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EARLY CASE ASSESSMENT: AN EVALUATION

Vera Institute of Justice

August 1977

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ABSTRACT

In 1975, Early Case Assessment Bureaus (ECAB) were established in the Manhattan, Brooklyn, and Bronx District Attorneys' Offices, and funded by the Division of Criminal Justice Services. The purpose of ECAB was to improve the screening of felony cases by placing senior Assistant District Attorneys in the Complaint Room. ECAB ADAs were expected to identify those felony cases which should be dismissed in the Complaint Room, prosecuted as misdemeanors in Criminal Court, or sent without delay to the Grand Jury for felony prosecution.

In order to evaluate ECAB's operations and impact, Vera compared the processing of felony cases before and after the inception of early case assessment. In most instances, the findings reported here apply to at least two boroughs, and sometimes all three. After ECAB began operations:

- o No increase in the rate of case dismissals or reductions to misdemeanors occurred in the Complaint Room.
- o The rate of dispositions increased at arraignment.
- o The number of Grand Jury presentations decreased.
- o The rate of Grand Jury indictments increased.
- o The rate of felony convictions in Supreme Court increased.

This evaluation indicates that early case assessment has been successful in screening out weak cases and speeding dispositions. This has resulted in savings of court resources. The report recommends the continuation of the program as well as specific changes to further increase ECAB's effectiveness.

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ACKNOWLEDGEMENTS

The research for this report was conducted under the supervision of Lucy N. Friedman and Robert Goldfeld. Jim Thompson directed the project with the able assistance of Robert Janosik, John MacWillie and Sone Takahara. The computerized data and much of the preliminary analysis was developed by Martha Tichane, assisted by Richard Davis. The final report has benefitted from Mary Bleiberg's editing.

The evaluation would not have been possible without the cooperation and valuable counsel of the District Attorneys and their staffs in Manhattan, Brooklyn and the Bronx.

Finally, the idea for the Early Case Assessment Bureau experiment was developed during a seminar led by Professor Daniel J. Freed and held under the auspices of the Daniel and Florence Guggenheim Program in Criminal Justice at Yale Law School in the fall of 1974. Bernie Newman, then Chief Clerk of the New York City Criminal Courts, played a key role in the conceptualization of ECAB. His tragic death in 1975 deprived all those involved in ECAB's operation of his wisdom and generosity of spirit.

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EXECUTIVE SUMMARY

In 1975, the New York State Division of Criminal Justice Services (DCJS) funded experimental units -- Early Case Assessment Bureaus (ECABs) -- in the District Attorneys' Offices of Manhattan, Brooklyn and the Bronx. The concept of the bureaus evolved in part from a workshop that Yale Law School conducted under the auspices of the Daniel and Florence Guggenheim Program in Criminal Justice. The goal of early case assessment was to speed to the Supreme Court those cases for which a felony conviction could be obtained and reduce to a misdemeanor or drop prosecution of those cases which did not have sufficient evidence or seriousness to sustain a felony charge. To achieve this goal, assistant district attorneys (ADAs) with Supreme Court trial experience were assigned to the Complaint Room to screen cases. Each program received approximately \$250,000 in the first year.

Before the first bureaus opened DCJS asked Vera to evaluate ECAB's operations and impact. Vera compared felony arrest cases entering the courts before the introduction of ECAB with cases entering the courts after the program was implemented in an effort to answer the following three questions: Has ECAB increased the speed of dispositions? Have ECAB procedures changed the nature of dispositions? And did its operations produce savings

in pretrial detention time and court resources? Vera did not document the program's impact on every aspect of the court system but restricted its assessment to ECAB's specific prosecutorial goals. As such, no effort was made to measure the program's effects on other criminal justice agencies such as Legal Aid, the courts, or probation if those effects were not related to goals of ECAB.

In this summary chapter, the goals of ECAB, a description of the program, and a review of the findings are presented. The summary concludes with recommendations for improving the effectiveness of ECAB.

Goals and Structure
of the Early Case Assessment Bureaus

At the outset both the DCJS staff and ECAB participants agreed that the bureaus should aim to affect case outcomes in the following ways:

- o An increase in the frequency with which weak police charges were reduced or dismissed in the Complaint Room;
- o Speedier disposition of cases in Criminal Court, through the early reduction of weak felony complaints to misdemeanors with an accompanying plea of guilty;
- o A reduction in the absolute number of cases presented to the Grand Jury accompanied by an increase in the percentage of cases for which

indictments are voted after presentation;*

- o An increase in the percentage of felony convictions in the Supreme Court and a corresponding increase in the severity of sentencing in such cases.

In the expectation that better and speedier dispositions would be obtained if felony cases were reviewed early in the Complaint Room by experienced trial attorneys, ADAs with at least two years of felony trial experience were assigned to the Complaint Room to supervise the work of less experienced assistants. Each early case assessment bureau was headed by a bureau chief with at least six years of trial experience.

The prosecution's ECAB goals were not those of other participants (e.g., defense attorneys), and their implementation would not necessarily produce changes considered desirable by those agencies. However, if the bureaus accomplished their primary goals, secondary effects could include reductions in the cost of prosecuting and adjudicating cases, the lessening of burdens on witnesses in

* A reduction in the percentage of felony arrests presented to the Grand Jury would be expected if early assessment was successful in weeding out weak arrests. But interviews with ADAs suggest that an additional goal of ECAB was to control the absolute number of cases going to the Grand Jury as a means of lessening the workload of prosecutors in the Supreme Court as well as increasing the quality of the cases presented.

cases not brought to trial, and reduction in the time that defendants were detained prior to disposition.

Each District Attorney implemented ECAB differently in order to concentrate on a particular goal. The evaluation identified borough differences in policy, priorities, and resource allocation. The finding that ECAB generally achieved its goals despite variations in implementation suggests that early case assessment is a sound and versatile concept.

Table A below illustrates these borough differences. For example, the Bronx ECAB achieved significant impacts on the three indicators of Supreme Court processing but no impact or a negative impact in the Criminal Court. This pattern of outcomes corresponds with the strong emphasis on felony prosecutions in the Bronx ECAB and its close relations with the Bronx Indictment Bureau. In the other two programs, impacts were more evenly distributed between Criminal Court and Supreme Court indicators.

Table A: ECAB's Impact on Key Indicators of Criminal Case Processing
 Manhattan, Brooklyn and the Bronx Compared

<u>Percentage Changes In:</u>	<u>Manhattan</u>	<u>Brooklyn</u>	<u>Bronx</u>
Final Disposition at Criminal Court Arraignment	+6	+12	0
Pleas/Convictions in Criminal Court	+8	+12	- 7
Indictment Rate for Cases Presented to Grand Jury	+7	- 7	+14
Successful Prosecutions in Supreme Court	+7	+ 1	+ 4
Convictions on Felony Charges in Supreme Court	+6	+14	+ 6

NOTE: Presented in this table are percentage differences between before ECAB and after ECAB measurements on each of the indicators listed. In all cases, positive differences are favorable from the point of view of ECAB's goals and negative differences are unfavorable. However, if the before ECAB level of the indicator was already very high (e.g., the indictment rate of felons presented to the Grand Jury in the Bronx was 80 percent before ECAB), then there exists a low "ceiling" on further improvement. In the example just cited, the observed increase in the Bronx indictment rate of 14 percentage points is even more impressive when viewed against the before ECAB base of 80 percent. The percentage differences presented here have not been adjusted to compensate for such "ceiling effects."

The first Early Case Assessment Bureau opened in May 1975 in Manhattan; the Brooklyn Bureau opened in July and the Bronx Bureau in October. The bureaus screened almost all felony arrests at intake in the Complaint Room. Excluded from ECAB were those felony cases processed by specialized prosecution units such as the Homicide Bureau. The purpose of screening was to distinguish among those cases in which prosecution should be dropped altogether, those cases in which only a misdemeanor outcome should be pursued and finally, those cases which should be prosecuted as felonies after presentation to the Grand Jury.

The management technique used by the assessment bureaus was case tracking. ECAB designated five tracks:

"A" track: Serious cases in which all elements necessary for a successful felony prosecution are present (e.g., ballistics reports, reliable witnesses, a victim willing to prosecute) can be placed in the "A" track. If possible, the individuals and papers involved in the case are taken directly to the Grand Jury on the day of screening in the Complaint Room. "A" tracking eliminates the need for police and civilian witnesses to make Criminal Court appearances.

"B" track: Serious cases in which some obstacle prevents their immediate presentation to the Grand Jury are placed in the "B" track. The ECAB screener may think that a preliminary hearing in Criminal Court will clarify aspects of the case including the reliability of witnesses, but "B" tracking makes presentation to the Grand Jury without undue delay more likely. Cases are also placed in the "B" track when the Grand Jury is not in session. In Manhattan, a subcategory, the "B1" track, was developed to identify cases which the ADA believes may be considered for an A misdemeanor plea at the first Criminal Court appearance.

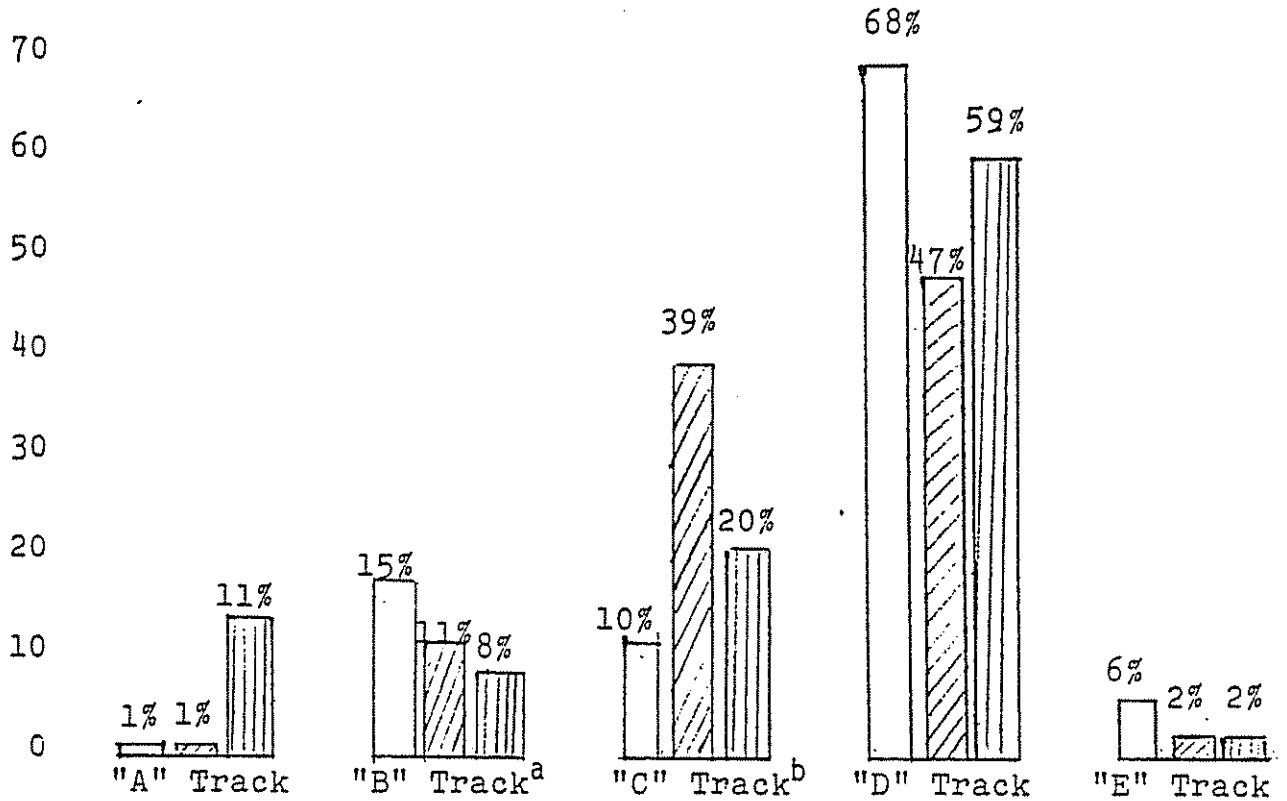
"C" track: Cases about which more must be learned before a final tracking decision can be made are placed in the "C" track. When the missing information -- witnesses, material evidence, laboratory reports -- becomes available, the arraignment ADA or the trial part ADA, in communication with the ECAB ADA, retracks the case. In Brooklyn, two variants of the "C" track, "C/Up" and "C/Down," have been created. These subcategories are used when the assistant in the Complaint Room has enough information to indicate the probable disposition of the case.

"D" track: The "D" track identifies those cases in which the District Attorney's Office decides not to seek a felony disposition. The Bureau has thus decided at the outset to conserve prosecution resources by accepting a lesser plea in a matter not deemed worthy of felony treatment. Although the "D" track directs the assistant to accept a plea to a misdemeanor either at arraignment or later, cases in this track still leave the Complaint Room as felony complaints.

"E" track: Cases placed in the "E" track are those in which charges are dropped in the Complaint Room because the complaining witness desires to withdraw charges or the ADA determines the evidence to be legally insufficient.

In all boroughs, more cases were placed in the "D" track than in any other category (see Figure 1). In Manhattan six percent of felony arrests were dropped in the Complaint Room, two percent were dropped in the Bronx and Brooklyn. In the Bronx, 11 percent of cases (compared to one percent in Manhattan and Brooklyn) were taken immediately to the Grand Jury via the "A" track. The Bronx ECAB chose to emphasize Supreme Court processing and this higher rate of immediate Grand Jury presentations suggests it was successful in doing so.

Figure 1. ECAB Tracking in Manhattan, Brooklyn, and the Bronx



Key: Manhattan Brooklyn Bronx

Source: ECAB Log Books. Manhattan: May 12, 1975-December 8, 1975; Brooklyn: August 4, 1975-February 29, 1976; Bronx: October 6, 1975-February 29, 1976.

^a Includes 1% of "B1" track in Manhattan.

^b Includes "C/Up" (7 percent) and "C/Down" (15 percent) tracks in Brooklyn.

The Impact of Early Case Assessment

The data comparing court outcomes "before and after" ECAB indicate a substantial proportion of felony arrests were targeted successfully for early disposition as misdemeanors in Criminal Court. This assured speedier case processing and a reduction in pretrial detention and witness appearance costs. In the Supreme Court, fewer cases were presented to the Grand Jury, indictments were handed down in proportionately more cases and relatively more cases were ultimately disposed as felonies.

The evaluation did not use experimental (i.e., control group) techniques to measure the impact of early assessment. Instead, the research employed "before and after" comparisons and internal analyses of ECAB data to determine whether the program had met its goals. Tests of statistical significance were performed on data from samples of widely varying size. Their results would require cumbersome interpretation to be of any value to the reader, and are not presented in this report.

