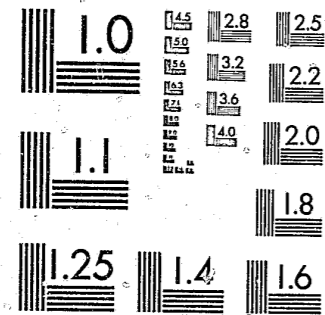


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THE CITY OF NEW YORK

CRIMINAL JUSTICE COORDINATING COUNCIL

86090

THE PRICE OF JUSTICE:

The Cost of Arresting and Prosecuting
Three Robbery Cases in Manhattan

U.S. Department of Justice
National Institute of Justice

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CRIME: What it costs you

By NEAL HIRSCHFELD

WHAT PRICE, justice? Would you believe \$176,000 to arrest, try and imprison one single chain-snatcher?

That will be the minimum cost to the taxpayers of one recently concluded case. In fact, the actual cost will probably top \$200,000.

The thief, one Robert Baez, 33, seized the chain from a woman after holding an icepick to her throat. He got nine to 18 years.

But before this crook ever set foot in prison last April, his arrest, detention and trial in Manhattan had cost \$32,627.42.

If Baez serves his minimum nine years, it will cost taxpayers another \$144,000—at \$16,000 a year for cell and board and what have you, without figuring in inflation.

That adds up to at least \$176,627.42.

If he serves more than nine years, the cost will rise accordingly.

And when he gets out, it will cost another \$1,000 or so a year to monitor his parole.

The first \$32,627.42 is based on 1960 costs. It includes the salaries of all the people involved in arresting a person and bringing him to and through trial. It also includes overhead, fringe benefits and such nonpersonnel expenses

One chain-snatcher: A bill of \$176,000

as equipment, travel and consulting fees.

The cost estimates result from a six-month study by the mayor's Criminal Justice Coordinating Council, which seems to have tallied just about everything.

In the total are the costs of the arrest, booking, preparation of the case, Criminal Court arraignment and post-arraignment court appearances.

Plus, as applicable, costs of grand jury deliberations, indictment, arraignment in Supreme Court, pretrial appearances by assistant district attorneys, Legal Aid attorneys, court personnel and arresting police officers.

Plus costs of the trial, pre-sentencing investigation by the Probation Department, detention in a city jail and transportation to and from court, both before and during the trial.

The biggest bill the public had to pay for chain-snatcher Baez, accounting for more than half of the first \$32G, was the cost of detention—\$69 a day.

From the moment of arrest to the moment of sentencing, this case—

which included two appearances by the defendant in Criminal Court, 17 appearances in Supreme Court and three trial days—dragged on for 250 days.

In fact, the real pre-sentencing cost of the chain-snatcher's case probably exceeded \$32,627.42. "We didn't include capital costs and many of the projections we made are on the conservative side," says the council's first deputy director, John MacWillie 3d, who wrote the report, which is intended to provide a basis for reforms.

This steep price of justice could be cited as one strong argument for plea bargaining, the report says.

PLEA BARGAINING, or "copping a plea" as it is familiarly called, allows an apparently guilty person to plead guilty to less than the original charge and get a lesser penalty. Enormous savings in detention and trial costs have been cited to justify bargained pleas, but the practice has been attacked for allowing

hardened criminals to get off with relatively light punishment.

"There were absolutely no surprises" in the report, says Robert Keating, the city's criminal justice coordinator, who directed the study. He added that it confirmed what we already suspected—that a large portion of expenses occur because of the aging of cases, that is, prolonged delays before trial and sentencing.

Between January and June of this year there were 11,054 robbery arrests in the city, according to state figures. Some 63% of those are likely to be quickly disposed of in Criminal Court. The other 37% have led or will lead to indictments. Of those indicted, more than 80% will be convicted. In the first six months of this year, 18% of all robbery cases were resolved by trial.

Two other sample cases in addition to Baez were studied in the report. All three cases were supplied by the office of Manhattan District Attorney Robert Morgenthau. They were deliberately selected to include:

Case 1: A robbery disposed of quickly at Criminal Court arraignment with a Legal Aid Society attorney representing the defendants.

Last May 20, Andrew Watts, 32, and Kiri Yolani Nottingham, 29, were charged with felony robbery for robbing a man after luring him into an Eighth Ave. sex club. Overnight,

(Continued on page 87)

CRIME: What it costs you

Continued from page 5

they "dropped a plea" to the misdemeanor of petty larceny. They were sentenced to six months in prison. They served four months.

Estimated cost of this case until sentencing (excluding, of course, cost of later jailing): \$851.08.

Case 2: A robbery in which the defendant pleaded guilty to a felony, was held in pretrial detention and was represented by a Legal Aid attorney.

Ronald Green, 24, demanding money, threatened a cabdriver with a knife last January in front of 40 W. 127th St. The cabby hailed a passing police car and Green was collared. He pleaded guilty in Supreme Court, without trial, to a felony robbery and, after 68 days of detention drew four to 12 years.

Estimated cost of case until sentencing: \$6,664.81, mostly, of course, the \$69 a day for cell and board.

Case 3, in which the defendant went to trial in Supreme Court, was in pretrial detention between arraignment and sentencing and had a Legal Aid attorney. This is the case of chain-snatcher Baez, the centerpiece of the city report and the one which could be construed to support the wisdom of plea bargaining.

The argument for plea bargaining rests on the heavy cost to taxpayers of trial and detention. It might have been possible, for example, to plea bargain the Baez case to a quicker conclusion while saving much money and still insuring that Baez was well punished for his crime.

The CJCC report also found, for instance, that:

- The number of prisoners detained for more than one year awaiting trial in Supreme Court is rising rapidly. It was 349 in mid-November, in contrast to only 115 on Jan. 1, and only 43 on Jan. 1, 1978. Six-month detentions now exceed 1,500—at \$69 a day.

The surge in pretrial detentions

THREE TYPICAL CASES

	1	2	3
Initial charge	Robbery (Felony)	Robbery (Felony)	Robbery (Felony)
Disposition charge	Petty Larceny (Misdemeanor)	Robbery (Felony)	Robbery (Felony)
Disposition	Guilty plea	Guilty plea	Found guilty after trial
Sentence	6 months	4-12 years	9-18 years
Time between arrest & sentence	24 hours	68 days	250 days
Total cost to process case	\$851.08	\$6,664.81	\$32,627.42

COST TO THE AGENCIES*

Police	\$635.27	\$591.07	\$881.29
Other agencies (Preparing case)	94.78	47.39	47.39
Criminal court	18.79	18.79	50.15
Supreme court		424.42	7,235.30
District Attorney	37.62	264.18	4,014.92
Legal Aid Society	28.30	156.02	2,699.79
Correction Dept.	36.32	4,726.75	17,262.39
Probation Dept.		354.41	854.41
Grand Jury		81.78	81.78
Total	\$851.08	\$6,664.81	\$32,627.42

*The costs represented do not include capital or physical plant expenditures.

particularly concerns Criminal Justice Coordinator Keating because lengthy pretrial delays reduce the quality of justice and increase its cost. Even though there are more judges and prosecutors now than a decade ago, Keating believes there still aren't enough and that "We're being short-sighted. It costs us money to keep people in detention."

• Certainly, trials are more common today than ever before, and they are an expensive option. If every case

that went to trial cost as much as the one involving chain-snatcher Baez, the cost would add up to more than \$570 million a year, or \$81 for every city resident.

• Although the number of indictments has remained roughly the same over the last decade, trial, conviction and sentencing rates all have increased dramatically because of the greater number of Supreme Court judges, tougher penalties, increased resources for prosecutors and better management of prosecutions.

• The number of indictments has started to climb dramatically, from 8,402 in New York City for the first six months of 1980, to 11,506 in the first six months of 1981, a 38% increase. Eventually, of course, this will mean a greater prison population, at \$16,000-plus per year for each prisoner.

• Certain yet-to-be-specified "inefficiencies" in the criminal justice system also add to the cost of crime, the report concluded.



BOB JUFFRAS DAILY NEWS

THE PRICE OF JUSTICE:
The Cost of Arresting and
Prosecuting Three Robbery
Cases in Manhattan

A SPECIAL REPORT
December, 1981

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PREFACE

This report was a collaborative exercise among several CJCC staff. John MacWillie designed the overall study and wrote the narrative section; Doug Waldmann supervised the design and work of the cost study; Elizabeth Leong and Sandi Schiffman designed and carried out the very difficult task of the cost analysis.

We were able to put this report together only because of the assistance of a number of other persons. We would like to thank Robert Holmes, Deputy Chief Trial Division (Criminal Court) and Leonard Rienzi, Administrative Assistant District Attorney of the Manhattan District Attorney's Office who put up with an endless series of inquiries. Our phone calls and visits to Police Headquarters were responded to graciously by the Department and especially by members of the Criminal Justice Bureau, Central Booking (Manhattan) and the Office of Management Analysis.

We would also like to thank the staffs of the State Division of Criminal Justice Services and the State Department of Correctional Services in Albany, the Criminal Justice Agency in Manhattan, the State Office of Court Administration and the New York City Department of Correction. We also deeply appreciate the work of AnnMarie Andria, Kathy O'Donnell, Cindy Damian and Gail Wallace who typed drafts and final copy of seemingly meaningless computational worksheets.

Elizabeth Leong,
Courts Task Force
Sandra Schiffman,
Law Enforcement Task Force
Doug Waldmann,
Assistant Director
John MacWillie III,
First Deputy Director

I. INTRODUCTION

The New York City criminal justice system is immense and complex. The existence of 30,000 police officers, 800 prosecutors, 300 judges, a Legal Aid Society with more than 220 criminal defense attorneys, hundreds of private attorneys who practice criminal law, 5,000 correction and probation officers and more than 180,000 criminal cases a year, spread over five counties, can generate enormous management problems.

Measuring the productivity of the criminal justice system is an equally complex and difficult task. For every measure, there are inevitably numerous other measures which suggest alternative interpretations of the performance of the system. Unfortunately, one useful indicator of performance, cost analysis, is rarely used.

Since the early spring of this year, the staff of CJCC in conjunction with the City's Office of Management and Budget has been engaged in a number of projects assessing the costs of disparate operating components of the criminal justice system. The focus of each of these analyses has been on unit-costs, i.e., given a particular unit, what are the costs of the activities associated with processing or producing that unit?

Three cases were selected by the Manhattan District Attorney's Office. CJCC analyzed the cost-differentials and cost-shifts of various case outcomes using these cases. This report summarizes our findings on these costs as well as a discussion of the underlying factors which account for the consequent differences.

In Part II, we review the methodology which we applied and indicate some of the more important limitations of our analysis. It is critical that one appreciates the intentional limitations of this data before drawing any conclusions.

In Part III, we present the facts of the three robbery cases. In Part IV, we present the total costs of processing the three cases in Manhattan for each agency involved. In Part V, we detail those agency costs by the steps involved in processing those cases. In Part VI, we present the costs for salary-related expenses. Part VII presents the costs for Overhead, Fringe Benefits and non-personnel, i.e., Other-Than-Personal-Services (OTPS) expenditures.

Part VIII, consists of discussion of the cost data, its relationship to present disposition patterns and the reasons for the varying costs. In Part IX we review our findings and present our conclusions. Part X presents an epilogue indicating what happened to the defendants in our three "typical" cases. A summary of our data sources and computational worknotes are found in the appendices.

