

A RESEARCH STRATEGY FOR THE FELONY CASE PREPARATION PROJECT
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In 1977 the Vera Institute of Justice published a study of the disposition of felony arrests made in the City of New York. The study showed that 44 percent of all felony arrests resulted in no conviction of any kind, and that while the remaining 56 percent did end in convictions, only 15 percent of all felony arrests were convicted on felony charges. Although the pattern of "felony arrest deterioration" was extensive, Vera concluded that there was a roughly proportionate relationship between the seriousness of the arrest charge, the prior record of the accused, and the level of disposition and consequent sentence in the case. Where the charge was serious and the evidence strong, the process usually produced a relatively high level of conviction and a serious sentence. As might be expected, evidentiary strength was found to be crucial to the outcome of the case.

Even before the Vera study was published, criminal justice officials in New York had initiated programs designed to improve the effectiveness and efficiency of the case disposition process. Early Case Assessment Bureaus were established in all of the City's District Attorneys' Offices by the mid-1970's, as were Major Offense Bureaus and specialized prosecution units of various kinds (e.g., sex crimes units, consumer frauds units). While several of the Major Offense Bureaus (MOB's) showed impressive improvements in the conviction levels and sentences obtained in the cases referred to them, the evidence suggests that the overall pattern of felony arrest dispositions has not changed very much.

in the last several years. For example, Vera informally examined the disposition of felony arrests effected in the 43rd Precinct in the Bronx between January 1, 1978 and June 30, 1978 and found that only about 10% of these arrests resulted in felony convictions.

While officials continue to search for ways to improve the likelihood of conviction, they are also concerned with the efficiency with which these cases are disposed. It is clear, for example, that a substantial proportion of felony arrests will end in dismissal or acquittal. In a system plagued by a persistent scarcity of resources, it is important that these cases be dismissed early on, before they drain these resources unnecessarily. It is equally important to identify early those cases which might result in a high level of conviction, if given timely and proper attention by prosecutors and investigators. These concerns lay behind the creation of the Early Case Assessment Bureaus (ECAB's). However, while those bureaus did refer the most serious and strongest cases to specialized units for full and careful prosecution, they were less successful in expediting the disposition of likely dismissals and acquittals. According to prosecutors, this failure reflects the inadequacy of the information presented to them by the police at the time the complaint is drawn.

At the present time, when a felony arrest is made in New York City, the arrest is reviewed by a precinct desk officer

and the suspect is subsequently booked at a central booking facility. The essential purpose of the desk officer's review is to assure that the arrest was made properly. Typically, the arrest charge reflects the highest level of the offense which the arresting officer believes occurred. It does not reflect a Police Department judgement about the adequacy of the evidence available to support that charge. This traditional police focus on arrest, rather than conviction, underlies the periodic accusation of police overcharging. This procedure results in virtually all felony arrests being referred to the prosecutor in the complaint room. However, since the police have not had the resources to permit them to routinely conduct follow-up investigations after the arrest, the prosecutor in the complaint room does not have the benefit of a comprehensive presentation and assessment of the evidence available to prosecute the case.

These concerns have recently led police and prosecutors in the City to seek ways to improve the process by which the police prepare a case for prosecution. It is apparent that the absence of post-arrest investigations in felony cases has produced a number of undesirable conditions, including:

- i) Pieces of physical and testimonial evidence that might have been located or made secure through an immediate post-arrest investigation are sometimes lost, or deteriorate in quality from a lack of immediate attention.
- ii) Due to inadequate screening on the station house level, behaviors which may only constitute misdemeanors, or in some instances, no crime, are incorrectly labelled "felonies" and processed as such until arraignment.

- iii) The information about the offense and the offender, which is presented verbally by the arresting officer to the Complaint Room A.D.A., is not sufficiently detailed to permit the A.D.A. to make appropriate decisions. As a consequence:
 - a) Certain cases which will ultimately be dismissed for lack of prosecutorial merit or for evidentiary weakness, and should be disposed of on those grounds in the complaint room, are continued in the system. These cases draw unnecessarily on the scarce resources of the criminal justice system by cluttering the court dockets, consuming the time and resources of the prosecutor's office, and increasing police court-related overtime;
 - b) Certain cases which, given a thorough post-arrest investigation, could be tracked directly to the Grand Jury for felony disposition are inappropriately tracked for criminal court dispositions as misdemeanors;
- iv) Differences between police and prosecutor screening and charging policies have, at times led each of these agencies to assume defensive and sometimes adversarial postures.

The Police Department and the Bronx District Attorney's Office, with the assistance of the Vera Institute, have developed a project designed to increase police awareness of the evidentiary needs of the prosecutor, by directly involving the police in the case-building process. The project, entitled the Felony Case Preparation Project (FCPP), began operation on August 1, 1979 in the 43rd Precinct in the Bronx. It entails a basic restructuring of the post-arrest activities of the arresting offi-

cer, precinct supervisors and investigating detectives. Each felony arrest made in the 43rd, (except for a small number which result from intensive investigations involving specialized detective units, such as the Narcotics Division) is subjected to an intensive investigation conducted by a trained detective.

This investigation is intended to promote consistent and appropriate charging on the precinct level, and increase the efficiency of the court case-processing system by improving the quality and quantity of the information provided to the A.D.A. in the Complaint Room. These evidentiary improvements will, in turn, facilitate the early identification and disposition of weak or defective cases, and the appropriate tracking of strong and serious cases.

After conducting the investigation and conferring with the supervising sergeant (and in some cases the P.D. legal division), the detective may void the arrest, reduce the charge to a violation or a misdemeanor, or continue the case on felony charges. All charges are then reviewed by a supervisor.

