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TO: BOB GOLDFELD  
FROM: MICHAEL J. FARRELL  
SUBJECT: RETHINKING THE PRE-ARRAIGNMENT PROCESS

On Monday you asked me to prepare a preliminary memo on new approaches to the Pre-Arraignment process. At that time my initial reaction was that PTSA could take over some of the non-police roles in the process, thereby freeing policemen for return to duty elsewhere, and for PTSA to assume a now non-existent coordinative role. However, after thinking over the concept and after talking with staff about it, I now believe that my first idea was too narrow in concept and that PTSA or a Court Services Agency could play a broader role in the pre-arraignment process (defined herein as all of the steps conducted prior to arraignment), a role which would produce significant savings for the Police Department, and substantially improve the administration of criminal justice in this city.

Before outlining our ideas, it would be useful to review briefly the major steps in the current process: arrest; police booking; pre-court processing (whether for pre-arraigned or officer present arraignment); and arraignment.

1. Arrest - The vast majority of arrests in the city are made as a result of a police officer arriving on the scene of a crime shortly after its commission and acting on information provided by witnesses. Few arrests are made as a result of a prolonged police investigation. The important fact is, that regardless of the existence of central booking facilities in four of the five boroughs, almost all

new arrests are immediately brought to the local precinct station house prior to being brought to the central booking station. There is significant justification for this practice.

2. Booking - the legal mandate for "booking" is the Administrative Code which requires that the police department maintain a record of every person arrested in the city. The steps in booking include manual preparation of several forms, a booking report, property clerk voucher, etc., fingerprinting the defendant, possibly issuing a DAT, and most important to the process, determining booking charges. In Brooklyn, the Bronx, Queens and Staten Island, booking is done centrally, sequentially after the precinct shake-down. In Manhattan, prisoners are booked at each precinct, and the shake-down is merged with the booking. It should be noted that while victims and witnesses may be present at the precinct, they are not present at central booking facilities. The last step in the booking process is a determination as to whether to lodge the defendant pending court availability or to send him and the arresting officer to court at that time.
3. Pre-Court Processing - Pre-court processing can be defined as all of those steps taken after police booking and prior to the actual arraignment of the defendant. They are identical whether or not the pre-arraignment excusal of the officer and victim is accomplished. The process involves dual tracking of the defendant and the officer/witness and is probably the only part of the arrest/arraignment process which includes some simultaneous processing.
  - a. Defendant Tracking -Barring overnight detention, or following it, the defendant is delivered to the court building. At that time, he is interviewed by ROR unless that was accomplished prior, and temporarily lodged in a detention pen.

When his NYSID rap sheet arrives from Albany, he is removed from detention by the arresting officer or a processing officer and photographed. The defendant is now ready for arraignment. Prior to the receipt of the rap sheet, the ROR information is verified, and when the rap sheet is returned, the report is completed and routed to join the court papers together with the rap sheet. In Brooklyn, PTSA also prepares a legal aid eligibility affidavit which the defendant will swear to in court.

b. Officer/Witness tracking - In some instances, the officer will deliver his own prisoner to the court building and lodge him in Correction's detention pens. In other instances, the prisoner will be delivered for him. The officer's responsibility regarding the prisoner differs from borough to borough, but generally includes delivering his fingerprints to the fax station, retrieving his rap sheet, having him photographed and securing the completed ROR report. The officer meets the civilian complainant, if there is one, in the complaint room and waits for an interview by the ADA. With the advent of ECAB, DA processing differs borough by borough, but in general, the process involves an ADA interviewing the officer, the complainant and any witnesses present; making a determination of what, if any, charges to bring against the defendant; and directing the preparation of the formal court complaint. When the complaint is completed, the officer proceeds to the docket room where the papers are assembled and a court docket number is assigned. At this point, the officer then delivers the papers to the arraignment court clerk's office and re-locates his prisoner from the detention to the court holding pens.

4. Arraignment - After the court papers are delivered to the court clerk, the case is entered on the arraignment calendar and the papers are distributed to the ADA and the Legal Aid Attorneys present. Legal Aid will interview the defendant, after which the case is marked ready for arraignment, and an arraignment ultimately conducted. After the arraignment, if the defendant is remanded in custody, the officer obtains a commitment order from the court clerk and delivers the order and the defendant to the Department of Correction.

Theoretically, the above process could be accomplished in 3 to 4 hours, and in the not too far distant past, was actually accomplished that speedily. However, increased procedural requirements and increased volume have resulted in producing a system in which the arrest to arraignment process is now measured in days, rather than hours. Police participation alone now exceeds 12 hours average per case, the bulk of which is on an overtime status. Numerous studies have been conducted to determine the cause for delays in the system and various factors identified. Among these are the following:

1. The sequential nature of the process. With the exception of the dual tracking that occurs in the pre-court processing phase, all other activities are sequential.

