIIS is the extent to which it duplicates the work of other criminal justice information systems. Since UDIIS development has been subject to the scrutiny and approval of the CIRCLE Committee (on which a CJA representative sits) it is expected that such overlap will be kept under control. The question of system duplication is also complicated by the fact that original plans to have coordinated data transfer between the OCA computer system and UDIIS have been delayed because of problems with the OCA system. Although this data transfer is still being planned and developed, these delays mean that for the time being UDIIS is duplicating the entry of court calendar information (as are other systems such as PROMIS and the Victim Services Agency witness notification system). However, it is expected that

with its ROR/bail and inmate information, UDIIS will occupy a unique and important position among the various criminal justice information systems.

Compared with other criminal justice information systems, UDIIS is limited in some areas, although again an accurate assessment of the system's scope cannot be made until the DOC component is fully operational. For CJA's interviewing, notifications, and research needs, however, the system is effective. One limitation of UDIIS (for criminal justice administrators and researchers, although not for CJA's purposes) is its lack of data on Supreme Court appearances; CJA only tracks defendants through Criminal Court disposition. In contrast, PROMIS tracks cases through Supreme Court disposition, although this system is currently operating only in Manhattan, with citywide implementation not expected before next year. A second limitation is that only a limited amount of the defendant background data collected on the CJA interview is actually entered onto the system, although this data entry will be expanded somewhat in the near future, and under the Meditech system not all of the data were entered either.

In summary, UDIIS is a fast, flexible information system that was set up by CJA relatively quickly, especially when compared with the developmental problems encountered by other criminal justice information systems. Its full capacity, cost-efficiency, and usefulness cannot be assessed until the DOC component is completed in the course of the next year. Delays in setting up the transfer of OCA data to UDIIS have resulted in some duplication of data entry and additional costs to CJA. With the continued supervision of the CIRCLE Committee, such duplication of effort should be minimized in the future and any interface between UDIIS and OCA, PROMIS and the Police Department will occur in a mutually satisfactory way. In the meantime, UDIIS appears to be superior to CJA's previous Meditech system and a valuable management and research tool for the agency's operations.

## VIII. ANALYSIS OF CJA COSTS

CJA provides three basic services for the criminal justice system under its \$3.5 million tax-levy budget: ROR interviewing of arrested defendants, defendant notifications, and research on its own operations and various aspects of the criminal justice system. Estimates are made in this chapter of the costs to the City of these activities, including relative CJA borough office costs, costs per interview/verification and cost per notification, and the costs of research activities. All data are based on the FY 79-80 CJA tax-levy budget and CJA expenditures for the period July-December 1979.

### A. CJA Budget Analysis

The Criminal Justice Agency was awarded a total of \$3,504,000 in City tax-levy funds for Fiscal Year 1979-80, representing a 3.1% increase over the FY 1978-79 grant of \$3.4 million. Table VIII.1 summarizes the CJA budget allocations for both years, broken down by site. During the current fiscal year, personnel salary costs were budgeted at 12.5% higher than the prior year, while the OTPS budget was decreased by 34.5%. Most of this decrease was in the Central Office OTPS budget. Overall allocations to the Bronx, Manhattan and Queens sites increased by an average of 16%, while the Brooklyn budget decreased by 1.6%.

Average CJA monthly expenditures for the two years, by type of expenditure, were compared to the budgeted allocation and are summarized in table VIII.2.

During the first six months, expenditures for salaries were lower than budgeted, due to several staff lines remaining unfilled. This decrease has been offset to a large extent by higher than budgeted expenditures for consultant services (computer costs) and equipment. Overall, FY 79-80 expenditures have been running only about 1% below budget.

Compared with FY 78-79, CJA's monthly rate of expenditures has been running lower for equipment, supplies, travel, alterations and renovations, postage, and telephone. Expenditures for information systems and "other" items were running somewhat higher than in FY 78-79. Overall, total monthly expenditures were running only about 0.6% higher in FY 79-80. These fiscal

TABLE VIII.1

NEW YORK CITY CRIMINAL JUSTICE AGENCY  
BUDGET SUMMARY, FISCAL YEARS 78-79 AND 79-80

|                       | <u>FY 78-79</u> | <u>FY 79-80</u> |
|-----------------------|-----------------|-----------------|
| <u>AGENCY TOTAL</u>   |                 |                 |
| Personnel             | \$2,300,819     | \$2,587,273     |
| Fringe Benefits       | 371,019         | 439,837         |
| OTPS                  | 728,162         | 476,890         |
| TOTAL                 | \$3,400,000     | \$3,504,000     |
| <u>CENTRAL OFFICE</u> |                 |                 |
| Personnel             | \$ 530,114      | \$ 583,875      |
| Fringe Benefits       | 81,520          | 99,259          |
| OTPS                  | 467,499         | 253,496         |
| TOTAL                 | \$1,079,133     | \$ 936,630      |
| <u>BROOKLYN</u>       |                 |                 |
| Personnel             | \$ 500,895      | \$ 513,311      |
| Fringe Benefits       | 83,463          | 87,263          |
| OTPS                  | 100,510         | 73,001          |
| TOTAL                 | \$ 684,868      | \$ 673,575      |
| <u>BRONX</u>          |                 |                 |
| Personnel             | \$ 403,572      | \$ 476,270      |
| Fringe Benefits       | 65,294          | 80,966          |
| OTPS                  | 29,600          | 37,172          |
| TOTAL                 | \$ 498,466      | \$ 594,408      |
| <u>MANHATTAN</u>      |                 |                 |
| Personnel             | \$ 574,531      | \$ 667,758      |
| Fringe Benefits       | 92,661          | 113,519         |
| OTPS                  | 102,700         | 85,806          |
| TOTAL                 | \$ 769,892      | \$ 867,083      |
| <u>QUEENS</u>         |                 |                 |
| Personnel             | \$ 291,706      | \$ 346,059      |
| Fringe Benefits       | 48,081          | 58,830          |
| OTPS                  | 27,852          | 27,415          |
| TOTAL                 | \$ 367,639      | \$ 432,304      |