In instances in which the P.D. charge is a felony, the results of the investigation are described in an Arrest Investigation Report (A.I.R.), which is given to the Complaint Room A.D.A. by the arresting officer.* This report is designed to provide the A.D.A. with all the information needed

* A report summarizing the result of the investigation is written in all cases. Reports on investigations that resulted in voided arrests are filed in the detective unit.

to make appropriate screening, charging, and case-tracking decisions. Each report, at a minimum, describes the following:

- how the crime came to the attention of the police (e.g. crime in progress);
- the nature and circumstances of the offense including a description of the nature of the relationship between the suspect and the complainant;
- the way in which the suspect was identified (show-up, line-up, photoidentification, etc.);
- the way in which the suspect was apprehended (e.g. at the scene of the crime, turned himself in, etc.);
- statements made by the complainant, witnesses, and the defendant;
- the prior criminal history of the defendant;
- physical evidence that has been vouchered;
- the willingness of the complainant to proceed with the prosecution.

By improving police charging practices and presenting more and better information to the prosecutor at the very beginning of the process, the project aims to weed out un-prosecutable cases in a more timely and effective manner, strengthen the evidence against defendants who are continued for prosecution and thus increase the number and level of convictions in felony cases. Moreover, by focusing the attention of the police on the kinds and quality of information needed for effective prosecution, it is hoped that the project will increase the level of mutual understanding between police and prosecutor.

The routine conduct of post-arrest investigations is a new function for detectives in the New York City P.D. The complement of detectives in the 43rd Precinct has been increased, since this new function will be added to the existing responsibilities of detectives at the precinct level. These responsibilities include investigating all crime complaints that are not immediately cleared by arrest, interrogating arrested persons about their possible involvement in other open complaints, and conducting special investigations into suspicious activities and crime producing situations. The project hopes to demonstrate that the new responsibilities increase the interest and rewards of the detective role by permitting the detective to contribute directly to a more effective and more efficient case disposition process.

The creation of new tasks related to the processing of felony arrests, and the consequent increase of personnel to deal with those cases have resulted in new costs which are now being met through federal project funding. However, it is conceivable that these new tasks, if they produce desirable results, could be institutionalized without requiring a net increase in departmental costs. Thus, for example, it may be possible for detective units in most precincts to assume these new responsibilities without increasing the size of the unit. If so, the project would yield the additional benefit of increasing detective unit productivity throughout the Department.

Even if some increase in the size of Precinct Detective Units were required to institutionalize the new investigative procedures, the costs incurred could be offset by the anticipated improvements in case processing efficiency. More specifically, it is expected that the more effective and timely weeding out of cases that cannot be prosecuted successfully will reduce the amount of court time (including overtime) required from police.

Finally, those same improvements in case processing efficiency, if they are realized, should produce cost savings or productivity increases for the prosecutor, Legal Aid Society and the court. Thus, savings experienced by other elements of the system could offset cost increases that might be incurred by the police.

The FCPP is being supported with LEAA block grant funds awarded to the City's Criminal Justice Coordinating Council by the State Division of Criminal Justice Services. The funds are being used by the Police Department and the Bronx District Attorney's Office for project operation. The Vera Institute's Director of Police Planning functions as the day-to-day operations director of the project in the 43rd Precinct and the Research Department is currently working on a design to thoroughly research the project's effects. In fact, conducting careful research on this project is crucial to the interests of all the agencies involved.

Both the Police Department and the District Attorney's Office are interested in determining whether or not the post-arrest investigation can indeed produce more and better information within a reasonably brief period of time, and in assessing the extent to which that information is useful for the purposes of prosecution. The police are especially anxious to use the project to document procedures for effective case building, and the public safety and crime prevention goals of both agencies give them a special interest in the project's potential for increasing the number and level of convictions in felony cases. Finally, all criminal justice agencies look to see whether or not this project can indeed reduce the level of resource commitment currently required by cases which ultimately result in dismissals.

The Vera Institute wishes to undertake research on the project, not only for the reasons presented above, but also because the project offers a unique opportunity to expand our understanding of the case disposition process and the manner and extent to which case related information can influence it. Vera's recent research on the Victim/Witness Assistance Program indicates that there are circumstances under which the provision of information to the prosecutor about the complainant's cooperativeness can effect both the timing and the substance of case dispositions. In the V/WAP research that effect is understood within a conceptual framework which views the disposition process and a network of exchanges among the

prosecutor, defense and the court. Information made available only to the prosecutor tips the exchange process in his favor, so that he is better able to resist defense motions to adjourn when a complainant he knows to be cooperative is absent from a given court appearance. Moreover, when the prosecutor knows the witness to be totally uncooperative, he is more inclined to press for immediate disposition and to accept a plea which is lower than he might otherwise accept.

The information which will be provided to the prosecutor in the FCPP includes information about witness cooperativeness and a great deal more. Indeed, the intention of the project is to present all categories of information which are thought to be needed for prosecution. By studying the timing and substance of dispositions in project cases, and the processes by which the various criminal justice officials perceive and use that information, we can examine further the utility of the exchange perspective in understanding the criminal disposition process. Indeed, it should be possible to estimate the relative impact of various categories of information on the dispositional outcome, and to understand better what a prosecutor does and why he does it when presented with case information that appears to conflict with his interest in obtaining a conviction.

The essential utility of this project, therefore, lies in its demonstrating that the routine conduct of post-arrest investigations in felony cases does produce information that is

useful to the decision makers in the case disposition process, and that this information permits the more effective identification of weak cases, more timely dispositions, more convictions and a pattern of higher level convictions among those cases which are accepted for prosecution. That demonstration will, in turn, require the conduct of thorough and careful research on the project for which full support is not now available. The remainder of this concept paper describes the principal areas of research concern which we propose to explore, as well as the general research strategies which we would use in addressing those concerns. The paper concludes by identifying the resources needed to implement the research and estimating the financial support we seek.