- a) Arrest - the time expended in making the arrest and shaking it down at the local precinct can vary between 1/2 hours and 3 hours. Even where Central Booking is in operation, this fact exists. In at least one instance (the Bronx) the inadequacy of the central booking facility contributes to the delay at the precinct as officers are required to remain there until the facility can receive them.
  - b) The Booking Process - the average booking can take between one and two hours, depending on charge level and volume of work being processed. (This does not include delay time caused by the slow return of rap sheets).
  - c) NYSID Turn-Around Time - The average turn-around time is said to be between 3 and 5 hours. How much this delays case processing is dependent on backlog problems at other phases of the process, and upon the time of day at which the fingerprints are transmitted.
  - d) Complaint Room Processing - depending upon volume and rap sheet availability, complaint room processing time can vary between 1 and 4 hours.
  - e) Court Room Processing - the length of time required to complete the process once the docketed papers have been delivered to the court part is primarily dependent upon two factors: volume and legal aid availability. It is estimated that this phase could take between 1 and 4 hours.
2. Broken Processing - One of the chief culprits in delaying arraignments and increasing total processing time is broken processing, that is, stopping the process at some point because there is no court in session or sufficient cases have been accepted to occupy that court until scheduled closing time.
  3. NYSID turn-around time - as indicated above, is a major factor in delaying arraignments and increasing processing time.
  4. Inadequate Personnel Resources - on the part of all agencies concerned is frequently cited as a major cause of delay.
  5. Murphy's Law - if something can go wrong, it will.

In reviewing all of the above, it appears to us that a procedural sequence could be established which would greatly simplify the system and reduce the level of resources required to process arrests to arraignment. By using existing computer technology and the combined resources of the Pretrial Services Agency, the Victim Witness Assistance Project and a portion of existing government agency personnel, a procedure could be established which would

accomplish all of the necessary procedural steps while at the same time eliminating the police booking phase as it is now known. The Police Booking report, required by the Administrative Code, would be produced as a by-product of the process. Inherent in this concept are significant policy changes for several agencies; changes which are both feasible and realistic.

The concept may best be understood by outlining the dual tracking envisioned in its operation.

#### DEFENDANT TRACKING

A. ARREST - Initial arrest processing would probably still involve a stop at the local precinct station house for a shake-down of the facts and, in those rare instances, an immediate follow-up investigation. Police responsibility to the system at this point would be:

- 1) Determine that a valid arrest has been made.
- 2) Assess the charge level, felony, misdemeanor or violation.
- 3) Direct the complainant and witnesses to go to the Complaint Processing Facility (The Court Complaint Room) at the proper time.
- 4) Voucher evidence and property.
- 5) Dispatch the defendant and arresting/assigned officer to the Defendant Processing Center at the earliest possible moment.

#### B. DEFENDANT PROCESSING CENTER

- 1) The DEFENDANT PROCESSING CENTER (DPC) would, ideally, (as in the Bronx), be located in the court building. However, as in Brooklyn, the existing Central Booking Facility could be used (84th Pct.).
- 2) The DPC would be staffed by a combination of police, Court Services Agency (CSA) and, if in the Court Building, Correction's personnel.

#### C. PROCESSING

##### 1) Intake:

- a) Immediate Police Search of Defendant.
- b) Police Polaroid Photo.

## c) Intake Interview: COMPUTER INPUT #1

The defendant would be seated across from a CSA interviewer (the existing PTSA interviewers) who would conduct the normal ROR interview, entering the information directly on a CRT terminal. Some additional questions would be asked to provide the information required for the Police Booking Report.

- d) The computer would automatically assign one or more transaction numbers to the case, including the Police Arrest Number.
- e) COMPUTER OUTPUT NO. 1 - Upon completion of the interview, the computer will print out a hard copy of the unverified ROR report, containing the case identifiers. One copy will be given to the arresting/assigned officer, and one copy referred to other CSA staff for Verification.
- f) The arresting officer will then escort the defendant to the fingerprinting station.

2) Fingerprinting:

- a) The defendant will be fingerprinted by CSA personnel.
- b) The fingerprint back-up (typing) will be done by computer generated typewriter.
- c) The completed fingerprint cards will be delivered to the NYSID terminal for transmission to Albany. (The fingerprints would not bear any arrest charges at this time.)
- d) The defendant will then be placed in temporary detention by the officer.
- e) In a Felony case, the officer would then leave the facility and proceed to the Complaint Processing Facility. In Misdemeanor Cases, the officer would remain at the DPC until ROR Verification were completed, at which time an appearance ticket release decision would be made.

3) Verification:

- a) Verification of background information would be taking place concurrent with the fingerprinting of the Defendant.

- b) The verification could take place at the DPF or at a central location which would be tied to the DPF by computer.
- c) Upon completion of the Verification, the computer would be updated with Verified Information. - COMPUTER INPUT NO. 2.
- d) In Misdemeanor Cases, a decision to release the Defendant on a Desk Appearance Ticket could be made if the defendant meets the release criteria. Scheduling of the DAT return date could be accomplished by computer and a DAT Court Calendar produced.