TABLE VIII.2

CJA AVERAGE MONTHLY EXPENDITURES (\$)

| CATEGORY                            | FY 79-80 <sup>a</sup> |           | FY 78-79  |           | PERCENT<br>EXPENDITURE CHANGE<br>79/80 vs. 78/79 |
|-------------------------------------|-----------------------|-----------|-----------|-----------|--|
|                                     | Budgeted              | Actual    | Budgeted  | Actual    |  |
| A. Salaries                         | \$215,606             | \$197,902 | \$191,735 | \$191,160 | +3.5%  |
| B. Fringe Benefits                  | 36,653                | 30,094    | 30,918    | 31,983    | -5.9   |
| C. Consultant Services <sup>b</sup> | 7,009                 | 26,275    | 23,833    | 23,833    | +10.2  |
| D. Equipment                        | 743                   | 2,423     | 2,883     | 3,939     | -38.5  |
| E. Supplies                         | 5,968                 | 4,717     | 4,333     | 5,322     | -11.4  |
| F. Travel and Subsistence           | 1,306                 | 1,650     | 2,096     | 2,109     | -21.8  |
| G. Rent and Maintenance             | 8,020                 | 8,173     | 8,318     | 8,553     | -4.4   |
| H. Utilities                        | 2,024                 | 1,830     | 1,667     | 1,696     | +7.9   |
| I. Alterations and Renovations      | 466                   | 0         | 875       | 772       | -100.0   |
| J. Postage                          | 2,368                 | 1,470     | 2,075     | 2,352     | -37.5  |
| K. Telephone                        | 9,806                 | 11,426    | 11,788    | 13,254    | -13.8  |
| L. Other                            | 2,030                 | 3,138     | 2,812     | 2,452     | +28.0  |
| TOTAL                               | \$292,000             | \$289,099 | \$283,333 | \$287,424 | +5.8%  |

<sup>a</sup> July 1 - December 31, 1979.

<sup>b</sup> Mostly for Information and Record systems.

year comparisons should be considered somewhat tentative since costs incurred during the first six months of FY 79-80 may not actually be expended until the second six months. Also, costly items or services purchased (or not purchased) during the first or second six months could distort the average monthly expenditures during the first six months compared with the full year.

B. CJA Costs by Borough and Type of Activity, FY 79-80

CJA's operations are spread over 5 sites (four borough offices and a central administrative office) and involve a number of different types of activities related to ROR interviewing, notifications, research, and administration. Since staff member functions may overlap different activities, and the central CJA office provides a number of services to the borough operations, the allocation of costs to different CJA sites and activities must be done carefully. Given the relatively high cost of the central office, not allocating these costs properly would result in an underestimate of the cost of delivering services (the bulk of CJA's direct services to the courts are provided through the four borough offices). Therefore, in order to make reasonable estimates of the unit cost per ROR interview or notification, for example, these Central Office costs must be included. A further complication is that some Central Office personnel are supported by special grants.

In this section, estimates of the overall costs of each major CJA activity are made.<sup>1</sup> The first step was to summarize CJA expenditures for the first six months of FY 79-80 by budget line, as reported in the CJA Fiscal Cost Report of December 1979. Expenditures were calculated for the period July-December 1979 separately for each CJA site: Central Office, Manhattan, Brooklyn, Bronx, and Queens. The expenditures formed the basic data for the allocation of costs and are summarized in table VIII.3.

The next step was to establish the staff structure and estimate the amount of staff time spent in various activities at each of the four borough offices as of December 1979. Through a combination of site visits, staff interviews, and examination of CJA documents, estimates were made of the proportion of staff time spent in ROR interviewing, verification, notification and/or research and administration, the four primary classes of CJA activity. These estimates were done for each type of personnel (e.g., interviewer, data assistant, court services coordinator, etc.).

<sup>1</sup>Tables VIII.9 and VIII.10 summarizes the results of this cost analysis.

TABLE VIII.3  
CJA EXPENDITURES, JULY-DECEMBER 1979,  
BY SITE (\$), CITY TAX-LEVY FUNDS

| BUDGET LINE                    | CENTRAL OFFICE       | BROOKLYN | BRONX   | MANHATTAN | QUEENS  | TOTAL     |
|--------------------------------|----------------------|----------|---------|-----------|---------|-----------|
| A. Salaries                    | 265,722              | 240,898  | 211,759 | 305,496   | 163,539 | 1,187,415 |
| B. Fringe Benefits             | 34,033               | 42,409   | 30,818  | 48,963    | 24,343  | 180,566   |
| C. Consultant Services         | 157,651 <sup>a</sup> | 0        | 0       | 0         | 0       | 157,651   |
| D. Equipment                   | 4,777                | 2,061    | 2,035   | 4,168     | 1,496   | 14,537    |
| E. Supplies                    | 24,337 <sup>b</sup>  | 881      | 605     | 2,188     | 289     | 28,300    |
| F. Travel and Subsistence      | 2,159                | 348      | 62      | 2,743     | 4,588   | 9,901     |
| G. Rent and Maintenance        | 27,787               | 11,435   | 20      | 9,605     | 193     | 49,040    |
| H. Alterations and Renovations | 0                    | 0        | 0       | 0         | 0       | 0         |
| I. Postage                     | 1,142                | 1,111    | 500     | 4,820     | 1,250   | 8,823     |
| J. Telephone                   | 18,360               | 12,899   | 9,271   | 18,794    | 9,234   | 68,558    |
| K. Utilities                   | 6,907                | 1,381    | 0       | 2,691     | 0       | 10,979    |
| L. Other                       | 17,843 <sup>c</sup>  | 520      | 0       | 465       | 0       | 18,828    |
| TOTAL                          | 560,717              | 313,943  | 255,071 | 399,933   | 204,932 | 1,734,597 |

<sup>a</sup>Includes \$150,947 for computer costs.  
<sup>b</sup>Includes \$17,904 for printing forms.  
<sup>c</sup>Administrative expenses, insurance, payroll services, legal expenses, protection services.

