

VERA INSTITUTE
LIBRARY

1306a

THE ROBBERY CASE ENHANCEMENT PROGRAM

A review of the dispositional outcome of robbery arrests subjected to the enhancement process during the first seven months of operation of the program.

THE VERA INSTITUTE OF JUSTICE
30 East 39th Street
New York, N.Y. 10016

November, 1982.

EXECUTIVE SUMMARY

This study reviews the disposition of robbery arrests made in the 22 Precincts designated as Robbery Case Enhancement Precincts during the first seven months of operation of the program (January 12 through July 31, 1982). It compares the Police, District Attorney and Criminal Court disposition of arrests which were subjected to the enhancement process (RCEP-arrests) with the disposition of arrests made in the same precincts during the same period but which were not enhanced because they were waived, missed, or arose on the midnight tour (Comparison Group arrests.) Principal observed differences between the two groups are as follows:

- * A significantly higher proportion of RCEP-arrests result in indictment (60.2%) than do comparison group arrests (46.7%). Enhancing robbery arrests appears to increase the probability of indictment by almost 30%.
- * A higher proportion of RCEP-arrests result in either a Criminal Court conviction or Indictment (73.0%) than do Comparison Group arrests (60.9%.) This positive impact is primarily the consequence of the higher indictment rate achieved by RCEP-arrests.
- * A lower proportion of RCEP-arrests result in ACDs or Dismissals in the Criminal Court (18.6%) than do Comparison Group arrests (24.8%).
- * A significantly higher proportion of RCEP-arrests survive District Attorney screening (are not 343'd or Non-Prosecuted) and enter the court system than do comparison group arrests. The 343/DP rate for RCEP-arrests was 6.7%, while the 343/DP rate for Comparison Group arrests was 14.3%.
- * These findings, taken together, indicate that enhancing robbery arrests produces indictments or Criminal Court convictions in many cases that would otherwise result in non-convictions.

Introduction

The Robbery Case Enhancement Program (RCEP) was implemented in 22 Precincts on January 12, 1982. This program, an outgrowth of the Felony Case Preparation Program which was conducted experimentally for a period of 2 years in the Bronx, provides for the follow-up investigation of specified robbery arrests by members of Precinct Detective Units, and for the preparation of Arrest Investigation Reports which are forwarded to the District Attorney's Office before the defendant is presented for arraignment, in time to provide a basis for tracking and other D.A. Office decisions of importance to ultimate disposition.

The program provides for the follow-up investigation of all robbery arrests of adults or potential juvenile offenders in the 22 Precincts, except for those arrests made by members of specialized investigating units and those arrests which fall under the purview of the Felony Augmentation Program.* In addition, arrests made during the midnight tour when the PDU's are closed are excluded from the program in order to avoid the resulting overtime.

Appendix A, attached, provides data on the arrest and processing activity in the 22 target precincts during the first seven months of operation of the program, January 12th through July 31st, 1982. During that period, there were a total of 3,531 project-eligible arrests made in the 22 Precincts. Of these:

211 arrests (6.0%) were waived by the detective units because of insufficient resources at the time of arrest.

716 arrests (20.3%) were not processed because they were not presented to the PDU's. (Missed Cases).

830 arrests (23.5%) arose on the Midnight tour and were not processed.

1774 arrests (50.2%) were processed and Arrest Investigation Reports prepared on them.

*Upon arrival of a felony arrest at the Precinct Station House, Precinct Supervisors are required to telephone the C.C.I.U. to determine if the defendant is listed on one of the FAP target lists. If he is, RCEP procedures are waived, and the follow-up is conducted by members of the Borough CCIU either at the Precinct Station House or the Borough Central Booking Facility.

Arrest Dispositions

This report reviews the Police Department, District Attorney, and Criminal Court dispositions of the project eligible robbery arrests made in the 22 Precincts during the seven month period, comparing the dispositional outcomes of the processed cases with those of cases which were not subjected to case enhancement. While this is not a classical experimental design in the sense that we do not have randomly assigned experimental and comparison groups, it is nevertheless useful in that it permits us to determine if there are any differences in dispositional outcomes between cases which are subjected to the enhancement process and those which are not. Moreover, there are no reasons to believe that the two groups differ from each other except in terms of outcomes. The evaluation of the earlier controlled experiment conducted in the Bronx demonstrated that there was a substantial difference in dispositional outcomes between cases which were subjected to the follow-up process and those which were not; an examination of current data in the 22 Precincts will permit us to determine if that impact continued after the expansion of the program.