#### 4) Diversion Screening:

Preliminary screening for Court Employment or other diversionary efforts could be accomplished by the computer on the basis of the verified information. Secondary screening could begin at this point unless program criteria is dependent upon charge level in which case the secondary screening would be deferred until after the complaint was drawn.

#### 5) Return of Rap Sheet:

- a) Upon completion of the NYSID fingerprint search, the defendant's rap sheet would be returned to the Fax Center.
- b) The rap sheet would contain a record of the current arrest, but without specifying the charge.
- c) One copy of the Rap Sheet will be given to the CSA staff for completion of the ROR report. NYSID count would be conducted, an attempt made to close open cases on the NYSID sheet through the use of the CSA data base, and a recommendation assigned. Upon completion, the final information will be entered into the computer (COMPUTER INPUT NO. 3) and a final version of the ROR report printed out. (COMPUTER OUTPUT NO. 2).
- d) The defendant would then be photographed by the Police Department.

#### 6) Termination of DPC Processing:

Defendant processing has now been completed and we are at a CRITICAL DECISION POINT (CDP) whether to forward the defendant for arraignment

or for overnight detention. Interface between defendant processing, complainant processing and court docketing will permit the computer to assist in making this decision. If the defendant is to be detained overnight, the computer will assign the detention location, update the file to indicate this, and establish the priority for delivery of defendant in the morning.

The CDP may arise earlier in the process. If for example, a court cut-off has already been placed into effect, the defendant may be routed to the detention location at an earlier stage, deferring the photography until the morning.

### COMPLAINANT TRACKING

#### A. COMPLAINT PROCESSING FACILITY (CPF)

The CPF would be located in the present court complaint room. It would be staffed by CSA personnel, District Attorney personnel, Police Supervisory personnel, and court personnel.

The Complainant and Witnesses are referred to the CPF either at the scene of the arrest or from the Police Precinct Station House.

#### B. PROCESSING

##### 1) Intake:

- a) The arresting officer reports to the CPF immediately upon completion of his duties at the DPC.
- b) The A. O. meets the complainant at the CPF and awaits intake processing.
- c) Intake Interview: COMPUTER INPUT NO. 1A

The arresting officer, complainant and any witnesses would be seated across from a CSA interviewer (the existing VWAP interviewers) who would conduct the intake interview directly on a CRT Terminal. This would consist of the identity of the officer, name, command, squad number, availability, etc., and the identity of the complainant and witnesses, contact information, availability, etc. It would also include some questions regarding the arrest, time of arrest, location, etc., which, added to the defendant information obtained at Computer Input No. 1 would complete the information required for the top half of the existing Police Arrest Report (Booking Record).



- d) The computer could assign a DA identifier to the case and would then print out a report for the ADA giving the officer and complainant information. COMPUTER OUTPUT NO. 1A.
- e) The officer and complainant would then await D. A. screening.

## 2) District Attorney Screening:

- a) The A. O. and complainant/witnesses would then be interviewed by an ADA and, if necessary, referred to an ECAB ADA.
- b) The A.D.A. assigned to the case will make the charge decisions.
- c) The Court Complaint would then be typed. (Typing could be done by the present DA or Court personnel (depending upon Borough) or by CSA personnel replacing the police officer typists in those boroughs where they are used. It would be better if CSA assumed this clerical function entirely, by transfer of budget lines.) As the complaint was typed, the factual narrative would automatically be entered into the computer by the typewriter. COMPUTER INPUT NO. 2A. This input, combined with Inputs 1 and 1A, would substantially complete the information required for the final Arrest Report (PD) which would be output at a later stage. Completion of the complaint immediately makes a copy available for defense counsel, hours before they are currently available.
- d) If the case has been processed without the rap sheet, it would then be placed in suspense until arrival of that document.
- e) When the Rap Sheet and ROR report were made available, final paper assembly would be completed.

## C. PRE-ARRAIGNMENT DECISION

If pre-arraignment is in effect in the borough, the officer, complainant and witnesses could be excused at this point. (Effective pre-arraignment would excuse them earlier if the case were being processed without a detention break. That point of excusal would be after completion of the complaint but prior to the arrival of the rap sheet.) Under pre-arraignment a processing officer would then be assigned to the case.

Processing at the CPF is completed at this point.

COURT TRACKING

When all processing has been completed at the DPC and the CPF, the case is ready for court processing and arraignment.

A. DOCKETING

- 1) All of the case papers are delivered to the Court Docketing clerk for assignment of a docket number.
- 2) The OCA CRT Terminal used for docketing, would be linked with the CSA terminals used in the DPC and CPF and would automatically display all of the information required for initiation of the case in the OCA data base.
- 3) The OCA Terminal operator would approve the entry and add the docket number to the file. COMPUTER INPUT NO. 3A.
- 4) The Docket number would be added to the CSA data base which would automatically add it to the two separate CSA data bases, Defendant and Complainant.
- 5) Addition of the Docket Number would also automatically update the NYSID data base, adding the charge information and the docket number.