SOURCE: CJA Fiscal Cost Report, December 1979.

There were some differences among the boroughs, especially due to variations in staffing patterns, and whether or not interviewers also are involved in data entry. Several assumptions were applied to all boroughs, however:

a) Interviewing and verification each take about the same amount of time,  
b) 20% of borough administration staff time was allotted to general research/

administrative activities; 40% to notifications, and 20% each to interviewing and verification, c) where interviewers data-enter their ROR interview forms, 20% of their time was allocated to notifications (since the notifications process is dependent on information entered from the ROR sheet). CJA personnel at the borough sites include interviewers, shift supervisors, court services coordinators, data assistants, data managers, notifications assistants, notifications supervisors, notifications coordinators, and administration (borough director or deputy director, secretary, personnel assistant, and messenger). The estimated staff time allocations as of December 1979 are shown in table VIII.4.

For each of these personnel types, for each borough, total salaries received were calculated from the CJA cost report. With fringe benefits added at 17%, these costs are shown in table VIII.5.

Using the data from tables VIII.4 and VIII.5, borough personnel costs were allocated to the four types of activities. (Interviewing and verification costs were estimated to be the same and were therefore combined.) For example, in Brooklyn total personnel costs for interviewers was about \$100,000 for the period. Hence, \$40,000 in personnel costs for interviewers was allocated to the interviewing activity, \$40,000 to verification, and \$20,000 to notifications. Table VIII.6 shows the summary of borough personnel costs (salaries and fringe benefits) for each activity. OTPS costs within each borough were then allocated based on the percentage of borough personnel expenditures for that activity. For example, in Queens an estimated 34.6% of the borough's personnel costs were spent in notifications activities; therefore, 34.6% of Queens OTPS expenditures (\$5,933) was allocated to notifications activities. Total borough expenditure estimates are presented in table VIII.7.

1. Allocation of Central Office Expenditures

The next problem was to allocate CJA Central Office expenditures to the various activities in each borough. First, Central personnel costs were summarized by adding up the salaries earned by staff members during the analysis period, as reported in the agency's fiscal cost report to CJCC. Staff members were assigned to one of four types of activities, based on site visits, CJA staffing charts, and CJA staff interviews: Administration, Fiscal, Information Systems, and Research. Personnel costs for each activity and percentage allocations are summarized in table VIII.8.

TABLE VIII.4  
ALLOCATION OF CJA BOROUGH STAFF TIME BY ACTIVITY  
(ESTIMATED PERCENTAGE OF TIME PER ACTIVITY)

| ACTIVITY AND STAFF TYPE    | BOROUGH  |       |           |        |
|----------------------------|----------|-------|-----------|--------|
|                            | BROOKLYN | BRONX | MANHATTAN | QUEENS |
| A. <u>Interviewing</u>     | %        | %     | %         | %      |
| Interviewers               | 40       | 40    | 45        | 40     |
| Shift supervisors          | 40       | 40    | 45        | 40     |
| Court services coordinator | 25       | 40    | 45        | 50     |
| Administration             | 20       | 20    | 20        | 20     |
| Notifications coordinator  | -        | -     | 5         | -      |
| Notifications supervisor   | -        | -     | 20        | -      |
| B. <u>Verification</u>     |          |       |           |        |
| Interviewers               | 40       | 40    | 45        | 40     |
| Shift supervisor           | 40       | 40    | 45        | 40     |
| Court services coordinator | 25       | 40    | 45        | 50     |
| Administration             | 20       | 20    | 20        | 20     |
| Notifications coordinator  | -        | -     | 5         | -      |
| Notifications supervisor   | -        | -     | 20        | -      |
| C. <u>Notifications</u>    |          |       |           |        |
| Interviewers               | 20       | 20    | 10        | 20     |
| Shift supervisors          | 20       | 20    | 10        | 20     |
| Court services coordinator | 50       | 20    | 10        | 0      |
| Notifications coordinator  | 100      | 100   | 90        | 100    |
| Notifications supervisor   | 100      | 100   | 60        | -      |
| Notifications assistants   | 100      | 100   | 100       | -      |
| Data manager               | 100      | -     | 100       | -      |
| Data assistants            | 100      | 100   | 100       | 100    |
| Administration             | 40       | 40    | 40        | 40     |
| D. <u>Administration</u>   | 20       | 20    | 20        | 20     |

TABLE VIII.5  
BOROUGH PERSONNEL EXPENDITURES x STAFF TYPE  
7/79-12/79 (\$)

| STAFF TYPE                  | BROOKLYN | BRONX   | MANHATTAN | QUEENS  |
|-----------------------------|----------|---------|-----------|---------|
| Interviewer                 |          |         |           |         |
| Full-time                   | 96,514   | 87,984  | 131,369   | 76,040  |
| Part-time                   | 4,077    | 6,361   | 2,187     | 3,883   |
| Shift Supervisor            | 19,606   | 20,704  | 34,200    | 12,186  |
| Court Services              |          |         |           |         |
| Coordinator                 | 8,932    | 12,766  | 9,709     | 7,907   |
| Notifications               |          |         |           |         |
| Coordinator                 | 8,852    | 8,207   | 7,727     | 8,207   |
| Supervisor                  | 6,705    | 6,777   | 6,405     | 6,550   |
| Assistant                   | 11,154   | 10,520  | 10,589    | -       |
| Data Manager                | 5,692    | -       | 5,692     | -       |
| Data Assistant              | 38,451   | 23,526  | 57,004    | 15,760  |
| Administration <sup>a</sup> | 41,086   | 34,912  | 40,614    | 33,006  |
| TOTAL                       | 241,069  | 211,759 | 305,496   | 163,539 |

<sup>a</sup> Director (Brooklyn only), Deputy Director, Secretary, Personnel Assistant, Messenger.