Dropping or Reducing Charges in the Complaint Room

Changes in charges in the Complaint Room were infre-

quent before as well as after the start of ECAB.* Sample data showed no change was made in the felony class of the most serious or "top" arrest charge before ECAB in 88 percent of the cases. After ECAB, a second sample from the three programs showed no change in 90 percent of "top" charges. In Table B, the Complaint Room data from the three boroughs were combined because no meaningful differences among the boroughs emerged.

Table B: Changes in Top Arrest Charge
"Before and After" ECAB

(Combined Manhattan, Brooklyn and Bronx Samples)

	<u>Before ECAB</u>	<u>After ECAB</u>
No Change in Top Arrest Charge	88%	90%
An Increase in Top Arrest Charge	4	3
A Decrease in Top Arrest Charge	<u>8</u>	<u>7</u>
Total	100%	100%
(n)	(284)	(478)

Source: Complaint Room Observations (1975); Vera Institute
ECAB Evaluation

* Telephone interviews with DAs from other jurisdictions, including Washington, D.C. and Los Angeles, indicate that in those cities as many as 30 percent of felony arrest cases are either dropped in the Complaint Room or are reduced to misdemeanors. Different criminal codes, police, and court procedures, such as the presence of defense counsel in the Complaint Room, may account for the higher proportion of cases disposed in these jurisdictions.

In the rare instance in which a "top charge" was changed a decrease in the charge was more likely than an increase. The tendency to reduce, rather than increase, police charges occurred both before and after ECAB.

In formulating the ECAB concept, members of the Yale seminar, DCJS and the District Attorneys' Offices expected early assessment to result in an increased rate of case dismissals or reduction to misdemeanors in the Complaint Room. Figure 1 shows the "E" track -- directing that felony arrests be dropped in the Complaint Room -- was used infrequently. When interviewed, ADAs assigned to the Complaint Room indicated that they refrained from dropping complaints in the relative informality of the Complaint Room because they believed that once the arrest had been made, the case should be dismissed in open court and on the public record.

Data also show that early assessment did not significantly affect the proportion of felony arrests reduced to misdemeanors in the Complaint Room. (There was no track designation for such cases.) In the Complaint Room sample of 478 arrests, only 18 cases (4 percent) were reduced to misdemeanors. In Table B, these reductions have been included in the "a decrease in top arrest charge" category.

Although ADAs were fairly consistent in maintaining original police charges, an analysis of the tracking de-

cisions of individual ADAs suggests that similar cases were not always treated in a similar manner. The data suggest a surprising lack of uniformity in the ADAs' tracking decisions despite general agreement among senior ADAs as to the meaning of each ECAB track and the criteria for assigning cases (see below, Tables J, K). It is possible that without an elaborate tracking system and more information (such as prior criminal record), the ECAB ADAs who exercise considerable discretion in their trial work will continue to rely on their own judgment as to the case's likely outcome.

Speeding-up Dispositions in Criminal Court

The early assessment bureaus appear to have increased the proportion of felony cases disposed at arraignment (see Table C). In Manhattan the proportion of felony arrests disposed at Criminal Court arraignment increased after the introduction of early assessment.* In Brooklyn, the disposition of felony arrests at arraignment doubled from 11 percent to 23 percent. However, an increase in dispositions at arraignment had started in Brooklyn before the inception of ECAB. Since ECAB, the proportion of cases disposed at arraignment has continued to increase. In the Bronx, the disposition rate of felony cases at arraignment was 16 percent both before and after introduction of ECAB.

* Throughout this report the number of sampled cases from Manhattan is smaller than from either Brooklyn or the Bronx. The Pretrial Services Agency, which provided the computerized data for Brooklyn and the Bronx, did not begin operations in Manhattan until March 1976. Therefore the only data available for Manhattan were drawn from manually coded samples as described in Appendix A.

Table C: Proportion of Felony Cases Disposed at Arraignment "Before and After" ECAB
 Manhattan, Brooklyn and the Bronx Compared

Outcome at Arraignment:	Manhattan		Brooklyn		Bronx	
	Before	After	Before	After	Before	After
Disposed by 25%		31%	11%	23%	16%	16%
Plea	15	18	7	14	6	6
Dismissal/ACDA	10	13	4	9	10	10
Continued	72	68	86	74	80	82
Grand Jury/Other	3	1	3	3	4	2
TOTAL	100%	100%	100%	100%	100%	100%
(n)	(94)	(210)	(2,915)	(1,029)	(1,724)	(479)

Source: Manually coded court data (Manhattan) and; computerized court data from Pretrial Services Agency (PTSA) Information system, July 1, 1974 - December 31, 1975 (Brooklyn and the Bronx).

^a Adjudged in Contemplation of Dismissal (ACD).

Accompanying the increase in dispositions of felony arrest cases at early stages of the Criminal Court process in Brooklyn and Manhattan was a decrease in the number of court appearances necessary for final disposition. ECAB's impact in reducing court appearances resulted largely from increased dispositions at arraignment, rather than from reduced post-arraignment procedures.

Corresponding to the increase in dispositions at arraignment after the inception of ECAB, was a decrease in the average amount of time that elapsed between arraignment and disposition in Criminal Court and between arraignment and presentation to the Grand Jury. After the introduction of ECAB in Brooklyn, half of the felony arrests were disposed within one week of arraignment compared to one third of the cases before ECAB. In Manhattan, the increase in cases disposed at arraignment produced a reduction in the average number of Criminal Court appearances required to reach disposition. In the Bronx, although all cases taken together required slightly more time and more court appearances to reach a Criminal Court disposition after ECAB than before, there was a reduction in time to disposition among cases in which defendants were detained.

In Brooklyn, after the introduction of ECAB, pleas in Criminal Court increased from 30 to 42 percent (see Table P, p. 61). In Manhattan also, pleas of guilty after ECAB (44 percent)

increased from their level before ECAB (36 percent). Finally, in the Bronx, guilty pleas went from 33 percent before the introduction of ECAB down to 26 percent after its introduction. But comparison of the rate of guilty pleas in Criminal Court "before and after" ECAB does not take into consideration changes in the percentages of cases going to Supreme Court. In the Bronx, where the proportion of Criminal Court guilty pleas decreased slightly after ECAB, the proportion of cases going to the Supreme Court remained constant during the transition to early assessment (14 percent before ECAB and 16 percent after ECAB). In Manhattan and Brooklyn, on the other hand, a smaller percentage of cases was sent to the Grand Jury after the introduction of early assessment (dropping from 30 percent to 16 percent in Manhattan and from 25 percent to 16 percent in Brooklyn).

Reducing Supreme Court Workload and Increasing Indictment Rates

ECAB has reduced the number of presentations to the Grand Jury in Brooklyn and Manhattan and thus has lessened the workload of prosecutors in those boroughs assigned to the Supreme Court. Tables B.1 through B.6 in Appendix B show a marked, steady decline in presentations following the inception of early assessment. However, presentations were in fact declining in Manhattan since January 1974. An analysis of the trends (Section III, below) suggests a decline in Manhattan Grand Jury presentations which predates ECAB. In

Brooklyn, the slight decline in presentations may also be attributable to early assessment, although the analysis is complicated by sharp fluctuations in presentations (high in October and November 1973 and low in May and June 1976). In the Bronx, the number of presentations remained the same before and after the implementation of ECAB. However, in the Bronx a lower proportion of felonies was presented to the Grand Jury before ECAB than in the other two boroughs and therefore, there was less possibility for decline.

Table D presents Grand Jury outcomes "before and after" the start of ECAB. The rate of indictments increased in Manhattan and in the Bronx after ECAB. The increase in these two boroughs is attributable to a decrease in cases returned to the Criminal Court (a decline from 11 percent to 6 percent in Manhattan and from 8 percent to 5 percent in the Bronx) and a decrease in the rate of dismissals (no true bills) by the Grand Jury. In Brooklyn, however, a decrease in indictment rate was observed after ECAB. This decrease in Brooklyn reflected an increase in Grand Jury returns to the Criminal Court. Dismissals by the Grand Jury remained constant before and after ECAB.*

* The decline, since ECAB, in the Brooklyn indictment rate may be due to the fact that 44% of Grand Jury presentations were "C" track cases. In the Bronx, which had the highest indictment rate, only 12% of Grand Jury presentations were "C" tracked. The lower indictment rates apparently associated with a high proportion of "C" track cases may reflect the uncertainty which a "C" track designates.

Table D: Grand Jury Outcomes "Before and After" ECAB
 Manhattan, Brooklyn and the Bronx Compared

	Manhattan		Brooklyn		Bronx	
	<u>Before</u>	<u>After</u>	<u>Before</u>	<u>After</u>	<u>Before</u>	<u>After</u>
Grand Jury Outcome:						
True Bill	77%	84%	86%	79%	80%	94%
Returned to Criminal Court	11	6	7	13	8	5
No True Bill	12	10	7	8	12	1
Total	100%	100%	100%	100%	100%	100%
(n)	(480)	(493)	(686)	(155)	(199)	(57)

Source: Supreme Court Indictment and Docket Records.

Impact on Supreme Court Dispositions and Sentences

In all boroughs, when successful prosecutions were taken together (i.e., pleas, convictions and Youthful Offender adjudications) their incidence has either remained the same or increased slightly since early assessment (see Table E). The greatest increase occurred in Manhattan, where successful prosecutions rose from 77 percent to 84 percent. In Brooklyn and the Bronx, the rate of successful prosecutions was high (93 percent and 90 percent respectively) before early assessment and increased slightly but not significantly after early assessment, rising to 94 percent in both boroughs.

In all boroughs, pleas to, or convictions on, felony charges as a proportion of all pleas or convictions in the Supreme Court increased. In Manhattan, as Table F shows, the proportion of felony pleas or convictions rose from 87 percent before ECAB to 93 percent after ECAB. The change was most marked in Brooklyn where felony convictions went from 81 percent before ECAB to 95 percent. In the Bronx, there was little room for improvement. Before ECAB, 94 percent of convictions in Supreme Court cases were felony convictions; after ECAB 100 percent of the convictions were on felony charges.

Table E: Supreme Court Dispositions "Before and After" ECAB
Manhattan, Brooklyn, and the Bronx Compared

	Manhattan		Brooklyn		Bronx	
	Before	After	Before	After	Before	After
ALL Successful Prosecutions	77%	84%	93%	94%	90%	94%
Pleas	63	69	80	81	70	70
Convictions	4	2	7	4	10	5
Youth Offenders	10	13	6	9	10	19
ALL Unsuccessful Prosecutions	23%	16%	7%	6%	10%	6%
Dismissals	19	14	4	3	9	5
Acquittals	4	2	3	3	1	1
TOTAL	100%	100%	100%	100%	100%	100%
(n)	(282)	(236)	(494)	(76)	(105)	(95)
Percentage of Cases Still Pending	24%	42%	19%	38%	34%	60%

Note: To check that the higher proportion of pending cases in the after ECAB samples was not responsible for differences in dispositions, "before and after" ECAB comparisons of dispositions were examined controlling for time since arrest.

Source: Supreme Court Indictment and Docket Records

Table F: Severity of Pleas/Convictions "Before and After" ECAB
 Manhattan, Brooklyn and the Bronx Compared

Disposition:	Manhattan		Brooklyn		Bronx	
	Before	After	Before	After	Before	After
Felony	87%	93%	81%	95%	94%	100%
A Misdemeanor	8	5	15	3	5	0
B/Unclass. Misdemeanor	5	2	4	2	1	0
TOTAL	100%	100%	100%	100%	100%	100%
(n)	(190)	(168)	(430)	(65)	(83)	(71)
Percentage of Cases Still Pending	24%	42%	14%	30%	27%	54%

NOTE: To check that the higher proportion of pending cases in the after ECAB samples were not responsible for differences in disposition, "before and after" ECAB comparisons of dispositions were examined controlling for time since arrest.

Source: Supreme Court Indictment and Docket Records

In Brooklyn, a slight increase in the percentage of cases in which a sentence of felony time (a year or more in prison) was imposed occurred after ECAB. Fifty-three percent of Brooklyn cases before ECAB received felony time, compared to 58 percent after ECAB. In the Bronx, with an after ECAB base of only 13 cases, no change in sentencing was observed. In Manhattan, a decline in felony time sentences was observed; 66 percent before ECAB and 56 percent after ECAB. No obvious explanation could be found for this decline.*

Savings Achieved Since the Inception of ECAB

By reducing the number of appearances required to reach disposition in Criminal Court early assessment produced savings for the criminal justice system. Three areas in which ECAB had an impact were identified although potential monetary savings could be estimated in only the first:

- (1) costs of pretrial detention were reduced;
- (2) court resources were spared from the requirement of processing repeated adjournments; and

* The observation that felony sentences declined in Manhattan may obscure the possibility that, since ECAB, the average length of felony sentences (e.g., to three years imprisonment or more) has increased. The coding procedures used in this study did not permit examination of this possibility.

(3) similar savings accrued to police and prosecution resources.

Because ECAB reduced the time to disposition in Criminal Court, defendants who did not make bail were detained for shorter periods of time, resulting in savings in detention costs. In Brooklyn, the proportion of defendants detained after arrest decreased, and the average time in detention decreased from 2.9 weeks to 2.2 weeks. In the Bronx, similar decreases were reported: down from 3.4 weeks to 2.5 weeks. Possible savings from ECAB-related decreases in disposition time have been estimated at \$1.05 million in Brooklyn and over \$1.2 million in the Bronx. Data from Manhattan ECAB, though less detailed because they were not available from computerized sources, suggest cost savings of a similar magnitude for that program.

Policy Recommendations

Felony arrests are being screened and dispositions are occurring at an earlier stage in Criminal Court than before ECAB. The workload of prosecutors assigned to Supreme Court has been lightened, and their efforts have been increasingly directed to more serious cases. Concomitant savings in pre-trial detention costs and a reduction in demands on court and prosecution resources have been realized. Finally, felony charges, when they reach the Supreme Court, are more likely to be sustained. The evaluation's findings lead to the recommendation that early assessment be maintained and given priority

for future funding.

Against this background, a number of changes in early assessment should be made to further increase its effectiveness.

The information available to ECAB screeners should be improved. The bureaus' ADAs are often handicapped by lack of information required for an informed assessment of felony arrests. Criminal histories ("rap sheets") are not available in the Complaint Room when needed by ECAB. Civilian witnesses are frequently missing. The results of laboratory tests (drugs, ballistics) are also not available in the Complaint Room. The full potential of ECAB's experienced ADAs is not utilized. In the absence of needed information, evaluations sometimes become perfunctory and details are left to junior ADAs. As the tabulations of ECAB tracks show, many cases (e.g., 39 percent in Brooklyn) must be placed into the "C" track, the track designated when sufficient information for classifying the case is not available.

Although ECAB cannot control all information channels upon which assessment depends (e.g., transmission of "rap sheets") some procedures could be changed. For example, the original program design called for involving paralegals in witness management and monitoring of investigations. So far, little has been attempted in these areas because of the need to use paralegal assistants to maintain ECAB records. Procedures which would increase contacts between

ECAB ADAs and civilian witnesses should be explored: the Victim/Witness Assistance Project in Brooklyn is now engaged in that effort.