II. PRINCIPAL RESEARCH CONCERNS

A) The impact of the program on the amount and quality of information produced by the police at the complaint stage. The unique element of this project is the post-arrest investigation conducted by the detective and the case-related information produced by that investigation. The program managers expect that this new element in the case disposition process will, in turn, produce a number of changes in the pattern of dispositions produced by that process, and in the pattern of interactions among criminal justice officials that takes place during that process. Later sections of this document set forth these change hypotheses more fully and describe the design strategies which the research will use to test them. However, before testing the impact of a presumed independent variable (new information, better presented), we must first determine whether or not that variable was actually produced by the project. A strategy for making that determination is described here.

The more specific program hypothesis here is that the process of investigation and preparation of the A.I.R. will produce more information of better quality that is pertinent to the prosecutor's decision-making than present procedures produce from the point of arrest to the completion of case tracking decisions in the District Attorney's Felony Case Bureau. The information produced in project cases is presented in both the written A.I.R. and in the verbal comments of the arresting

officer and complainant. The non-project procedures for processing the arrest and the relevant forms which the police complete during that process are described below.

1) Complaint Form -

At the present time, the police prepare a complaint form for all criminal incidents reported to them. That complaint form calls for the recording of information about the nature of the incident reported, the time and place of its occurrence, the characteristics of the property attacked, if it was a property crime, the characteristics of the victim if it was an offense against person, a description of vehicles and property involved in the incident, an identification of the person arrested, or, in the event that there was no arrest, but a suspect was identified, the suspect's identity, along with that of any other people wanted in connection with the incident. This form is completed by the police at the time the incident is reported. Thus, in those cases where the incident is observed by the arresting officer, or where the incident is reported to an officer on patrol and an arrest is made shortly thereafter, the complaint form is completed by the arresting officer at the same time that he completes his arrest report. This police complaint form, once completed, is maintained in the police records, and normally does not go to the prosecutor.

2) The Arrest Report -

The arrest report is completed in the precinct after an arrest is made. In addition to much identification information about the arrestees, the report calls for information about the circumstances of the arrest, the charges under which the person was arrested, the identity, rank and unit of the arresting officer, the nature of the original complaint and the complainant's identify and relationship to the arrestee, the physical condition of the arrestee at the time of arrest, some information regarding his prior criminal record, and the identity of others arrested in connection with the same complaint. A scratch copy of the arrest form is completed in the precinct, and the "good" copy is completed in the central booking facility. A copy of this "scratch" report is presented to the prosecutor in the complaint room.

When the defendant is brought to the central booking facility in the Bronx, he is fingerprinted and photographed. His prints and identification are sent to the State Division of Criminal Justice Services to determine the extent and nature of the defendant's prior criminal history, if any. At the same time, a check is made to determine whether or not there are any outstanding arrest or bench warrants on the defendant.

3) Pre-arraignment/Arraignment Report (Misc. 333) -

In the Bronx, the arresting officer then proceeds to the pre-arraignment unit where he completes additional forms. One of these describes his projected duty schedule and is used by the pre-arraignment unit to schedule a post-arraignment appearance by the officer, if one is necessary. The officer also completes a "Pre-arraignment/Arraignment Report" (Misc. 333) at this time. Only one of these forms is completed per case, regardless of the number of defendants involved in that case. The document contains information about the arresting officer, including his schedule availability for subsequent court appearances, if necessary, and the names, addresses and phone numbers of the complainants and witnesses. In addition, the form calls for some coded information concerning the circumstances of the arrest and a narrative description of the incident and the arrest. Finally, the form provides for recording dispositional information through arraignment. This form is brought to the complaint room by the arresting officer.

4) Felony Case Evaluation Unit Form and the Prosecutor's Case Jacket

The arresting officer then proceeds to the District Attorney's Felony Case Bureau (FCB) where he presents the ADA with the arrest report, the Misc. 333, and a ver-

bal description of the incident and the arrest. In the Bronx, the complainant will also be present at this point in the process, and both he and the arresting officer will attempt to answer any questions which the ADA may have. Here the ADA makes the decision to accept or reject the case for prosecution, sets the charges on which the case is accepted for prosecution, and accords it a particular "track" which describes how he thinks the case should be prosecuted. A-track cases go directly to the Grand Jury for indictment; B-track cases will go first to a preliminary hearing in the criminal court and thence to the Grand Jury, if the strength of the case holds up. The C-track represents a temporary holding pattern in which the ADA feels the need for more information before determining how to handle the case. Often times, this will be more information on the extent of the victim's injuries, or the prior criminal record of the defendant. It is important to note that the official "rap sheet" is rarely available at the time the defendant is first brought to the prosecutor's attention. Cases given a D-track are destined to be disposed of in the criminal court as a misdemeanor or violation, while the E-track indicates that the case has little merit and should be disposed of at arraignment. These decisions are made by the ADA on the basis of the re-

ports described above and the verbal presentations and responses offered by the arresting officer and the complainant.

At this time the ADA also completes a Felony Case Evaluation Unit Form. This is a District Attorney's form which identifies the defendant and the ADA reviewing the case for the FCB, indicates the track assigned and provides a brief description of the reasons for the tracking decision. At this time, too, the Prosecutor's Case Jacket is initiated. Eventually, this file will contain all of the prosecutor's papers and official forms used in disposing of the case.