TABLE VIII.6  
ESTIMATED BOROUGH PERSONNEL COSTS  
(SALARY AND FRINGE) BY ACTIVITY

| ACTIVITY                             | BOROUGH   |           |           |           |
|--------------------------------------|-----------|-----------|-----------|-----------|
|                                      | Brooklyn  | Bronx     | Manhattan | Queens    |
| <u>Interviewing and Verification</u> |           |           |           |           |
| Personnel costs (\$)                 | \$136,956 | \$135,976 | \$209,778 | \$117,042 |
| Percent of borough total             | 48.6%     | 54.9%     | 58.6%     | 61.2%     |
| <u>Notifications</u>                 |           |           |           |           |
| Personnel costs (\$)                 | \$135,478 | \$103,613 | \$138,148 | \$ 66,575 |
| Percent of borough total             | 48.0%     | 41.8%     | 38.7%     | 34.8%     |
| <u>Administration</u>                |           |           |           |           |
| Personnel costs (\$)                 | \$ 9,614  | \$ 8,169  | \$ 9,504  | \$ 7,723  |
| Percent of borough total             | 3.4%      | 3.3%      | 2.7%      | 4.0%      |

TABLE VIII.7  
TOTAL BOROUGH EXPENDITURES BY ACTIVITY  
(\$)

| ACTIVITY                             | BOROUGH   |           |           |           |
|--------------------------------------|-----------|-----------|-----------|-----------|
|                                      | Brooklyn  | Bronx     | Manhattan | Queens    |
| <u>Interviewing and Verification</u> |           |           |           |           |
| Personnel                            | \$136,956 | \$135,976 | \$209,778 | \$117,042 |
| OTPS                                 | 14,890    | 6,846     | 26,648    | 10,434    |
| TOTAL                                | \$151,846 | \$142,822 | \$236,426 | \$127,476 |
| <u>Notifications</u>                 |           |           |           |           |
| Personnel                            | \$135,478 | \$103,613 | \$138,148 | \$ 66,575 |
| OTPS                                 | 14,705    | 5,222     | 17,598    | 5,933     |
| TOTAL                                | \$150,183 | \$108,835 | \$155,746 | \$ 72,508 |
| <u>Administration</u>                |           |           |           |           |
| Personnel                            | \$ 9,614  | \$ 8,169  | \$ 9,504  | \$ 7,723  |
| OTPS                                 | 1,042     | 412       | 1,228     | 682       |
| TOTAL                                | \$ 10,656 | \$ 8,581  | \$ 10,732 | \$ 8,405  |

TABLE VIII.8  
CENTRAL OFFICE EXPENDITURES BY ACTIVITY (\$),  
JULY-DECEMBER 1979

| ACTIVITY              | PERSONNEL <sup>a</sup> | PERCENT OF TOTAL | OTPS SHARE                      | TOTAL EXPENDITURES |
|-----------------------|------------------------|------------------|---------------------------------|--------------------|
| Administration        | 140,280                | 44.5             | 38,006                          | 178,086            |
| Fiscal                | 56,684                 | 18.0             | 15,373                          | 72,057             |
| Information Systems   | 64,598                 | 20.5             | 154,732                         | 219,330            |
| Research <sup>b</sup> | 53,539                 | 17.0             | { 14,519<br>15,247 <sup>c</sup> | 83,305             |
| TOTAL                 | 315,101                | 100.0            | 237,877 <sup>d</sup>            | 552,978            |

<sup>a</sup>Salaries plus fringe benefits.

<sup>b</sup>Does not include research personnel supported by outside grants.

<sup>c</sup>Ten percent of computer costs assigned to research.

<sup>d</sup>Does not include \$17,904 costs of printing ROR forms, assigned to borough operations.

To calculate the OTPS costs shown in table VIII.8, two types of expenditures were separated out because they require special allocations: the computer system costs and the cost of printing the ROR interview forms. Computer costs (\$152,471) were assumed to relate most to the ROR/notifications process, and partly to research. Based on an earlier Pretrial Services Agency report (1974-1975 Operations Report), 90% of the central computer costs were assigned to borough ROR activities and 10% to central research. The cost of printing forms (\$17,904) was assigned directly to borough ROR activities only. The remaining central OTPS expenditures were \$85,407 and were allocated to the four Central Office activities based on relative share of personnel costs, as was done for the boroughs.

It should be noted that the allocation of personnel costs to Administration (44.5% of Central Office personnel expenditures) is probably

an overestimate since the work of some administrative staff is shared by fiscal, information systems and research.

The final stage of the process was to apportion relative central computer and printing costs to the four borough sites. This allocation was based on the relative proportion of overall borough costs incurred by each borough (Manhattan, 34.1%; Brooklyn, 26.7%; Bronx, 21.7%; Queens, 17.5%). This breakdown is very similar to the relative proportions of interviews done in each borough. The central ROR computer and printing costs of \$237,234 (\$219,330 and \$17,904, respectively) were then allocated to each borough using the above percentages, and then within each borough, 90% of the computer costs was allocated to notifications and 10% to interviewing and verification. Table VIII.9 summarizes the results.

The remaining central administrative/fiscal (\$250,343) and research costs (\$83,305) were kept separate as Central Office costs rather than assigning the costs to borough operations, although these activities do add somewhat to the true cost of borough operations.

Table VIII.10 summarizes the total estimated agency expenditures of tax-levy funds by activity for the period July-December 1979. About 40% of CJA's expenditures were for interviewing/verification and another 40% for notifications activities. Research costs (not including money spent under separate research grants) were estimated at 4.7% and administrative/fiscal costs a combined 16.4% of CJA expenditures.