Procedures should be developed to encourage uniform tracking. Evidence presented in this report (see below pp. 45-49) suggests that unexpected discrepancies occurred when ECAB ADAs tracked similar cases. Factors such as prior record appeared to be given differing values by ADAs working in the same bureau. Further research into the subjective and objective criteria used by ADAs in tracking could be valuable in promoting more uniform case assessment.

Experienced ADAs should remain in the Complaint Room. Observations suggest that an experienced ADA is more likely to reduce a charge at the outset than is a less experienced attorney who may prefer to leave this decision to the ADA at the next stage in the process. Also, experienced ADAs usually achieve more cooperation from arresting police officers. Most important, the prestige of individual senior ECAB prosecutors may increase the likelihood that trial part ADAs will comply with ECAB instructions. Junior ADAs or even para-professionals might arrive at the same technical tracking decisions as a more experienced ADA; however,

observation suggests that such tracking would be given less credence by assistants working in later stages of the process. In a large decentralized District Attorney's Office in which widely scattered professionals must coordinate activities, the prestige of individual ECAB ADAs lends support to the program independent of formal tracking decisions.

Senior ADAs should assist in retracking "C" cases after missing information is obtained. No effective means now exist for cycling "C" cases back to ECAB after the arrival of new information makes possible a retracking decision. Communication between ECAB and the trial parts is hampered by work pressures in both locations. Additional senior assistants should be provided to review developments in "C" track and other problem cases, and to assist in difficult preliminary hearings. Besides increasing the effectiveness of tracking to the lower court, these retracking assistants could contribute to the training and supervision of relatively inexperienced ADAs in the trial parts.

Technical assistance should be provided for the internal information needs of early assessment. Except for cumbersome and incomplete manual logs, no individual case or statistical reporting capability exists to

inform ECAB ADAs of the court outcome of cases they have screened in the Complaint Room. Tabulations in this evaluation should be routinely available to ECAB attorneys. An information system should link each decision made by an ECAB ADA in the Complaint Room to its outcome in the Criminal Court, Grand Jury and Supreme Court in order to increase ECAB's controls over subsequent dispositions and to modify its activities, when necessary.

Rapid feedback could enable ECAB to link deviations from tracking to specific circumstances arising in the subsequent processing of cases. Similarly, such feedback would allow ECAB ADAs to modify their tracking decisions if the information indicated that particular kinds of cases or charges were not being accurately assessed. Early assessment bureau chiefs should participate in discussions relating to the development of the various information systems now under consideration for implementation in New York City.

ECAB should be used for witness excusals. Individual case assessments by ECAB could help identify those cases that are unlikely to be disposed at Criminal Court arraignment. In such cases, arresting police officers and other witnesses could be excused from attendance at arraignment. This would result in cost savings and greater convenience to case participants.

The fact that ECAB was tried in three jurisdictions and implemented differently in each allows the researcher to observe variations, test their value, and suggest modifications. In addition, the documentation of the program's successful operations in different environments suggests that ECAB, with modifications, could be effective in other jurisdictions.

ECAB OPERATIONS

Vera observed the Criminal Court Complaint Room in each borough in order to evaluate ECAB operations. In addition to collecting data for the impact research, observers gathered information that would explain how the bureaus implemented the ECAB concept, and why the bureaus had the impact they did.* Observers noted the informal procedures used by ADAs to evaluate cases, their reliance on the arresting police officer, and the apparent lack of uniformity in their tracking decisions. Vera probed ADA tracking practices through interviews and statistical research that documented these unexpected discrepancies. A general description of ECAB operations and an in-depth analysis of tracking used as a management technique for the prosecution are presented here.

Complaint Room Procedures

Case intake for ECAB was similar in all three boroughs, aside from differing arrangements for the processing of

* For example, although DCJS anticipated an increase in the proportion of felony charges reduced or dropped in the Complaint Room, the impact research showed no noticeable increase; but observers had derived valuable explanations for this unexpected finding in the course of their interviews with ADAs (see below pp. 54-55).

limited groups of major offenses.*

The following description of the Manhattan ECAB typifies the process. After arrest and booking, the Arresting Police Officer (APO) brought the arrest report ("pink sheet") to the Complaint Room where an ECAB clerk recorded the name(s) of the defendant(s) and the charges in the case, and assigned a sequential ECAB identification number to the case. This clerk would eventually record the track, the name of the ECAB ADA and subsequent court actions (taken from mimeographed court calendars).

From two to three ECAB ADAs worked on case intake in the Complaint Room, assisted by three or four junior ADAs who were assigned to the bureau.

The ECAB ADA (called the "evaluator" in Manhattan) derived most of the information he would use to make his tracking decision from his interview with the APO. This interview usually lasted ten minutes. He asked the APO for the facts relating to the crime and the arrest: the events of the crime, the strength of the evi-

* In Manhattan and the Bronx, felony cases were first screened by the Major Felony Program (MFP) and the Major Offense Bureau (MOB) before reaching ECAB ADAs. In Brooklyn, cases eligible for MOB were tracked by an ECAB attorney who then sent selected cases to that Bureau for prosecution after arraignment.

dence, information relating to victims and witnesses, the extent of injuries sustained. He also asked the APO for his personal assessment of certain aspects of the case: was a witness reliable; did the complainant know the defendant; would currently missing evidence be of any value? They might discuss the manner in which the APO had obtained physical evidence and/or testimony so that the ADA could anticipate defense strategy and the likelihood of its success.

Unless the arrest had taken place the previous evening, the NYSID sheet (detailing the defendant's prior criminal record) was not usually available and the ADA relied on the APO for information regarding the defendant. The APO might have learned something about the defendant's record from an earlier check of the New York City Police Department's criminal record and warrant file, or he might have known the defendant from some other context.

The ECAB ADA relied on the accuracy of the APO's information and observations for his own assessment of the case; and his ability to achieve cooperation from the APO was crucial to the success of the interview.

After the interview, the ECAB ADA often spoke to those victims and/or witnesses who were present

in the Complaint Room. At this point he often relied on informal consultations with other ECAB ADAs or with the ECAB chief to determine how the case should be prosecuted. No reference was made to explicit guidelines. The ECAB ADA then completed the ECAB form which recorded the identity of the APO and witnesses, the suggested charge and the tracking decisions. Although he could make an explicit bail recommendation, the ECAB ADA rarely did so. A trial folder for the case was then prepared.

In Manhattan one ADA (the senior ADA or a junior ADA assigned to ECAB and working under his direct supervision) interviewed all witnesses in a case, completed the ECAB form and prepared the complaint. The reorganization of the Manhattan District Attorney's Office into vertically integrated trial divisions in May 1976 introduced far-reaching revisions of early assessment procedures in that borough.* However this evaluation, using data prior to reorganization, does not analyze the effect of this reorganization upon ECAB.

* After the reorganization, each trial division placed ADAs in the Criminal Court Complaint Room, the arraignment part, the "intake" adjournment part, and the Grand Jury and Supreme Court trial parts. The divisions rotated on a daily basis and processed, until final disposition, whatever cases reached the Complaint Room on their assigned day.

In the Bronx and Brooklyn, cases were first reviewed by a senior ECAB ADA who assigned the appropriate ECAB track and completed an ECAB form. The APO and complainant were re-interviewed by a junior ADA who usually prepared the trial folder and dictated felony or misdemeanor complaints. Junior ADAs rotated in and out of the Complaint Room on assignment from other bureaus.

At the outset, ECAB operations were modified by the differing physical and administrative arrangements in the Complaint Rooms of the three boroughs. For example, the Complaint Room in the Bronx was too small to afford privacy in the interviewing of complainants. In Brooklyn, activities of the Victim/Witness Assistance Project overlapped those of ADAs in the Complaint Room so that special procedures were developed to avoid a conflict and to assure a smooth flow in the interviewing conducted by the two units. Perhaps the best physical arrangement existed in Manhattan, but there ECAB procedures were burdened by heavy arrest loads.*

* ECAB procedures were studied prior to the May 1976 reorganization of the Manhattan District Attorney's Office and prior to the May 1977 opening of the new Bronx courthouse.

ECAB and Subsequent Criminal Court Prosecution

The relationship between early case assessment bureaus and subsequent Criminal Court processing depended in part upon ECAB's organizational ties to the Criminal Court Bureau of each District Attorney's Office. In Brooklyn, ECAB was merged with the Criminal Court Bureau: the chief in charge of ECAB in Brooklyn also supervised the Criminal Court Bureau. He was assisted by a Complaint Room Supervisor who was responsible for day-to-day decisions related to ECAB intake. Because Brooklyn's arraignment ADAs were supervised by the ECAB chief, there appeared to be greater ADA compliance with ECAB tracking decisions in Brooklyn Criminal Court trial parts than in either Manhattan or the Bronx.

By contrast, ECAB's administrative position in the Bronx was not fully integrated into the prosecution activities in the Criminal Court. The Bronx District Attorney's Office emphasized early assessment for those cases likely to go to Supreme Court. The Office did not consistently follow Criminal Court tracking decisions made by ECAB ADAs in the Bronx Complaint Room; but this may have occurred because ADAs working in Criminal Court reported to an independent Criminal Court Bureau and had no formal ties to ECAB. In general, the Bronx ECAB coordinated its

activities with the Indictment Bureau rather than with the Criminal Court Bureau. The Bronx ECAB was particularly concerned with sending serious cases immediately to the Grand Jury in order to improve the quality of Supreme Court prosecution.

Before its reorganization, Manhattan had similarities to both Brooklyn and the Bronx. As in the Bronx, Manhattan ECAB was administered separately from the Criminal Court Bureau. However, Manhattan ECAB, like Brooklyn, was concerned with conformity to ECAB tracks both in Supreme Court processing and Criminal Court dispositions.

Tracking as a Prosecution Management Technique

In an effort to control case management throughout the court system, the District Attorney instituted case tracking to guide the Complaint Room ECAB ADA in his decision to recommend either a felony disposition or a misdemeanor plea, and to project the ECAB ADA's decision onto subsequent stages of the court process in order to affect case outcomes. At the outset, planners from DCJS and the DA's Office anticipated that senior ADAs would be reluctant to return to the Complaint Room where the least experienced ADAs traditionally served their apprenticeship. Thus the program was organized as a separate Bureau within the DAs'

Offices to encourage senior ADA participation. A rotation system was considered impractical: ADAs might have to leave cases unfinished in trial parts and their limited tenure would discourage the institutionalization of ECAB procedures. However, senior ADAs with felony trial experience were best able to implement the tracking system, often in the absence of needed information. They were able to achieve more cooperation from the arresting police officer, and their authority increased the likelihood that trial part ADAs would comply with ECAB instructions.

In making these tracking decisions, ECAB ADAs regularly crossed jurisdictional boundaries between the Criminal Court and Indictment Bureau, bringing these bureaus into closer relationship. Senior ECAB ADAs who had felony trial experience were able to train junior ADAs working in Criminal Court. Also, each bureau introduced uniform intake and case preparation procedures. Thus by making information systematically available on most felony arrests, by increasing communication between lower court and higher court prosecutors, and by providing guidance to inexperienced assistants in the lower court, ECAB has helped integrate activities within the District Attorney's Office. This integration of information and activities also created the potential for ECAB to assist agencies seeking diversion

from prosecution of selected felony cases. Although the Complaint Room ADA rarely made an explicit bail recommendation, his tracking decision, which identified the level at which the case would be prosecuted, usually suggested an appropriate level of bail to the arraignment ADA.*

Determinants of ECAB Tracking

The evaluation employed two approaches to determine how specific cases were assigned ECAB tracks. ECAB assistants and bureau chiefs were asked how they tracked cases. Then information -- including severity of charges, types of crime, and the prior criminal records of defendants -- was obtained from large samples of individual cases. The information was analyzed to determine the degree to which such factors affected tracking decisions and correlated with the perceived determinants.

The interviews with ECAB assistants indicated that they considered at least four factors when deciding how to track a case:

- (1) the seriousness of the case, as reflected in the felony class of the top charge;

* ECAB could conceivably screen selected felony arrests for pretrial release from the police precinct after a decision had been reached to treat selected arrests as misdemeanors. ECAB's assessment of bail risk would also be broadened if ECAB ADAs could utilize the release recommendations and background interviews conducted by the Pretrial Services Agency. However, such decisions would require that criminal histories ("rap sheets") be available that much earlier.

- (2) the established policies of the District Attorney's Office concerning the importance of specific types of offenses;
- (3) the evaluation of the individual offender's personal and criminal background; and
- (4) the evidentiary aspects of cases as presented by the APO and other witnesses.

Each of these perceived tracking criteria is considered below in greater detail. Where possible, data on actual tracking decisions are presented so that the perceived importance of a criterion can be compared with its actual impact on tracking decisions.

Seriousness of the Case

An analysis of the relationship between the felony class of the "top charge" at arraignment (charge severity) and ECAB track designation suggests an association between charge severity and tracking decisions. Table G shows that in Brooklyn "A" and "B" felonies were tracked for Grand Jury presentation (e.g., placed in the "A" or "B" track) more often than not. Lesser felonies were assigned to "A" or "B" tracks in less than 15 percent of the cases.

Bronx data show a stronger association between charge severity and ECAB track than Brooklyn data. Eighty-two percent of "A" felonies were placed in the Bronx's "A" track and 85 percent of "E" felonies were placed in the "D" track.

Table G: Association Between ECAB Track and Severity of "Top Charge"

Felonny Class:	Brooklyn					Bronx				
	A	B	C	D	E	A	B	C	D	E
ECAB Track: A	44%	6%	2%	0%	0%	82%	37%	16%	5%	0%
B	17	45	12	5	1	9	18	14	4	8
C	33	40	60	35	28	0	25	35	15	7
D	6	8	26	60	71	9	20	30	75	85
E	0	1	0	0	0	0	0	5	1	0
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
(n)	(18)	(103)	(159)	(476)	(161)	(11)	(40)	(63)	(161)	(72)

Source: Computerized court data from PTSA Information system (July 1, 1974 - December 31, 1975).

The Policy of the DA's Office

The policy of each DA's Office concerning specific charges and crime types influenced tracking decisions. In both Brooklyn and the Bronx, where a large number of cases was available for analysis, first degree robbery and criminal possession of a dangerous weapon (third degree) were usually placed in the "A", "B", or "C" tracks (Table H), reflecting a common desire to see these crimes prosecuted as felonies. In fact, interviews with ADAs revealed that these higher tracks came to be used primarily for those cases in which the threat of lethal force was present.