The Samples

This study reviews the differences in dispositional outcomes between arrests which were processed through RCEP procedures and arrests which were not. The samples studied are as follows:

- a. RCEP-arrests: As indicated above, 1,774 arrests were subjected to case enhancement procedures. Of these, 1,593 have reached final disposition either in the Police Department (by being voided), in the prosecutor's office (by being 343'd or declined prosecution), or in the Criminal Court (by Dismissal, Guilty Pleas to Misdemeanors or Violations, or by Indictment.) These 1,593 arrests constitute 89.8% of the project arrests during the first seven month period. The remaining 181 arrests (10.2%) were still pending disposition in the Criminal Court at the time of data collection.

- b. Comparison Group arrests: As indicated, 1,757 robbery arrests made in the 22 Precincts during the seven month period were not subjected to case enhancement techniques (211 were waived; 716 were missed; and 830 were made on the midnight tour.) Of these, 1,598 or 91.0% have reached final disposition at the Criminal Court level; the remaining 159 (9.0%) were still pending at the time of data collection.

There is one difference between the two samples which should be noted; the comparison group does not contain information on robbery arrests not subjected to RCEP treatment which may have been voided at the precinct of arrest or central booking, while the RCEP sample does. All arrests were indentified through Police Department records. The RCEP arrests were identified through the case logs submitted to the Central Robbery Division on a weekly basis. These logs identify every arrest referred to the PDUs for processing, including those which were subsequently voided as a result of the follow-up investigation. The comparison group arrests were identified through a review of rosters of robbery arrests made in the 22 Precincts which do not contain information on any voided arrests. As a result, there may have been more than 1,757 RCEP-eligible robbery arrests which were not processed during the period. We do not believe that the consequences of this omission are significant. If data were available on any voided arrests in the comparison group it would have the following effects: it would increase the base number of cases in the sample; it would increase the percentage of cases disposed of at the pre-arraignment stage (and consequently by non-conviction); and it would decrease the indictment rate for comparison group cases when all arrests were used as the base for computation.

As indicated, we do not believe that the absence of this data significantly prejudices the findings of this study. Experience gained in the FCPP indicated that the number of arrests voided were approximately equal in the test and control precincts. Thus we could anticipate that the number of voided arrests in the comparison

group (if any) would be below 30, the inclusion of which would not significantly alter the percentages reflected in the tables to follow.

Criminal Court dispositional data was obtained through the cooperation of the Office of Court Administration. It should be noted that in obtaining dispositions through the OCA computer system, some number of arrests will be identified as having been sealed and for which no public record is available. For the purposes of this study, we list all such sealed cases as having been dismissed despite the fact that a small percentage of them may have been sealed because the defendant was granted Youthfull Offender treatment. As this tactic is uniformly applied to both sample groups, we believe that it does not present any problem in the interpretation of the data.

Dispositional Outcomes: All Arrests

Table 1, following, presents data on the Police Department, District Attorney, and Criminal Court dispositions of robbery arrests made in the 22 RCEP precincts during the first seven months of operation of the program. A review of this data discloses the following:

a. Pre-Arrestment Dispositions:

As indicated in the table, almost twice as many non-RCEP arrests were disposed of at the pre-arrestment stage than were enhanced arrests. (14.3% v. 8.3%). As the comparison group sample does not contain any data on voided arrests, the entire 14.3% were disposed of by virtue of District Attorney's either 343ing or declining prosecution. (The 343/DP rate for RCEP arrests was 6.7%, less than one-half the rate for non-processed arrests.)