TABLE VIII.10  
TOTAL ESTIMATED CJA EXPENDITURES, BY ACTIVITY  
JULY-DECEMBER 1979<sup>a</sup>

| ACTIVITY                      | ESTIMATED EXPENDITURES (\$) | PERCENT OF TOTAL |
|-------------------------------|-----------------------------|------------------|
| Interviewing and Verification | \$ 682,304                  | 38.9%            |
| Notifications                 | 700,783                     | 39.9             |
| Research                      | 83,305                      | 4.7              |
| Administration <sup>b</sup>   | 216,460                     | 12.3             |
| Fiscal                        | 72,057                      | 4.1              |
| TOTAL                         | \$1,754,909                 | 100.0%           |

<sup>a</sup>CJCC-administered tax-levy funds only.

<sup>b</sup>Borough (\$38,374) and Central (\$178,086) administration costs combined.

TABLE VIII.9  
TOTAL ESTIMATED COSTS OF BOROUGH INTERVIEWING, VERIFICATION, AND NOTIFICATIONS OPERATIONS, JULY-DECEMBER 1979 (\$)

| ACTIVITY                             | BOROUGH   |           |           |           | CITY TOTAL |
|--------------------------------------|-----------|-----------|-----------|-----------|------------|
|                                      | Brooklyn  | Bronx     | Manhattan | Queens    |            |
| <u>Interviewing and Verification</u> |           |           |           |           |            |
| Total Borough Costs                  | \$151,846 | \$142,822 | \$236,426 | \$127,476 | \$658,570  |
| Allocated Central Costs              | 6,334     | 5,158     | 8,090     | 4,152     | 23,734     |
| TOTAL                                | \$158,180 | \$147,980 | \$244,516 | \$131,628 | \$682,304  |
| <u>Notifications</u>                 |           |           |           |           |            |
| Total Borough Costs                  | \$150,183 | \$108,835 | \$155,746 | \$ 72,508 | \$487,272  |
| Allocated Central Costs              | 57,008    | 46,332    | 72,807    | 37,364    | 213,511    |
| TOTAL                                | \$207,191 | \$155,167 | \$228,553 | \$109,872 | \$700,783  |

C. CJA Interviewing and Verification; Interviewer Productivity and Unit Costs

In this section estimates are made of the unit cost of each CJA interview and the productivity of CJA interviewing staff for the period July-December 1979. Since almost 40% of CJA's budget is allocated to interviewing and verification, efficient use of these resources would help CJA keep its costs down.

1. Cost Per Interview/Verification

The calculation of cost per CJA interview/verification is complicated somewhat by the lack of data on DAT interviews. Since Manhattan and Bronx staff also interview defendants issued DATs, these interviews should be included in the unit cost calculation. However, DAT interviews are somewhat shorter than regular CJA interviews, and therefore may have a lower unit cost. Also, the estimated unit cost for the City as a whole obscures the impact of DAT interviews on Manhattan and Bronx interviewing costs. Unit costs were therefore

calculated both with and without estimated DAT interviews. Finally, these estimates do not include interviews with defendants that were not arraigned (e.g., decline to prosecute cases), so the cost per interview estimate may be slightly high.

Table VIII.11 presents estimates of the unit cost per interview, including verification attempts. Citywide, the estimated unit cost per interview for the period of analysis was \$11.15 if DAT interviews are included and \$13.59 if they are excluded. Taking into account the inflation rate over the past five years, these costs compare quite favorably with the unit costs estimated in 1975 for Brooklyn (\$14.39) and Bronx (\$12.00)<sup>2</sup>. The current estimated cost per interview in Brooklyn, \$12.09, also compares favorably with the estimate of \$10.10 for this borough made by the Bureau of the Budget in 1975.<sup>3</sup> Reflecting perhaps the economics of scale, Manhattan CJA had the lowest cost per interview (including DATs), \$9.22, and Queens the highest, \$14.11.

2. Interviewer Productivity

One factor which is likely to affect the cost of interviewing is the productivity of interviewing staff; the rate of interviews conducted per staff hour. Comparisons across boroughs may be somewhat problematic, however, because to some extent interviewer productivity is dependent on the volume and time distribution of arrests in a given borough. Since CJA interviewers must be on duty 24 hours a day, a relatively low arrest volume on a given shift would necessarily affect the interview rate.

In order to estimate the number of interviews per staff hour, the total number of hours worked (excluding vacation and holiday leave) was calculated for all interviewers and interview shift supervisors for the period October to December 1979.<sup>4</sup> These hours were multiplied by the estimated percentage of time spent interviewing and verifying (from table VIII.4), which is generally about 80% (although somewhat lower for shift supervisors). Finally, the number of interviews conducted during this three-month period was divided by the weighted number of interviewing staff hours. The results are summarized in table VIII.12.

<sup>2</sup>Pretrial Services Agency, Vera Institute of Justice, Operations Report for June 1974-November 1975.

<sup>3</sup>Allen Brawer Evaluation of Pretrial Services Agency. New York City Bureau of Budget, February 1975.

<sup>4</sup>The period for which staff hour data were most readily available.

TABLE VIII.11  
ESTIMATED CJA COST PER INTERVIEW AND VERIFICATION, BY BOROUGH  
JULY-DECEMBER 1979

|  | BOROUGH   |           |           |           | CITY TOTAL |
|--|-----------|-----------|-----------|-----------|------------|
|  | Brooklyn  | Bronx     | Manhattan | Queens    |            |
| <u>ESTIMATED INTERVIEWING AND VERIFICATION COSTS:</u> <sup>a</sup> | \$158,180 | \$147,980 | \$244,516 | \$131,628 | \$682,304  |
| <u>NUMBER OF INTERVIEWS:</u>                                       |           |           |           |           |            |
| Summary Arrests  | 13,083    | 9,265     | 18,512    | 9,328     | 50,188     |
| DATs (Estimated)   | n.a.      | 3,000     | 8,000     | n.a.      | 11,000     |
| <u>ESTIMATED COST PER INTERVIEW:</u>                               |           |           |           |           |            |
| Including DATs   | n.a.      | \$12.07   | \$ 9.22   | n.a.      | \$11.15    |
| Excluding DATs   | \$12.09   | \$15.97   | \$13.21   | \$14.11   | \$13.59    |

<sup>a</sup>See table VIII.9.