On the other hand, the decision to place second degree assault cases, which did involve violence, in the "D" track may have reflected a similar decision by these ADAs to downgrade prosecution of cases in which defendants and complainants had a prior relationship.* In the parlance of the police, these were "friendly crimes." However, the DA's Offices did not direct the bureaus to routinely place such cases in the "D" track. The ECAB ADA's experience

* For example, in a sample of assault cases examined in a study of dispositions in felony cases, it was found that 69 percent of assault cases involved prior relationships. See Felony Arrests: Their Prosecution and Disposition in New York City's Courts (Vera Institute of Justice, 1977), p. 23.

Table II: Tracking of Specific Felony Charges Compared to Overall Tracking

Charge:	Drug Possess. 50	Grand Larceny 30	Burglary 30	Assault 20	Robbery 10	Weapons Possess. 30	Aver. Freq.
Track:	(E Felony)	(E Felony)	(D Felony)	(D Felony)	(B Felony)	(D Felony)	
Brooklyn Tracking Decisions	A 0%	B 0%	C ^a 12	D 88	0%	3	1
	0	1	26	73	0%	1	23
	0%	1%	26	71	0%	37	10
	88	73	26	71	62	43	33
	100% (34)	100% (102)	100% (186)	100% (107)	100% (75)	100% (44)	100% (548)
Total (n)							
Bronx Tracking Decisions	A -	B -	C -	D -	4	3	53
	-	5	10	85	11	-	18
	-	5	6	79	8	89c	7
	-	10	6	85	8	89c	7
	-	100% (42)	100% (54)	100% (39)	100% (28)	100% (28)	100% (163)
Total (n)							

Source: Computerized court data from PTSA Information system (July 1, 1974 - December 31, 1975).

^a Includes "C/Up" and "C/Down"
^b Too few cases for analysts
^c Includes one "E" track case

indicated that, in cases involving prior relationships felony prosecution was unlikely. A study conducted by the Victim/Witness Assistance Project in Brooklyn indicates that cases involving prior relationships were typically assigned lower tracks by ADAs.

Table H shows a substantial similarity in the pattern of ECAB tracking in Brooklyn and the Bronx, except for their classification of first degree robbery cases. Brooklyn assigned 51 percent of these cases to the "B" track; in the Bronx, 53 percent of these cases were assigned to the "A" track. The Bronx ECAB's emphasis on "A" tracks was evident in that borough's treatment of "heavy" robberies. Although Brooklyn typically used the "B" track for these cases, that tracking decision may have reflected difficulties involved in arranging a Grand Jury presentation in Brooklyn on the day of intake in the Complaint Room rather than a different policy for robberies. (Forty-three percent of Brooklyn's first degree robberies were assigned "C" tracks, but only four percent of first degree robberies fell into the "C/Down" subcategory, used in Brooklyn to denote the likelihood that the case will stay in Criminal Court.)

Evaluation of the Offender

The ECAB ADA also evaluated the individual charged with the crime and this probably affected his tracking. Although the defendant's age, ties to the community, occu-

pation, and level of education were sometimes considered by the prosecutor, the defendant's prior criminal history was the most important personal characteristic for determining the appropriate ECAB track. When the "rap sheet" was unavailable and the ECAB attorney wanted to know more about the defendant's prior criminal history, he would sometimes ask the APO. One ADA said that if otherwise undecided about a case he would assign a higher track if the defendant had "priors" and a lower track if he had none, based on the information provided by the APO. And later analysis indicated that some connection existed between prior felony convictions (as reported on the "rap sheet" when it did arrive) and the tracking decision; greater access to "rap sheets" by ECAB ADAs would probably have strengthened this relationship.

In Brooklyn and the Bronx, defendants with no prior convictions were placed in lower track categories slightly more often than those with records. Conversely, defendants with "priors" were placed in "A" and "B" tracks slightly more often than those without a record of prior felony convictions* (see Table I).

* An analysis of the relationship between prior record, tracking and severity of top arrest charge indicated that prior record influenced tracking independently of top arrest charge.

Table I: Association Between Prior Felony Convictions and Track
(Brooklyn and Bronx Observations)

# Prior Felony Convictions:	<u>Brooklyn</u>		<u>Bronx</u>	
	<u>None</u>	<u>One or More</u>	<u>None</u>	<u>One or More</u>
Track:				
A	2%	3%	10%	22%
B	11	17	10	11
C ^a	39	43	22	9
D	48	36	57	56
E	0	1	1	2
	<hr/>	<hr/>	<hr/>	<hr/>
Total:	100%	100%	100%	100%
(n)	(530)	(146)	(184)	(54)

Source: Computerized court data from PTSA information system (July 1, 1974 - December 31, 1975).

^aIn Brooklyn, the "C" track includes the "C/Up" and "C/Down" sub-categories.

Evidentiary Aspects of the Case

Vera was unable to make direct measurements of the impact of evidentiary problems on tracking decisions. However, observations suggest that the nature of evidence and/or the reliability of important witnesses became crucial when the ADA was uncertain about how to track the case.

If a search was made during the arrest, ADAs usually questioned the APO to determine whether the search was conducted legally. If the APO concluded that the search could be challenged on constitutional grounds, a case which would have been slated for felony prosecution may instead have been placed in the "D" track. Similarly, if the ADA, in an otherwise strong case, was uncertain whether the testimony of key witnesses would stand up during cross-examination, he might have assigned the case to the "B" rather than the "A" track to permit a preliminary hearing. When tracking a case, the ADAs also considered the willingness of witnesses to testify, especially in cases involving prior relationships, and the reliability of witnesses as determined by such factors as family and community ties, arrest or drug histories.

Of the four criteria for tracking, the assessment of the evidentiary aspects of the case probably depended most heavily on the judgment of an experienced ADA. In addition to these criteria, the decision to place a case in the "B" track rather than the "A" track because the Grand Jury was not in session was often cited by the ADAs as another determinant.

Uniformity of Early Assessment Decisions

Despite general agreement among senior ADAs interviewed in all boroughs as to the meaning of each ECAB track and the existence of the four perceived criteria for assigning cases, senior ECAB ADAs exercised discretion differently in the handling of individual cases. Table J shows the frequency with which four ADAs in each of two boroughs placed four specific offenses into selected ECAB tracks.

Assuming that over a long period of time ECAB ADAs received similar cases for screening, then Table J indicates that ECAB ADAs varied greatly in their exercise of discretion in tracking. For example, ADAs in "Borough #1" placed second degree assaults into the "D" track with widely varying frequency, ranging from 46 percent ("ADA #1" in "Borough #1") to 81 percent ("ADA #4" in "Borough #1"). In general there appears to have been scarcely more uniformity among ADAs within a borough than among ADAs in different boroughs. Of course, circumstances peculiar to each case accounted for some of the differences. However, using the data available, no method exists for discounting the impact of special circumstances such as the strength of evidence or the availability of witnesses.

Table J: Decisions of Individual ADAs To Place Specific Charges Into Selected Tracks

Charge Into Track:	ADAs In Borough #1				ADAs In Borough #2			
	#1	#2	#3	#4	#1	#2	#3	#4
Assault 2° into "D":	46%	64%	62%	81%	89%	94%	100%	67%
Robbery 1° as "A or B":	47	63	67	50	57	100	67	33
Burglary 3° as "D":	82	62	54	82	86	67	92	78
Grand Larceny 3° as "D":	79	81	60	88	100	91	50	80

Source: Computerized court data from PTSA information system (July 1, 1974 - December 31, 1975).

Note: Sample sizes for each ADA are 40 cases or more in each charge category. Exact numbers have been removed to assure anonymity.

Table K suggests that different ADAs in the same borough may have given different weight to one tracking determinant -- the defendant's prior record.

Table K: Apparent Influence of Prior Felony Convictions on Individual ADA Tracking Decisions in Borough #1

Prior Felony Convictions:	<u>"ADA #1"</u>		<u>"ADA #2"</u>		<u>"ADA #3"</u>		<u>"ADA #4"</u>	
	None	One or More	None	One or More	None	One or More	None	One or More
ECAB TRACK:								
A	0%	5%	2%	0%	2%	5%	5%	3%
B	10	22	14	14	13	11	6	22
C	38	43	43	35	44	49	27	44
D	52	30	41	48	40	35	62	31
E	0	0	0	3	1	0	0	0
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: Computerized court data from PTSA information system.

Note: Each ADA screened cases of about the same severity. Sample sizes for each ADA - Prior record grouping are 32 cases or more. Exact numbers have been removed to assure anonymity.

In "Borough #1," "ADA #4" appeared strongly influenced by prior record. He placed 62 percent of those defendants who had no prior felony convictions in the "D" track, compared to 31 percent of the defendants with prior felony convictions.

In contrast, "ADA #3" appeared to be less influenced by prior felony convictions and "ADA #2" evidently ignored felony priors completely with the result that defendants with priors were tracked slightly more leniently than first offenders.

Again, other circumstances in the cases tabulated in Table K may have accounted for these differences, and the number of cases available for analysis did not permit definite conclusions. These factors notwithstanding, it is likely that discretion was exercised in widely varying ways by ECAB ADAs. No obvious explanation exists for this behavior. However, one can speculate that the presence of experienced attorneys, whose prior felony trial work required the wide exercise of discretion, while necessary for the program's successful implementation, may also have had this unexpected impact on tracking. Given the initial disinclination of senior ADAs to return to the Complaint Room, and the absence of more clearly enunciated tracking determinants, these attorneys might have applied their prosecutorial skills to cases in a highly individual manner.

The impact research described in the following section indicates that in general, ECAB tracking decisions, although not uniform, did affect case outcome in accordance with the program's goals. The observed lack of uniformity may re-

flect unrecorded criteria that are being used in complex cases by senior ADAs: criteria that should be identified and institutionalized. Further research should be conducted to determine whether more clearly defined criteria would result in more uniform tracking decisions that would complement the program's goals.

THE IMPACT OF EARLY CASE ASSESSMENT

The impact research on early assessment conducted by Vera is presented here, preceded by a brief note on methodology. The impact of ECAB on Complaint Room charging practices and on Criminal Court case outcomes is examined; then early assessment's impact on Grand Jury and Supreme Court outcomes is evaluated.

A Note on Methodology

Vera utilized several sources of data for the impact research. First, small, hand-collected samples (n=284 before ECAB; n=478 after ECAB) of program data were obtained by field observers working in the Complaint Rooms in all three boroughs. Each Complaint Room was visited before and again after early assessment began. On these occasions, the charging and complaint preparation process was observed and individual case data were recorded. The data included initial charge level, and changes in charging. Other data obtained from court records in this sample included court outcomes and dates of dispositions obtained from court records.

In addition to small hand-collected samples of program data, a second, and major, source of information for the Brooklyn and Bronx programs was the computerized information system of the Pretrial Services Agency (PTSA). Since PTSA

did not open in Manhattan until March 1976, computerized samples of "before and after" ECAB data were not available for that borough. A third source of information for the impact research came from Grand Jury and Supreme Court statistics maintained by the different District Attorneys' Offices and the Office of Court Administration. These official statistics permitted an examination of trends in indictments and returns to the Criminal Court for those cases presented to the Grand Jury. Further details on the methods used in this research and on tests of statistical significance of the data are presented in Appendix A.

ECAB's Impact on Police Charges in the Complaint Room

The Division of Criminal Justice Services (DCJS) anticipated that ECAB assistants would carefully review and evaluate charges made by arresting police officers (APOs) and then make extensive changes in those charges before preparing complaints. Table B showed that comparatively few of the top charges made by police were changed in the Complaint Room. Tables L-1 and L-2, which show the movement of top charges from one felony class to another in the Complaint Room, point to the same conclusion. Both before ECAB (Table L-1) and after ECAB (Table L-2), little adjustment in the severity of police charges occurred after preparation of complaints. The percentages along the diagonal in each of the two tables show the proportion

Impact of ECAB on Complaint Room
Charging Process:
APO and ADA Charges Compared

(Data from Combined Manhattan, Brooklyn and the Bronx Samples)

Table L-1: Charge Changes Before ECAB

		Felony Class of Most Serious Charge by ADA:							Total
		A	B	C	D	E	Misd.	%:	n:
Felony Class of Most Serious Charge by Arresting Police Officer (APO):	A	100%						100%	13
	B		91	6			3	100%	31
	C		2	82	14	2		100%	58
	D	1		1	90	4	4	100%	140
	E				5	93	2	100%	<u>42</u>
									284

Table L-2: Charge Changes After ECAB

		Felony Class of Most Serious Charge by ADA:							Total
		A	B	C	D	E	Misd.	%:	n:
Felony Class of Most Serious Charge by Arresting Police Officer (APO):	A	85%	15					100%	13
	B		95	5				100%	57
	C		1	80	11		8	100%	89
	D			3	91	1	5	100%	208
	E						99	1	100%
									478

Source: Complaint Room observations; Vera Institute ECAB Evaluation (1975).

of cases in which the ADA made no change in top charge severity. Percentages above the diagonal show the proportion of cases reduced by the ADA, and those below the diagonal show increases in severity of top charges made by ADAs.

Table M indicates that before ECAB, 88 percent of top charges remained the same compared to 90 percent of top charges after ECAB. When changes were made, they were often made to other charges within the same crime group. For example, first degree robbery was sometimes changed to second degree robbery. These changes within a crime group were made in seven percent of the before ECAB cases and in six percent of the after ECAB cases. And, while few changes in felony class occurred, specific charges were changed to similar or dissimilar charges within the same felony class even less frequently (four percent of the cases). Changes were made to correct "bookkeeping errors" in less than one percent of cases during both periods. Such changes included revising APO charges which applied only to juveniles or altering incorrect penal code references.

One of the prime tasks of the evaluation, as defined by DCJS, was to document the anticipated changes in police charges resulting from early assessment. However, the findings of this evaluation indicate that felony charges

Table M: Changes in Specific Top Charge
"Before and After" ECAB

	<u>Before ECAB</u>	<u>After ECAB</u>
No Change in Top Charge	88%	90%
Change Within Same Charge Type ^a	7	6
Increase	3	2
Decrease	4	4
Change to Different Offense ^b	4	4
Increase	1	1
Decrease	2	2
Same Class	1	1
Charge Correction ^c	1	0
Total	100%	100%
(n)	(296)	(498)

Source: Complaint Room observations; Vera Institute ECAB evaluation (1975).

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- ^a For example, change from robbery 1^o to robbery 2^o
^b For example, change from robbery to burglary
^c APO had written wrong penal code number. Criminal possession of dangerous weapon has one subsection which applies only to juveniles.

were rarely reduced or dropped in the Complaint Room. An explanation for this unexpected finding may be that the ADAs and the police officers concurred in their evaluation of felony

cases. On the other hand, it is possible that ECAB ADAs responded to those charges which they believed could not be successfully prosecuted as felonies by assigning such complaints to the "D" track rather than to the "A" or "B" tracks. This procedure would obviate the dropping of felony charges in the Complaint Room while helping assure charge reduction to misdemeanors in court. Available data are not sufficient to choose between these alternative explanations. The ADAs also reported that their reducing a weak case to a misdemeanor in the Complaint Room might lead to a situation in which the complaining witness later testified to what appeared to be a felony crime but one which reached the court only as a misdemeanor. In such circumstances, the ADA's decision to drop a felony charge might have the effect of impeaching the testimony of a prosecution witness. To avoid this situation, even a weak felony case may have been brought into court without a reduction, but it would be assigned to the "D" track.