This finding is consistent with the evidence produced during the evaluation of the Bronx Felony Case Preparation Project. Case enhancement appears to have the effect of reducing the declined prosecution and 343 rates. Even when voided arrests are considered (increasing the pre-arrestment disposition rate for RCEP cases) enhancement appears to significantly increase the percentage of

arrests which actually enter the court system.

b. Non-Convictions in the Criminal Court:

Arrests subjected to program procedures result in fewer non-convictional dispositions than do those which are not enhanced. On a city-wide basis, 18.6% of RCEP-arrests result in non-convictions in the Criminal Court (ACDs and Dismissals) while 24.8% of comparison group arrests are ACD'd or Dismissed. The difference in dismissal rates is particularly significant in the Boroughs of Manhattan and Queens. In Manhattan, 29.4% of comparison group cases were ACD'd or Dismissed, while only 16.2% of RCEP-arrests ended in non-convictions; in Queens, 31.2% of comparison group arrests resulted in ACD's or Dismissals, while only 17.5% of RCEP-arrests ended in non-convictions.

c. Total Non-Convictions:

When pre-arraignment dispositions are added to Criminal Court Acds/Dismissals, the differences between the two groups becomes significantly larger. On a city-wide basis, only 27.0% of all RCEP-arrests result in a non-conviction disposition, while 39.1% of Comparison Group arrests end as non-convictions, a difference of 12.1%. This effect was apparent in every borough, the difference between the two groups (in favor of the RCEP group) being:

Manhattan	- 14.8%
Bronx	- 10.5%
Brooklyn	- 11.9%
Queens	- 15.0%

This finding is also consistent with the findings in the FCPP evaluation.

d. Indictments:

The proportion of RCEP-arrests which resulted in indictments was 60.2% on a city-wide basis, while the proportion of comparison group arrests which resulted in indictments was 46.7%, a difference of 13.5%. In effect, this finding suggests that enhancing robbery arrests increases the probability of indictment by almost 30%.

This effect was observed in all boroughs, the differences between the two groups (in favor of the RCEP groups) being:

<u>Borough</u>	<u>% Diff.</u>	<u>Rate Change</u>
Manhattan	+ 22.0%	49.1 %
Bronx	+ 8.4%	15.9 %
Brooklyn	+ 12.7%	29.9 %
Queens	+ 14.8%	29.1 %

e. Criminal Court Convictions/Indictments:

Looking at the combined Criminal Court Conviction and indictment rates very clearly indicates that the Case Enhancement Process impacts on case outcome significantly. The combined "criminal court conviction/indictment" rate for RCEP-arrests was 73.0%, while the CC Conv/Ind rate for comparison group arrests was only 60.9%, a difference of + 12.1%. Thus it is apparent that enhancing robbery arrests produces indictments or Criminal Court convictions in many cases that would otherwise result in non-convictions. This positive impact is primarily a consequence of the program's impact on indictment rates.

Dispositional Outcomes: Arraigned Arrests

This section focuses on the distribution of dispositions of arrests in both groups that survived screening at both the station house and Complaint Room levels and were forwarded for arraignment. This examination of arraignment and post-arraignment dispositions provides an indication of the impact of the enhancement process on Criminal Court case-processing patterns.

Table 2, following, presents the Criminal Court dispositions of arraigned robbery arrests made in the 22 RCEP precincts during the seven month period. A review of this data indicates the following:

a. Non-Convictions:

RCEP-arrests resulted in ACDs or Dismissals at a rate of 20.3%. Comparison group arrests resulted in non-conviction dispositions at a rate of 28.9%, a difference of 8.6%.

b. Convictions/Indictments:

The proportion of RCEP-arrests which resulted in either a Criminal Court Conviction or Indictment was 79.7%, while the proportion of comparison group arrests which resulted in either a conviction or an indictment was 71.1%, a difference of 8.6%. Again, the positive impact was primarily a consequence of the program's impact on indictment rates. Arraigned RCEP-arrests resulted in indictments at a rate of 65.7%, while the comparison group arrests resulted in indictments at a rate of only 54.5%, a difference of 11.2%. Again, this effect was observed in every borough, with the individual borough rates (in favor of RCEP-arrests) being:

Manhattan	+ 22.2%
Bronx	+ 3.4%
Brooklyn	+ 7.1%
Queens	+ 15.0%

These results are the more impressive when it is remembered that a substantially higher proportion of the RCEP-arrests were arraigned (91.7%) than the non-enhanced arrests (85.7%).