Despite the fact that these forms, taken together, call for a substantial amount of case-related information, we hypothesize that the investigation and AIR done in project cases will produce more information of better quality. Previous research suggests that the forms identified above are not completed with great care and thoroughness. Moreover, we suspect that the information provided by the police on the complainants and witnesses, especially their relationship to the defendant, is not entirely reliable. In addition, it appears that the statements of the complainants and witnesses are often not carefully recorded by the police. Finally, none of the forms calls for an assessment of the strength of particular pieces of evidence, or the cooperativeness and reliability of the complainant and witnesses; nor is

there any suggestion that the police might identify elements of the case that could be strengthened by some immediate actions of the prosecutor or other criminal justice official.

On the other hand, the post-arrest investigation conducted in project cases will seek information on all of these items of concern to the prosecutor. In addition, the AIR will present some information on the suspects prior criminal history -- information which, under present procedures, is rarely, if ever, present at the complaint stage. Therefore, it is reasonable to hypothesize that the project will produce more reliable information about the case for the prosecutor's initial consideration than is produced without the AIR.

In testing this hypothesis, we will compare a content analysis of the AIR with a content analysis of the forms accumulated in non-project cases.* The analysis will attempt to compare both the quantity of information and the manner of its presentation.

The data produced by this content analysis will be supplemented by observational data that describes the kinds of information presented verbally to the A.D.A. by the arresting officer and complainant. In this regard, we would expect to find the officers in project cases better prepared than those in non-project cases to respond satisfactorily to the questions asked by the A.D.A.

*The design for conducting this research is discussed in Section III of this document.

B) The impact of the project on case disposition patterns.

There are a number of points in the case disposition process at which decisions are made that effect the outcome of the case.

These points include at least the following:

- The point of arrest, itself. The arresting officer makes a tentative decision on the nature of the charges;
- The desk officer's review of the arresting officer's charges produces the charges on which the defendant will be officially booked;
- In the FCPP the recommendations of the investigating detective and his superior may result in voiding the arrest or in increasing or decreasing the level of the police charge;
- In the Felony Case Bureau, the ADA may refuse to accept the case for prosecution, or in accepting the case may decrease or increase the level of formal charge. In addition, the ADA in the FCB assigns a track to each case (A thru E) indicating how the case should be prosecuted. In the Bronx, A and B track cases remain the responsibility of the ADA who assesses them in the Felony Case Bureau. C track cases will be returned to that ADA, if it is decided to pursue them as felonies;
- In the Complaint Room, the ADA merely draws the formal complaint on A and B tracked cases. However, on C-tracked cases, the information sought may be obtained in the Complaint Room and then result in formal charges which are different from the arrest charges. In addition, the track on these charges may be changed at this point in the process. Cases which were given D or E tracks may be given charge reductions or rejected for prosecution at this time;
- At Criminal Court arraignment, charges may be changed on cases of any track. In addition, a substantial number of D and E tracked cases, as well as some portion of those cases that were initially C-tracked may be reduced to misdemeanors and disposed of at this point;

- At the preliminary hearing in Criminal Court, the charges in some B and originally C-tracked cases may be changed. In fact, some of these cases may be reduced to misdemeanors and disposed of by plea at this point. D and E tracked cases which survive to this point may be reduced to misdemeanors and disposed of by plea;
- Cases which go to the Grand Jury may result in indictments on felony charges, or either the same or lower level as the FCB charges, no bills, or reduction of charges to misdemeanors;
- Cases which emerge from arraignment, preliminary hearings, or Grand Jury presentation as misdemeanors will be scheduled for trial in the Criminal Court. However, the vast majority of these cases will be disposed of by plea in the Criminal Court. This disposition may be rendered, however, after one or more adjournments.
- Cases which waive Grand Jury presentment may either go as a felony to the Supreme Court for disposition, or may enter a felony plea before an acting Supreme Court justice sitting in the Criminal Court. The vast majority of those cases which go to the Supreme Court will also be disposed of by plea to either a felony or misdemeanor.
- Cases which are indicted by the Grand Jury will go to Supreme Court for disposition. Again, most of these dispositions will be by plea, and may be to either a felony or misdemeanor.

The decisions rendered at each of these points are influenced by the information available to the decision-makers, especially information regarding the circumstances of the offense, the character and criminal history of the defendant, and the nature and strength of the physical and testimonial evidence in the case. The more reliable information of this

kind made available to the decision-maker, the more able he is to make decisions which are consistent with the general norms applicable to his role in the dispositional process.

For the prosecutor, who will be the recipient of the new information produced by the project, these general norms include: emphasis on securing speedy dispositions in order to conserve scarce resources; the expectation that exculpatory evidence will be made available to the defense and will be considered by the prosecutor in decisions on how to handle the case; the expectation that he will make every effort to secure a conviction on a level consistent with the "value" of the case. The "value" or "going-rate" of a case is the level of conviction and sentence generally thought by prosecutors, defense counsel and judges to be appropriate for cases of that type. Types of cases are informally defined by these principle actors in the disposition process as different configurations of four major dimensions of a criminal case. Those dimensions are: the actual facts of the case (i.e., what actually took place within the context of what mitigating and aggravating circumstances); the seriousness of what actually happened; the character and prior criminal record of the defendant; and the nature and strength of the evidence available for prosecution.

Within this conceptual framework, we would entertain a number of hypotheses regarding the impact of the post-arrest investigations and the AIR on the case dispositional process.