B. ARRAIGNMENT

The normal arraignment process would be accomplished.

C. POST-ARRAIGNMENT

- 1) Upon completion of arraignment, OCA would enter the arraignment disposition into the computer. COMPUTER INPUT NO. 4A.
- 2) The arraignment disposition would complete the case file. It would be routed to the CSA data bases for subsequent notification purposes if the case is not disposed of, and to the DCJS NYSID file.
- 3) Entry of the Arraignment disposition would cue the production of the final arrest booking report. As each stage of the process is computerized, police time-clocks could be largely done away with and the printed arrest report could contain a complete chronological record of the processing of the case for management purposes.

- 4) If arraignment resulted in disposition of the case in favor of the defendant, this fact can be added to the data base and automatically transmitted to Police, DCJS, CSA, etc. as the court order for sealing of the records.
- 5) Subsequent notifications to defendants, complainants and witnesses would be accomplished by the CSA.

#### ASSESSING THE ADVANTAGES

At this stage of concept development, it is difficult to fully assess the impact of this proposal. However, several potential advantages are apparent:

1. Resource Utilization: Utilization of computer technology and the coordinated approach to processing would result in reducing the overhead cost of arrest/court processing. For example, if conducted in the Bronx, approximately 40 to 50% of the combined Police Pre-Arraignment and Central Booking staffs could be returned to law enforcement duties. (The present combined staffs consist of 2 Lieutenants, 11 Sergeants, 83 Police Officers and 1 Police Officer Aide.) There would be a slight increase in CSA staff requirements because of the added responsibilities, however this would not be in direct proportion to the agency personnel released, and the salary levels involved would be substantially below that paid to government employees.

2. Creation of a Fully Automated System: Manual forms production would be reduced to an absolute minimum and computer print-outs would replace most documents used in the system. This will reduce clerical effort and provide several other advantages:

- a) Computerized booking will provide a central index of arrested persons, with the ability to locate a defendant at any point in the process.
- b) It will provide for a unified record keeping system capable of resolving the conflict between agency records produced by different counting methods.
- c) The system would eliminate manual disposition gathering by the Police Department freeing an additional number of Police Officers.
- d) Post-Arraignment appearance notifications can be fully automated eliminating the last vestiges of the manual subpoena system.

3. Improved Management Capabilities: Automation of the system will improve the management capabilities of all of the agencies concerned. Management data may be produced as a computer output in whatever format is required. Some of the uses which may be made of this data are:

- a) Ability to assess the functioning of the system at any point in time. The computer will be capable of identifying the number of cases at every point of processing.
- b) The ability to prioritize the processing and detention of prisoners under any criteria adopted (chronologically, charge level, etc.).
- c) The ability to determine the need for additional resources prior to the crisis arising.

4. Reduction of Existing Problems: The proposed process would reduce if not eliminate many of the current problems existing in the system. The current problems existing in case tracking and agency control of resources would be largely solved. Specific problems, such as NYSID's inability to close out arrest entries on rap sheets in cases which were not prosecuted by the D.A. would be completely eliminated.

5. Processing Time Reduction: The proposed process should contribute to a reduction in the length of time required to process a defendant from arrest through arraignment and substantially reduce police overtime. The theoretical elimination of booking as a separate stage in the process should produce a savings of several hours per case alone.

This memo should be regarded as a first-cut in the development of this concept.

Jim Thompson and Jeremy Travis have reviewed the idea and concur with its form to date.

MJF:ec

## RESTRUCTURING ARREST TO ARRAIGNMENT FLOW IN BROOKLYN

The Police Memorandum sets forth some arguments for restructuring the arrest to arraignment flow of cases by establishing a cut-off time, beyond which, no case would proceed to court on the day of arrest. The intent of this memo is to examine some of the ramifications of such a program and to begin to develop an organizational model for its implementation.

As indicated in the PD Memo, some of the advantages of this system would be:

1. Introduction of a management capability within the arraignment system which would permit each agency to schedule sufficient resources to handle each day's work.
2. Schedulizing arraignments on an appointment basis would become possible.
3. Current system pressures would be reduced giving agencies longer lead times for their work.
4. Police overtime would be reduced.
5. Police would be given a longer time period in which to evaluate the merits of an arrest or issuing an appearance ticket.

The primary thrust of this proposal is to take most arrests off on-line processing and, by so doing, to minimize the effect of any breakdown at any stage of the process. At present, because of the sequential nature of the process, a breakdown or delay at any point delays all further processing of a case. As a result, there are large gaps in the process during which one or more agencies do not perform any work while waiting for the remainder of the system to catch up with them.