Summary of Findings:

From the data presented, it appears that there is a significant difference between the dispositional outcomes of arrests which are subjected to the case enhancement process and those which are not. The observed differences may be summarized as follows:

- a. A higher proportion of arrests survive screening at the police and District Attorney levels and enter the court system when they are subjected to case enhancement.
- b. This effect is most noticeable with respect to cases which are screened-out by the District Attorneys, either by the 343 process or declined prosecution. Over twice as many non-enhanced cases are screened-out by the District Attorneys than enhanced arrests.

- c. A higher proportion of non-enhanced cases result in non-convictional dispositions at or before the Criminal Court level than do enhanced arrests.
- d. Arrests subjected to the case enhancement process result in Criminal Court Convictions and Indictments at a substantially higher rate than do arrests which do not receive enhancement. This is primarily a consequence of the significantly higher indictment rate achieved by enhanced cases.
- e. These findings, taken together, indicate that enhancing robbery arrests produces indictments or Criminal Court convictions in many cases that would otherwise result in non-convictions.

Table 3, following, presents data on the dispositional outcomes of RCEP and Comparison Group arrests on a precinct-by-precinct basis.

Table 1 -- Adult and J.O. Robbery Arrests Effected in RCEP Precincts, Jan 12 through July 31, 1982*

Sample/Borough	Total Arrests	Not Docketed** Voided/343/ Declined Pros.	ACD/Dismissed	Plead Guilty	
				Misd./Violation	Indicted
RCEP -- Manhattan	346	23 (6.6%)	56 (16.2%)	36 (10.4%)	231 (66.8%)
Comp. - Manhattan	511	42 (8.2%)	150 (29.4%)	90 (17.6%)	229 (44.8%)
RCEP -- Bronx	382	33 (8.6%)	78 (20.4%)	37 (9.7%)	234 (61.3%)
Comp. - Bronx	380	64 (16.8%)	86 (22.6%)	29 (7.6%)	201 (52.9%)
RCEP -- Brooklyn	705	68 (9.6%)	135 (19.1%)	113 (16.0%)	389 (55.2%)
Comp. - Brooklyn	518	110 (21.2%)	101 (19.5%)	87 (16.8%)	220 (42.5%)
RCEP -- Queens	160	9 (5.6%)	28 (17.5%)	18 (11.3%)	105 (65.6%)
Comp. - Queens	189	13 (6.9%)	59 (31.2%)	21 (11.1%)	96 (50.8%)
RCEP -- CITY-WIDE	1593	133 (8.3%)	297 (18.6%)	204 (12.8%)	959 (60.2%)
Comp. - CITY-WIDE	1598	229 (14.3%)	396 (24.8%)	227 (14.2%)	746 (46.7%)

*Disposed cases only. Cases still pending action in the Criminal Court are as follows:
RCEP Sample = 181 (10.2%); Comparison Sample = 159 (9.0%)

**Arrests voided at the Precinct level could not be determined for comparison sample cases from available data. Therefore, not docketed includes only 343/Declined Prosecution cases.

Table 2 -- Arraigned Adult and J.O. Robbery Arrests in RCEP Precincts 1/12 through 7/31/82*

<u>Sample/Borough</u>	<u>Arraigned</u>	<u>ACD/Dismissed</u>	<u>P.G. Misd./Vio.</u>	<u>Indicted</u>	<u>P.G./Indicted</u>
RCEP - Manhattan	323	56 (17.3%)	36 (11.1%)	231 (71.5%)	267 (82.7%)
Comp. - Manhattan	469	150 (32.0%)	90 (19.2%)	229 (48.8%)	319 (68.0%)
RCEP - Bronx	349	78 (22.3%)	37 (10.6%)	234 (67.0%)	271 (77.7%)
Comp. - Bronx	316	86 (27.2%)	29 (9.2%)	201 (63.6%)	230 (72.8%)
RCEP - Brooklyn	637	135 (21.2%)	113 (17.7%)	389 (61.0%)	502 (78.8%)
Comp. - Brooklyn	408	101 (24.8%)	87 (21.3%)	220 (53.9%)	307 (75.2%)
RCEP - Queens	151	28 (18.5%)	18 (11.9%)	105 (69.5%)	123 (81.5%)
Comp. - Queens	176	59 (33.5%)	21 (11.9%)	96 (54.5%)	117 (66.5%)
RCEP - CITY-WIDE	1460	297 (20.3%)	204 (14.0%)	959 (65.7%)	1163 (79.7%)
Comp. - CITY-WIDE	1369	396 (28.9%)	227 (16.6%)	746 (54.5%)	973 (71.1%)

*Disposed cases only.