II. METHODOLOGY

Prior Analyses

During the past decade, several studies were done to estimate the costs and resource allocations within the New York City criminal justice system. The most recent of these studies was completed by Mott-McDonald Associates, Inc. for the City Bar Association.*1. Their study of case processing costs in the Bronx provided a large amount of data, but excluded numerous and important cost factors: the arrest, precinct detention, defendant transportation, detainee holdover, and Grand Jury costs. We have attempted to include all of these costs in our analysis. The Mott-McDonald study also attempted to differentiate costs among a variety of offenses. We have not followed a similar methodology on the assumption that neither we, Mott-McDonald nor any other known source have available, sufficiently detailed data to make any meaningful comparisons. Though our analysis has drawn upon the data available for three robberies, our examples could just as well have been assault or rape cases.

Mott-McDonald also considered costs, (e.g., a Criminal Court preliminary hearing or trial) which we did not consider in the analysis because they did not occur in our three cases. Thus, the Mott McDonald study and our own complement each other in some ways, but in other ways are substantially different.

The Problem

The underlying problem we wanted to address was to determine the differential magnitude of varying resource allocations which are required by each city criminal justice agency in reaching different types of case outcomes. Because we were less interested in the statistically "average" case than a "typical" case, one should bear in mind several limitations when drawing certain conclusions from this data.

*Footnotes are found on p. 83 after the appendices.

First, the costs summarized in this report are average, not marginal.

costs. The dollar figures represent the actual, average resource allocations for a "typical" case during Calendar Year 1980. They do not represent, and should not be used to calculate, the actual costs of adding one more defendant to the caseload.² Because of variations in economies of scale and worker productivity, it is unlikely that the marginal costs would be the same as the average cost unless there were incremental increases or decreases in caseloads of 30-50 defendants or more.

Second, in many cases the costs in this report represent minimum costs and it is likely that some costs were actually higher. For example, the Department of Correction (DOC) costs for pre-trial detention are probably higher than actually stated. We averaged unit-costs across the entire Department, but in fact, there are transportation, classification and examination costs which are unique to pre-trial detention, which increase the specific costs of pre-trial detention. Unfortunately, time limitations prohibited our conducting a full-scale analysis of DOC resource allocations.³

Third, we assumed in a number of calculations that "production units" consume equal amounts of time and resources. We know, of course, that our assumptions do not always readily fit the facts. For example, for Criminal Court arraignment, we assumed that all appearances consume on average, an equal amount of time. Of course, this is not true; but, without detailed time-and-motion data, a reconstruction of data which differentiates among types of cases, would produce conclusions no more or less reliable than those that we generated.⁴ Nevertheless, readers should keep in mind that our "typical" case is, in many ways, treated as though it were an "average" case.

Fourth, unlike prior studies we have included, to the extent possible, all hidden costs of case processing. Thus, we have included, in the cost of an average court appearance, the "downtime" of a court-part while a defendant is being produced, an attorney is delayed or as the result of scheduling

vagaries. Similarly, where an operation is maintained year-round, we have included the replacement costs of staff during vacation, weekends or holidays. However, with the exception of police costs, we did not make adjustments for sick-leave.

The Cases

As indicated earlier, the data upon which some of our analysis was based were supplied by the Manhattan District Attorney's Office. The specific cases were actually selected by the District Attorney's staff, but at our suggestion, the cases were to contain the following minimum scenarios:

Case One : a defendant charged with robbery wherein the case was disposed of at Criminal Court arraignment with Legal Aid Society representation.*

Case Two : a robbery case wherein the defendant took a felony plea in Manhattan Supreme Court, was in pre-trial detention and had a Legal Aid Attorney.*

Case Three : a robbery case in which the defendant went to felony trial in Manhattan Supreme Court, was in pre-trial detention between arraignment and disposition and had a Legal Aid Attorney.*

Fact patterns and dispositional data were made available to us which we used in conjunction with cost and budget data already available at CJCC or provided to us during the course of our analysis. The data, and how they were used, are detailed in the worksheets found in the appendices.

*The inclusion of Legal Aid representation in this study stemmed from the facility of using data already available to CJCC and OMB and not to factors we had pre-determined to be unique to the Legal Aid Society.

III. THREE ROBBERY CASES-THE FACTS

The following brief descriptions of the robbery cases were supplied by the Manhattan District Attorney's Office:

Case One : On May 20, 1981, two defendants were arrested after they allegedly lured the complainant into a private sex club in midtown Manhattan. Once inside, he was robbed. The complainant called the police and an arrest was made. However, later the police were unable to find the complainant, because he had provided a phony address and telephone number. Also, it was determined that there was insufficient force involved to sustain a robbery charge. The defendants pled guilty at Manhattan Criminal Court the day following their arrest.

Case Two : About 8:15 PM, on January 27, 1981, in central Harlem, a taxi cab driver was accosted by a rider with a knife, who demanded that the cabbie turn over his money. The cabby quickly identified, and hailed, a passing patrol car. The defendant was arrested shortly afterwards. A few weeks after being indicted, the defendant plead guilty to the top count of the indictment.

Case Three : The victim, a fifty year old woman on her way home from work during the evening of September 2, 1980, was accosted by the defendant, and a second person (not apprehended). The defendant put an ice pick to the complainant's throat and pulled a chain from her neck. Neighbors spotted the defendant, chased him and effected a citizen's arrest. Housing Police formally charged the defendant who, during the course of all proceedings protested his innocence. After his indictment and long delays, the defendant chose to go to felony trial, and on April 6, 1981, the defendant was found guilty.

IV. THE COST TO THE AGENCIES

We present the total costs of arresting and prosecuting the defendants in the three cases in terms of the agencies involved in Table One. All costs are aggregate amounts, that is, they include salaries, overhead, fringe benefits, and non-personnel (OTPS) expenses. Detailed descriptions of how the costs were derived may be found in the Appendices.

TABLE ONE
THE COST TO THE AGENCIES*

	CASE 1	CASE 2	CASE 3
POLICE DEPARTMENT (APO, Partner, Sgt., and CB Personnel)	\$ 635.27	\$ 591.07	\$ 881.29
DCJS (FAX) AND CJA	94.78	47.39	47.39
CRIMINAL COURT	18.79	18.79	50.15
SUPREME COURT	---	424.42	7,235.30
DISTRICT ATTORNEY OF NY COUNTY	37.62	264.18	4,014.92
LEGAL AID SOCIETY	28.30	156.02	2,699.79
DEPARTMENT OF CORRECTION	36.32	4,726.75	17,262.39
DEPARTMENT OF PROBATION	---	354.41	354.41
GRAND JURY	---	81.78	81.78
TOTAL	\$ 851.08	\$ 6,664.81	\$32,627.42

*The costs represented in this and subsequent computations do not include capital or physical plant expenditures, which are not readily identified. They also do not include some other costs indicated in the footnotes to TABLE TWO.

V. THE COST BY STAGE OF PROCESSING

The cost of processing three cases is detailed in Table Two. Each stage of processing is summarized in terms of a "step".

Step 1: arrest, involves only police personnel. It begins when two police officers, the arresting police officer (APO) and his partner, take the prisoner into custody and bring him to the precinct house to notify their sergeant. The sergeant may advise them to wait for witnesses, voucher property, or to proceed to Central Booking (Step 2). Step 1 includes the cost of time expended by the APO, his partner, and their sergeant. It also takes into account the prisoner's overnight detention cost, which is explained more fully in Appendix Two.

Step 2: the APO and his prisoner go through the processing in Central Booking. The APO fills out information on arrest forms while the prisoner gets "booked" (formally arrested, photographed, searched, and fingerprinted by Central Booking personnel). The prisoner is interviewed by the Criminal Justice Agency, who verify information concerning the prisoner's employment and residency. Simultaneously, Central Booking personnel transmit a facsimile of the prisoner's fingerprints through the FAX machine to Albany where the Division of Criminal Justice Services conducts a print check. The criminal history of the prisoner in the form of a rap sheet is transmitted back to Central Booking. Step 2 covers all of these costs.

Step 3: the cost of preparing the case for Criminal Court arraignment. The APO discusses the case with an Assistant District Attorney (ADA) in the Complaint Room. The ADA's make the determination as to whether the case will retain its felony status or be reduced at arraignment.

Step 4: at arraignment, several components of the criminal justice system are involved. The defendant is brought from the Department of Correction court detention pens to the Criminal Court Arraignment Part before a judge. With the defendant is his Legal Aid attorney who, only moments before, has discussed the case with him for the first time.* Representing the State are the prosecutor and the arresting police officer or a pre-arraignment police officer (further explanation in Appendix Two.) Also involved are court officers responsible for maintaining security. The charges are read to the defendant, and either a plea-bargaining discussion takes place to dispose of the case (Case 1), or a bail application is made and decided upon (Case 2, 3).

Step 5: a Post Arraignment/Criminal Court appearance occurred only in Case 3. A preliminary hearing is scheduled in Criminal Court to determine whether there is enough evidence to forward the case to the Grand Jury.

Step 6: at the Post Arraignment/Pretrial stage, Cases 2 & 3 are in Supreme Court. This step covers the cost of the Grand Jury, defendant's indictment, Supreme Court arraignment, and all other scheduled calendared appearances by the ADA, Legal Aid attorney, court personnel, and APO.

Step 7: this entails the cost of a trial. It includes Supreme Court personnel, the prosecutor, Legal Aid, and the police officer. It also includes juror's fees.

Step 8: probation, generates costs as the result of a presentence investigation report. By law, the Probation Department must write an investigation report on all defendants convicted of a felony. The judge may utilize this report in arriving at a decision about the sentence he will impose.

Finally, Step 9 involves the Department of Correction. This covers the cost of detaining the prisoner in pretrial detention. It also includes transportation to and from court for all appearances and trial.

*In a very small percentage of cases, defendants have private defense counsel represent them at the arraignment.

TABLE TWO
THE COST BY STAGE OF PROCESSING

	CASE 1	CASE 2	CASE 3
1. ARREST ^a	\$ 204.38	\$ 204.38	\$- 190.27
2. CENTRAL BOOKING ^b	298.78	182.35	195.78
a. Police	65.93	65.93	79.36
b. CJA	32.10	16.05	16.05
c. FAX	62.68	31.34	31.34
d. CB Personnel	138.07	69.03	69.03
3. INTAKE	105.16	105.16	105.16
a. Police	72.71	72.71	72.71
b. DA	32.45	32.45	32.45
4. ARRAIGNMENT	242.76	170.63	152.47
a. Criminal Court ^c	18.79	18.79	18.79
b. DA ^d	5.17	5.17	5.17
c. Legal Aid ^d	28.30	28.30	28.30
d. DOC	36.32	36.32	18.16
e. Police	154.18	82.05	82.05
5. POST ARRAIGNMENT/ CRIMINAL COURT			94.29
a. Criminal Court ^c			31.36
b. DA ^d			16.41
c. Legal Aid ^d			46.52
6. POST ARRAIGNMENT/ PRETRIAL		957.45	3,706.87
a. Supreme Court ^c		424.42	1,803.80
b. DA		226.56	987.57
c. Legal Aid		127.72	542.82
d. Police		96.97	290.90
e. Grand Jury		81.78	81.78
7. TRIAL			10,583.94
a. Supreme Court ^c			5,431.50
b. DA			2,973.32
c. Legal Aid			2,082.15
d. Police			96.97
8. PROBATION		354.41	354.41
9. DOC ^e		4,690.43	17,244.23

^a Does not include any patrol costs prior to arrest.