These include:

- The information produced by the investigation and reported in the AIR will result in an increase in the number of felony arrests seen as non-serious and as lacking the evidence needed for effective prosecution;
- The investigation will lead the investigating detectives and their supervisors to increase the number of voided arrests and increase the number of felony arrest charges that are reduced to misdemeanors;
- This will lead to a reduction in the ratio of felony arrests to misdemeanor arrests;
- The post-arrest investigation will also lead to a reduction in the proportion of felony arrests that are referred to the FCB for prosecution;
- The extent and quality of the information reported in the AIR will result in ADA's in the FCB increasing the number of cases that are rejected for prosecution, and in increasing those which are accorded D and E tracks;
- The extent and quality of the information provided in the AIR will result in decreasing the number of cases that are C-tracked for want of additional information;
- The post-arrest investigation and consequent AIR will help to catch and preserve evidence that might otherwise be lost and in identifying those complainants and witnesses who require special attention to assure their cooperation. This general strengthening of evidence in the case will produce an increase in the number of cases which are accorded an A or B track by the ADA in the FCB;
- The AIR will permit the ADA to make more definitive tracking decisions, and will provide the prosecution generally with more and better evidence to support the charges set at the FCB. Therefore, there will be an increase in the number of low tracked cases that are disposed of at arraignment and immediately thereafter. On the other hand, there will be a decrease in the number of high-tracked cases that are disposed of or given significant charge reductions at the arraignment, or at the preliminary hearing.

- There will be an increase in the proportion of convictions obtained among those cases accepted for prosecution and general increase in level of the conviction obtained.
- As a result, there will be a general increase in the seriousness of the sentences imposed after conviction;
- The time to disposition, as measured by both the number of days to disposition and the number of post-arraignment appearances required, will be reduced in low-tracked cases. Since the prosecutor's bargaining position in high-tracked cases has been strengthened by the AIR, these cases may also come to disposition more rapidly, especially if the ADA reveals the strength of his case to defense counsel.

C) The impact of the project on the case disposition process. In the preceding section we discussed our expectations regarding the impact of the project on dispositional outcomes. We are also concerned with the process that produces those outcomes.

Prior to the presentation of the case in the complaint room, we are interested in determining whether or not the operation of the project has any effect on the manner in which arresting officers make charges in the first place. It is possible that the officers in the 43rd Precinct, knowing that a felony charge will initiate a post-arrest investigation, will be more cautious in making such charges for fear of having them voided or reduced even before the case leaves the station house. This possibility is more likely if overcharging is fairly extensive in the first place. It could be reflected in a lower volume of felony arrests, in the care given to the initial charge decision, and in the kinds of factors that are considered in making that decision.

It is also important to understand how the investigating detectives and their supervisors see their function in the post-arrest investigation. Do they use the investigations to critically review the initial charge and the evidence available to support it, or do they organize the investigations simply to underwrite the arresting officer's charges? What factors appear to influence the detectives' willingness to challenge the arresting officer's charges? How do the parties involved deal with such challenges? What are the consequences of these events for relationships between the patrol and investigative personnel? What are the formal and informal consequences of the detectives' voiding arrests and reducing charges for the arresting officers involved in such cases? What kinds of case-related information do the detectives consider most important in the decision to recommend voiding or charge reductions?

In the FCB and Complaint Room, we will seek to determine how the ADA uses the AIR. Does he read it thoroughly, or merely examine it cursorily? Does he rely heavily on its contents in describing the offense and the evidence and in drafting the formal complaint? Does he ask a lot of questions of the arresting officer and/or the complainant which cannot be

answered from the contents of the AIR? If so, are those deficiencies noted by the police liaison officer and do they result in changes to the AIR? Does the arresting officer and/or the complainant volunteer much information in discussion with the ADA that is not included in the AIR? If so, what is the nature of such information and can the AIR be revised to incorporate it in the future?

What portions of the AIR does the ADA consider most important to his decision-making and what portions are least important? Does the ADA express satisfaction with the AIR? Does he indicate clarity and confidence in his tracking decisions? Does the arresting officer consider that the AIR helps or hurts his interests in the complaint room and how? Does the AIR provide the ADA with useful information regarding the complainant and witnesses? Does there appear to be greater interaction between them and the ADA? Does the ADA initiate any actions intended to encourage or assure the complainant's cooperation in the prosecution?

When the ADA declines a case for prosecution, what kinds of information appear most crucial to that decision? Are those kinds of information reliably available to the ADA from the AIR? If not, from whence does he get the information? What kinds of information appear most crucial to an ADA's decision to track a case at a lower level than expected by the arresting and liaison officers? Is the AIR a reliable source for such information? If not, what is? What is the nature of

police reaction to such reversals? To the extent that they reduce police ADA confrontations, what do the two parties perceive to be at stake and how is the confrontation dealt with? What are the formal and informal consequences, if any, of such reversals and/or confrontations?

After the complaint stage the prosecutor pursues the disposition of the case in interaction with the defense counsel and judge. In the literature this triumvirate has been referred to as the courtroom work group, and the disposition of the case is seen as a product of the exchanges among them. As hypothesized earlier, the post-arrest investigation and the resultant AIR should strengthen the ADA's hand in these exchanges by providing him with more information about the case and the strength of the evidence available to him for prosecution. We will attempt to determine whether or not the ADA's believe this to be the case. If so, what elements of information do they consider to be particularly important to advancing their interests with the work group? How does the ADA deal with information from the AIR that may threaten his interest in obtaining a conviction? What kinds of information from the AIR appear most influential in the ADA's decision to press for a quick disposition or to hold out? What kinds of information appear most crucial in the ADA's decision to offer or accept a plea to a lesser charge? How does the ADA use this information in his negotiation with the defense? How does he signal the defense of his willingness to accept a lesser plea, or his determination to persist with the original charges? In what way does the courtroom ADA use

the AIR, if at all, in dealing with his supervisor? This question may be especially significant in cases which are dismissed in court or are bargained at a level significantly lower than that indicated by the original tracking decision.