Impact of ECAB on Criminal Court Outcomes

After leaving the Complaint Room, the case proceeded to arraignment, where defense counsel, defendant, arresting police officer, prosecuting attorney, judge and sometimes complainant were present. Because arraignment often took less than five minutes, the arraignment ADA typically gave

less attention to the facts of the case than the Complaint Room ADA. It was at this stage that the rushed arraignment ADA used the ECAB tracks that were designed to give him a shorthand method for better evaluating the case. In addition to the ECAB track, the arraignment ADA often spoke to the APO and other witnesses.

It was anticipated that the track of a case would affect the likelihood of disposition at arraignment although many other factors would intervene and lessen this impact. For example, the arraignment ADA could value the case differently from the ECAB ADA; the judge also could assess the case differently; witnesses could change their description of the events; and the defendant's "rap sheet," when it arrived, might be different from what the ADA had expected. If the case had been placed in the "A" or "B" track no disposition was expected because the case was headed for Supreme Court. If the case had been placed in the "C" track, information was still needed before a final tracking decision could be made. It was expected that cases assigned to the "C" track would be adjourned at arraignment until additional information, which might indicate that the case should continue to Supreme Court, became available. If the case was placed in the "D" track, a disposition at arraignment was possible although not designated by the track. Cases in the "E" track, if they had not already been dropped in the Complaint Room, were to be disposed by dismissal at arraignment.

Table N illustrates the association between arraignment outcomes and ECAB tracking: all three boroughs are combined because the relationships between tracks and disposition rates were similar. In general, the action in arraignment was appropriate to the ECAB track.

Virtually all "A" and "B" track felonies were continued. Of the five "B1" cases sampled, three were continued and two were disposed by guilty pleas at arraignment, thus fulfilling the purpose of that track.* More than 80% of the "C" tracked cases were continued. And as would be expected, in Brooklyn a higher proportion of "C/Up's" were continued than "C/Downs." As was anticipated, a higher proportion of "D" tracked cases (33%) were disposed than any other track. The few "E" cases present a dilemma: all should have been disposed at arraignment; however, one third were continued. One explanation is that the ADAs had questions about the "E" cases processed through to arraignment. If these questions were not answered by the time of arraignment, or the answers suggested that the case should not be dismissed, these "E" cases would have been continued.

* The "B1" track, unique to Manhattan, was for those cases which the prosecutor was willing to offer an A misdemeanor plea "with time." If the plea offer was not accepted, the prosecutor could send the case to the Grand Jury after a preliminary hearing.

TABLE N : ASSOCIATION BETWEEN ALL ECAB TRACK DECISIONS AND ARRAIGNMENT OUTCOMES (MANHATTAN, BROOKLYN AND THE BRONX)

CASE OUT- COME	ECAB TRACK DECISIONS							
	A	B	B1	C/UP	C	C/Down	D	E
Continued	97	98	60a	89	86	80	66	31a
Disposed	1	1	40a	10	13	18	33	69a
Transferred to Family Court	2	1	0a	1	1	2	1	0a

Total	100%	100%	100%	100%	100%	100%	100%	100%
(n)=(1,715)	(73)	(186)	(5)	(64)	(265)	(180)	(927)	(15)

Source: ECAB Log Book and manually coded court data (Manhattan); and computerized court data from the PTSA information system (Brooklyn and the Bronx).

a = number of cases below 20.

Although not an explicit goal, ECAB apparently had a marked impact in Brooklyn and the Bronx (Manhattan data were not available) on the proportion of felony cases reduced to misdemeanors at arraignment. Pleas and dispositions did not necessarily accompany this increase in the reduction of felony charges. Table O includes all reductions, whether or not accompanied by pleas.

Table O: Charge Changes at Arraignment "Before and After" ECAB (Brooklyn and the Bronx Compared)

Charge Change:	<u>Brooklyn</u>		<u>Bronx</u>	
	<u>Before</u>	<u>After</u>	<u>Before</u>	<u>After</u>
Reduced from Felony to Misdemeanor	6%	22%	9%	28%
Some Other Change	1	2	1	1
No Change	93	76	90	71
Total	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
(n)	(2,915)	(1,029)	(1,724)	(356)

Source: Computerized court data from the PTSA information system

ECAB assistants reported that reduction of felony cases to misdemeanors without pleas may have increased misdemeanor trials but the data needed to test this hypothesis are not available. They reasoned that defendants may have had little incentive to plead guilty to the misdemeanor charges remaining

after a reduction. To the extent that this occurred, it frustrated one goal of ECAB -- to speed rather than delay dispositions.

Post Arraignment Impact

Not surprisingly, the measurable impact of EACB tracking decisions declined as cases proceeded through the various stages of adjudication in Criminal Court. In Brooklyn and Manhattan, the proportion of cases sent to the Grand Jury from post-arraignment parts declined after the introduction of ECAB (see Table P). In the Bronx there was no change in the proportion of cases sent to the Grand Jury. The reduction in percentages of cases sent to the Grand Jury in both Manhattan and Brooklyn was accompanied by an increase in the proportion of cases ending in conviction or guilty plea in Criminal Court. Plea bargaining practices suggest that the two phenomena were related; guilty pleas were offered in return for not sending a case to the Grand Jury. However, no explicit policy for such a process existed and thus no study of such a policy was made.

It was not anticipated that ECAB would influence sentencing in Criminal Court because the program emphasized the selecting of serious cases for prosecution in Supreme Court and the speedy dispositions of non-felony cases. An analysis of sentencing data in Brooklyn and the Bronx (not enough data

TABLE P: Final Criminal Court Outcomes "Before and After" ECAB
 Manhattan, Brooklyn and The Bronx Compared

Final Criminal Court Outcome (Includes Cases Disposed at Arraignment)	Manhattan		Brooklyn		Bronx	
	Before	After	Before	After	Before	After
Plea/Conviction	36%	44%	30%	42%	33%	26%
Dismissal/Acquittal ^a	34	40	42	38	49	55
To Grand Jury	30	16	25	16	14	16
To Family Court/Other ^b	-	-	3	4	4	3
Total	100%	100%	100%	100%	100%	100%
(n)	(82)	(80)	(2,851)	(996)	(1,662)	(433)

Source: Manually coded court data (Manhattan) and computerized court data from the PTSA Information system (Brooklyn and the Bronx).

^a Includes ACDs.

^b Psychiatric and drug remands; abatements

were available in Manhattan) showed that ECAB did not substantially change the Criminal Court sentencing pattern in either borough.

ECAB's Impact on Grand Jury
and Supreme Court Outcomes

In creating ECAB, the DCJS staff and the District Attorneys agreed that a major goal would be to speed to the Supreme Court only those cases that truly merited felony treatment. If successful, early assessment would result in: an increased indictment rate by the Grand Jury (i.e., the percentage of cases presented for which an indictment is voted); and in the Supreme Court, an increase in pleas of guilty or convictions on felony charges as well as an increase in felony sentences in cases disposed by pleas or convictions.

Grand Jury Indictment Rates

Each of the three District Attorney's Offices maintained monthly statistics on Grand Jury presentations and indictments. These statistics show that since the start of ECAB:

- o In Manhattan, Grand Jury presentations, which had been declining before ECAB, continued to decline more rapidly, and indictment rates increased.
- o In Brooklyn, the number of Grand Jury presentations, which had been increasing before ECAB, began to decline after ECAB. The decrease in the number of presentations to the Grand Jury each month was accompanied by a decrease in the level of indictment rates.

- o In the Bronx, the number of Grand Jury presentations each month remained relatively constant (but less erratic from month to month), while indictment rates, which had been increasing before ECAB, continued to increase.

Table Q summarizes Grand Jury indictment rates in the three boroughs. Indictment rates, at a high level in all three boroughs before the commencement of early assessment, increased still further in Manhattan and the Bronx. The Bronx achieved a 94 percent indictment rate. In Brooklyn, early assessment apparently resulted in a decline in Grand Jury indictment rates. However, the fact that Brooklyn had the highest proportion of "C" track cases presented to the Grand Jury (44 percent of all cases) and the highest Grand Jury case rejection rate (returns and "no true bills" totalling 21 percent of all cases presented), but the greatest increase in the percentage of successful felony convictions (from 81 to 95 percent) suggests that a higher proportion of weak cases were being weeded out at this stage in Brooklyn than in the other boroughs.

In addition to the sample data presented in Table Q, Tables B.1 through B.6 in Appendix B present complete data for indictment rates gathered by the District Attorneys' Offices. The trend figures for the Bronx are of particular interest in an evaluation of ECAB. These figures show that, on the average, the number of cases

TABLE Q: Grand Jury Outcomes "Before and After" ECAB
 Manhattan, Brooklyn and the Bronx Compared

	<u>Manhattan</u>		<u>Brooklyn</u>		<u>The Bronx</u>	
	<u>Before</u>	<u>After</u>	<u>Before</u>	<u>After</u>	<u>Before</u>	<u>After</u>
Grand Jury Outcome:						
True Bill (case acceptance)	77%	84%	86%	79%	80%	94%
Returned to Criminal Court	11	6	7	13	8	5
No True Bill	12	10	7	8	12	1
Total	100%	100%	100%	100%	100%	100%
(n)	(480)	(493)	(686)	(155)	(199)	(57)

Source: Supreme Court Indictment and Docket Records.

presented to the Grand Jury each month remained constant before and after ECAB. Since ECAB, however, there has been less fluctuation in presentations from month to month and the Grand Jury indictment rate has increased. This finding indicates that early assessment helped assure a steady flow of cases going to the Grand Jury. Increased indictment rates suggest that cases withheld from the Grand Jury were being evaluated in a consistent and uniform manner. Assessment of the nature and strength of each case in the Complaint Room provided a means for assuring that only those cases most likely to result in felony dispositions traveled from Criminal Court to Supreme Court.

Supreme Court Outcomes

After ECAB was introduced successful prosecutions in Supreme Court -- pleas, convictions and Youthful Offender dispositions -- increased slightly. Successful prosecutions rose from 77 percent to 84 percent in Manhattan and from 90 percent to 94 percent in the Bronx (see Table E). In Brooklyn the percentage of successful prosecutions, already high (93 percent), remained virtually the same. The increase in the percentage of felony dispositions obtained in Supreme Court after ECAB also fulfilled the goals of early case

assessment. As was noted in the Executive Summary, felony dispositions increased from 87 percent of all pleas and convictions in Manhattan Supreme Court before ECAB to 93 percent after ECAB. In Brooklyn, the increase was from 81 percent to 95 percent; in the Bronx, from 94 percent to 100 percent (Table F). Thus, ECAB appears to be achieving one of its major purposes: cases that might appropriately be disposed in Criminal Court are not burdening the resources of the Supreme Court.

ECAB was designed to have a direct impact on conviction rates in the Supreme Court. But more efficient prosecution of cases could affect sentencing as well. Many factors would be expected to influence these sentences besides the ECAB track. The defendant's past criminal record and the seriousness of the crime (which appear in the presentencing report prepared by the Department of Probation) affected sentences. Also, after ECAB felony sentencing may have been influenced by the well publicized conditions of overcrowding in State correctional institutions. The proportion of sentences for felony time before and after ECAB in each of the three boroughs is set out in Table R. There was a decrease in felony sentences in Manhattan (from 66 percent to 56 percent). However, there was a slight increase in sentences for felony time after ECAB in the Bronx (from 75 percent to 77 percent) and in Brooklyn (from 53 to 58 percent).

Table R: Sentences Imposed in the Supreme Court "Before and After" ECAB
 Manhattan, Brooklyn and the Bronx Compared

Sentence:	Manhattan		Brooklyn		The Bronx	
	Before	After	Before	After	Before	After
Probation (Three Yrs)	5%	4%	7%	4%	4%	0%
Probation (Five Yrs)	21	29	26	30	18	23
Time and Probation	2	5	3	0	-	-
Felony Time	66	56	53	58	75	77
Other ^a	6	6	11	8	3	0
Total	100%	100%	100%	100%	100%	100%
(n)	(189)	(169)	(394)	(53)	(76)	(13)

Source: Manually coded court data (Manhattan) and computerized court data from the PTSA information system updated to reflect Supreme Court outcomes (Brooklyn and the Bronx).

^a Fine, fine and probation, conditional discharge, unconditional discharge, time served.

SAVINGS ACHIEVED SINCE THE INCEPTION OF ECAB

Early assessment has produced savings in manpower and money by reducing the overall cost of pretrial detention through speedier dispositions and increased ROR rates, and by reducing police appearances in court. Other conditions and programs that were operating when ECAB began undoubtedly contributed to these improvements in the criminal justice system. As mentioned above, an increase in arraignment dispositions and a decline in the number of indictments were already occurring before ECAB. However, only a controlled experiment, not possible in this study, would have enabled Vera to determine more directly what proportion of these changes were due to the operations of ECAB alone. Changes in judicial personnel, for instance, may have contributed to increased dispositions, speedier case processing or reduced pretrial detention. Furthermore, the influence of early assessment declined expectedly as cases moved through the courts.

Reduction of Appearances and Time to Disposition in Criminal Court

If early assessment was successful in expediting plea discussions and reducing indecision concerning desired outcomes, a decline in the number of appearances required

to reach disposition in the average case was expected.* And if ECAB reduced court appearances, the money and manpower no longer invested in these appearances could be directed to other uses.

In Brooklyn, cases reached disposition more quickly after ECAB than before. This acceleration was due almost entirely to an increase in the proportion of cases disposed at arraignment, not to fewer appearances post-arraignment. Before ECAB, 13 percent of felony arrest cases reached disposition at arraignment and 41 percent at the first appearance afterwards; after ECAB 26 percent of cases were disposed at arraignment and 56 percent at the next appearance. For cases requiring more than four appearances there was no measurable impact attributable to ECAB.

The Bronx presented a different pattern. The proportion of felony arrest cases disposed at arraignment in the Bronx was the same before ECAB as after ECAB; 19 percent vs. 18 percent. The proportion of cases disposed at the next appearance also did not increase after ECAB; 54 percent vs. 50 percent. Finally, after the fourth and

* An analysis of court appearances and time to disposition was not attempted in Supreme Court because the Supreme Court data did not include information on court appearances, a high proportion of cases remained pending, and there was little reason to expect an impact from ECAB on the speed of Supreme Court processing.

again after the eighth appearance post-arraignment, Bronx dispositions after ECAB (80 percent and 88 percent) were marginally lower than the cumulative rates before ECAB (88 percent and 94 percent).