^b Since this study was completed, the Police Department has instituted a computerized On-Line Booking System (OLBS) which reduces the time and cost of the booking process.

^c Does not include management costs of the Office of Court Administration.

^d Average costs for all appearances irrespective of the type of case.

^e Costs averaged across all DOC activities. Does not include capital or depreciation costs, public school services from the Board of Education (\$800,000) or medical and mental health costs supported by the Departments of Health and Mental Health (approximately \$12 million).

VI. The Salary Cost Allocation

These costs are the variable costs upon which all other subsequent and additional costs (overhead, fringe benefits, and OTPS) are based. The derivations for the salary costs are detailed in Appendix Two.

TABLE THREE
THE SALARY COST ALLOCATION

	CASE 1	CASE 2	CASE 3
1. ARREST	\$ 106.06	\$ 106.06	\$ 98.74
2. CENTRAL BOOKING	136.66	85.44	92.40
a. Police	34.22	34.22	41.18
b. CJA	23.86	11.93	11.93
c. FAX	*	*	*
d. CB Personnel	78.58	39.29	39.29
3. INTAKE	57.46	57.46	57.46
a. Police	37.74	37.74	37.74
b. DA	19.72	19.72	19.72
4. ARRAIGNMENT	127.68	90.24	81.65
a. Criminal Court	12.05	12.05	12.05
b. DA	3.23	3.23	3.23
c. Legal Aid	15.21	15.21	15.21
d. DOC	17.18	17.18	8.59
e. Police	80.01	42.57	42.57
5. POST ARRAIGNMENT/ CRIMINAL COURT			55.38
a. Criminal Court			20.10
b. DA			10.28
c. Legal Aid			25.00
6. POST ARRAIGNMENT/ PRETRIAL		539.48	2,229.89
a. Supreme Court		277.40	1,178.95
b. DA		143.12	608.26
c. Legal Aid		68.64	291.72
d. Police		50.32	150.96
e. Grand Jury			
7. TRIAL			6,550.64
a. Supreme Court			3,550.00
b. DA			1,831.32
c. Legal Aid			1,119.00
d. Police			50.32
8. PROBATION		213.30	213.30
9. DOC		2,305.20	8,475.00

*Included in aggregate.

VII. Overhead, Fringe Benefits, and OTPS

The overhead computation is the ratio of management to non-management personal expenditure.

Fringe benefit (FB) costs are derived from standard City-established rates except where the experience of CJCC or OMB has proven to be contrary, i.e., less expensive. In those cases, we have derived FB rates from average actual charges.

OTPS cost are derived from the ratio of City budgeted OTPS costs (i.e., equipment, travel) to non-management salary costs.

TABLE FOUR
OVERHEAD

	CASE 1	CASE 2	CASE 3
1. ARREST	\$ 15.91	\$ 15.91	\$ 14.81
2. CENTRAL BOOKING			
a. Police	5.13	5.13	6.18
b. CJA	1.91	.95	.95
c. FAX	*	*	*
d. CB Personnel	11.79	5.89	5.89
3. INTAKE			
a. Police	5.66	5.66	5.66
b. DA	1.03	1.03	1.03
4. ARRAIGNMENT			
a. Criminal Court	N.A.	N.A.	N.A.
b. DA	0.17	0.17	0.17
c. Legal Aid	4.93	4.93	4.93
d. DOC	3.52	3.52	1.76
e. Police	12.00	6.39	6.39
5. POST ARRAIGNMENT/ CRIMINAL COURT			
a. Criminal Court			N.A.
b. DA			0.53
c. Legal Aid			8.10
6. POST ARRAIGNMENT/ PRETRIAL			
a. Supreme Court		N.A.	N.A.
b. DA		7.44	31.63
c. Legal Aid		22.24	94.52
d. Police		7.55	22.64
7. TRIAL			
a. Supreme Court			N.A.
b. DA			95.22
c. Legal Aid			362.56
d. Police			7.55
8. PROBATION		19.20	19.20
9. DOC		472.57	1,737.38

*Included in aggregate.

N.A.: Not Available.

TABLE FIVE
FRINGE BENEFITS

	CASE 1	CASE 2	CASE 3
1. ARREST	\$ 76.05	\$ 76.05	\$ 70.80
2. CENTRAL BOOKING			
a. Police	24.53	24.53	24.53
b. CJA	4.90	2.45	2.45
c. FAX	*	*	*
d. CB Personnel	42.99	21.49	21.49
3. INTAKE			
a. Police	27.05	27.05	27.05
b. DA	6.64	6.64	6.64
4. ARRAIGNMENT			
a. Criminal Court	3.37+	3.37+	3.37+
b. DA	0.94	0.94	0.94
c. Legal Aid	5.64	5.64	5.64
d. DOC	10.29	10.29	5.15
e. Police	57.37	30.53	30.53
5. POST ARRAIGNMENT/ CRIMINAL COURT			
a. Criminal Court			5.63+
b. DA			2.97
c. Legal Aid			9.27
6. POST ARRAIGNMENT/ PRETRIAL			
a. Supreme Court		77.67+	330.11+
b. DA		39.36	191.97
c. Legal Aid		25.45	108.15
d. Police		36.08	108.24
7. TRIAL			
a. Supreme Court			994.00+
b. DA			577.96
c. Legal Aid			414.84
d. Police			36.08
8. PROBATION		81.38	81.38
9. DOC		1,198.05	4,404.60

*Included in aggregate.

+Fringe based on P.S. only.

TABLE SIX
OTHER THAN PERSONAL SERVICE

	CASE 1	CASE 2	CASE 3
1. ARREST	\$ 6.36	\$ 6.36	\$ 5.92
2. CENTRAL BOOKING			
a. Police	2.05	2.05	2.47
b. CJA	1.43	0.72	0.72
c. FAX	*	*	*
d. CB Personnel	4.71	2.36	2.36
3. INTAKE			
a. Police	2.26	2.26	2.26
b. DA	5.05	5.05	5.05
4. ARRAIGNMENT			
a. Criminal Court	3.37	3.37	3.37
b. DA	0.83	0.83	0.83
c. Legal Aid	2.52	2.52	2.52
d. DOC	5.33	5.33	2.66
e. Police	4.80	2.56	2.56
5. POST ARRAIGNMENT/ CRIMINAL COURT			
a. Criminal Court			5.63
b. DA			2.63
c. Legal Aid			4.15
6. POST ARRAIGNMENT/ PRETRIAL			
a. Supreme Court		69.35	294.74
b. DA		36.64	155.71
c. Legal Aid		11.39	48.43
d. Police		3.02	9.06
7. TRIAL			
a. Supreme Court			887.50
b. DA			468.82
c. Legal Aid			185.75
d. Police			3.02
8. PROBATION		40.53	40.53
9. DOC		714.61	2,627.25

*Included in aggregate.

VIII. Discussion

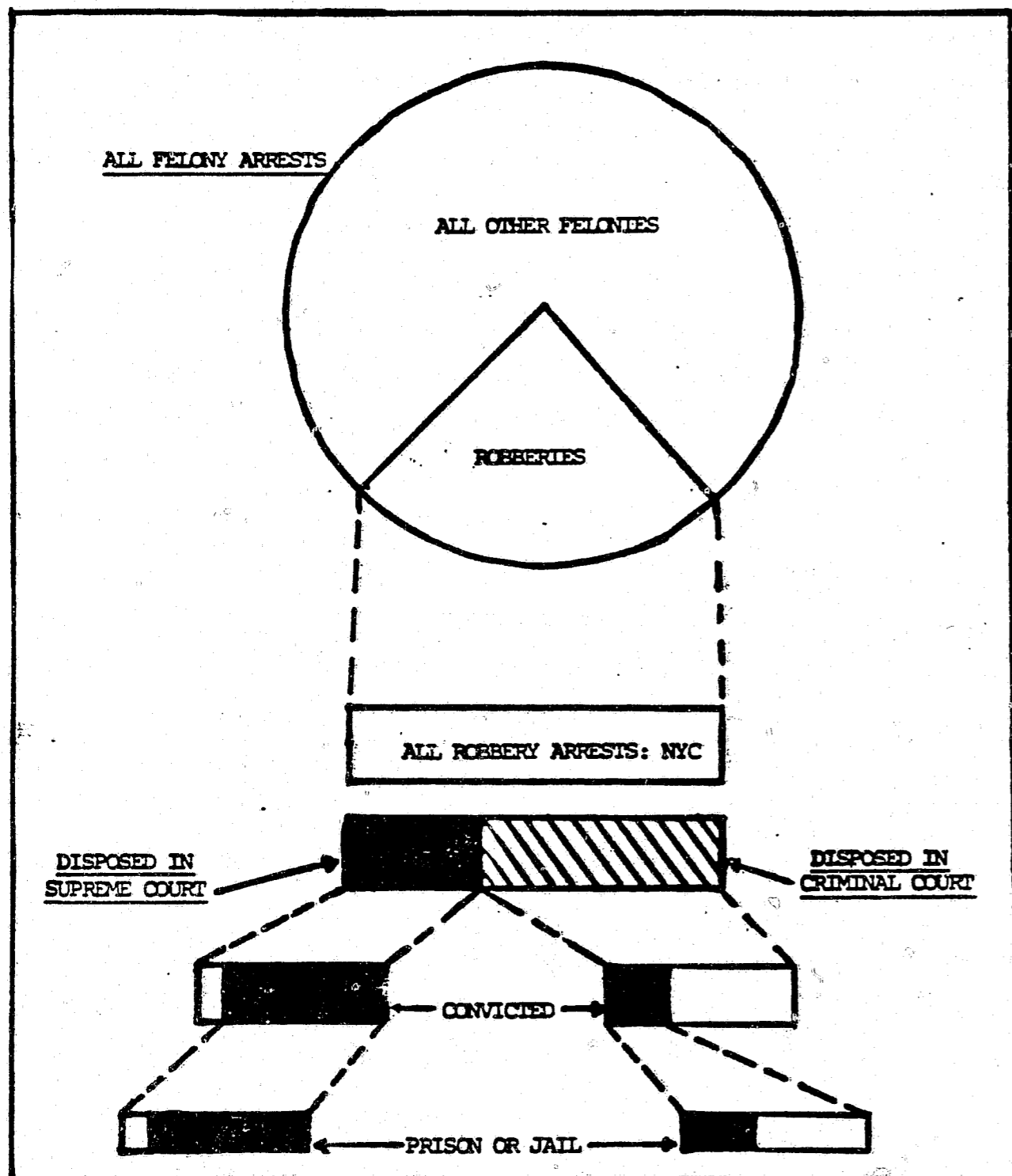
Looking at the data presented in Tables One and Two, there are two important questions which should be considered: how "typical" are these cases, and why the enormous cost differences for disposing of three relatively similar cases?