Altering the flow of work and, possibly the sequence in which some of the operations are performed, would all but eliminate such gaps.

Based on information contained in the Austin-Weintraub memo and conversations with police personnel assigned in Brooklyn, the system currently operates as follows:

All police arrests are booked at the Central Booking Station in the 84th Precinct. Upon completion of booking, the defendant is moved to court if it is still in session, or sent to a detention precinct for overnight detention. During the hours between Midnight and 8:00 AM, a small team of CJA interviewers visit some of the detention precincts to conduct ROR interviews. On the average, 25 to 30 interviews are conducted nightly. Those not interviewed during the night will be interviewed in the police photo area prior to arraignment.

At about 7:30 AM, the police start to deliver the detained defendants to the court building and, police officers begin arriving at the complaint room. The defendants are lodged in the photo unit holding pens until the P.D. staff determines if their NYSID rap sheet has arrived. When the rap sheets arrive, the defendant is photographed and the rap sheet made available to the CJA staff.

C.J.A. personnel continue interviewing prisoners throughout the day and deliver the completed reports together with the related rap sheets to the PD Ct. Div. Staff. Completed ROR reports and rap sheets are held in the basement area until the case papers arrive from the complaint room.

As arresting officers clear the complaint room, case papers are sent to the basement to be merged with the rap sheets and ROR reports. The complete papers are then taken by PD personnel to the court clerks office for docketing, calendaring and OCA data entry. When this is completed the papers are delivered to the court part by court personnel, after which, legal aid attorneys interview the defendants and arraignments are conducted. (The Austin-Weintraub memo contains a more complete description of individual stages of the process and identifies some of the delays which frequently occur.)

To reduce the domino effect of sequential processing, it is proposed that a schedulized system of arraignments be implemented. This system would eliminate on-line (and therefore the sequential) processing of the majority of cases to be arraigned; would limit the initial number of arraignments to be completed on any day to the number of defendants completing the booking process prior to the cut-off time. (This number could be increased by moving the cut-off time later into the day to take advantage of low productivity days.) The system could be structured to provide for the completion of all of the police/prosecutor processing on about 75% of the cases on the day prior to arraignment, thereby providing the Legal Aid attorneys and the court with a realistic workload as early as 7:00 AM, and eliminating large time-consuming gaps in the process.

### Organizational Models

There are several ways in which such a system could be organized. Each model to be proposed is based upon specified presumptions and each carries a progressively higher price-tag. Each will be described in the context of an 8:00 AM cut-off time. Implementation of any of the models would require that the day prior to its implementation, the District Attorney's Office furnish a double complaint room staff, one to process the current day's work, and the second to process the following day's work.

#### Model 1

Presumptions:   a. No Physical Plant changes.  
                  b. No increases in agency staffs.  
                  c. No change in operational hours.

- (1) All defendants booked after 8:00 AM would be processed for arraignment on the following day. Upon completion of booking, the defendants will be transported to P.D. detention precincts for overnight detention.
- (2) Arresting officers and complainants would be directed to the court complaint room immediately after booking until approximately 9 - 10 PM, after which they would be directed to appear there at 9:00 AM the following morning.
- (3) Complaints would be prepared in the normal fashion. Upon completion they would be placed in case folders and turned over to a Central Processing Unit.\* The arresting officer and complainant would be excused and directed to return the following day at a specified time.



Model 1 (continued)

- (4) C.J.A. personnel working the day shift, would conduct interviews in the P.D. Photo detention pens in the court building. The day tour interviews would be limited to those defendants not interviewed the previous day or during the night, and who are scheduled to be arraigned during that day. Beginning at 4:00 P.M. and continuing until 8:00 AM the following morning, C.J.A. personnel would conduct interviews in precinct detention cells. CJA interview and verification would continue during the day and night, with completed reports (less final review of rap sheet) being delivered to the CJA basement interview area by about 7:00 AM. (Based on current CJA performance in the various boroughs, it is not unreasonable to assume that C.J.A. could complete between 75 and 90 percent of all of the interviews for that day's arraignment by 8:00 A.M.)
- (5) NYSID rap sheets, returned during the afternoon, evening and midnight tours, would be delivered to the Central Processing Unit, who would check them off against a roster of booked defendants, and make them available to C.J.A.
- (6) After CJA completed their recommendations, they would deliver the completed R.O.R. reports and rap sheets to the Central Processing Unit. The CPU would merge the ROR report and rap sheet with the completed case papers in those cases in which

Model 1 (continued)

the complaint had been prepared the previous day. The court-ready case folders would be delivered to the court clerk's office at 8:00 AM (or earlier) for docketing, calendaring and OCA data entry. Completed ROR reports and Rap Sheets on defendants in cases which had not completed the complaint preparation stage the previous day would be delivered to the complaint room for delivery to arresting officers.