However, an analysis of the time to disposition for cases involving only defendants detained during the pretrial period suggests that, in Brooklyn and the Bronx, ECAB was associated with a speeding up of these dispositions.* Figure 2 shows the cumulative percentages of cases with detained defendants disposed in Criminal Court one or more weeks after arraignment. In Brooklyn, dispositions reached 64 percent within one week of arraignment before ECAB as compared to 76 percent after ECAB. In the Bronx, dispositions within one week were 66 percent before ECAB and 82 percent after ECAB. Bronx cases with detained defendants required an average (mean) of 3.7 weeks to reach disposition before ECAB and 2.4 weeks after ECAB; in Brooklyn, such cases were disposed in an average of 2.7 weeks before ECAB as against 2.3 weeks after ECAB.

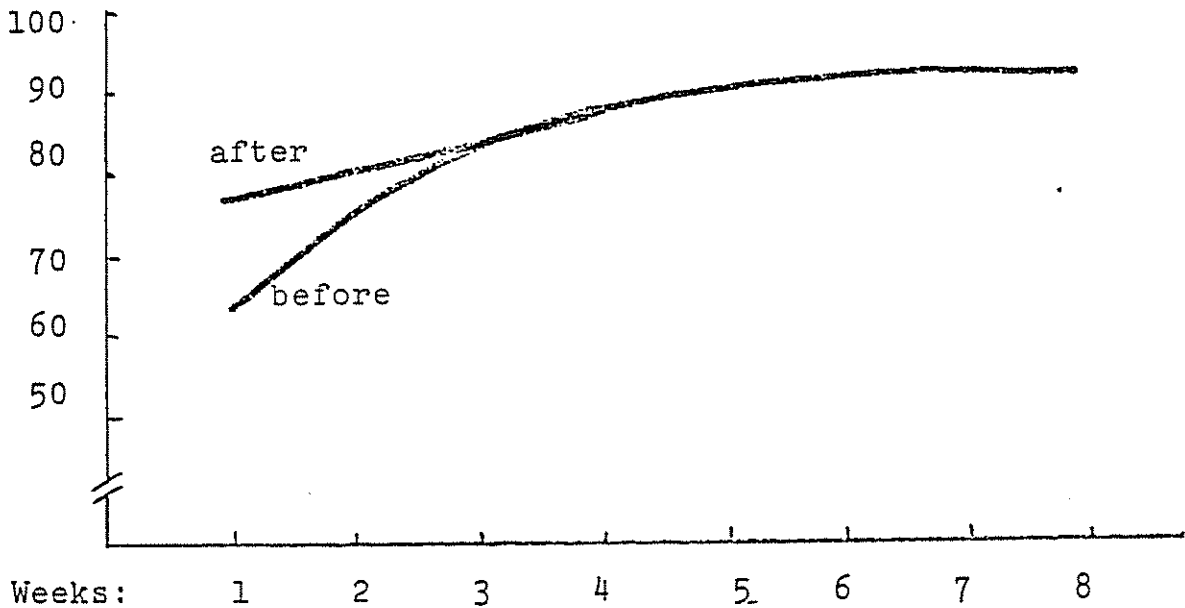
* By statute, proceedings involving defendants detained during the pretrial period must be expedited. For detained defendants, the next appearance after arraignment typically occurs within two to three days; for a defendant who has been ROR'd or freed on bail, the next appearance is typically scheduled two or three weeks later.

Figure 2

CUMULATIVE PERCENTAGES OF CASES DISPOSED OVER TIME
IN CRIMINAL COURT: "BEFORE AND AFTER" ECAB

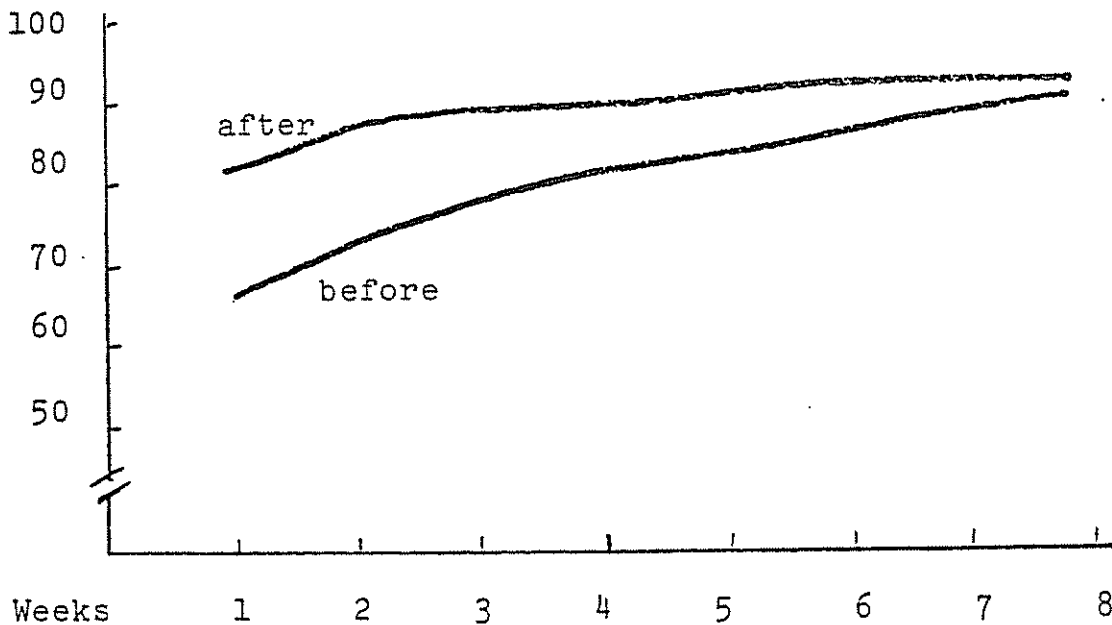
Percent of
Cases Disposed

Brooklyn



Percent of
Cases Disposed

The Bronx



Source: Computerized court data from PTSA information system
(July 1, 1974 - December 31, 1975).

Impact on Pretrial Detention Costs

ECAB affected pretrial detention costs in two ways: Savings resulted in the Bronx from increases in the percentages of defendants who were released on their own recognizance (ROR'd) during the pretrial period. And by reducing the time to Criminal Court disposition for detained defendants in Brooklyn and the Bronx, ECAB reduced the amount of time spent in jail by detained defendants and therefore, the costs of detaining them.

For the study period, felony arrest cases showed ROR rates increasing in the Bronx from 48 percent to 61 percent -- in a borough where dispositions were reached slightly more slowly -- and decreasing in Brooklyn from 45 percent to 40 percent -- in a borough where dispositions were reached more quickly.* It is reasonable to suppose that many cases, otherwise eligible for ROR because of the defendant's community ties, the absence of a serious charge or a minor prior record, were among cases in which

* The before ECAB figures are based on a sample of all felonies; the after figures are based on a sample of felonies processed by ECAB (about 90 percent of all felonies). The ROR rates differ from those reported by the Pretrial Services Agency for the same periods. There is no obvious explanation for these differences. If PTSA data were applied, estimates of savings would be slightly greater than those presented here.

an early misdemeanor disposition was agreed to by the ADA. If such ROR eligible cases were also those likely to be disposed at arraignment, then ROR rates and case dispositions complemented one another. For example, in Brooklyn there was an increase after ECAB in dispositions at arraignment but a decrease in ROR rates. Defendants who may otherwise have been eligible for ROR had their cases disposed. In the Bronx, on the other hand, although no increase in dispositions at arraignment followed the introduction of ECAB, the ROR rate increased.

Table S sets forth projected differences in the number of defendants in detention per year before and after early assessment. In Brooklyn, it is estimated that 812 fewer defendants would have been detained during the pretrial period after ECAB than before. In the Bronx, nearly 1735 fewer defendants would have been detained during the pretrial period. The average length of pretrial detention for these defendants decreased in both boroughs. And as noted above, although the average time to disposition for all cases increased marginally in the Bronx after ECAB, there was still a decrease in the average detention time, reflecting a speedier processing of cases in which defendants were detained.

TABLE S: Projected Impact of ECAB on Pretrial Detention
(Projected Figures)

	Brooklyn		Bronx	
	Before ECAB	After ECAB	Before ECAB	After ECAB
(1) Total Cases per Year	25,290 ^a	25,290	18,520	18,520
(2) Number of Arraignment Dispositions	3,288	6,828	3,519	3,334
(3) Number of Defendants Released (ROR and made bail)	11,221	8,493	7,951	9,871
(4) Number of Defendants Detained	10,781	9,969	7,050	5,315
(5) Mean Length of Time in Detention (Criminal Court) ^b	2.9 wks.	2.2 wks.	3.4 wks.	2.5 wks.
(6) Defendant Weeks in Detention	31,265	21,932	23,970	13,288
(7) Difference in Defendant/Weeks (Before ECAB - After ECAB)	9,333		10,682	
(8) Estimated Savings (Difference in Defendant/Weeks X \$112 per week)	\$1,045,296		\$1,196,384	

a. Projected annual volumes (July, 1975 - June, 1976) using sample data and information from ECAB records.

b. Mean time in detention in this table is tabulated both for defendant's detained during all and during part of the pretrial period. Therefore, these figures differ slightly from those used on p. 70 for defendants always detained.

The combined savings resulting from ECAB's impact on criminal court processing and the pretrial release of defendants are estimated at \$1.05 million in Brooklyn and \$1.2 million in the Bronx. Table S presents these estimates which were derived by multiplying the cost of detaining one defendant for one week (\$112)* by the difference in the number of defendant weeks of pretrial detention "before and after" ECAB.

While it was necessary to make several assumptions in deriving these estimates of ECAB's relation to pretrial detention costs, different analytical approaches all indicate that savings were produced. Perhaps more important than specific monetary savings was ECAB's help in easing the strain on correctional resources which otherwise would have been even more heavily burdened by large detention populations.

Other Savings from Reduced Appearances

By reducing the number of court appearances required for dispositions, early assessment was associated with additional savings in Brooklyn. The number of appearances re-

* The cost of keeping one defendant in pretrial detention for one week is estimated at \$112.00. Source: New York City Office of Management and Budget. Estimates of pretrial detention costs utilized in other studies range as high as \$50 or \$75 per day of detention. The lower estimate used here reflects marginal costs of detaining "one more" defendant.

quired to process felony cases in Brooklyn Criminal Court during one year decreased from an estimated 63,000 to an estimated 46,000 appearances, a reduction of 17,000 appearances.* In Brooklyn, an average of 50 cases are now calendared each day in an all-purpose part;** thus the estimated reduction of 17,000 appearances per year would translate into 340 fewer part/days per year. In other words, by maintaining the present workload in other Brooklyn parts, it appears that one all-purpose part could be closed for the entire year in that borough. In the Bronx, the number of appearances per year in Criminal Court is estimated to have remained the same.***

Savings in Police Appearances

Early assessment was also associated with a reduction in the number of police appearances in court. A decrease in the number of preliminary hearings and presentations to the Grand Jury can be translated into estimates

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- * This estimate was calculated by multiplying the average number of appearances required for disposition (2.5 before ECAB, 1.8 after ECAB) by an estimate of the yearly number of ECAB cases (25,290).
- ** Source: Criminal Court Statistics Unit, Office of Court Administration - New York City Criminal Courts.
- *** Although there was a marginal increase in the number of appearances required for disposition in Criminal Court in the Bronx after ECAB, there was a corresponding decrease in the number of preliminary hearings due to the high proportion of "A" track cases.

of savings in police time (Table T). (The number of saved appearances associated with speedier dispositions in Criminal Court has not been estimated because it was not possible to calculate how many police would have been excused from Court or placed on alert and thus not in court in any case.) Since police presence is regularly required at preliminary hearings and at Grand Jury presentations, estimates are made for these two occasions. In Manhattan, it is estimated that after early assessment, 2,527 fewer police appearances were required per year. In Brooklyn, the reduction was slightly greater, amounting to about 2,699 appearances. Manpower savings in the Bronx were estimated at 1,319 appearances per year; they were derived solely from reduction in the number of preliminary hearings. This difference in savings between the Bronx and the other two boroughs may be attributed to the relatively few Grand Jury presentations prevailing in the Bronx before early assessment. Because police appearances for Grand Jury or preliminary hearings usually result in diversion of the police officers from other duties (rather than in overtime charges), the reduction in court appearances allowed police officers to spend less time in court and more time on the street.

Table T: Estimates of Savings of Police Court Appearances Associated with ECAB

	<u>SAVINGS</u>		
	<u>Manhattan</u>	<u>Brooklyn</u>	<u>Bronx</u>
Estimated Reduction in Number of Preliminary Hearings ^a	648	441	1689
Reduction in Number of Grand Jury Presentations ^b	1879	2258	(370)
Total Estimate of Reduction in Court Appearances	2527	2699	1319

^a These figures were calculated by multiplying the number of Grand Jury presentations by the proportion of all cases presented which were assigned to the "A" track: Manhattan (.13 X 4978); Brooklyn (.11 X 4012); and the Bronx (.57 X 2963). Savings in number of preliminary hearings may have been underestimated. In Manhattan, preliminary hearings were waived in 60 percent of all "B" track cases.

^b These figures were calculated by subtracting the number of Grand Jury presentations after ECAB from the number of Grand Jury presentations before ECAB:

	<u>Manhattan</u>	<u>Brooklyn</u>	<u>Bronx</u>
Before ECAB	6,857	6,270	2,593
After ECAB	4,978	4,012	2,963

The cost savings associated with early assessment underscore the broader findings that emerge from the evaluation: ECAB occupies a strategic position in the effective and rational management of the prosecution and adjudication process. In the Complaint Room, senior ECAB ADAs can use

their experience to improve criminal case processing. Decisions made by ECAB affect the rate of Grand Jury indictments, the speed of dispositions, police manpower, and the size of the pretrial defendant population; and they help to identify those cases that merit vigorous felony prosecution.

APPENDIX A: PROCEDURES
FOR OBTAINING DATA

The Vera evaluation utilized data from four sources: (1) observations in the Complaint Rooms of the three boroughs, before and after the introduction of ECAB; (2) hand-coded case outcomes for Manhattan ECAB Criminal Court and Supreme Court cases; (3) computerized Criminal Court data for Brooklyn and the Bronx ECAB, together with hand-coded Supreme Court outcomes for a sub-sample of these cases; and (4) data on Grand Jury presentations and indictments collected regularly by the DAs' Offices in three boroughs. This section describes how the data were obtained, and in some instances, why; and discusses, briefly, how the data were evaluated.

Procedures to Obtain "Before and After" ECAB

Complaint Room Observation Data

Observations of Complaint Room operations were undertaken before ECAB began in Manhattan, Brooklyn and the Bronx in order to provide baseline data from which to gauge the impact of ECAB. Data were collected by observers working in the Complaint Rooms in the three boroughs. Follow-up information on adjournments and dispositions of cases was obtained from court papers and docket book records in the Criminal and

Supreme Courts in each borough. Only felony arrest cases were studied and some of these cases could not be followed up because records were unavailable* or because the cases were transferred to another court.