TABLE VIII.12  
INTERVIEWING STAFF PRODUCTIVITY BY BOROUGH,  
OCTOBER-DECEMBER 1979

|   | BOROUGH  |                |                |        | CITYWIDE       |
|---|----------|----------------|----------------|--------|----------------|
|   | Brooklyn | Bronx          | Manhattan      | Queens |                |
| A. <u>TOTAL STAFF HOURS:</u>                                    |          |                |                |        |                |
| Interviewers <sup>a</sup>                                       | 7,082    | 6,534          | 10,182         | 6,114  | 29,912         |
| Shift Supervisors   | 1,155    | 1,099          | 1,970          | 686    | 4,910          |
| TOTAL   | 8,237    | 7,633          | 12,152         | 6,800  | 34,822         |
| B. <u>PERCENTAGE OF TIME SPENT INTERVIEWING &amp; VERIFYING</u> | 80       | 80             | 90             | 80     | 80             |
| C. <u>NUMBER OF INTERVIEWS:</u>                                 | 6,264    | 4,174          | 8,606          | 4,595  | 23,639         |
|   |          | (+ 1,500 DATs) | (+ 4,000 DATs) |        | (+ 5,500 DATs) |
| D. <u>INTERVIEWS/STAFF HOUR (Including DATs) (C ÷ A x B):</u>   | 0.95     | 0.74           | 1.04           | 0.84   | 0.84           |

<sup>a</sup>Full-time and part-time.

Citywide, CJA interviewing staff conducted slightly less than one interview per hour (0.84), including verification time and time spent interviewing DATs. This rate also includes time spent calculating CJA points and applying the CJA recommendation, but does not include data entry time. Although these productivity rates may be somewhat underestimated, because shift supervisors spend less time conducting interviews than do interviewers, and defendants interviewed but not arraigned are excluded, they do seem to indicate a reasonable level of productivity. Considering that for many defendants a number of verification attempts must be made before a contact is reached, and that the actual interview takes about 15-20 minutes to administer, a rate of almost one interview per hour can be judged as relatively productive.

Brooklyn and Manhattan were the most productive boroughs during this period, averaging 0.95 and 1.04 interviews per interviewing staff hour, respectively. Since the Manhattan figure includes DAT interviews, which may take less

time to administer than regular defendant interviews, this rate may actually be more comparable to Brooklyn's, which includes no DAT interviews. The lowest productivity rate was found in the Bronx, which averaged an estimated 0.74 interviews per hour. More extensive management studies would be necessary to establish the reasons for differences in productivity rates among the boroughs.

D. Unit Cost Per Notification

CJA conducts defendant notifications for two types of court appearances: pretrial adjournments for ROR'd defendants, and scheduled arraignments for defendants issued DATs.<sup>5</sup> Notification procedures usually include a computer-generated letter reminding the defendant of the scheduled court date, and follow-up telephone calls by CJA notifications staff. A detailed analysis of the costs of notifications would have to account for the actual number of incoming and outgoing telephone calls related to the notifications process, since these activities take up proportionately more staff time than letter notifications. However, data on telephone notification calls were not available for the current fiscal year. Therefore, the overall cost per notification will be based on the number of scheduled appearances and includes both letters and telephone calls. The data are summarized in table VIII.13.

TABLE VIII.13  
ESTIMATED CJA COST PER NOTIFICATION,  
JULY-DECEMBER 1979

|   |           |
|---|-----------|
| <u>ESTIMATED NOTIFICATION COSTS:</u> <sup>a</sup> | \$700,783 |
| <u>NUMBER OF NOTIFICATIONS:</u> <sup>b</sup>      |           |
| Non-DAT ROR'd Defendants                          | 61,553    |
| <u>COST PER NOTIFICATION:</u>                     | \$11.39   |

<sup>a</sup>See table VIII.9.  
<sup>b</sup>Not including DAT notifications, which are performed by CETA staff.

<sup>5</sup>In addition, CETA staff conduct post-plea notifications, which are not included in this cost analysis.

A total of 61,553 post-arraignment appearances for ROR'd defendants were scheduled during the period July-December 1979. Each of these appearances required a CJA notification. With total estimated notifications expenditures of \$700,783 for this time period<sup>6</sup>, the cost per notification was estimated at \$11.39.

In addition to the costs of court calendar data entry, the computer-generated letter, and reminder telephone calls prior to the scheduled appearance, this estimate also includes the cost of following-up ROR'd defendants during the 30 days after missing a scheduled court appearance.

In 1977, CJA estimated the cost per notification in Manhattan as \$10.38 per appearance;<sup>7</sup> this figure did not include DAT notifications. Thus the current estimated Citywide notifications cost of \$11.39 is about 9.7% higher than this earlier estimate. Given that computer costs for the July-December 1979 period are relatively high because of non-recurring start-up costs for UDIIS, it is expected that the unit cost per notification will be lower during the coming year. The laying off of six notifications assistants in May 1980 will reduce this figure even more, since their notifications duties are being taken over by CJA interviewing staff.

#### E. Research and Information Systems Costs

Under CJA's tax-levy budget, overall agency research costs were estimated at \$83,305 for the first six months of FY 79-80, which projects to a total of \$166,610 for the full year. This represents about 4.7% of CJA's overall budget. In addition, other research costs are covered by grants to CJA from the National Institute of Corrections and the New York State Department of Correctional Services (a total of about \$100,000 for the current year), and DOC provides some resources for joint research projects. At less than 5% of CJA's tax-levy budget, the agency's research costs appear to be modest. CJA is expected to try to expand this research effort in the future by increasing the agency's reliance on outside grants to fund special projects.