The kinds of information that will be sought in this phase of the research are essentially qualitative. That is, they are essentially descriptive of the interactive process that produces case dispositions and the extent to which and manner in which information, especially that presented in the AIR, is used by the actors and thereby influences that process. As such, this processual information should help us to understand more fully how and why the dispositional outcomes hypothesized in the preceding section are or are not obtained. This qualitative information is therefore crucial to an understanding of program impact and how that impact might be enhanced by specific program modifications.

D) The Impact of the Program on Roles and Resources Within the Police Department. As previously indicated, the program requires detectives in the Precinct Detectives Unit (PDU) to take on responsibilities which they have not previously shouldered and to perform them in addition, rather than in lieu of, their existing duties. It is important, therefore, to understand how the detectives perform their new functions and integrate them with the old.

The program's general hypothesis in this regard is that the detective role will be expanded by the new duties and made

more interesting and rewarding. In pursuing that hypothesis, we shall want to determine precisely how the detectives go about conducting the investigation, how much time and effort is involved in the task, what are major difficulties encountered in performing the task and how these difficulties are dealt with?

We will pursue a similar set of questions with respect to the detectives existing duties such as that of investigating complaints not immediately closed by arrest. This will permit us to assemble a fairly detailed description of how the expanded detective role is performed. At the same time, we will try to determine whether the amount or quality of detective performance on traditional duties have been affected by the project.

In addition to describing and measuring role performance, it is important to understand the perceptions and attitudes which the detectives have about their roles. In this connection, we will be particularly interested in determining whether they see the new investigative duties as particularly difficult and demanding, as consistent or inconsistent with their views on professional police work, as personally burdensome or rewarding, and as useful or useless to realizing their desires for the disposition process.

Moreover, we will try to find out whether or not the detectives see their new duties as compatible or incompatible with their existing responsibilities. Do these new responsi-

bilities make it particularly difficult to perform the traditional duties? If so, how and why and what, if anything, could be done to ease the burden? Do the detectives believe that some of their traditional responsibilities should be removed, and if so, which ones and why?

Finally, the research will focus on the detective's relationship with other roles in the precinct. This focus will be especially sensitive to the detective's perception of role conflicts, if any, which he experiences as a consequence of his new duties, the nature and consequences of that conflict, how it is handled, and what might be done within the precinct, or by the detective himself to lessen the conflict.

In addition to measuring a potential program effect, this role analysis can be used to develop new job specifications and training materials for detectives, and to identify the kinds of structural supports that would be needed in the event that the Police Department decided to implement the new investigations on a wider basis.

Obviously, the detective is a major resource of the Police Department and the project will experiment with a new way of using that resource. It is important, therefore, for the Department to develop some understanding of the costs involved in that use. Toward that end, the research will attempt to determine the extent to which the new duties affect the productivity of detectives. In addition, we will attempt to determine whether the role would require a significant increase in PDU

size, should it be implemented more broadly, and the estimated new costs that would be involved, if such an increase were needed.

In addition, the research will attempt to identify cost areas in which the project produces or could produce savings for the Department. For example, if the project succeeds in weeding out non-prosecutable cases earlier than is now the case, the Department may experience some savings in police court time, and police overtime.

Finally, we will try to identify and measure areas of cost savings, or increases, experienced by other elements of the criminal justice system as a consequence of the project's impact on the dispositional process. Thus, the research will at least identify likely areas of cost change, and recommend an approach to a systematic and detailed cost-benefit analysis, if such were desired.

E) Program impact on police/District Attorney relationship. The program contends that historically the police in New York have been essentially arrest oriented and have been insufficiently sensitive to the needs of the prosecutor. That is, the police have tended to see their responsibilities as ending with the legitimate arrest of a suspect, and the successful prosecution of that suspect as the responsibility of the District Attorney.

It is argued that as a result of this condition, the police do not adequately appreciate what the ADA needs to prosecute a case, or why the final disposition often deviates from what the police think is appropriate. For their part, the police sometimes see the ADA as insensitive to their needs and too often inclined to bargain away serious cases simply to control his caseload.

The program design suggests that the Felony Case Preparation Program can improve relationships between the police and prosecutor by getting both parties to focus on assembling the strongest possible case for prosecution. This is to be achieved by having the police conduct investigations which are focused squarely on preparing the case for prosecution. This process will require the detectives to collect and assemble the kinds of information which the prosecutor needs and assess the quality of that information in terms of its strengths in supporting the charges.

Once the investigation is completed, the AIR will be reviewed by the ADA along with the arresting officer and the police liaison officer. This will provide the police with an opportunity to see how the information is used by the ADA and how it relates to his decision to prosecute and his strategy for so doing. It is hypothesized that in this way, the program will increase mutual understanding of the disposition process and how the police and prosecutorial roles complement each other in that process. The research effort will attempt to gather data that can be used to examine that hypothesis.

III. Research Strategies to be Employed

The articulation of a full research design, replete with all the data collection instruments to be used, must await recruitment of a fulltime research director for the project and one or two research assistants. That, in turn, will require our securing additional financial support for the research. Nevertheless, it is possible at this time to describe the research strategy that will be used to answer the questions and address the hypotheses set forth under each of the headings in the preceding section.

In general, many of these questions and hypotheses require our comparing phenomena in the demonstration precinct with some other standard. In some instances, these comparisons will be historical. That is, conditions or practices obtaining in the 43rd Precinct after the project began will be compared with those that obtained before it began. In other cases, conditions and practices in the 43rd Precinct after the project began will be measured against similar conditions and practices existing in a comparison precinct during a similar time period. Finally, in some cases, especially for the analysis of dispositional patterns, change in the demonstration precinct will be looked at both historically and by comparison with the control precinct. In other words, some questions will be addressed through "after-only" comparisons between the experimental and comparison precincts, others through "before and after" compari-

sons within the experimental precinct, and still others will be explored using before and after comparisons across the experimental and comparison precincts.