In Brooklyn and the Bronx, the before ECAB and after ECAB observation samples were only used for the study of Complaint Room charging. Data on case dispositions were obtained from a larger sample of the computerized records of the Pretrial Services Agency as described below. The Manhattan observation samples, on the other hand, were used for Criminal Court analysis, including study of arraignment and ultimate Criminal Court dispositions, since PTSA data were not available for that borough. In using Complaint Room data, felony dockets, rather than defendants, were the units of analysis.

The Manhattan "before ECAB" observation sample consisted of 96 cases collected between Tuesday, April 29, 1975 and Monday, May 5, 1975; one defendant had two docket numbers. The Brooklyn "before ECAB" sample consisted of 82 cases

* The Manhattan Complaint Room usually had between four and seven ADAs and only one or two Vera observers. Thus, during peak hours, it is possible that the observers missed from 10 to 50 percent of the cases coming into the Complaint Room. There is no reason to believe, however, that the missed cases represent a systematic elimination of any particular type of case.

collected between Tuesday, January 14, 1975 and Friday, January 18, 1975; five of the 77 defendants had two docket numbers. The Bronx before ECAB observation sample consisted of 124 dockets collected between Friday, September 19, 1975, and Saturday, September 27, 1975: three of the 121 defendants had two dockets each.

Techniques for acquiring data on the observation samples included, at the outset, the notation of the docket number assigned to each case and then used by the court to schedule defendants for arraignment and subsequent hearings. In the Criminal Court, case papers went to the Docket Room immediately after the ADA's interview with the arresting police officer (APO). One felony arrest could result in more than one docket number. For example, when more than one defendant was involved in a felony arrest, each defendant received a separate docket number.

Researchers used the Index Book, which contains a daily alphabetical listing of defendants, to find docket numbers by matching arrest dates obtained in the Complaint Room with arraignment dates noted in the Index. Complaint Room and arraignment charges, which should be identical, were compared after docket numbers had been tentatively identified.

In Manhattan, information on defendants included in the study was obtained from the Criminal Court docket

number and the defendant's name in order to locate the Supreme Court indictment number. Information on actions after indictment was obtained by using Supreme Court case papers and Docket Books.*

The after ECAB observation data were collected in a similar manner. The Manhattan after ECAB observation sample consisted of 139 dockets collected on October 1, 2, and 3, 1975. Of the 137 defendants, two defendants have two docket numbers each. Three defendants were Youthful Offenders whose cases were sealed. Five cases could not be followed due to the unavailability of records. One researcher was stationed with the ECAB paralegal who entered all incoming felony arrests in the ECAB log book in the order in which they would be processed by ECAB. When the Complaint Room workload was particularly heavy, the paralegal sent certain types of cases (e.g., possession of small amounts of marijuana) to be typed and processed as "D" track cases.

With the exception of such "D" track cases, defendants charged with felony arrests were interviewed by a senior ECAB ADA. Researchers observed all ADAs on duty. During the period studied, ECAB ADAs assigned junior ADAs

* In Brooklyn, information was taken from the Supreme Court Docket Book, which is similar to the Adjournment Book in the Criminal Court. Manhattan researchers used court papers for disposed cases and the Docket Book for pending cases. In the Bronx, no Clerk's Office books were used; data were taken from court papers for disposed and pending cases.

to dictate affidavits to typists.*

The Brooklyn after ECAB observation sample consisted of 173 dockets collected on January 23, 25, 27, 28 and February 2 and 5, 1976: of the 172 defendants, one had two docket numbers. The Bronx sample included 204 dockets collected on January 24, 26, 28, 30, 31 and February 3 and 11, 1976: of 190 defendants, one had three docket numbers and 12 had two docket numbers.

Researchers sat next to the ECAB ADA during his interview with the APO, and recorded data which included demographic information, booking charges, charge changes made by the ECAB ADA, and the track assigned by the ADA.

In both Brooklyn and the Bronx, after the ECAB ADA held an initial interview with the APO and the complaining witness, junior ADAs prepared the trial folders. Based on their own interviews with the APO and complainant, the junior ADAs dictated formal complaints (in the Bronx, an automatic typewriter with standardized charges was sometimes used) and recorded the facts of the case in the prosecutor's folder. In order to note charge changes made by junior ADAs, researchers observed their work as well.

* It later became the policy in Manhattan for an ECAB ADA to interview all felony cases that came into the Complaint Room. The paralegal's tracking of "D" cases was eliminated. It also became policy that the ECAB ADA dictated the affidavit to the typist.

Observers recorded the information for each defendant on code sheets which identified defendants, and co-defendants by name, and the charge change made in the Complaint Room. In addition, Brooklyn and Bronx observers were able to specify whether changes had been made by one of the ECAB ADAs or by one of the junior ADAs.

In Brooklyn and the Bronx, the observation samples were followed through arraignment only. Brooklyn docket numbers and arraignment actions were taken from the Arraignment Calendar. In the Bronx, the docket numbers were obtained from the ECAB log book, where defendants were listed by date of Complaint Room review of their cases. When no docket number was listed, researchers used the Arraignment Calendar.

Computerized Before ECAB and After ECAB Data
in Brooklyn and the Bronx

To obtain larger samples of cases than would have been available through observations, from both the before ECAB and after ECAB periods, Vera utilized computerized data available from the Pretrial Services Agency's (PTSA) information system. Because the PTSA system did not operate in Manhattan during the study period the only data for Manhattan were derived from the hand-collected samples described above.

The PTSA information system assigns each defendant an identification number for each arrest. In Brooklyn, the before ECAB computerized sample was drawn from cases with arrest dates between July 1, 1974 and August 3, 1975. The after ECAB sample was drawn from cases with arrest dates between August 4, 1975 and December 31, 1975. In the Bronx, the before ECAB and after ECAB periods were December 1, 1974 through October 5, 1975 and October 6, 1975 through December 31, 1975, respectively. Vera's sample represents ten percent of all PTSA cases for the periods described above. Cases were discarded unless they contained at least one felony charge.

The resulting computerized samples contained the following number of dockets:

	<u>Before ECAB</u>	<u>After ECAB</u>
Brooklyn:	2915	1029
Bronx:	1724	479

Because the PTSA system did not contain the ECAB tracking information, that information was obtained by hand from ECAB logbooks. Vera also sought the identity of ADAs who tracked the cases. The computerized before ECAB and after ECAB samples were used for analysis of tracking decisions, as well as for measurement of ECAB's impacts on Criminal Court dispositions.

Supreme Court Data

In order to study Supreme Court outcomes, sub-samples of the computerized files for Brooklyn and the Bronx were identified and updated with information collected manually from Supreme Court records. In Manhattan a hand-collected sample of 400 before ECAB and 400 after ECAB indictments was collected from Supreme Court records.

Brooklyn and Bronx Supreme Court Data

Although the computerized samples did not contain Supreme Court information, they did specify transfers of cases to the Supreme Court; identifying information about the defendant was taken from the computerized samples in order to obtain Supreme Court records. The indictment number assigned to the case was obtained from the Name Index in the Supreme Court Clerk's Office. The indictment date and charge, the complaint charge, Supreme Court arraignment date, disposition (and date), and sentence (and date) were collected from the Supreme Court Indictment Book, using the indictment number as the primary identifier. In addition, other dockets assigned to the defendant covered by the indictment and co-defendants covered by the indictment were recorded when appropriate.

Dispositions of indictments which were consolidated were also obtained. If an indictment was superceded, a

notation to that effect was made and the superceding indictment number and disposition were recorded.

Manhattan Supreme Court Data

The initial Manhattan Supreme Court samples consisted of 400 before ECAB and 400 after ECAB indictments collected from Supreme Court records. Arrest and Criminal Court data were found on cover sheets of felony complaints; arrest data were taken from NYSID reports. For cases pending in Supreme Court, Criminal Court data were obtained from the Docket Book in the Criminal Court Clerk's Office; arrest data were not obtained. For cases returned to the Criminal Court by the Grand Jury, arrest and Criminal Court information was obtained from the court papers if the case had reached a disposition; if the case was still pending, the Docket Book was used for Criminal Court information, and no arrest data were collected. ECAB tracks were obtained from the ECAB log book for the after ECAB cases.

Coding Procedures for Supreme Court Samples in Manhattan, Brooklyn, and the Bronx

Supreme Court information was coded and keypunched in order to permit computer analysis. Although a sampled defendant was often indicted with other defendants, data for co-defendants not in the sample were not coded. A computer

record was created for each defendant docket in the sample.[#] Only the most serious complaint charge,^{**} indictment charge, and disposition were coded.

Consolidated (merged) and superceding indictments represented a very small number of cases. Merged indictments were treated as a single indictment; the indictment number under which the disposition was recorded was followed. A superceding indictment results from new information which warrants a change in charges or in prosecution strategy; the superceding indictment number and its disposition were followed in lieu of the original. However, the indictment date, indictment charge and Supreme Court arraignment date were taken from the original indictment to preserve information about the original case, including the length of time the case had been before the courts.

Compilation of Grand Jury Presentation and Indictment
Statistics in All Three Boroughs

Data on Grand Jury presentations and indictments in Manhattan, Brooklyn and the Bronx were obtained from

* For defendants with multiple dockets covered by the same indictment, either docket or indictment based analysis was possible.

** When two or more charges fell in the same class, the following ranking of crime types was used to determine the most serious charge:

<u>most serious:</u>	violent crimes	<u>least serious:</u>
	property crimes	
	weapons offenses	administrative
	drug offenses	crimes

District Attorney's Offices. Data for 1974 and 1975 were compiled and printed on forms required of the various District Attorneys' Offices by DCJS. After 1975, data were available from internal records prepared by the District Attorney's Offices. These data cover all presentations to the Grand Jury including cases which were processed by the Homicide Bureaus and other specialized bureaus and thus not reviewed by ECAB. After Grand Jury action, one of four dispositions was stamped in the minute book: adjourned, "true bill," "no true bill," or referred to lower court.

The Manhattan District Attorney's Office chose to record defendants; in the Bronx and Brooklyn defendant/indictments were recorded. In Manhattan as in the other boroughs a defendant with more than one charge in the same indictment was counted once and an indictment with multiple defendants, once for each defendant. However, in Manhattan, if a defendant had more than one indictment, only one entry was made for all indictments whereas in the Bronx and in Brooklyn, one entry would be made for each indictment. Thus, the total number of Grand Jury presentations recorded in Manhattan would have been higher if the Bronx or Brooklyn accounting methods were used.

Methods of Evaluating Data

Vera evaluated the significance of any finding in at least one of three ways. When appropriate, the data were

subjected to tests of statistical significance. In tables of association between two variables, chi-square was used. If the table compared "before" and "after" figures, tests of the difference between proportions or means were used.

A second method for evaluating "before" and "after" differences was for an assessment to be made of the probable impact associated with the magnitude of the change. For example, a change of two percent in the proportion of pleas taken before and after the implementation of the program would probably have little impact on the total system, even if it were statistically significant. A change of 10 percent, on the other hand, would have a much greater impact on the criminal justice system.

The data were subjected to a third type of evaluation: corroboration by other sources. For example, when the data showed that ADAs had apparently considered prior records of defendants in their tracking decisions, and this was confirmed in interviews with the ADAs and through Complaint Room observations, then this finding was considered to be supported from a second source. Confirmation from other sources was important when there was an unexpected finding or when a change was large but, because of a small sample size, not statistically significant.

APPENDIX B:

PRESENTATION AND INDICTMENT DATA
FOR
MANHATTAN, BROOKLYN AND THE BRONX

TABLES B.1, B.3 and B.5
present monthly data on Grand Jury
presentations and indictments

TABLES B.2, B.4 and B.6
control for seasonal variations in arrest
rates and in types of crimes by comparing
January 1974 to January 1975 data, etc.

Source: Manhattan, Brooklyn and the Bronx
District Attorneys

TABLE B.1

Manhattan Felony Grand Jury Presentations and Indictments

	<u>Total Presentations</u>	<u>Number of Indictments</u>	<u>%</u>	<u>Referred to Lower Courts</u>	<u>%</u>	<u>Dismissed</u>	<u>%</u>	
BEFORE ECAB	74							
	Jan	749	572	76	72	105	14	
	Feb	739	554	75	63	122	17	
	Mar	708	537	76	69	102	14	
	Apr	732	555	76	76	101	14	
	May	556	382	69	74	100	18	
	Jun	392	272	69	56	64	16	
	Jul	564	419	74	42	103	18	
	Aug	583	465	80	68	50	9	
	Sep	583	445	76	54	84	14	
	Oct	558	430	77	70	58	10	
	Nov	508	376	74	66	66	13	
Dec	650	494	76	66	90	14		
75								
Jan	646	488	76	76	82	13		
Feb	567	440	78	58	69	12		
Mar	642	460	72	66	116	18		
Apr	610	437	72	54	119	20		
AFTER ECAB								
	May	554	389	70	72	93	17	
	Jun	500	367	73	50	83	17	
	Jul	464	362	78	26	76	16	
	Aug	443	377	85	23	43	10	
	Sep	471	376	80	28	67	14	
	Oct	450	356	79	31	63	14	
	Nov	365	320	88	17	28	8	
	Dec	365	296	81	27	42	12	
	76							
	Jan	371	305	82	30	36	10	
	Feb	386	339	88	18	29	8	
Mar	471	401	85	25	45	10		
Apr	328	292	89	10	26	8		
May	364	319	88	17	28	8		
Jun	341	308	90	11	22	6		

TABLE B.2

Contrasts in the Number of Grand Jury Presentations
And in Indictment Rates for Months One Year Apart in Manhattan

		Grand Jury Presentations			Indictment Rates			
	Value for Month	Value for Month One Year Before	Sign of Difference	Value for Month	Value for Month One Year Before	Sign of Difference		
75 BEFORE ECAB	Jan	646	749	-	76	76	0	
	Feb	567	739	-	78	75	+	
	Mar	642	708	-	72	76	-	
	Apr	610	732	-	72	76	-	
AFTER ECAB	May	554	556	-	70	69	-	
	Jun	500	392	+	73	69	+	
	Jul	464	564	-	78	74	+	
	Aug	443	583	-	85	80	+	
	Sep	471	583	-	80	76	+	
	Oct	450	558	-	79	77	+	
	Nov	365	508	-	88	74	+	
	Dec	365	650	-	81	76	+	
	76	Jan	371	646	-	82	78	+
		Feb	386	567	-	88	72	+
		Mar	471	642	-	85	72	+
		Apr	328	610	-	89	72	+
May		364	554	-	88	70	+	
Jun		341	500	-	90	73	+	