- (7) Complaint room operations would begin at 8:00 AM with priority being given to cases to be arraigned that day. A complete roster of such cases would be made available by the Central Processing Unit. When all priority cases were completed, work would begin on the next day's arraignments and the cycle would begin anew.
- (8) The police department would deliver defendants to court for arraignment on a priority basis, beginning with those whose cases had been papered the previous day and ending with those who had not completed the complaint room process.
- (9) At 8:00 A.M. daily, the Central Processing Unit would prepare a report for each agency in the system, presenting the following information:
  - (a) Total number of defendants booked by 8:00 AM:
    - (1.1) By Charge level
    - (1.2) By stage level (status of case file)
  - (b) Number of desk appearance tickets due that day.

Model 1 (continued)

Each agency would be obligated to provide sufficient resources throughout the day to insure the arraignment of all defendants scheduled for arraignment that day. This would require each agency to consider the following variables:

- (a) Number of new arrests to be arraigned
- (b) Number of D.A.T. cases to be arraigned
- (c) Judge productivity - average number of arraignments conducted by any given judge as determined by previous experience.
- (d) Any personnel shortages.

(10) Each day, prior to 9:00 AM, agency heads in the borough could meet to discuss necessary strategies to address the day's workload. These may include:

- (a) Doing nothing, as the workload is within the normal range of system capability.
- (b) Agree to increase the number of cases to be arraigned because the projected workload is less than the capability of the system.
- (c) Increase the capability of the system to address a large workload by:
  - (1) Adding an arraignment part at some time during the day.
  - (2) Funneling some arraignments to calendar parts during the day.
  - (3) Agreeing to expend overtime to keep one of the arraignment parts in operation longer.

Model 1 (continued)

Discussion: This model is the least creative of those to be proposed, as it is based on the most severe presumptions (no physical plant changes, no increase in agency staffs, no changes in operational hours). Nevertheless, it could accomplish the following:

(1) All of the pre-arraignment stages of processing could be completed by 8:00 AM on between 60 and 70 percent of the defendants to be arraigned that day. The remainder could probably be completed no later than 1:00 or 2:00 PM. This would provide Legal Aid and the Court with a continuous flow of work throughout the day, eliminating many of the gaps in processing which now occur.

(2) It would minimize the effect of breakdowns at any point in the paper processing of the case. At present a breakdown at NYSID or the absence of the D.A.'s breakdown girl can cause extensive delays in a large number of cases. Increasing the lead time for completion of the various pre-arraignment stages of the process minimizes the effect of such occurrences on the actual arraignment process.

(3) Between 60 and 70 percent of cases would be removed from on-line processing by having the bulk of the work completed the day prior to the arraignment. The 30 to 40 percent left on-line will not impact on court operations due to the availability of the completed work.

(4) Police overtime would be substantially reduced. Overtime payments would be limited to officers making arrests on the midnight tour and those appearing on their day off.

(5) Total processing time for civilian complainants and witnesses would be substantially reduced.

(6) A more accurate prediction could be made as to when any individual defendant would be arraigned. This could be used in scheduling arrival times for the officer, complainant, defendant, private defense counsel and defendant's family.

Under this plan, maximum time from arrest to arraignment would be about 26-28 hours. However, due to the low arrest activity in the morning and early afternoon hours, few defendants would remain in the process that long. The vast majority could be arraigned within a 24 hour period.

As described in the above model, the Central Processing Unit performs coordinative functions only. As the model presumes that no additional personnel can be added to the system, the role of the Central Processing Unit would be assigned to the Police Department, the agency which apparently has sufficient resources and interest to undertake it.

#### Variations of Model 1

An infinite number of variations of the above model are possible if any or all of the presumptions can be changed. Rather than attempt to construct full-blown models based on such changes, each change will be examined for its impact on what was suggested.

##### A. Presumption: Physical Plant changes are possible.

If it were possible to relocate the sites at which various agencies perform their functions, a number of interesting possibilities appear.

(1) R.O.R. at Central Booking: If space were made available, the C.J.A. staff could relocate its interview

function to the Central Booking Station in the 84th Precinct. This would not only simplify their work and improve case flow, but would also provide the opportunity to conduct a number of interesting experiments. Among these could be:

(a) Basing Appearance Ticket Issuance on R.O.R. recommendations.

(b) Reducing NYSID turn-around time. If the CJA interview were placed early in the process, an inquiry could be made of the CJA data base relative to the defendant's previous court history. If the defendant were tentatively identified in that manner, the identification could be transmitted to NYSID together with his fingerprints. If the fingerprints matched those on file for the NYSID number given, turn around time could be reduced. Although this model presumes that taking cases off-line reduces the importance of NYSID turn-around time, the procedure would still benefit the system. If a significant number of Brooklyn defendants could be pre-identified to NYSID, City-wide turn-around-time could be favorably effected as less staff time would be spent in conducting full print classifications on Brooklyn cases.