In Graph One we illustrate the relationship of robbery arrests with all other arrests, as well as our projected distribution of the eventual disposition of those arrests.* Between January and June of this year there were 11,054 robbery arrests which represented 21 percent of all felony arrests.¹ We project that roughly 63 percent of those robbery arrests will be disposed of in Criminal Court and 37 percent will be indicted.² Of those indicted, more than 80 percent will be convicted, and of those convicted more than 80 percent will receive sentences of either determinate or indeterminate imprisonment.³

Although no agency has statistics readily available on the proportion of robbery cases disposed of at arraignment, it is clear that Case One does not represent an "average" robbery case disposed of in Criminal Court. The majority of robbery arrests disposed of in Criminal Court do not generally result in conviction or in jail time - at least for the City as a whole.⁴ At the same time, Case One is a symptomatic and clear illustration of the problem of robbery arrests and why nearly two-thirds of such arrests are never indicted. The failure to have the complainant available for prosecution and the insufficient evidentiary support to sustain the robbery charge necessitated a non-felony outcome.⁵

*The statistics necessary to construct this graph are only available for the City of New York as a whole.

GRAPH ONE



THE PROJECTED DISTRIBUTION OF ROBBERY
ARRESTS AND THEIR DISPOSITION IN NYC
(JANUARY - JUNE 1981)

SOURCES: NYC Police Department, NYS Division of Criminal Justice Services

Cases Two and Three are atypical for robbery arrests in that they were indicted and convicted of the top-count of that indictment (robbery). Both defendants were in pre-trial detention before pre-disposition of their cases - a condition similar to most indicted robbery cases in New York City. According to the State Division of Criminal Justice Services, 72 percent of the defendants indicted for robbery in New York City during the first half of 1981 were in pre-trial detention.⁶ According to the same report, 81 percent of all robbery (1^o) cases which were disposed resulted in conviction. Trials accounted for 18 percent of all robbery dispositions, with two-thirds resulting in conviction. So, while robbery convictions to felony charges only occur for a little less than one-third of all robbery arrests, our cases seem to be typical of "average" robbery cases.

What then accounts for the major differences in costs among our three cases?

Long-Term Pre-trial Delay: Cases Two and Three

Pre-trial detention costs account for more than half the resource expenditures in Cases Two and Three (see Table Seven). The problem of pre-trial detention has been repeatedly studied in the past ten years, and one can see the cost problem dramatically outlined in this study's cost data.

TABLE SEVEN
PERCENTAGE DISTRIBUTION OF COSTS
BY STAGE OF PROCESSING

STAGE OF PROCESSING	CASE 1	CASE 2	CASE 3
ARREST	24%	3%	1%
CENTRAL BOOKING	35	3	1
INTAKE	12	2	< .5
ARRAIGNMENT	29	3	< .5
POST ARRAIGNMENT	—	—	< .5
PRETRIAL	—	14	11
TRIAL	—	—	32
PROBATION	—	5	1
DETENTION	—	71	53
TOTAL	100%	100%	100%
DOLLAR AMOUNT	\$851,08	\$6,664,81	\$32,627,42

Every day that a defendant is in pre-trial detention, the total cost of detaining him increases by \$69. According to the State Office of Court Administration the number of indicted cases older than six months (as of November 1, 1981) is 4,473.⁷ Statistics from the State Division of Criminal Justice Services show that the number of defendants in pre-trial detention in City Supreme Courts whose cases were more than one year old rose from 43 on January 1, 1978 to 115 on January 1, 1981.⁸ The number of defendants in pre-trial detention whose cases are more than six months old in Supreme Court is currently estimated to be above 1500.

The problem of long-term delay is one of the major causes of population pressures in City facilities. The immediate cause of the rise in delay would appear to stem from increasingly tougher mandated sentences and fewer enticing plea offers by prosecutors. As we see in Table Eight, the percentage of defendants convicted of the same crime class for which they were indicted has increased dramatically. The proportionate increase has been greatest for the more serious offenses (i.e., class B and C felonies).

TABLE EIGHT
PERCENT CONVICTED OF THE SAME CRIME CLASS FOR
WHICH INDICTED, BY CRIME CLASS OF INDICTMENT,
1974, 1978, 1980

	INDICTED CLASS				
	A	B	C	D	E
1974	28%	18%	15%	28%	51%
1978	48	29	23	31	63
1980	52	37	30	45	79
PROPORTIONATE CHANGE 1974 - 1980	+86%	+106%	+100%	+61%	+55%

SOURCES: New York State Division of Criminal Justice, Quarterly Felony Processing Reports.

The Incentive for Early Dispositions: Case One

If delay is persistent in the Supreme Court, quick dispositions are the norm in Criminal Court. Forty-two percent of all cases (felony and misdemeanor) are disposed of within 24-48 hours after arrest at Criminal Court arraignment, as was Case One.⁹ On an average day, Criminal Court in Manhattan will arraign 180 defendants, disposing of 53 percent of those cases.¹⁰ The average time for cases not disposed of at arraignment is between six and eight weeks.¹¹

Cases were not always adjudicated so rapidly in Criminal Court. At the end

*As of mid-November, 1981, the number of pre-trial detainees whose cases were more than one year old stood at 349.

of 1970, there were more than 59,000 cases pending disposition citywide (compared to the present level of nearly 15,000).¹² The reason for the extraordinary drop is twofold.

Prior to 1968, the Criminal Court disposed of massive numbers of cases by three-judge trials, and only a small number of cases were disposed of at arraignment. In 1968, however, the U.S. Supreme Court in Baldwin v. New York, ruled that defendants facing the possibility of more than six months imprisonment had a constitutional right to a jury trial if they so chose. Many defendants invoked that right and the backlog ballooned. Between 1968 and 1980 the number of non-traffic trials dropped from 18,648 to 1,092.¹³ In 1971, a set of reforms was instituted placing disposition-minded judges in the arraignment parts with instructions to adjudicate as many cases as possible. To a large extent that system remains in effect today. The question we presently face is whether such a system is still appropriate. True, it only cost \$851 to convict the defendants in Case One, but if the Courts and prosecutors had had more resources and time, they may have found the complainant, pressed the prosecution and secured a tougher disposition. The largest proportion of robbery arrests result in either dismissals or a sentence without imprisonment. The present disposition configuration in Criminal Court is, in all likelihood, an efficient means of allocating resources and saving money, but it raises questions about what society loses in the process.

The Cost of Trial: Case Three

The popular conception about criminal justice today is that no one goes to felony trial. The costs of Case Three suggest why the public might be benefited by disposing of cases without a trial. While it only took \$6,665 to reach a conviction by guilty plea in Supreme Court in Case Two, the costs in Case Three reached \$32,627 before the defendant was convicted after trial.

The reality, though, is that trials are more common today in Supreme Court than ever before. In 1970, only three percent of all dispositions were by trial; by 1980, that rate had risen to 15 percent.¹⁴ As noted earlier, the robbery trial rate exceeds 18 percent.

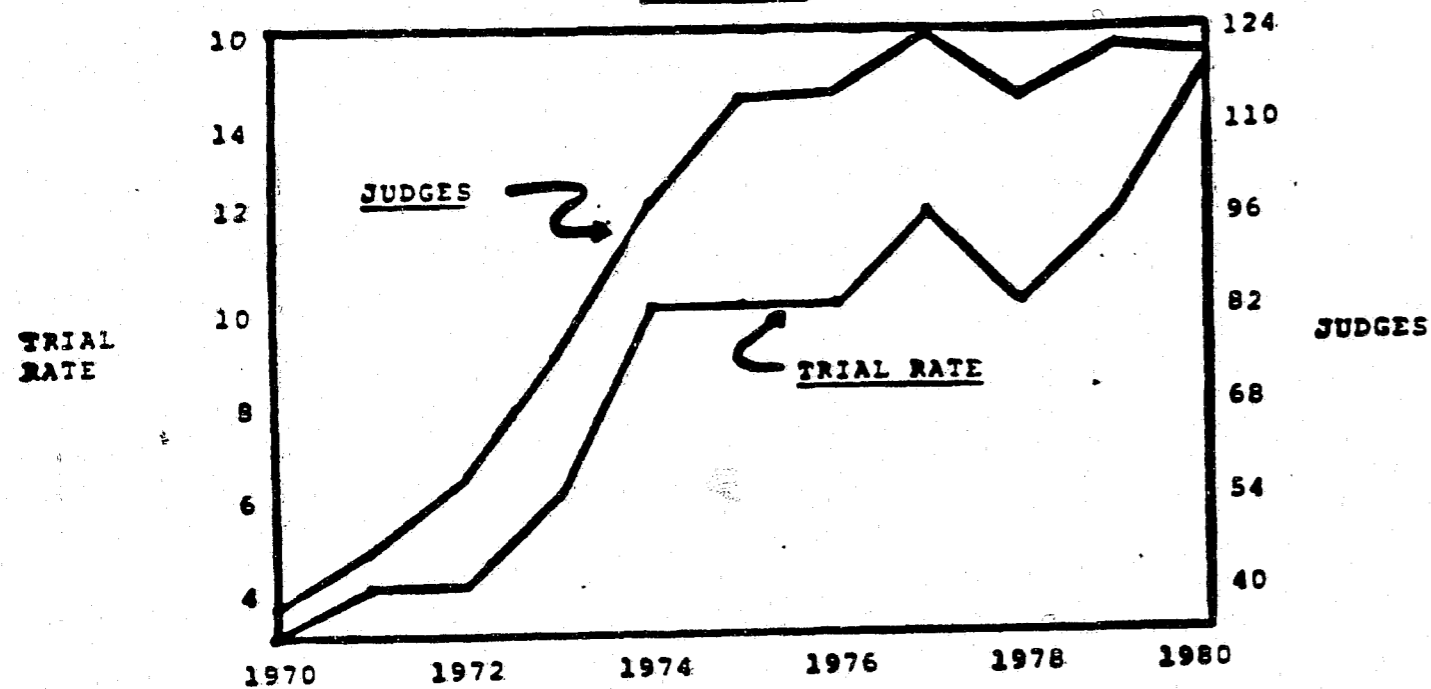
The two most important reasons for the increase in the trial rates have to do with increases in the capability and the willingness of prosecutors to push cases to trial. As we see in Graph Two, the trial rate has risen directly with the number of judges available in Supreme Court to try cases. Between 1970 and 1980, the average number of court-parts in the Criminal Term of the Supreme Court rose from 38 to 120.¹⁵ In 1981, 37 more court parts were added, with the City contributing \$7.3 million for additional prosecutors, Legal Aid attorneys, correction and probation officers in support of the expansion.

In short, there are more trials than ever before, but at the same time, trials remain an expensive option. If every case which went to trial cost as much as Case Three, it would take more than \$570 million - or \$81 a year for every resident of the City. Even then, the system would only be trying 18 percent of those arrested for felonies.

The Willingness To Go To Trial

Resources alone don't explain the higher trial rates. A prosecutor, of course, is more willing to go to trial when he or she has the time and resources, as well as when the prosecution has a strong case. On the other hand, defendants are less interested in going to trial if they are given a plea and sentence offer which is substantially less than what the defendant is likely to get after trial.

GRAPH TWO



AVERAGE NUMBER OF JUDGES AND
TRIAL RATE IN SUPREME COURT: NYC
(1970 - 1980)

However, if the prosecutor and court raise the "bid price" of a plea so that the difference between a guilty plea and going to trial is minimal, the defendant is far more willing to push for trial. The incentives for doing so are four-fold:

- by pleading guilty the defendant assures himself of a 100% certainty of being convicted and receiving roughly the same sentence as if he had gone to trial;
- going to trial raises the possibility of an acquittal (so far this year, the acquittal rate has been 31 percent);
- in delaying the case by pushing for trial (after numerous pre-trial motions), there is an increased likelihood of witnesses dying or moving, memories becoming faulty, evidence being lost;

- defendants sentenced to felony time are usually sent to prisons far removed from family, friends or on-going criminal activities with which they might be involved, even defendants in pre-trial detention are more likely to want to remain in an uncertain status, than face the certainty of serving long sentences upstate.