Brooklyn Felony Grand Jury Presentations and Indictments

	Total Presentations	Number of Indictments	%	Referred to Lower Courts	%	Dismissed	%	
73	Oct	757	582	77	110	65	9	
	Nov	809	664	82	72	73	9	
	Dec	539	427	79	62	50	9	
74	Jan	499	402	81	44	53	11	
	Feb	393	347	88	23	23	6	
	Mar	574	473	82	44	57	10	
	Apr	443	383	86	32	28	6	
	May	748	637	85	49	62	8	
	Jun	467	409	88	34	24	5	
	Jul	440	393	89	21	26	6	
	Aug	436	351	81	42	43	10	
	Sep	512	452	88	21	32	6	
	Oct	718	628	87	21	52	7	
	Nov	759	669	88	35	50	6	
	Dec	738	628	85	46	64	9	
75	Jan	593	512	86	33	48	8	
	Feb	694	581	84	55	58	8	
	Mar	696	596	86	56	44	6	
	Apr	781	632	81	70	79	10	
	May	968	855	88	55	58	6	
	Jun	638	563	88	19	56	9	
AFTER ECAB	Jul	579	477	82	57	45	8	
	Aug	350	292	83	26	32	9	
	Sep	439	346	79	35	58	13	
	Oct	593	497	84	28	68	11	
	Nov	378	317	84	14	47	12	
	Dec	507	412	81	39	56	11	
	76	Jan	510	366	72	59	85	17
		Feb	383	307	80	25	51	13
		Mar	517	434	84	35	48	9
		Apr	516	396	77	59	61	12
		May	363	297	82	22	44	12
		Jun	272	218	80	14	40	15
Jul		483	398	82	47	38	8	

TABLE B.4

Contrasts in the Number of Grand Jury Presentations
And in Indictment Rates for Months One Year Apart in Brooklyn

		Grand Jury Presentations			Indictment Rates		
	Value for Month	Value for Month One Year Before	Sign of Difference	Value For Month	Value for Month One Year Apart	Sign of Difference	
74	Oct	718	757	-	87	77	+
	Nov	759	809	-	88	82	+
	Dec	738	539	+	85	79	+
75	Jan	593	499	+	86	81	+
	Feb	694	393	+	84	88	-
	Mar	696	574	+	86	82	-
	Apr	781	443	+	81	86	-
	May	968	748	+	88	85	+
	Jun	638	467	+	88	88	0
AFTER ECAB	Jul	579	440	+	82	89	-
	Aug	350	436	-	83	81	-
	Sep	439	512	-	79	88	-
	Oct	593	718	-	84	87	-
	Nov	378	759	-	84	88	-
	Dec	507	738	-	81	85	-
76	Jan	510	593	-	72	86	-
	Feb	383	694	-	80	84	-
	Mar	517	696	-	84	86	-
	Apr	516	781	-	77	81	-
	May	363	968	-	82	88	-
	Jun	272	638	-	80	88	-
	Jul	483	579	-	82	82	-

TABLE B.5

Bronx Felony Grand Jury Presentations and Indictments

	Total Presentations	Number of Indictments	%	Referred to Lower Courts	%	Dismissed	%
74	Jan	372	315	85	33	24	6
	Feb	332	264	80	29	39	12
	Mar	343	287	84	29	27	8
	Apr	371	310	83	39	22	6
	May	313	249	80	28	36	12
	Jun	246	211	86	12	23	9
	Jul	301	243	81	30	28	9
	Aug	408	361	88	16	31	8
	Sep	371	310	84	32	29	8
	Oct	371	310	84	32	29	8
	Nov	313	274	88	17	22	7
	Dec	398	355	89	31	12	3
75	Jan	359	309	86	32	19	5
	Feb	343	291	85	25	27	8
	Mar	490	429	88	23	38	8
	Apr	392	340	87	16	36	9
	May	353	295	84	26	32	9
	Jun	301	263	87	16	22	7
	Jul	303	255	84	24	24	8
	Aug	327	282	86	16	29	9
	Sep	353	314	89	16	23	7
	Oct	402	364	91	13	25	6
	Nov	333	301	90	14	18	5
	Dec	390	353	91	17	20	5
AFTER ECAB	Jan	310	284	92	11	15	5
	Feb	359	324	90	14	21	6
	Mar	407	343	84	29	35	9
	Apr	327	287	88	20	20	6
	May	346	294	85	25	27	8
	Jun	336	303	90	19	14	4
	Jul	351	305	87	22	24	7
	Aug	314	274	87	20	20	6
BEFORE ECAB	Jan	359	309	86	32	19	5
	Feb	343	291	85	25	27	8
	Mar	490	429	88	23	38	8
	Apr	392	340	87	16	36	9
	May	353	295	84	26	32	9
	Jun	301	263	87	16	22	7
	Jul	303	255	84	24	24	8
	Aug	327	282	86	16	29	9
	Sep	353	314	89	16	23	7

TABLE B.6

Contrasts in the Number of Grand Jury Presentations
And in Indictment Rates for Months One Year Apart in the Bronx

		<u>Grand Jury Presentations</u>			<u>Indictment Rates</u>			
		Value For Month	Value For Month One Year Before	Sign of Difference	Value For Month	Value For Month One Year Before	Sign of Difference	
75	BEFORE ECAB	Jan	359	372	-	86	85	+
		Feb	343	332	+	85	80	+
		Mar	490	343	+	88	84	+
		Apr	392	371	+	87	83	+
		May	353	313	+	84	80	+
		Jun	301	246	+	87	86	+
		Jul	303	301	+	84	81	+
		Aug	327	408	-	86	88	-
		Sep	353	371	-	89	84	+
		Oct	402	371	+	91	84	+
		Nov	333	313	+	90	88	+
		Dec	390	398	-	91	89	+
76	AFTER ECAB	Jan	310	359	-	92	86	+
		Feb	359	343	+	90	85	+
		Mar	407	490	-	84	88	-
		Apr	327	392	-	88	87	+
		May	346	353	-	85	84	+
		Jun	336	301	+	90	87	+
		Jul	351	303	+	87	84	+
		Aug	314	327	-	87	86	+

TABLE B.1

Manhattan Felony Grand Jury Presentations and Indictments

	<u>Total Presentations</u>	<u>Number of Indictments</u>	<u>%</u>	<u>Referred to Lower Courts</u>	<u>%</u>	<u>Dismissed</u>	<u>%</u>
74	Jan 749	572	76	72	10	105	14
	Feb 739	554	75	63	9	122	17
	Mar 708	537	76	69	10	102	14
	Apr 732	555	76	76	10	101	14
	May 556	382	69	74	13	100	18
	Jun 392	272	69	56	14	64	16
	Jul 564	419	74	42	7	103	18
	Aug 583	465	80	68	12	50	9
	Sep 583	445	76	54	9	84	14
	Oct 558	430	77	70	13	58	10
	Nov 508	376	74	66	13	66	13
	Dec 650	494	76	66	10	90	14
75	Jan 646	488	76	76	12	82	13
	Feb 567	440	78	58	10	69	12
	Mar 642	460	72	66	10	116	18
	Apr 610	437	72	54	9	119	20
	May 554	389	70	72	13	93	17
	Jun 500	367	73	50	10	83	17
	Jul 464	362	78	26	6	76	16
	Aug 443	377	85	23	5	43	10
	Sep 471	376	80	28	6	67	14
	Oct 450	356	79	31	7	63	14
	Nov 365	320	88	17	5	28	8
	Dec 365	296	81	27	7	42	12
76	Jan 371	305	82	30	8	36	10
	Feb 386	339	88	18	5	29	8
	Mar 471	401	85	25	5	45	10
	Apr 328	292	89	10	3	26	8
	May 364	319	88	17	5	28	8
	Jun 341	308	90	11	3	22	6

TABLE B.2

Contrasts in the Number of Grand Jury Presentations
And in Indictment Rates for Months One Year Apart in Manhattan

	<u>Grand Jury Presentations</u>			<u>Indictment Rates</u>		
	<u>Value for Month</u>	<u>Value for Month One Year Before</u>	<u>Sign of Difference</u>	<u>Value for Month</u>	<u>Value for Month One Year Before</u>	<u>Sign of Difference</u>
75	Jan 646	749	-	76	76	0
	Feb 567	739	-	78	75	+
	Mar 642	708	-	72	76	-
	Apr 610	732	-	72	76	-
	May 554	556	-	70	69	-
	Jun 500	392	+	73	69	+
	Jul 464	564	-	78	74	+
	Aug 443	583	-	85	80	+
	Sep 471	583	-	80	76	+
	Oct 450	558	-	79	77	+
	Nov 365	508	-	88	74	+
	Dec 365	650	-	81	76	+
76	Jan 371	646	-	82	78	+
	Feb 386	567	-	88	72	+
	Mar 471	642	-	85	72	+
	Apr 328	610	-	89	72	+
	May 364	554	-	88	70	+
	Jun 341	500	-	90	73	+

TABLE B.3

Brooklyn Felony Grand Jury Presentations and Indictments

	Total Presentations	Number of Indictments	%	Referred to Lower Courts	%	Dismissed	%
73	757	582	77	110	15	65	9
Oct	809	664	82	72	9	73	9
Nov	539	427	79	62	12	50	9
Dec							
74	499	402	81	44	9	53	11
Jan	393	347	88	23	6	23	6
Feb	574	473	82	44	8	57	10
Mar	443	383	86	32	7	28	6
Apr	748	637	85	49	7	62	8
May	467	409	88	34	7	24	5
Jun	440	393	89	21	5	26	6
Jul	436	351	81	42	10	43	10
Aug	512	452	88	21	4	32	6
Sep	718	628	87	35	5	52	7
Oct	759	669	88	40	5	50	6
Nov	738	628	85	46	6	64	9
Dec							
75	593	512	86	33	4	48	8
Jan	694	581	84	55	8	58	8
Feb	696	596	86	56	8	44	6
Mar	781	632	81	70	9	79	10
Apr	968	855	88	55	6	58	6
May	638	563	88	19	3	56	9
Jun	579	477	82	57	10	45	8
Jul	350	292	83	26	7	32	9
Aug	439	346	79	35	8	58	13
Sep	593	497	84	28	5	68	11
Oct	378	317	84	14	4	47	12
Nov	507	412	81	39	8	56	11
Dec							
76	510	366	72	59	12	85	17
Jan	383	307	80	25	7	51	13
Feb	517	434	84	35	7	48	9
Mar	363	297	77	59	11	61	12
Apr	272	218	82	22	6	44	12
May	483	398	80	14	5	40	15
Jun				47	10	38	8
Jul							

TABLE B.4

Contrasts in the Number of Grand Jury Presentations
And in Indictment Rates for Months One Year Apart in Brooklyn

	<u>Grand Jury Presentations</u>			<u>Indictment Rates</u>		
	<u>Value for</u> <u>Month</u>	<u>Value for</u> <u>Month One</u> <u>Year Before</u>	<u>Sign of</u> <u>Difference</u>	<u>Value For</u> <u>Month</u>	<u>Value for</u> <u>Month One</u> <u>Year Apart</u>	<u>Sign of</u> <u>Difference</u>
74	Oct 718	757	-	87	77	+
	Nov 759	809	-	88	82	+
	Dec 738	539	+	85	79	+
75	Jan 593	499	+	86	81	+
	Feb 694	393	+	84	88	-
	Mar 696	574	+	86	82	-
	Apr 781	443	+	81	86	-
	May 968	748	+	88	85	+
	Jun 638	467	+	88	88	0
	Jul 579	440	+	82	89	-
	Aug 350	436	-	83	81	-
	Sep 439	512	-	79	88	-
	Oct 593	718	-	84	87	-
	Nov 378	759	-	84	88	-
	Dec 507	738	-	81	85	-
76	Jan 510	593	-	72	86	-
	Feb 383	694	-	80	84	-
	Mar 517	696	-	84	86	-
	Apr 516	781	-	77	81	-
	May 363	968	-	82	88	-
	Jun 272	638	-	80	88	-
	Jul 483	579	-	82	82	-

TABLE B.5

Bronx Felony Grand Jury Presentations and Indictments

	<u>Total Presentations</u>	<u>Number of Indictments</u>	<u>%</u>	<u>Referred to Lower Courts</u>	<u>%</u>	<u>Dismissed</u>	<u>%</u>
74	Jan 372	315	85	33	9	24	6
	Feb 332	264	80	29	9	39	12
	Mar 343	287	84	29	8	27	8
	Apr 371	310	83	39	11	22	6
	May 313	249	80	28	8	36	12
	Jun 246	211	86	12	5	23	9
	Jul 301	243	81	30	10	28	9
	Aug 408	361	88	16	4	31	8
	Sep 371	310	84	32	9	29	8
	Oct 371	310	84	32	9	29	8
	Nov 313	274	88	17	5	22	7
	Dec 398	355	89	31	8	12	3
75	Jan 359	309	86	32	9	19	5
	Feb 343	291	85	25	7	27	8
	Mar 490	429	88	23	5	38	8
	Apr 392	340	87	16	4	36	9
	May 353	295	84	26	7	32	9
	Jun 301	263	87	16	5	22	7
	Jul 303	255	84	24	8	24	8
	Aug 327	282	86	16	5	29	9
	Sep 353	314	89	16	5	23	7
	Oct 402	364	91	13	3	25	6
	Nov 333	301	90	14	4	18	5
	Dec 390	353	91	17	4	20	5
76	Jan 310	284	92	11	4	15	5
	Feb 359	324	90	14	4	21	6
	Mar 407	343	84	29	7	35	9
	Apr 327	287	88	20	6	20	6
	May 346	294	85	25	7	27	8
	Jun 336	303	90	19	6	14	4
	Jul 351	305	87	22	6	24	7
	Aug 314	274	87	20	6	20	6

TABLE B.6

Contrasts in the Number of Grand Jury Presentations
And in Indictment Rates for Months One Year Apart in the Bronx

	<u>Grand Jury Presentations</u>			<u>Indictment Rates</u>		
	<u>Value For</u> <u>Month</u>	<u>Value For</u> <u>Month One</u> <u>Year Before</u>	<u>Sign of</u> <u>Difference</u>	<u>Value For</u> <u>Month</u>	<u>Value For</u> <u>Month One</u> <u>Year Before</u>	<u>Sign of</u> <u>Difference</u>
75	Jan 359	372	-	86	85	+
	Feb 343	332	+	85	80	+
	Mar 490	343	+	88	84	+
	Apr 392	371	+	87	83	+
	May 353	313	+	84	80	+
	Jun 301	246	+	87	86	+
	Jul 303	301	+	84	81	+
	Aug 327	408	-	86	88	-
	Sep 353	371	-	89	84	+
	Oct 402	371	+	91	84	+
	Nov 333	313	+	90	88	+
	Dec 390	398	-	91	89	+
76	Jan 310	359	-	92	86	+
	Feb 359	343	+	90	85	+
	Mar 407	490	-	84	88	-
	Apr 327	392	-	88	87	+
	May 346	353	-	85	84	+
	Jun 336	301	+	90	87	+
	Jul 351	303	+	87	84	+
	Aug 314	327	-	87	86	+