(2) Complaint Preparation at Central Booking:

If space were made available for the District Attorney to relocate the complaint room function to the 84th Precinct, further improvement in case flow would result. However, unless changes were permitted in the hours of operation of the complaint drawing function and additional personnel were made available to the D.A. to increase the scope of this operation, it would make sense to consider splitting the complaint

preparation function between both locations -- the court building and the 84th Precinct. Complaints would be drawn in the 84th Precinct between about 1:00 PM and Midnight on cases to be arraigned the following day. The complaint room would also operate in the court building between 8:00 AM and Noon to draw complaints on those cases to be arraigned that day which were not processed the previous day.

B. Presumption: Agency staffs may be increased and hours of operation altered.

If additional staff could be added to the system and hours of agency operation altered, other improvements could be made in the system's operations. Some of these could be:

(1) 24-Hour Complaint Preparation: If the D.A. were given sufficient resources to operate the complaint room on a 24-hour basis, all cases would be taken off-line. All cases to be arraigned on any given day would be Legal Aid-Court ready by 8:00 AM on the day of arraignment. The complaint room could remain in its present location, however, operations would be substantially improved if it were relocated to the 84th Precinct.

(2) Earlier Start-up times: With 24-hour complaint processing, about 75% of each days workload would be L.A.-Ct. ready by about 3:00 AM, 90% by 8:00 AM and 100 % by 10:00 AM. If some Legal Aid attorneys began their day at 7:00 AM, there would be a sufficient number of court-ready cases to begin court operations no later than 9:00 AM. With a sufficient number of attorneys on-hand, case flow could be maintained on a steady basis throughout the day, avoiding the costly

court recesses which result from insufficient ready work.

(3) Elimination of Night Court:

Underlying all that has been written to this point is the premise that with proper management, the criminal justice system in Brooklyn is capable of conducting timely arraignments of any reasonable number of defendants. By increasing processing lead-time and providing accurate work-load data at an early point in the day, necessary adjustments may be made to insure that all defendants are reached on any given day. In essence, it suggests that the key to efficient operations is defining the case-load, pre-processing it, and providing sufficient resources to handle it. This can only be accomplished by taking the day's work-load off-line as suggested. If this is done, then the need for an evening or night session of the court no longer exists. If the case-load is defined and Legal Aid-Court ready at 8:00 AM, there is no reason why the same amount of court and defense resources, presently spread over a 16 hour period, cannot be organized to accomplish the task in a 8 to 10 hour period. The present need for a night court is the result of the sequential, on-line processing of cases. Taking the cases off-line and pre-processing them eliminates this need.

Eliminating night court would produce several benefits:

a. Judicial assignments would be made easier. Most judges regard night court as a necessary evil and respond accordingly.

b. Night differential paid to court personnel would be eliminated.



c. Police overtime would be further reduced, and additional night-differential costs eliminated.

d. Court building maintenance and security costs might be reduced.

e. Case participants would be sure of being finished by 6:00 p.m.

f. Staffing problems would be eased for most agencies.

g. Average arrest-to-arraignment processing time would be reduced.

#### Model 2

This model combines all of the above suggestions and is based on the following presumptions:

- a. Physical Plant Changes are possible.
- b. Agency staffs may be increased.
- c. Operational hours may be altered.

The physical location of agency operations and the hours of operation would be as follows:

- a. Central Police booking would be continued in the 84th Precinct.
- b. The District Attorney's Complaint Room would be located in the 84th Precinct and would function on a 24-hour basis. Complainants and witnesses would be directed to this location from the precinct of arrest when the defendant is forwarded to Central Booking.
- c. C.J.A. would conduct all of its interviews at the Central Booking station on a 24-hour basis. Some

C.J.A. personnel would continue to be assigned to to the court building during the day to complete ROR reports upon the arrival of NYDID sheets at the Fax Terminal.

- d. On Weekdays, the court would staff three arraignment parts between 8:00 AM and 6:00 PM. On weekends and holidays, two arraignment parts would operate between 8:00 AM and 6:00 PM.
- e. Calendaring, docketing and OCA Data Entry would take place between Midnight and 8:00 AM, insuring Leagl Aid Ready cases as early as may be desired.

The Process:

- (1) All defendants booked after 8:00 AM would be processed for arraignment on the following day.
- (2) The CJA ROR interview would be conducted at an early point in the booking process. Upon completion of the interview, the CJA data base would be checked for tentative NYDIS identification of the defendant. If a tentative ID were made, it would be furnished to the police to forward to NYDID with the fingerprints.
- (3) On misdemeanor and violation arrests, CJA would furnish the PD with a recommendation for desk appearance release in appropriate cases.
- (4) Upon completion of the booking process, the arresting officer would be directed to go to the adjacent complaint room. Civilian complainants and witnessed would have been directed to that location by the precinct of arrest.