Total information systems costs for the July-December 1979 period were estimated at \$219,330 (table VIII.8). Although most of computer costs were estimated to be for notifications activities, and only 10% for research, it may be that in the future a larger proportion of this cost will be attribu-

<sup>6</sup>See table VIII.9. These costs include computer expenditures.

<sup>7</sup>N. Reichman, Manhattan Notification Experiment, NYC Criminal Justice Agency (August 1977).

table to research activities. Because the figure of \$219,330 includes some non-recurring costs incurred in setting up UDIIS during the first half of FY 79-80, total information systems expenditures for the year are expected to be somewhat less than twice this amount. As discussed in chapter VII, the long-term costs of UDIIS are difficult to project until the DOC component of the system is operating. It is not known how these costs will compare with those of the prior system. DOC, of course, will be absorbing about half the costs of the full UDIIS system, and CJA expects that in the long run, its annual computer costs will be lower than they were with the Meditech system.

IX. GENERAL DISCUSSION

This report has presented a description of the work of the New York City Criminal Justice Agency and an evaluation of its activities during Fiscal Year 1979-80 under a \$3.5 million grant through CJCC. Because of complications inherent in the conversion to a new computer system (expected to be less costly and more versatile than the old system), current data on CJA's activities were not available until May 1980, and only covered basic operations for the July-December 1979 period, so that some planned data analyses could not be performed. Thus, some issues regarding CJA operations remain unresolved at this time. However, some general conclusions about CJA's role in the criminal justice system can be made based on the available data. The evaluation also raises several questions which should be addressed in future research, and recommendations for the improvement of CJA's operations are made throughout the report.

In general, personnel throughout the criminal justice system speak favorably about CJA and the value of its activities. Because of the volume of cases handled in Criminal Court and the speed at which arraignments occur (2 to 5 minutes per case), judges, defense attorneys and most prosecutors are helped by having background information on a defendant to assist in making ROR decisions (and sometimes disposition decisions). By law, community ties is one piece of information to be used in release decisions. Judges generally express satisfaction with the information contained on the CJA interview, and report that the CJA recommendation and community ties information are important factors in their bail/ROR decision. CJA's position as an independent agency seems to enhance that credibility. A few complaints arose from criminal justice personnel about various aspects of CJA's interviewing and verification procedures, and were discussed in Chapter III.

Although criminal justice personnel agree that the defendant information collected by CJA and presented to the court at arraignment is useful and necessary (and is indeed required by law), questions have been raised during the past year about whether or to what extent CJA should continue to be involved in the ROR process. This question has two components: (a) should another agency, such as the Department of Probation, perform the ROR function at possibly less cost to the City, and (b) if judges are familiar with ROR and generally willing to release defendants, is it still necessary for an agency

such as CJA to make ROR recommendations, especially for defendants arrested for misdemeanors?

The suggestion that Probation take over CJA's activities was raised this year as a means of saving money for the City because New York State might reimburse the City for some of the costs. Probation performed the ROR function for the City during the period 1964-1973 (although they did not perform notifications activities).

However, deficiencies and other problems with Probation's ROR activities led to the return of the ROR function to the Vera Institute of Justice in 1973, through its newly formed Pretrial Services Agency.<sup>1</sup> In part because of Probation's problems operating the ROR program (and the limitations of the services it was able to provide) and the stress placed by criminal justice system personnel on the independence and flexibility of CJA, it would not seem advisable to return CJA's functions to the Department of Probation. CJA's ability to be flexible in its operations and respond quickly to outside requests for data and research studies probably could not be matched by a government agency.

Given the costs of CJA interviewing operations, the question of whether it is necessary to interview all defendants should also be considered. Theoretically, the agency could reduce the size of its interviewing staff and thus reduce costs if not all defendants were interviewed. If, for example, defendants arrested for misdemeanors are likely to be released at arraignment with or without a CJA recommendation, some have argued that CJA should therefore not interview defendants held on minor charges. For a number of reasons, this does not appear to be a good idea, nor would it necessarily reduce agency costs.

Some of the reasons for this were discussed in Chapter III: judges release misdemeanants with positive CJA recommendations more often than those with no recommendation;<sup>2</sup> one-fourth of misdemeanants with non-disposed cases are not ROR'd (other factors aside from community ties are considered by the judge in making a release decision); at the time the CJA interview is administered it is very difficult to predict in individual cases who will be ROR'd; and the information collected on the CJA interview is important for CJA notifications and research purposes.

<sup>1</sup>Allen Brawer. Evaluation of Pretrial Services Agency. New York City, Bureau of the Budget, February 1975.

<sup>2</sup>Although this finding may mean only that judges and CJA agree on the factors that predict a "safe" release (i.e. strong community ties), rather than that judges are influenced by the CJA stamp, the community ties information needs to be collected and verified by someone.

Several other arguments can be advanced for having CJA interview all defendants. Defense and prosecuting attorneys have cited the value of the information collected in the CJA form for their purposes, regardless of the CJA recommendation; the disposition of a case and plea-bargaining procedures can be affected, as well as the ROR decision for nondisposed cases. Second, it is not clear to what extent CJA would reduce its costs by not interviewing misdemeanants, because interviewers might have to be "on call" at arraignment if arraignment judges requested a CJA interview for cases where more information was needed to make a bail/release decision. This would also slow the arrest-to-arraignment process. Finally, CJA interviewing staff must be present 24 hours a day, and it cannot always be predicted what the relative volume of felony vs. misdemeanor arrests would be on a given shift. Police arrest and charging patterns also change over time. Since relatively minor misdemeanor cases are already diverted from potential ROR by DAT procedures, those misdemeanor cases which are detained pending arraignment may have problems which could affect ROR: there may be outstanding warrants, a long arrest history, or prior bail-jumping charges, for example. Again, although many misdemeanants are ROR'd at arraignment, it is difficult to predict in individual cases who will be ROR'd.