Table 3

Adult and J.O. Robbery Arrests Recorded in Robbery Case Enhancement Precincts -- January 12, 1982 through July 31, 1982. (Closed Cases)

<u>Pct.</u>	<u>Tot. Arr.</u>	<u>Void</u>	<u>343/ N.P.</u>	<u>Arrai- gned</u>	<u>ACD/ Dism.</u>	<u>P.G. M/V</u>	<u>Ind.</u>	<u>All Arr I.R.</u>	<u>Arngd Arr. I.R.</u>	<u>C/I Rate</u>
<u>RCEP--Manhattan</u>										
9	72		1	71	12	6	53	73.6%	74.6%	81.9%
MTS	130		12	118	23	12	83	63.8%	70.3%	73.1%
MTN	55		3	52	5	7	40	72.7%	76.9%	85.5%
23	39		1	38	7	6	25	64.1%	65.8%	79.5%
24	50	3	3	44	9	5	30	60.0%	68.2%	70.0%
Total	346	3	20	323	56	36	231	66.8%	71.5%	77.2%

Comparison Group -- Manhattan

9	58	*	3	55	14	17	24	41.4%	43.6%	70.7%
MTS	169	*	12	157	61	36	60	35.5%	38.2%	56.8%
MTN	172	*	18	154	49	27	78	45.3%	50.6%	61.0%
23	43	*	4	39	11	1	27	62.8%	69.2%	65.1%
24	69	*	5	64	15	9	40	58.0%	62.5%	71.0%
Total	511	*	42	469	150	90	229	44.8%	48.8%	62.4%

RCEP -- Bronx

40	97	3	9	85	17	7	61	62.9%	71.8%	70.1%
43	72	1	4	67	12	10	45	62.5%	67.2%	76.4%
44	101		10	91	29	10	52	51.5%	57.1%	61.4%
46	55		1	54	10	6	38	69.1%	70.4%	80.0%
48	57	1	5	52	10	4	38	66.7%	73.0%	73.7%
Total	382	5	28	349	78	37	234	61.3%	67.0%	70.9%

Comparison Group -- Bronx

40	65	*	18	47	10	6	31	47.7%	66.0%	56.9%
43	88	*	16	72	19	10	43	48.9%	59.7%	60.2%
44	74	*	12	62	18	4	40	54.1%	64.5%	59.5%
46	107	*	14	93	27	4	62	57.9%	66.7%	61.7%
48	46	*	4	42	12	5	25	54.3%	59.5%	65.2%
Total	380	*	64	316	86	29	201	52.9%	63.6%	60.5%

*Voided arrests cannot be determined for comparison groups and are omitted from the study.

<u>Pct.</u>	<u>Tot Arr.</u>	<u>Void</u>	<u>343/ N.P.</u>	<u>Arrai- gned</u>	<u>ACD/ Dism.</u>	<u>P.G. M/V</u>	<u>Ind.</u>	<u>All Arr I.R.</u>	<u>Arngd. Arr I.R.</u>	<u>C/I Rate</u>
<u>RCEP -- Brooklyn</u>										
67	79	1	7	71	19	12	40	50.6%	56.3%	65.8%
71	98	5	9	84	17	22	45	45.9%	53.6%	68.4%
73	74		3	71	18	16	37	50.0%	52.1%	71.6%
75	99	2	7	90	24	10	56	56.6%	62.2%	66.7%
77	94	1	4	89	11	16	62	66.0%	69.7%	82.9%
79	92	2	6	84	21	20	43	46.7%	51.2%	68.5%
84	67	3	8	56	8	6	42	62.7%	75.0%	62.7%
88	83	3	5	75	14	7	54	65.1%	72.0%	73.5%
90	19	1	1	17	3	4	10	52.6%	58.8%	73.7%
Total	705	18	50	637	135	113	389	55.2%	61.1%	71.2%