- (5) After booking, defendants would be transported to detention precincts, unless released on bail or appearance tickets.
- (6) Normal complaint room procedures would be followed, and complaints drawn on all cases, including those in which the defendant was released on DAT. If the A.D.A. declines prosecution, arrangements would be made for the immediate release of the defendant.
- (7) Upon completion of complaint preparation, the officer and complainant would be excused and directed when to appear for arraignment. Experimentation could result in providing for scheduling arraignment arrival times.
- (8) All case papers generated to that point, would be forwarded throughout the day to a Central Processing Unit (CPU) in the court building.
- (9) The CPU would be responsible for insuring that all cases were legal aid-court ready at the appropriate time. Throughout the day and night, the CPU would receive case papers; be responsible for their breakdown; and set up case folders on each. They would coordinate the interface between the Fax Terminal and the CJA staff and secure the completed ROR reports and rap sheets for completion of the case file. They would also maintain running data on case buildup.
- (10) Beginning at midnight, the CPU would furnish the court-ready case folders to the court clerk's office for docketing, calendaring and OCA data entry.

Upon completion of OCA data entry, the case folders would be returned to the CPU for further processing. The CPU would separate the folders for Legal Aid and the court and prepare them for delivery.

- (11) The police would begin delivering defendants to the court building at about 6:00 AM. Photographable defendants would be immediately delivered to the Photo Section where they would be photographed. When this was completed, they would be delivered to appropriate areas for Legal Aid interview.
- (12) Initial Legal Aid interviews could begin at 7:00 AM. Given the early starting time, the sub-basement Department of Correction holding pens could be used to detain prisoners for early interview. Interview booths could be installed outside of the pens and significant improvement made in the conditions under which some defendants are interviewed by counsel.
- (13) Throughout the day and night, the CPU would receive various items of information on the status of cases and defendants. In addition to maintaining case files, the CPU would maintain several status reports. These could include:
  - (a) Case-ready status: a check-list type report to insure completion of all pre-arraignment processing. Outside limits could be set for each stage of the process, which, if not met, would insure inquiry as to status. (e.g., overdue rap sheet, etc.)

- (b) Workload report by court part. If cases were assigned by preconceived plan ( AR1 - felony arraignment of adults; AR 2 - misdemeanor and violation arraignment of adults; AR3 - D.A.T. and youthful offenders)
- (c) Transportation rosters - the CPU would coordinate PD prisoner delivery insuring that court ready cases are delivered in the proper order.

(14) Each morning at 8:00 AM, key agency personnel could meet with the CPU staff to discuss the day's workload, and determine the day's strategies for addressing it.

(15) Based on the plan adopted, arraignments would be conducted until the day's case load was finished.

Discussion:

Throughout this memo various advantages have been cited for the processing elements described in this model and need not be repeated at this point. What may be useful however, is to examine some of the problems inherent in the type of operation proposed.

The most critical element of this plan is the commitment and necessity of completing each day's arraignments as they arise. Some of the elements of the plan make this more possible than at present. Increasing lead time and pre-processing cases should eliminate many of the current causes of delay and increase the productivity of each court part. Nevertheless, occasions will arise when the day's workload exceeds the capacity of the system. This could arise either on a spontaneous basis as the result of a large demonstration or disturbance or

on a more long-term basis as the result of seasonal increases in arrest activity. At present, workloads exceeding the capacity of the system, are permitted to backlog, delaying arraignment for as long as 3 or 4 days. When this occurs, the system struggles along until some fortuitous event occurs to relieve the pressure (below normal arrest activity, bad weather, etc.) This would not be acceptable under the proposed plan except in the case of the spontaneous occurrence, and even then it would not be wise to permit even a temporary backlog to develop.

There are several strategies that could be adopted on any given day to address an above capacity work-load. Some of these would be:

a. To increase the operational time of one or more of the arraignment parts. This would necessitate the payment of overtime to court personnel. However, it appears that in comparison with the current system, such overtime payments would be substantailly less than that which would have to be paid to police officers if the system were permitted to backlog.

b. To move some arraignments to other parts of the court. Some number of cases could be assigned to calendar parts for arraginment after the completion of the day's calendar.

c. An additional arraignment part could be set up for all or part of the day. This would require shutting down one calendar part and redistributing the calendared cases to other parts, but may be preferable to having a backlog develop.

As the proposed plan changes the elements of the system so drastically, it is impossible to predict how often the need to employ any of these strategies would occur. It may be possible to pilot some of the proposed changes in an effort to determine their impact and therefore provide additional information on which to predict system capacity and the potential for overload.

To be effective, and to further enhance the system's operational capacity, the Central Processing Unit should be more than just a case-assembler and paper-handler. The Unit should also monitor the day's operation to insure that all agencies are meeting their obligations. The Unit should have a voice in the adoption of the daily strategy and perhaps, have the final say on the approval of overtime. To perform this coordinative role, the Unit should be separate from any of the existing criminal justice agencies and responsible to the Deputy Mayor Criminal Justice Coordinator.