Obviously, this strategy requires the selection of a precinct with which to compare the project operations in the 43rd Precinct. Needless to say, no two precincts are exactly comparable. The search for the comparison precinct was guided by two principal criteria. First, it would have to be in the Bronx under the same Police Department Borough Command, since there are apparent differences in arrest policies and practices from one borough to the next. Moreover, there are also policy and operational differences between the District Attorneys' Offices that might affect the dispositional process quite independently from the effects of program variables.

The second major criterion used in selecting a comparison precinct was approximate similarity in the volume of arrests, adult felony arrests and the size of the Precinct Detectives Units. Only the 46th Precinct in the Bronx is closely comparable to the 43rd along these dimensions. In 1978, the 43rd and 46th Precincts respectively reported a total of 3112 and 2995 arrests, including 2453 and 2371 adult felony arrests. Moreover, with the July 1, 1979 reorganization of the detective bureaus, the number of investigating detectives assigned to the PDU's of the 43rd and 46th Precincts are almost identical -- 24 and 24, respectively -- reflecting comparability in caseloads.

Although there are substantial differences in the size of population in the 43rd and 46th Precincts (220,000 and 114,000, respectively), these differences have not produced significant differences in the all important volume of felony arrests. For these reasons, the 46th Precinct will be used whenever precinct comparisons with the demonstration precinct are called for.

For most of the questions and hypotheses set forth in the preceding Sections IIA, B, & C the basic unit for analysis and comparison is the arrest incident. This means the particular criminal complaint which results in the arrest of one or more suspects charged with one or more penal code violations. It is the complaint and resulting arrests which constitutes the subject matter of the investigation and the AIR, even though the investigation will distinguish among the defendants with respect to charge. Therefore, to address most of the questions regarding dispositional patterns, the amount and quality of information produced by the point of Complaint Room presentation and the impact of the program on the dispositional process, will be addressed through analyzing a series of felony arrest samples.

A) The Impact on Dispositional Patterns. The broader samples will be used to test these hypotheses (outlined in Section II-B, above). Changes in dispositional patterns before and after project commencement will be studied in both the experimental (43rd) and comparison (46th) precincts. In addition before and after patterns will be compared between the two precincts. Thus, the design may be graphically represented as follows:

	Experimental (43rd Pct.)	Comparison (47th Pct.)
Before		
After		

For these purposes, a sample of approximately 700 arrest cases in each of the precincts will be drawn from the estimated 1,400 arrest cases expected to occur during the project's 1st year of operation. This 50 percent sample is expected to include approximately 1,050 defendants.

In addition, samples of approximately the same size will be drawn in each of the precincts from the lists of felony arrest cases handled in each of the two precincts during the year preceding the beginning of the project. Thus, we will use 4 samples of approximately 700 arrest cases each (i. e., about 2,800 cases involving approximately 4,200 defendants in toto) to investigate the questions and test the hypotheses regarding program impact on dispositional patterns.

As the hypotheses require, various data elements will be collected on all cases regarding charges at various points in the disposition process, FCB tracking decisions, facts of the case, characteristics of the defendants, time and number of hearings required to pass the case from one point in the dispositional process to the next, evidence in the case, final disposition and sentence. A pre-coded data collection form will be used for that purpose. All data will be computerized for various types of statistical analysis.

At the present time, it is believed that all of the samples can be drawn from the arrest log books maintained at the two precincts. However, it appears likely that we will have to go to several sources (including the pre-arraignment logs, CJA data base, and the records of the Office of Court Administration) to collect the data elements that will be needed. Thus, data collection for these samples will be a time consuming and costly process.

B) The Impact on the Amount and Quality of Information Available at the Complaint Stages. Questions and hypotheses regarding the amount and quality of information (Sec. II-A, above) will be investigated using an "after-only" design. For this purpose, the "after" samples from the 43rd and 46th Precincts will be used. As previously indicated, each of these samples will consist of approximately 700 cases and 1,050 defendants giving a total of about 1,400 cases and 2,100 defendants for this portion of the research.

This research will require that a content analysis be done of the AIR and Prosecutor's Case Jacket through the complaint stage on experimental cases (43rd Precinct) and compared with a content analysis of police forms and Prosecutor's Jackets on comparison cases (46th Precinct) through the complaint stage.

As previously indicated, a great deal of data regarding charges, defendant characteristics and case dispositions will be collected on these cases for the analysis of disposition patterns. These will be supplemented by the content analysis data regarding the amount, nature and strength of the information available for decision-making. The point in the process at which particular pieces of information become available will also be coded.

These data will be used to determine whether or not the project's investigations and report preparation actually produce more information and/or stronger evidence on the cases. Moreover, by merging these case level data with the data collected for the analysis of disposition patterns, we will be able to study the effect of particular kinds of information and particular levels of evidentiary strength on the dispositional decision-making.

C) The Impact of the Project on the Case Dispositional Process. Here the research will attempt to determine how the police prepare and present the case for prosecution and how the ADA's in the FCB and the Complaint Room accept and deal

with that presentation and use it to make prosecutorial decisions. Questions and hypotheses in this area call for the collection of qualitative information on the perceptions and reasoning of the various officials involved in case processing, as well as on the interactions that take place among them. These kinds of data will be collected through the use of on-site observation and interviewing by the research staff.