It is also not surprising that the oldest cases, particularly those in pre-trial detention, are defendants charged with more serious offenses, have longer and more serious criminal records, and have received plea offers that vary little from what they can expect if they are convicted after trial.¹⁶

Over the past ten years, a combination of tougher sentencing sanctions, restrictions on plea bargaining, increased resources, and better prosecutorial management have resulted in a markedly different felony court system than that which existed ten years ago. Even though the number of cases indicted is roughly the same, the felony conviction, trial and prison sentence rates have increased dramatically (see Table Nine).

The conclusion, which is an obvious one, is that there is an economics of justice in which the costs and benefits to every party are assessed in arriving at a particular outcome. The willingness to achieve a particular disposition is constrained by the respective capabilities of every party to achieve that outcome. We have illustrated some of the logic of that willingness and the dimensions of the cost. The intersection of these two interests determine the "price of justice."

TABLE NINE

Criminal justice statistics are notorious for seemingly reporting different outcomes. The reason has to do with what is counted. In Tables Nine-A and Nine-B, we present different data sources and proportionately different outcomes. However, the directional change is undisputed.

TABLE NINE-A

FISCAL YEAR.	NUMBER OF INDICTMENTS	PERCENTAGE CONVICTED OF FELONY*	TRIAL RATE**	PERCENTAGE SENTENCED TO PRISON*
1970	17,719	57	3	21
1980	16,459	94	15	30
PROPORTIONATE CHANGE	- 7% [†]	+65%	+400%	+43%

*Of those convicted.

**Of those cases disposed.

SOURCES: Judicial Conference; Office of Court Administration; State Department of Correctional Services.

The data is presented in Fiscal Years. Columns 1 through 3 are from the Judicial Conference or the Office of Court Administration. Trial rate is computed as the percentage of cases (which may include several defendants) of "defendant-indictments." Prison sentence rate is based on the actual number of individuals received from New York City averaged across Fiscal Years. (The data is only readily accessible in Calendar Years.)

The primary problem with the data in Table Nine-A is that it uses varying definitions for statistical accounting. However, these variations are more closely representative of definitions used by police, prosecutors, and policy analysts.

In Table Nine-B, we present the same data using a different source, but one which is consistently counted across all the agencies and is in calendar years.

[†] For the past eighteen months, the number of indictments has been increasing dramatically. For the six-month period January to June, the number of indictments in 1981 increased 38% over 1980.

TABLE NINE-B

CALENDAR YEAR	PERCENTAGE CONVICTED OF FELONY	TRIAL RATE	PERCENTAGE SENTENCED TO PRISON
1974	83	9	40
1980	94	13	51
PROPORTIONATE CHANGE	+13%	+44%	+28%

SOURCE: NYS Division of Criminal Justice Services.

IX. CONCLUSION

Using an intentionally designed biased sample of three robbery cases in Manhattan, and deriving average minimum costs for every processing step, we sought to illustrate the significant range in resource allocations for similar cases. All three cases resulted in conviction (although one was plea bargained to a misdemeanor) and all three received some sort of imprisonment as a sentence. A summary of these cases is provided in Chart One.

As the Chart clearly demonstrates there is a positive relationship among severity of sentence, elapsed time to disposition and the total cost to the criminal justice system for each of these cases.

Of course, there are qualitative aspects to these cases which we have glossed over in this analysis. Not all three cases were alike in the nature of the offense or the seriousness of the defendant's background. Our data neither confirms nor disproves any specific theory about the behavior of legal systems, or, specifically, about plea bargaining. It does, however, dramatically suggest the magnitude of different levels of resources which may be committed to a case. (Committing such resources may not guarantee a conviction since a substantial number of cases which go to trial in Supreme Court result in acquittals).

We think the data also supports the common-sense notion that plea bargaining is an important resource allocation technique whereby prosecutors and the court can secure a 100 percent assurance of conviction, while saving scarce trial resources for defendants unwilling to plead guilty because they believe that they are innocent, that they can "beat the rap" or that the punishment promised as part of a plea bargain offer is equal to that risked by going to trial.

CHART ONE

<u>CASE</u>	<u>INITIAL CHARGE</u>	<u>DISPOSITION CHARGE</u>	<u>DISPOSITION</u>	<u>SENTENCE</u>	<u>TIME ELAPSED BETWEEN ARREST AND SENTENCE</u>	<u>TOTAL COST TO PROCESS CASE</u>
1	Robbery (Felony)	Petit Larceny (Misdemeanor)	Guilty Plea	6 months	24 hours	\$ 851.08
2	Robbery (Felony)	Robbery (Felony)	Guilty Plea	4-12 years	68 days	\$ 6,664.81
3	Robbery (Felony)	Robbery (Felony)	Found Guilty After Trial	9-18 years	250 days	\$32,627.42

Finally, it is not surprising that the price of justice is high. It is a complex system designed to provide equal protection to all defendants even when that system provokes high costs and inefficiencies. At the same time, during the course of our investigation, we identified several possible areas where inefficiencies may be generating substantial costs to the system which are unrelated to any intended procedural safeguard. Many of these problem areas are now being investigated by other CJCC research and evaluation staff.

X. EPILOGUE

On May 21, 1981, A.W. and K.N. (Case One defendants) were sentenced to six months in a NYC Department of Correction facility. The Department reported to us that both were released after four months. K.N. was released on September 18, 1981 and A.W. was released on September 23, 1981.

On April 6, 1981, R.G. (Case Two) was sentenced to a minimum term of 4 years and a maximum of 8 years. The State Department of Correctional Services (DOCS) informed us that R.G. is presently serving his term at Greenhaven State Prison.

On May 11, 1981, R.B. (Case Three) was sentenced to a minimum term of 9 years in the State penitentiary. The DOCS indicated that R.B. is currently incarcerated in Attica State Prison. In addition to the cost of arrest and prosecution, additional costs, as estimated by the State Department of Correctional Services of \$16,000, most of which is for personnel will be generated annually for each year the defendants in cases Two and Three are incarcerated. Of course, this figure will increase with inflation.

APPENDIX ONE

Sources for Data Not Available at CJCC

New York City Police Department

Oral communications with Office of Management Analysis
Oral communication with Wagon Board
Statistical Report, Complaints and Arrests 1980,
Crime Analysis Section, OMA
Oral communications with Crime Analysis Section, OMA
Written communication from Manhattan Central Booking
Oral communications with Criminal Justice Bureau

New York County Office of the District Attorney

Oral communications with NYDA

Department of Correction

Oral communications with Manhattan Court Pens

Department of Probation

Written communication from Division of Administrative
Services
Oral communication with DOP

Division of Criminal Justice Services

Oral communications with DCJS, Albany
Major Violent Offender Report, 1981

Criminal Justice Agency

Grant application to Criminal Justice Coordinating Council,
FY 81

Office of Management and Budget

Modified Budget FY 81 (Supporting Schedule, Executive
Budget FY 82)
Department of Correction 1982 Fact Book, July 1981
Payroll Schedules

Office of Court Administration

Comparative Statistical Profile. Criminal Court of
the City of N.Y. Arrest Cases, 12/31/79 - 12/28/80.
Comparative Statistical Profile. Criminal Term, Supreme
Court, County Comparison Report, 12/31/79 - 12/28/80
Supreme Court, Per Part Cost Fact Sheet
Criminal Court, Per Part Cost Fact Sheet

Legal Aid Society of the City of New York

Operational Programs and Expenditures for FY 79-FY 82,
1/2/81.

Office of Operations

The Mayor's Management Report, Supplement, September 17, 1980.

APPENDIX TWO

WORKSHEETS FOR TABLE THREE

PERSONAL SERVICES

PS is the base cost upon which all other
costs are multiplied.

CASE 1

Assume the arrest occurred at 9 PM, on 5/20/81. It took 3 hours for the arresting police officer (APO) and his partner to arrest the defendants, bring them back to the precinct (where the precinct sergeant advised them), and then to Central Booking (CB). The APO's partner ended his tour; the APO spent 2 hours overtime (OT) in CB, then left. The defendants were interviewed by CJA and their prints FAX'ed to Albany. The defendants were remanded in a precinct overnight, then brought to Criminal Court the next morning, where they awaited arraignment in the Manhattan DOC Court Pens. The APO returned at 8 AM, on a straight time (ST) day tour, went through the Complaint Room, and then awaited arraignment. The defendants were arraigned by 5 PM, (1 hour OT for the APO). The case was disposed of.

CASE 2

Assume the arrest occurred at 9 PM, on 1/27/81. It took 3 hours for the APO and his partner to arrest the defendant, bring him back to the precinct (where the precinct sergeant advised them) and then to CB. The partner ended his tour. The APO spent 2 hours OT in CB, then left. The defendant was interviewed by CJA and his prints FAX'ed to Albany. The defendant was remanded in a precinct overnight. He was brought to the Manhattan DOC Court Pens the next morning to await arraignment. The APO returned at 8 AM, on a day tour (ST), went through ECAB, and was prearraigned by a sergeant. (Because the case was a "B tracked" felony, the APO was excused and a court assigned police officer took it to arraignment). The defendant failed to get arraigned on 1/28. He was returned to Criminal Court at 8 AM on 1/29 where he was arraigned and remanded to Rikers Island. He was indicted on 2/2. The defendant pled guilty to a lesser charge before trial. A presentence investigation report was ordered before sentencing.

Total Supreme Court Appearances: 4

Total Days on Pre-Trial Detention: 68

CASE 3

Assume the arrest occurred at 6 PM, on 9/2/80. It took 3 hours for the APO and his partner to arrest the defendant, bring him back to the precinct (where the precinct sergeant advised them) and then to CB. The partner returned to the precinct with 3 hours remaining in his tour. The APO spent 3 hours ST in CB, then left. The defendant was interviewed by CJA and his prints FAX'ed up to Albany. The defendant was then sent to a precinct for overnight detention. He was brought to the Manhattan DOC Court Pens the next morning where he awaited arraignment. The APO returned at 8 AM on a day tour (ST), went through ECAB, and then was prearraigned by a sergeant. The defendant was arraigned on 9/3 and was remanded to Rikers Island. A preliminary hearing was scheduled in Criminal Court while the defendant was indicted in Supreme Court on 9/5. The defendant was found guilty after trial.

Total Supreme Court Appearance: 17

Total Trial Days: 3

Total Days Pre-Trial Detention: 250

1. ARREST

Base Data

a. Police Officer*

\$12.58 per actual tour hour**

\$13.73 per actual tour hour with night differential**

\$17.11 per hour of overtime

b. Sergeant*

\$16.65 per actual tour hour**

\$18.12 per actual tour hour with night differential**

\$21.95 per hour of overtime

c. Overnight detention***

Manhattan averages approximately 300 overnight detainees among 20 precincts. One officer per precinct guards the detainees for an 8 hour tour with night differential.