Through additional research efforts and consequent policy changes, CJA should seek other ways of improving its efficiency and reducing costs. For example, it is important for the agency to study the effects of verification procedures on judicial release decisions. Do judges take into account the completeness of verification when making an ROR decision? Does the type of contact, friend or family member, affect this decision? Do judges respond differently to verification attempts for different charges? Although the ROR data presented in Chapter III indicate that Recommended: Verified defendants in all charge categories are released on recognizance more frequently than those who receive a Qualified Stamp, it may be possible for CJA to reduce the extent of verification attempts (or eliminate verification) for misdemeanants and not affect the ROR rates. Since 44% of CJA interviews are with misdemeanants, resources might be saved by reducing the level of verification for this group. However, a careful study of the effects on ROR and FTA rates should be made before instituting such a change. The Bail Research Project, when completed by CJA, will provide some insight into this issue, but more complete documenta-

tion of interviewer's verification attempts and the results of these attempts would be required in order to fully investigate the impact of these efforts. This type of analysis could be performed on a sample of defendants from each borough.

Related to the importance of CJA studying more closely the impact of verification, is the need for the agency to educate arraignment judges about the agency's activities, and to establish more regular contact with judges in order to elicit comments on CJA's interviewing and recommendation process and gather more information on how judges use the CJA information. Although perhaps somewhat difficult to operationalize, a regular dialogue between the agency and one of its primary groups of clients, arraignment judges, could enhance judges' understanding of CJA's role in the arrest-to-arraignment process, increase the impact of its recommendations on ROR decisions, and improve the efficiency of its operations. Problems that may surface with individual judges' concerning the CJA interview could also be resolved more quickly if more frequent contacts occurred.

With regard to improving the documentation of its efforts and increasing management efficiency, it is also important for CJA to document and monitor DAT interviews, and interviews which are administered but do not enter the CJA system because the defendant is not arraigned (e.g. declined to prosecute and mediated cases). CJA could play a role in expanding the use of DAT's in misdemeanor cases (and thus possibly reduce the agency's workload); prior research on the effect of CJA recommendations indicated potential impact.<sup>3</sup> DAT interviewing efforts in Manhattan and the Bronx use a significant amount of CJA resources, so the extent to which they improve the effect of DAT notifications (for example, by yielding more accurate addresses or initiating contact with CJA) should be investigated. Finally, the agency should continue prior efforts to track missing interviews, and document the reasons for not interviewing eligible defendants or for incomplete interviews.

Prior research, also supported by current data, has indicated that positive CJA recommendations predict low FTA rates and suggest that its notification system is effective in reducing these rates. However, since the Brooklyn Notification Study was conducted in 1976, it may be appropriate for CJA to replicate this study in the near future, on a citywide basis. CJA's analyses of its notification activities should include the relative impact of

<sup>3</sup>NYC Criminal Justice Agency. DAT Policy Review: First Report on a CJA/NYPD Pilot Program in the Bronx. New York City (March 1979).

different types and levels of notification efforts (e.g. phone calls vs. letters, defendant-initiated contact vs. CJA-initiated contact). By analyzing its notifications system, the agency might find ways of reducing its notification costs (an estimated 40% of CJA's expenditures) while maintaining low defendant failure-to-appear rates. Prior to conducting such research, CJA needs to improve its documentation of notification efforts (see Chapter IV.A.), using its computer system.

Staff throughout the agency have been laid off this year, and budget lines kept unfilled. Although each borough office is budgeted to have both a Borough Director and Deputy Director, most of the offices have had only one or the other during this year. It appears that the borough operations have been able to function adequately with only one director. Other borough personnel, including personnel and fiscal assistants, have been laid off and their duties assumed by central office staff; this has not seriously affected CJA operations. Finally, six notifications assistants were laid off in May 1980, further reducing CJA staff. The impact of this reduction cannot be assessed at this point. Interviewing staff will take over the follow-up notification phone calls previously performed by the notifications assistants. It is not known whether this will negatively affect the interviewers' productivity or quality of their work, or whether FTA rates will change. CJA does save about \$80,000 per year by eliminating the notifications assistants.

Further savings may accrue to the agency as its UDIIS system approaches full development. During the past year, one-time costs were incurred in setting up the CJA component of the system. In the long-term, it is likely that costs to CJA will be lower (and more controllable) than under the Meditech system, although the extent of any long-term cost savings are contingent somewhat on the timely development of the Department of Corrections' component of the system.

This evaluation suggests that CJA plays an important and necessary role in criminal case processing in New York City. The information collected on the CJA defendant interview has an impact on judicial ROR decisions: defendants with verified and unverified community ties are more likely to be ROR'd than defendants with weak ties, and have lower failure-to-appear rates while

released. Through its DAT interviewing and notifications of DAT arraignment appearances, CJA appears to have helped to reduce the high FTA rate for DAT arraignments. In addition, by assuming tasks related to scheduling and processing of DATs in Manhattan and the Bronx, CJA has helped the Police Department save resources and improve its efficiency. The addition of CETA workers to its staff this year has enabled CJA to expand its services in a number of different areas.

During the past year, CJA has continued to serve the criminal justice community as a resource for defendant and criminal court data, studies of arrest-to-arraignment delay, and other research information. The completion of UDIIS and its link with DOC inmate data will enhance the value of CJA's database and increase the potential scope of its research efforts. During the next year results from CJA's Bail Research Project and other on-going research efforts are needed to help clarify CJA's impact on ROR and to identify ways of improving the cost-efficiency of the agency's operations.

CJA has in the past and will continue to seek outside funding to support part of its research efforts. This seeking of grant support outside of City funds should continue as a high priority for CJA. Expansion of CJA's research activities, under external funding, would enhance the value of CJA's database to both the local and national criminal justice community.

**END**