To develop a first hand understanding of how the process operates, research staff will spend time observing and interviewing officials at each decision point in the process. Observation of the principal actors for several hours at each point will provide some indication of how roles are performed and how they interact in general.

In addition to these general observations on the process, we are interested in determining how the actors deal with particular kinds of case-related information as the case moves from one decision point to the next. For that purpose samples of not more than 50 cases in each precinct will be selected for analysis. These will actually be drawn as sub-samples from the "after" sample that will be used for the analyses of disposition patterns and information content in the experimental and comparison samples. This will assure that all relevant archival data on these cases will be available to supplement the observational and interview data.

Each of the cases in these "process" samples will be tracked from the point of arrest to the point of final disposition. In other words, a member of the research staff will be assigned to

interview the arresting officer and the investigating detective and observe interactions between them as soon as possible after the arrest is made. Thereafter, the research staffer will physically follow the case through its various stops along the route to disposition. At each stop observational data will be recorded on the actions and interactions of officials who deal with the case at that point. In addition, the researcher will ask those officials a few questions about their perceptions regarding the crucial issues in the case and the reasons for the actions they took on the case.

These samples will be used essentially for qualitative rather than statistical purposes. That is, the data will shed further light on the perceptions, decisions and interactions which underly the disposition patterns that will be analyzed statistically. In this way the observational and interview data should enhance our understanding of why and how particular patterns of disposition occur in particular types of cases. Moreover, these qualitative data may also reveal one or more variables which appear to impact significantly on decision-making, but for which archival data are either not available, or was not collected. At this point in time, it has not been decided whether to take general sub-samples for the analysis of process, or to stratify the sub-samples by some variable, such as offense type. That decision will be made as the research design is refined.

D) The Impact on Roles and Resources Within the Police Department. Data from the dispositional and process samples will be used to describe and analyze how the detectives in the experimental precinct perform the post-arrest investigations and prepare the AIR. In addition, the detective's overall workload, the extent to which it is completed, and the time required for the completion of major tasks will be studied through an examination of time and effort data collected for all detectives in the 43rd Precinct. The time period selected will be around the mid-point of the project's term, and the data collected will include hours worked, assignments taken, assignments completed, and time required for completing assignments.

Finally, all of the detectives who work in the experimental precinct will be interviewed to collect data on perceptions and attitudes regarding the new responsibilities and their impact on their overall role. Thus, from these three sources, a fairly comprehensive description and analysis of the detectives' role and performance will be possible.

The sub-samples of 43rd Precinct and 46th Precinct cases that are used for the study of process (estimated at approximately 50 cases each) will also be used to identify the cost effects of the project. Since all of the various kinds of case data will be collected on these samples, including the number of appearances required, the criminal justice officials present at each appearance, and the time required for each appearance, they should be a very useful data base for cost analyses.

Using these data, we will attempt to determine the costs incurred by each criminal justice agency, as well as agencies in toto, in processing the cases in both precincts. We will try to determine whether or not the police costs for processing the experimental cases up to the complaint stage are higher than those incurred in processing the comparison cases. If there is a difference in this regard, we will attempt to identify the factors which contribute most to that difference. Police costs incurred through final disposition will also be compared for the two precincts to determine whether or not pre-complaint room cost increases are off-set by post-complaint room savings in court time including overtime.

An effort will be made to analyze District Attorney and total system cost effects in the same way.

E) Impact on Police/D.A. Relationships. Much of the data for analyzing these effects will be gleaned from the observational and interview data collected for "process" study. That data will describe specific police and ADA perceptions and attitudes towards each other as they are expressed at various points in the processing of particular cases. In addition, the interviews of 43rd Precinct detectives conducted for the previously described role analysis will also be used to record the detectives' general perceptions and assessments of DA policy and practice, and their recognition of any perceptual or attitudinal changes in that regard that have occurred during the life of the project.

Finally, a similar type of interview will be conducted with a number of ADA's in the Bronx. Since all of the ADA's in the Felony Case Bureau (about 22 people) are likely to handle 43rd Precinct cases at some point, the research will interview all of them on their perceptions of the program and its impact on police/DA relationships. Beyond that, samples of ADA's will be drawn and interviewed from those assigned to the Criminal Court Bureau and the Supreme Court Bureau. Finally, additional interviews will be conducted with the DA supervisors and that member of the District Attorney's management staff who serves as project liaison.

IV. Resources Needed for the Research

The personnel resources needed for this research are estimated at 5 professional positions, plus an Administrative Assistant.

In addition to assuming overall responsibility for the direction of the project, the Research Director would be heavily involved in the selection of the samples and development of the data collection and coding instruments for the study of disposition patterns; the development of the content analysis instruments for the information study; interviewing the detectives for the role analysis; development of the framework for analysis; and the actual data analysis and report writing.

A Deputy Research Director, possessing substantial programming experience as well as analytical skills would be hired and would assume substantial responsibilities regarding: all computer programming required by the study; the development of observational and interviewing instruments for use in the study of process; the development of the framework for analysis; and the actual analysis and report writing.

A Research Associate would assume substantial responsibility for observation and interviewing for the study of process; assisting with the analysis of program effects on police and system costs; interviewing ADA's; and participating in the analysis and report writing.

Two (2) Research Assistants would be needed to assume major responsibility for the data collection and coding on all of the samples involved. Indeed, it is likely that these tasks associ-

ated with the study of disposition patterns alone, will largely consume one Research Assistant's time for several months. The other Assistant would be heavily involved in the content analyses, and the interviewing of ADA's and detectives.

Finally, an Administrative Assistant would provide secretarial services and perform all required administrative duties.

In addition to personnel and normal OTPS expenses, the coding, keypunching and computer analysis of data will constitute a significant cost item.