Computations

a. Arrest

Case 1, 2, 3

3 hrs. ST w/night differential (APO) 3 x 13.73 = 41.18****

3 hrs. ST w/night differential (partner) 3 x 13.73 = 41.18****

1/2 hr. ST w/night differential (sgt) 1/2 (18.12) = 9.06
\$91.42****

b. Overnight Detention

300 ÷ 20 = 15 prisoners per night per precinct

8 hrs. x \$13.73 = \$109.81****

\$109.81 ÷ 15 = \$7.32 per prisoner per night

Case 1

2 prisoners x \$7.32 = \$14.64

Case 2

2 nights x \$7.32 = \$14.64

Case 3

1 x \$7.32 = \$7.32

c. Total Arrest Costs

Case 1, 2

\$91.42 + \$14.64 = \$106.06

Case 3

\$91.42 + \$7.32 = \$98.74

Sources

* NYPD salary levels from Office of Management Analysis, NYPD.

** Hourly salary based on scheduled number of tours less average number of tours out on sick leave.

*** Overnight detention figures from Wagon Board, NYPD.

**** Small but insignificant discrepancies may arise from rounding.

2. CENTRAL BOOKING

a. Police

Narrative

The APO brings his prisoner to Central Booking at Police Headquarters. There the police officer fills out arrest forms and vouchers property while the prisoner begins to be processed through the system.

Base Data

Same as Step 1a.*

Computations

Case 1, 2

2 hours OT (APO) 2 x \$17.11 = \$34.22

Case 3

3 hours ST w/night differential (APO) 3 x \$13.73 = \$41.18**

Sources

*NYPD salary levels from Office of Management Analysis, NYPD.

**Small but insignificant discrepancies may arise from rounding.

2.b. CJA

Narrative

The Criminal Justice Agency interviews all arrestees except those arrested for violations or prostitution. After verifying information concerning the defendant's employment status and strength of community ties, CJA makes a recommendation to the court as to whether or not the defendant is a good risk to be released on his own recognizance.

Base Data

67,841 total arrests*
4,370 violations*
9,582 prostitution cases*

Total CJA PS budget for Manhattan = \$643,098**

Computations

$4370 + 9582 = 13,952$ arrestees not interviewed
 $67,841 - 13,952 = 53,889$ arrestees interviewed
 $\$643,098 \div 53,889 = \11.93 per interview

Case 1

$2 \times \$11.93 = \23.86

Case 2, 3

$1 \times \$11.93 = \11.93

Sources

*Arrest figures from Crime Analysis Section, Office of Management Analysis, NYPD, 1980.

**CJA budget figure from CJA grant application to CJCC, FY 1981.

2.c. FAX

Narrative

Every arrestee is fingerprinted at Central Booking. The print card is entered into a machine where a facsimile of the prints is transmitted to the Division of Criminal Justice Services (DCJS) in Albany. The prints are checked against DCJS records to determine whether the prisoner has any prior arrests. A rap sheet detailing the defendant's arrest history is transmitted back to Central Booking. (The FAX cost is for DCJS.)

Base Data

\$31.34 per facsimile*

Computations

Case 1

$2 \times \$31.34 = \62.68

Case 2, 3

$1 \times \$31.34 = \31.34

Sources

*FAX figure from Division of Criminal Justice Services, Albany, New York.

2.d. Central Booking Personnel

Narrative

The duties of the Central Booking personnel include: formally charging the prisoner with the crime he has committed; entering this information (and the APO's name and command) into a log book; searching, fingerprinting, and guarding the prisoner; typing the fingerprint cards and entering them into the FAX machine for transmittal to Albany; and transporting the prisoners to and from precincts for overnight detention, and to court for arraignment.

Base Data

<u>Title</u>	<u>Average Salary</u>	<u># of Personnel*</u>	<u>Total</u>
Sergeant	\$26,912.00**	14	\$ 376,768
Police Officer	19,050.50**	60	1,143,030
Police Admin. Aide	13,749.50***	42	577,479
Police Aide	11,725.00***	26	304,850
Motor Vehicle Operator	13,549.50***	10	135,495
Sr. Pol. Admin. Aide	14,367.00***	2	28,734
Office Associate	14,195.50***	7	99,369
			<u>\$2,665,725</u>

Total Manhattan arrests = 67,841****

Computations

$\$2,665,725 \div 67,841 = \39.29 per arrest

Case 1

$2 \times \$39.29 = \78.58

Case 2,3

$1 \times \$39.29 = \39.29

Sources

- *Central Booking personnel figures from Central Booking, NYPD.
- **NYPD uniformed salary levels from Office of Management Analysis, NYPD.
- ***NYPD civilian salary levels from Modified Budget FY 81 (Supporting Schedule Executive Budget FY 82)
- ****Arrest figure from Crime Analysis Section, Office of Management Analysis, NYPD.

3. Intake

a. Police

Narrative

The APO goes to the Complaint Room to discuss the case with an Assistant District Attorney and have it written up.

Base Data

Same as Step 1a.*

Computations

Case 1, 2, 3

3 hrs. ST (APO)

$3 \times \$12.58 = \37.74

Sources

- * NYPD salary levels from Office of Management Analysis, NYPD.

3.b. DA

Narrative

The Complaint/Intake function includes interviewing arresting police officers and evaluating charges.

Base Data

Monday - Friday

	<u>Hours</u>	<u>ADA's</u>	<u>Support Staff</u>
	8-6	10-12	25
	6-12	1-2	10-12
Average weekday staff		12.5	36
Days per week		5	5
Man days/week		62.5	180

Saturday

	8-6	8	25
	6-12	1-2	10-12
Average Sat. staff (Man days)		9.5	36

Sunday

	8-6	8	25
Average Sat. staff (Man days)		8	25
TOTAL MAN DAYS/WEEK		80	241

Filings = 67,365**
 Arraignments (91% of filings) = 61,302***
 ADA's (jr.) salary = \$21,000****
 ADA's (sr.) salary = \$30,000****
 Support staff av. salary = \$12,398*****
 Supervisor cost per ADA/day = \$14.83*****

Sources

- * DA's Office
- ** OCA CSP Criminal Court Data
- *** % of filings arraigned, based on NY County terms 1-6 1981
- **** NYDA Part 40 Complex Assignment - the total division consists of 156 assistants; 55 assigned to Criminal Court functions and 101 assigned to Supreme Court
- ***** OMB's listing of DA employees on Payroll - June 30, 1981. Subtract ADA's P.S. cost from Total P.S. and divide balance by number of support.
- ***** Average salary of Bureau Chiefs & Deputy Bureau Chiefs = \$42,273; 25 ADA's per Bureau or a ratio of 0.08 Supervisors to Professional Staff; $0.08 \times \$42,273 = \$3,381.84$; $\$3,381.84 \div 228 = \14.83 ADA supervisor/day.

of work days = 228

Av. # of jr. ADA's = 6

Av. # of sr. ADA's = 5

Computations

$61,302 \div 365 = 168$ Ev/Day

$80 \div 7 = 11$ Av. DA/Day

$241 \div 7 = 34.4$ Av. Support/Day

$21,000 \div 228 = \$92.11$ Av. jr. DA salary/day

$30,000 \div 228 = \$131.58$ Av. sr. DA salary/day

$12,398 \div 228 = \$54.38$ Av. support salary/day

$6 \times \$92.11 = \552.66

$5 \times \$131.58 = \657.90

$34.4 \times \$56.41 = \$1,940.50$

\$3,151.06 Daily DA P.S. costs

$11 \times \$14.83 = \163.13 Supervisors cost

$\$3151.06 + \$163.13 = \$3314.19$

$\$3314.19 \div 168 = \19.72 per complaint

4. ARRAIGNMENT

a. Criminal Court

Narrative

All cases, felonies and misdemeanors, are arraigned in Criminal Court.

Base Data

of arraignments = 61,302 year*

of arraignment parts per year = 1,232**

Annual cost per part = \$218,555***

Computations

$61,302 \div 1,232 = 50$ arraignments per part/day

$1,232 \div 365 = 3.38$ arraignment parts/day

$61,302 \div 3.38 = 18,137$ arraignments per/part

$\$218,555 \div 18,137 = \12.05 per arraignment

Case 1, 2, 3, = \$12.05 for each arraignment

Sources

*See 3b***

See 4b*

***OCA-NYC Courts personnel services.

4.b. District Attorney

Narrative

Cases entering the court system begin at arraignment, where charges are read and arrestees respond to them.

Base Data

1980 NY County filings = 67,365*

91% of filings = # of arraignments 61,302**

of arraignment parts/year = 1,232***

ADA's (Jr.) salary = \$21,000****

Support staff salary = \$12,862*****

of work days = 228*****

Supervision cost per ADA = 3,382.00 (see Step 3b)

Computations

$61,302 \div 1,232 = 50$ arraignments/per part/day

$50 \times 228 = 11,400$ arraignments/ADA year

$\$21,000 \div 11,400 = \1.84 ADA cost

$\$12,398 \div 11,400 = \1.09 Support Cost

$3,382 \div 11,400 = \$.30$ Supervision cost

3.23 per arraignment

Case 1 = \$3.23

Case 2 = \$3.23

Case 3 = \$3.23

Sources

*See 3b**

See 3b*

***District Attorney: add # of arraignments parts for 1980

****See 3b****

*****See 3b*****

*****# of work days annually = 260 \div 20 vacation days and 12 holidays = 228.

4c. Legal Aid

Narrative

"The Legal Aid Society provides defense representation to indigents who are accused of committing crimes in the City of New York."

Base Data

of arraignments = 61,302*

of attorneys handling arraignments = 36**

Average attorney's salary = \$25,909***

Computations

$61,302 \div 36 = 1,703$ arraignments/attorney

$\$25,909 \div 1,703 = \15.21 LAS/arraignment

Case 1 = \$15.21 for an arraignment

Case 2 = \$15.21 for an arraignment

Case 3 = \$15.21 for an arraignment

Sources

*See 3b***.

**LAS's assignments in arraignment = approximately 36 (32 man years + 3.84 replacement factor).

See 5c*.

4.d. Department of Correction

Narrative

All arrestees except Desk Appearance Tickets (DAT's) are detained in the Manhattan Criminal Court Pens immediately prior to arraignment.

Base Data

There is one captain and six correction officer posts in the court pens.* DOC has a manning factor of 3.672***

Captain: average base salary = \$24,447***

Correction Officer: average base salary \$19,050.50***

Manhattan arrests = 67,841****

DAT's = 16,211*****

Computations

6 posts x 3.672 = 22 correction officers

1 Captain x \$24,447 = \$ 24,447

22 CO's x \$19,050.50 = \$419,111

\$443,558 Total PS

67,841 arrests - 16,211 DAT's = 51,630

$\$443,558 \div 51,630 = \8.59 per arrest per day

Case 1, 2 = 2 x \$8.59 = \$17.18*****

Case 3 = 1 x \$8.59 = \$ 8.59

Sources

*Manhattan Criminal Court Pens figures from Manhattan Criminal Court Pens, DOC.

**Manning factor from OMB-DOC Fact Book, July 1981.

***DOC salary levels from Modified Budget FY 81 (Supporting Schedule Executive Budget FY 82).

****Arrest figure from Crime Analysis Section, Office of Management Analysis, NYPD.

*****DAT figure from Manhattan Central Booking, NYPD.

*****Case 1 has two defendants; Case 2 has one defendant who went through the court pens twice.

4.e. Police

Narrative

In Manhattan, all "A and B tracked" felonies and prostitution cases are pre-arraigned; that is, the APO swears to the affidavit before a sergeant and is then excused. The case is turned over to a Court assigned police officer who brings the case to arraignment.

Case 1 does not fall into these categories so the APO brings the case to arraignment. Cases 2 and 3 are pre-arraigned.