Comparison Group -- Brooklyn

67	30	*	7	23	6	8	9	30.0%	39.1%	56.7%
71	115	*	22	93	28	24	41	35.7%	44.1%	56.5%
73	43	*	5	38	10	4	24	55.8%	63.2%	65.1%
75	86	*	21	65	14	7	44	51.2%	67.7%	59.3%
77	75	*	10	65	23	13	29	38.6%	44.6%	54.7%
79	48	*	9	39	14	10	15	31.2%	38.5%	52.1%
84	45	*	18	27	3	6	18	40.0%	66.7%	53.3%
88	17	*	4	13	2	5	6	35.3%	46.1%	64.7%
90	59	*	14	45	1	10	34	57.6%	75.6%	74.6%
Total	518		110	408	101	87	220	42.5%	53.9%	59.3%

RCEP -- Queens

103	67		3	64	18	4	42	62.7%	65.6%	68.7%
110	43	1	1	41	5	4	32	74.4%	78.0%	83.7%
114	50		4	46	5	10	31	62.0%	67.4%	82.0%
Total	160	1	8	151	28	18	105	65.6%	69.5%	76.9%

Comparison Group -- Queens

103	88	*	6	82	31	12	39	44.3%	47.6%	58.0%
110	76	*	6	70	23	7	40	52.6%	57.1%	61.8%
114	25	*	1	24	5	2	17	68.0%	70.8%	76.0%
Total	189	*	13	176	59	21	96	50.8%	54.5%	61.9%

RCEP -- CITY-WIDE

1593	27		106	1460	297	204	959	60.2%	65.7%	73.0%
------	----	--	-----	------	-----	-----	-----	-------	-------	-------

Comparison Group -- CITY-WIDE

1598	*		229	1369	396	227	746	46.7%	54.4%	60.9%
------	---	--	-----	------	-----	-----	-----	-------	-------	-------

APPENDIX A

Arrest Activity in RCEP Precincts -- January 12 through July 31, 1982

Pct	Tot.* Proj. Arr.	Waived		Missed		Late Tour		Completed		
		(n)	%	(n)	%	(n)	%	(n)	%	
9	147	8	5.4	34	23.1	23	15.6	82	55.8	
MTS	338	8	2.4	73	21.6	113	33.4	144	42.6	
MTN	243	35	14.4	40	16.5	111	45.7	57	23.5	
23	94	0		25	26.6	24	25.5	45	47.9	
24	131	11	8.4	29	22.1	35	26.7	56	42.7	
Man.										
Total	953	62	6.5	201	21.1	306	32.1	384	40.3	
40	175	5	2.9	35	20.0	30	17.1	105	60.0	
43	191	2	1.0	65	34.0	36	18.8	88	46.1	
44	187	0		35	18.7	45	24.1	107	57.2	
46	177	10	5.6	53	29.9	54	30.5	60	33.9	
48	114	1	0.8	25	21.9	24	21.0	64	56.1	
Bx.										
Total	844	18	2.1	213	25.2	189	22.4	424	50.2	
67	129	3	2.3	15	11.6	20	15.5	91	70.5	
71	235	36	15.3	28	11.9	60	25.5	111	47.2	
73	139	6	4.3	18	12.9	21	15.1	94	67.6	
75	200	15	7.5	37	18.5	36	18.0	112	56.0	
77	185	17	9.2	32	17.3	36	19.5	100	54.1	
79	155	7	4.5	22	14.2	23	14.8	103	66.5	
84	124	10	8.1	31	25.0	11	8.9	72	58.1	
88	114	4	3.5	8	7.0	8	7.0	94	82.5	
90	84	14	16.7	27	32.1	24	28.6	19	22.6	
Bk.										
Total	1365	112	8.2	218	16.0	239	17.5	796	58.3	
103	162	8	4.9	33	20.3	50	30.9	71	43.8	
110	130	11	8.5	37	28.5	34	26.2	48	36.9	
114	77	0		14	18.2	12	15.6	51	66.2	
Qns.										
Total	369	19	5.1	84	22.8	96	26.0	170	46.1	
City- Wide										
Total	3531	211	6.0	716	20.3	830	23.5	1774	50.2	

*Arrests not excluded by virtue of the assignment of the arresting officer, age of the defendant, or career criminal status of the defendant. In addition to those indicated, there were a total of 64 additional defendants processed as RCEP or comparison group cases in the hope that they would qualify as Juvenile Offenders. In those 64 instances, the District Attorney's concerned elected to transfer the cases to Family Court for juvenile processing.