Base Data

Actual total pre-arraignments = 15,746*

(6164 felonies + 9582 prostitution cases)

Weigh prostitution cases one-third as much as felonies because they take approximately one-third of the time to pre-arraign.

Total pre-arraignments = 9,358

(6164 felonies + 3194 prostitution cases)

Staffing or Pre-arraignment*:

1 Sergeant: Average salary \$26,912**

19.5 Police Officers: Average salary \$19,050.50**

Sources

*Pre-arraignment figures from Criminal Justice Bureau, NYPD.

**NYPD salary levels from Office of Management Analysis, NYPD.

Computations

1 Sgt. x \$26,912 = \$26,912.00

19.5 POs x \$19,050.50 = \$371,484.75

\$398,396.75

\$398,396.75 ÷ 9358 = \$42.57 per prearraignment

Case 1

5 hrs. ST (APO) 5 x \$12.58 = \$62.90

1 hr. OT (APO) \$17.11

\$80.01

Case 2, 3

1 prearraignment x \$42.57 = \$42.57

5. POST ARRAIGNMENT/CRIMINAL COURT

a. Criminal Court

Narrative

A calendared appearance was scheduled for the defendant in Case #3.

Base Data

of post arraignment appearances = 163,072*
of Criminal Court parts = 15**
Annual cost per part = \$218,555***

Computations

$163,072 \div 15 = 10,871$ appearances/part
 $218,555 \div 10,871 = \$20.10$ per post arraignment appearance

Case #3 = $1 \times \$20.10 = \20.10 cost for post arraignment appearance

Sources

*OCA-Comparative Statistical Profile: Criminal Court NY County,
of calendared appearances - # of arraignments (see 3b***) = 163,072.

OCA-Comparative Statistical Profile: # of judge days = 4463 - # of arraignment days (4b*) = # of post arraignment days 3,231. $3,231 \div 210$ (# of judge days sat) = 15 parts.

See 4a.

5b. District Attorney

Narrative

The defendant in Case #3 was scheduled for a preliminary hearing in Criminal Court after an indictment had been filed.

Base Data

of post arraignment appearances = 163,072*
of Criminal Court parts = 15**
ADA's (Jr.) Salary = \$21,000***
Support Salary = \$12,398****
of Criminal Court ADA's post arraignment = 51.6*****
Less 6 ADA's on any one day for Complaint Room = 45.6 ADA's

Computations

$45.6 \div 15 = 3.04$ ADA/part
 $\$21,000 \times 3.04 = \$63,840$ ADA cost
 $\$12,398 \times 3.04 = \$37,690$ support cost
 $\$3,381 \times 3.04 = \$10,278$ supervision cost (see step 3b)
 $\$111,808$ per part annual
 $163,072 \div 15 = 10,871$ post arraignment appearances/part
 $\$111,808 \div 10,871 = \10.28 cost per post arraignment appearance
Case 1 & 2 Not Applicable
Case 3 = \$10.28 cost for post arraignment appearance

Sources

See 5a
See 5a
See 3b*
****See 3b*****
*****# of Criminal Court ADA's - # of ADA's assigned to arraignment
 $55 - 3.4 = 51.6$.

5c. Legal Aid

Narrative

Same as 4c.

Base Data

of post arraignment calendar appearances = 163,072*

of post arraignment calendar appearances handled by
LAS = 81,536 (50% of total calendar appearances)

of attorneys in Criminal Court Post Arraignment = 52**

Average support staff salary = \$13,293***

Average attorney's salary = \$25,909****

Computations

$81,536 \div 52 = 1,568$ calendar appearances/LAS attorney

$\$25,909 + \$13,293 = \$39,202$ LAS/personal cost

$\$39,202 \div 1,568 = \25.00 calendar appearance

Case 1 = N/A

Case 2 = N/A

Case 3 = $1 \times \$25 = \25 for one calendar appearance

Source

*See 3b***

**LAS's assignments in Criminal Court = approximately 75%.

***LAS - Operational Programs and expenditures for FY 1979 -
FY 1982, Schedule D - $\$3,310,000 \div 249 = \$13,293$.

****LAS - Operational Programs and expenditures for FY 1979 -
FY 1982, Schedule D - $\$5,700,000 \div 220 = \$25,909$.

6. PRE-TRIAL/SUPREME COURT

a. Supreme Court

Narrative

A felony case is handled in Supreme Court including motions,
hearings and trials.

Base Data

Annual cost per S.C. part = \$273,145*

% of time devoted to non-trial functions = 50.4%**

of non-trial calendared appearances = 79,399***

of Supreme Court parts = 40

Computations

$\$273,145 \times .504 = \$137,665.08$ per part for non-trial functions

$79,399 \div 40 = 1,985$ calendared appearance/part

$\$137,665 \div 1,985 = \69.35 per appearance for non-trial functions

Case #1 - Not Applicable

Case #2 = $4 \times \$69.35 = \277.40 cost for 4 non-trial appearances

Case #3 = $17 \times \$69.35 = \$1,178.95$ cost for 17 non-trial appearances

Sources

*OCA-Supreme Court per part cost

**OCA-Comparative Statistical Profile Supreme Court 12/31/79 -
12/28/80

See 6b

6b. District Attorney

Narrative

The District Attorney prepares cases for trial including motions and hearings.

Base Data

ADA's (Sr.) salary = \$30,000*

Support personnel per ADA = \$22,316**

Supervision per assistant = \$3,382

of assistants assigned per part = 2.53***

of non-trial appearances = 79,399****

% of time devoted to non-trial activity = 50.4%*****

of Supreme Court parts = 40

Computations

\$30,000 x 2.53 = \$75,900 DA salary/part

\$22,316 x 2.53 = \$56,459 support salary/part

\$ 3,382 x 2.53 = \$ 8,556 supervision per part

.504 x \$75,900 = \$38,254 ADA salary/part

.504 x \$56,459 = \$28,455 support salary/part

Sources

*See 3b****

See 3b***. In addition, there are 453 support personnel/252 ADA personnel = 1.8 Support/ADA. Therefore, \$12,398 x 1.8 = \$22,316.

***DA - Source - 101 Sr. ADA's assigned to Supreme Court, 40 Supreme Court parts, 101 ÷ 40 = 2.53 ADA/part.

****OCA-Comparative Statistical Profile: Criminal Term Supreme Court # of calendared appearance = 83,980 - 4,581 = 79,399; # of days on trial = 4,023 x # of defendants/trial = 4,581. (To calculate # of defendants per case, we took (for NY County) the # of trials completed - # of acquittals + found guilty in the VFO part - DCJS VFO Report.)

*****OCA-Comparative Statistical Profile.

b. District Attorney (continued)

.504 x 8,556 = \$4,312 supervision cost/part NT

79,399 ÷ 40 = 1,985 NT calendared appearances/part

\$38,254 ÷ 1,985 = \$19.27 ADA cost/appearance

\$28,455 ÷ 1,985 = \$14.34 support cost/appearance

\$ 4,312 ÷ 1,985 = \$ 2.17 supervision cost/appearance

\$35.78 DA cost/NT appearance

Case # 1 = 0

Case # 2 = 4 x \$35.78 = \$143.12 cost for 4 non-trial appearances

Case # 3 = 17 x \$35.78 = \$608.26 cost for 17 non-trial appearances

6c. Legal Aid

Narrative

Same at 4c.

Base Data

of non-trial appearances = 79,399*
% of appearances handled by LAS = 42**
of attorneys for Supreme Court = 29***
% of time handling non-trial functions = 50.4%****
Average support salary = \$13,293*****
Average attorney's salary = \$25,909*****

Computations

$79,399 \times 42\% = 33,348$ calendar appearances handle by LAS
 $29 \times 50.4\% = 14.6$ # of attorneys for S.C. N/T appearances
 $33,348 \div 14.6 = 2,284$ calendar appearances/attorney
 $(\$13,293 + \$25,909) \div 2,284 = \$17.16$ per appearance

Case # 1 = NA

Case # 2 = $4 \times \$17.16 = \68.64

Case # 3 = $17 \times \$17.16 = \291.72

Sources

*See 6a***

**N.Y. District Attorneys' approximation of LAS's Supreme Court trial cases.

***One fourth workload devoted to Supreme Court functions
($117 \times .25 = 29$).

****See 6b***

*****See 5c***

*****See 5c****

6d. Police

Narrative

The Assistant District Attorney notifies the police officer that he is needed during either the morning or afternoon portion of his tour to testify at a hearing or prepare for trial. The officer is then excused for a period of approximately four hours.

Base Data

Same as Step 1a.*

Computations

Case 2

4 hours ST (APO) $4 \times \$12.58 = \50.32 for 4 hour hearing

Case 3

12 hours ST (APO) $12 \times \$12.58 = \150.96 for 3 hearings.

Sources

*NYPD salary levels from the Office of Management Analysis, NYPD.

6e. Grand Jury

Narrative

Cases proceeding to Supreme Court are initiately presented to the Grand Jury to determine if the facts merit presecution in Supreme Court.

Base Data

of jurors serving per day in regular G.J. = 144
of days G.J. sits per year = 248
average juror fees during 1980 = \$13.10
of defendant indictments = 6,421
of No true Bills = 252
Regular Grand Jury parts daily = 6
Narcotics " " parts daily = 1

Computations

144 x 248 = 35,712 man days/year
35,712 x \$13.10 = \$467,827.20 G.J. fees per year
6/7 x 6,673 = \$5,720 regular Grand Jury defendant indictments
\$467,827.20 - 5,720 = \$81.78 per presentation to Grand Jury

7. TRIAL/SUPREME COURT

a. Supreme Court

Narrative

All felony cases are tried in Supreme Court.

Base Data

Annual cost per Supreme Court part = \$273,145
% of time that is trial function = 49.6
of trial appearances = 4,581
of Supreme Court parts = 40

Computations

\$273,145 x .496 = \$135,480
4,581 ÷ 40 = 114.5
\$135,480 ÷ 114.5 = \$1,183.23 per day/trial appearance.

Case 1 & 2 NA

Case 3 = 3 x \$1,183.23 = \$3,550 for 3 day trial

7b. District Attorney

Narrative

The ADA tries case #3.

Base Data

ADA's salary (Sr.) = \$30,000*

Support personnel = \$22,316**

of assistants per part = 2.53***

of trial appearances = 4,581****

% of time on trial activity = 49.6*****

of Supreme Court parts = 40

Computations

$\$30,000 \times 2.53 = \$75,900$ ADA's salary/part

$\$22,316 \times 2.53 = \$56,459$ support salary/part

$\$3,382 \times 2.53 = \$8,556$ supervision part

$.496 \times \$75,900 = \$37,646$ ADA cost/part (Trial)

$.496 \times \$56,459 = \$28,004$ Support cost/part (Trial)

$.496 \times \$8,556 = \$4,244$ Supervision cost/part (Trial)

$4,581 \div 40 = 114.5$

$\$37,646 \div 114.5 = \328.7 ADA cost per Trial Appearance

$\$28,004 \div 114.5 = \244.58 Support cost per Trial Appearance

$\$4,244 \div 114.5 = \37.07 Supervision cost per Trial Appearance
 $\$610.44$ Trial Appearance

Case 1 & 2 - Not Applicable

Case 3 = $3 \times \$611.74 = \$1,835.22$ cost for 3 day trial

Sources

*See 3b****

See 3b**

See 6b*

****See 6b****

*****OCA-Comparative Statistical Profile

7c. Legal Aid

Narrative

Same as 4c.

Base Data

of trial calendar appearances = 4,581*

% of trials handled by LAS attorneys = 33%**

% of time devoted to trials = 49.6%***

of attorneys in Supreme Court = 29****

Average support salary = \$13,293*****

Average attorney's salary - \$25,909*****

Computations

$4,581 \times 33\% = 1,512$ trial appearances by LAS

$29 \times .496 = 14.38$ attorneys making trial appearances

$1,512 \div 14.38 = 105.1$ trial appearances per attorney

$\$13,293 + \$25,909 = \$39,202$

$\$39,202 \div 105.1 = \373 trial appearances

Case #1 - NA

Case #2 - NA

Case #3 - $3 \times \$373 = \$1,119.00$ Cost of 3 day trial

Sources

*See 7a.

**D.A.'s computations of % of LAS's time spent on Supreme Court trials.

***See 7a**

****See 6c***

*****See 5c***

*****See 6c*****

7d. Police

Narrative

Same as Step 6d narrative.

Base Data

Same as Step 1a.

Computations

Case 1 & 2 - NA

Case 3

4 hours ST (APO) 4 x \$12.58 = \$50.32

Sources

*NYPD salary levels from the Office of Management Analysis, NYPD.

8. PROBATION

Narrative

When a defendant is convicted of a felony, a presentence investigation report is done before the judge imposes sentence. Case 1 was reduced to a misdemeanor, therefore, no report was ordered. Cases 2 and 3 require reports.

Base Data

Average salary of 16.4 supervisors = \$21,638.50

Average salary of 82 Probation Officers = \$18,367.00

40% of the clerical staff of the Department of Probation are devoted to presentence investigation reports.

Total clerical PS budget \$3,027,598.

of Presentence Investigation Reports = 14,402.

Computations

16.4 x \$21,638.50 = \$ 354,871.40

82 x \$18,367.00 = \$1,506,094.00

.40 x \$ 3,027,598 = \$1,211,039.20
\$3,072,004.60

Total Investigation PS budget = \$3,072,004.60

\$3,072,004.60 ÷ 14,402 = \$213.30 cost per Presentence Investigation Report

Case 1 NA

Case 2, 3

1 x \$213.30 = \$213.30

Sources

*Probation personnel budget and staffing figures from NYC Department of Probation, Division of Administrative Service.

9. DEPARTMENT OF CORRECTION

Narrative

Both defendants in Cases 2 and 3 are remanded to Rikers Island until their cases are disposed of. Neither defendant makes bail.

Base Data

Average inmate population in 1980 = \$7,563*
Total PS budget for DOC = \$93,572,325**
Case 2 was remanded for 68 days
Case 3 was remanded for 250 days

Computations

$7,563 \times 365 \text{ days} = 2,760,495 \text{ total inmate days}$
 $\$93,572,325 \div 2,760,495 = \33.90 per day

Case 2

$\$33.90 \times 68 = \$2,305.20$ Cost of 68 days of detention

Case 3

$\$33.90 \times 250 = \$8,475.00$ Cost of 250 days of detention

Sources

*DOC inmate population figure from Office of Management and Budget DOC Factbook, July 1981.
**DOC personnel budget from Modified Budget FY81 (supporting Schedule Executive Budget FY81)

Note: Total PS budget for DOC based on actual total PS budget less estimated cost of \$3 million for operation of four borough court pens.

APPENDIX THREE

WORKSHEETS FOR TABLE FOUR

Overhead is the percentage of management in the personal services budget. Although definitions of management may vary from agency to agency, no costs were deleted.

OVERHEAD

Steps - Police

1, 2a, 2d, 3a, 4e, 6d, 7d

Base Data

Management = \$88,642,640*
Non-Management = \$579,107,383*

Computations

$\$88,642,640 \div \$579,107,383 = .15$

*Management consists of the sum of Executive Management Administration, and Criminal Justice less the salaries of four chiefs subtracted from Operations.

Step - CJA

2b

Base Data

Management = \$197,323*
Non-Management = \$2,467,765

Computations

$\$197,323 \div \$2,467,765 = .08$

*Management consists of the salaries of the Executive Director, the Director of Operations, and four borough Directors.

OVERHEAD

Steps - DA

3b, 4b, 5b, 6b, 7b

Base Data

Management PS = \$661,663
Non-Management PS = \$12,820,387

Computations

$\$661,663 \div \$12,820,387 = .052$

Steps - Legal Aid

4c, 5c, 6c, 7c

Base Data

Management PS = \$2,915,000
Non-Management PS = \$9,010,000

Computations

$\$2,915,000 \div \$9,010,000 = .324$

Steps - Criminal Court

4a, 5a N/A

OVERHEAD

Steps - Supreme Court

6a, 7a N/A

Step - Probation

8

Base Data

Management = \$1,429,323*
Non-Management = \$16,409,781

Computations

$\$1,429,323 - \$16,409,781 = .09$

*Management consists of the sum of Executive Management plus the salaries of four Administrative Probation Officers subtracted from Personal Services.

Steps - DOC

4d, 9

Base Data

Management = \$19,843,745
Non-Management = \$96,572,325

Computations

$\$19,843,745 \div \$96,572,325 = .205$

APPENDIX FOUR
WORKSHEETS FOR TABLE FIVE

FRINGE

Fringe rates, or weighted averages, were multiplied to the sum of the base figures in Table Three and the overhead in Table Four.

FRINGE

Steps - Police

1, 2a, 3a, 4e, 6d, 7d

Base Data

Uniformed fringe rate = 62.35%

Step - Central Booking Personnel

2d

Base Data

Uniformed fringe rate = 62.35%

Civilian fringe rate = 35%

Weighted average = .4757

Step - CJA

2b

Base Data

CJA fringe rate = 19%

Steps - Criminal Court

4a, 5a

Base Data

Weighted average = .28

FRINGE

Steps - DA

See listing below

Base Data

Professional staff fringe rate = 20%
Support staff fringe rate = 35%

Steps

3b
Weighted average = .32

Steps

4b, 5b
Weighted average = .275

Steps

6b, 7b
Weighted average = .30

Steps - Legal Aid

4c, 5c, 6c, 7c

Base Data

Weighted average = .166%

FRINGE

Step - DOC

4d

Base Data

Uniformed fringe rate = 49.73%

Step

9

Base Data

Uniformed fringe rate = 49.73%
Civilian fringe rate = 35%

Weighted average = .4313

Steps - Supreme Court

6a, 7a

Base Data

Weighted average = .28

Step - Probation

8

Base Data

Probation fringe rate = 35%

APPENDIX FIVE
WORKSHEETS FOR TABLE SIX

OTPS

OTPS is that part of an agency's budget which is not devoted to personal services (i.e., equipment, travel, etc.). The rates derived from these computations are multiplied to the base figures in Table Three.

OTPS

Step - CJA

2b

Base Data

OTPS = \$41,440
PS = \$643,098

Computation

$\$41,440 \div \$643,098 = .06$

Steps - Police

1, 2a, 2b, 3a, 4e, 6d, 7d

Base Data

OTPS = \$39,041,392
PS = \$637,635,923

Computations

$\$39,041,392 \div \$637,635,923 = .06$

OTPS

Steps - D.A.
3b, 4b, 5b, 6b, 7b

Base Data

OTPS = \$3,381,434
PS = \$13,184,333

Computations

$\$3,381,434 \div \$13,184,333 = .256$

Steps - Criminal Court

4a, 5a

Base Data

OTPS = \$7968
PS = \$218,555

Computations

$\$7968 \div \$218,555 = .036$

OTPS

Steps - Legal Aid

4c, 5c, 6c, 7c

Base Data

OTPS = \$1,500,000
PS = \$9,010,000

Computations

$\$1,500,000 \div \$9,010,000 = .166$

Steps - DOC

4d, 9

Base Data

OTPS = \$29,909,104
PS = \$96,572,325

Computations

$\$29,909,104 \div \$96,572,325 = .31$

OTPS

Steps - Supreme Court

6a, 7a

Base Data

OTPS = \$67,876
PS = \$273,145

Computations

$\$67,876 \div \$273,145 = .25$

Step - Probation

8

Base Data

OTPS = \$3,447,803
Ps = \$17,740,974

Computations

$\$3,447,803 \div \$17,740,974 = .19$

FOOTNOTES

II.

1. The Cost of Justice : A Report to the City Bar Association , Mott-McDonald Associates (1978).

2. On the technical issues of average and marginal costs, see Economic Theory and Operations Analysis, William Baumol (1977).

3. Cost analyses of corrections has been one of the more well explored fields and the differences are substantial. Our analysis conforms to the Department of Correction's own preliminary estimates of recurring costs for FY1981. However, neither our analysis, that of DOC or a frequently cited study by the private firm, Coopers-Lybrand, accounts for the heavy and highly-fluctuating estimates on capital costs of construction, replacement or depreciation of the DOC physical plant. Cf. The Cost of Incarceration in New York City , Coopers and Lybrand (1978).

4. This problem is derivative of the technical issues found in the literature cited in F. 2(supra).

V.

1. Standing operational orders require arresting officers to present their cases directly to Central Booking. However, the orders permit arresting police officers to go to the precinct house to voucher evidence, to meet injured witnesses, to conduct investigations or for a variety of other reasons.

VIII.

1. NYCPD, Complaints and Arrests June Report, 1981.

2. This projection is based on dividing the number of robbery indictments (4115) in NYC between January-June by the number of robbery arrests, Source: NYS Division of Criminal Justice Service, (DCJS) January-June 1981 Report.

3. Ibid

4. Again no current statistics are available on Criminal Court outcomes by original arrest charge, but a 1981 report by DCJS on 1978 dispositions by class of offense produces these rates. New York State Criminal Justice Processing: Felony Offenders Disposed in 1978 - An OBTS Report (March 1981).

5. Research on this problem in New York City can be found as far back as 1973. Cf. Felony Arrests: Their Prosecution and Disposition in New York City, Vera Institute (1977), particularly the robbery chapter.

6. Semi-Annual Report on Violent Felony and Juvenile Offenses , DCJS (August 1981).

7. "County Comparison Report", Office of Court Administration (November 5, 1981).

8. Progress Report, Special Program for Detained Inmates, DCJS (May 1978) and Semi-Annual Report on Violent Felony and Juvenile Offenses, DCJS (February 1981).

9. "Comparative Statistical Profile - Criminal Court of the City of New York," Office of Court Administration (November 5, 1981).

10. Based on 1980 annual caseload.

11. Projected from OCA data.

12. Annual Report, Criminal Court of the City of New York, 1971 and "CSP-CC of NYC", (November 1981).

13. Director of Statistics of the Criminal Court of the City of New York, as cited in Appellate Brief before the U.S. Supreme Court as submitted by the District Attorney of the County of New York, page A-25 and "CSP-CC of NYC", OCA 1980. Trials have been moving upwards since late last year and we project will exceed 1300 trials this year.

14. Annual Report, Administrative Board of the Judicial Conference, 1971 and "Supreme Court Statistics", OCA (1980).

15. Court-parts available is derived from the number of "judge-days sat" in a year as reported by the Office of Court Administration divided by 210 days which has been the standard indicator of judicial work-days.

16. Cf. The statistical reports of the Special Program for Detained Inmates and Long Term Detainees Program, DCJS.

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