IMPACT EVALUATION

OF THE

VICTIM/WITNESS ASSISTANCE PROJECT'S

APPEARANCE MANAGEMENT ACTIVITIES

Vera Institute of Justice
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SUMMARY AND RECOMMENDATIONS

On July 7, 1975, the Victim/Witness Assistance Project (V/WAP) assumed appearance management responsibilities for police and civilian prosecution witnesses in Brooklyn Criminal Court. V/WAP is a joint effort of federal and local governments, receiving its major funding from the Law Enforcement Assistance Administration, with matching funds provided by the City of New York. The project is administered by the Vera Institute of Justice, in cooperation with the Kings County District Attorney's Office, the New York City Courts, and the New York City Police Department.

V/WAP's first year objectives included reducing the number of unnecessary appearances required of police and civilian prosecution witnesses and increasing attendance at those appearances which are required. The project further expected that by increasing witness attendance, court efficiency would be improved. Specifically, the project sought to reduce the number of cases dismissed due to lack of effective prosecution and reduce the number of ad-

journments required to dispose of cases.

To achieve these goals, V/WAP relies on computerized witness notification procedures which emphasize person-to-person contact with civilian witnesses and a system of placing eligible witnesses on alert or standby status.[1] A services component of the project, including a witness Reception Center, Children's Play Center, Crime Victim Hotline, Burglary Repair Unit, and a Services Counselor, seeks to alleviate trauma and inconvenience resulting from victimization and reduce disaffection with the criminal justice process.

This report examines the project's impact on appearances saved police and civilian prosecution witnesses through its alert procedure, its impact on civilian attendance rates, and its impact on court efficiency. Research reported here indicates

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1. Witnesses on alert status are summoned to court only after it has been determined that their appearance is necessary for the case to proceed. Since it often happens that cases are not ready to proceed, the alert system cuts down on unnecessary appearances by both police and civilian prosecution witnesses. A saved police appearance saves the city the cost of paying an officer to spend the day in court and allows him to continue regular duty.

that V/WAP has been highly successful in saving appearances. The project has effected a 51% increase in police appearances saved per month (cases in which officers were placed on alert status and not called into court to testify) and a 95% increase in civilian appearances saved per month. These increases have been achieved without a corresponding increase in the activation failure rate (cases in which a witness on alert status fails to come to court after being summoned). Further, as a result of changes in project procedures introduced in January of this year, V/WAP has recently shown a marked increase in saved appearances over its own earlier performance.

V/WAP has not achieved the same success in increasing civilian attendance at court. The report shows that there has been to date only a marginal (statistically non-significant) improvement in appearance rates at the first adjourned date (55% for a sample of project cases versus 45% for a sample of pre-project cases), and that this advantage is lost by the next court date. Overall, the attendance rate on project cases is 46% compared to 43% for pre-project cases.

The issue the project must address therefore, is civilian attendance in court. The project is now engaged in planning how it should reorganize to best respond to this challenge. The crux of the attendance problem likely centers around the fact that the civilian witnesses' role in the process is quasi-voluntary. Unlike police witnesses and defendants, the civilian prosecution witness appears in court on his own time and (usually) without fear of sanction if he fails to appear. Civilian witnesses are therefore more likely to drop out of the process once their purposes are no longer served by continuing the case (e.g., if property is returned) or they are substantially inconvenienced by having to return on multiple occasions and wait long hours once in court.

The research department has begun an interview study of civilian complainants and witnesses to try to determine why so many drop out of the process. This research will attempt to determine the extent to which subsequent civilian non-appearance can be predicted in the Complaint Room on the basis of characteristics of the case and/or victim/witness and the extent to which non-appearance is the result of dis-

satisfaction that occurs as the civilian goes through the court process. If non-appearance is largely a function of characteristics of the case and civilian (e.g., the complainant and defendant are related), the study should be able to recommend procedures for V/WAP to identify these cases in the Complaint Room. These cases could then be targeted for the District Attorney's staff as candidates for an alternative to Criminal Court processing such as mediation or counselling.

If, on the other hand, non-appearance results mainly from dissatisfaction that develops during the court process, the study may yield recommendations for reducing dissatisfaction. To some extent, the provision of basic amenities like V/WAP's witness Reception Center, and Children's Play Center may help in this regard. However, the major issue is more likely to be the large investment required of the civilian in making multiple appearances (often only to have the case adjourned without progress) and waiting long hours each time he comes to court. In this respect, V/WAP's impact on appearances saved through its alert system may be significant; an aim of the interview study will be to assess how alerts

affect civilians' continued cooperation with the prosecution. Based upon data presented in this report, however, it would not be premature, to recommend that the project expand the use of civilian alerts.

Results of a pilot test of the study suggest that non-appearance is a function of both type of case and disillusionment with the process. Calling the police is often viewed as a last resort response. It is often undertaken with reluctance in cases where the complainant has little faith in the criminal justice system, merely wants stolen property back, desires only an immediate stop to a situation which has gotten out of hand, or wants the defendant to be taught a lesson by being arrested. The latter three types of cases are prime candidates for settlement by mediation. On the other hand, persons who are truly interested in seeing a case prosecuted often come into the process with little idea of what to expect; their sole source of knowledge is often very sketchy information from the arresting officer. Most persons interviewed did not anticipate, and were very angry over, the long wait in the complaint room

and arraignment. Some persons decided after this experience that it was not worth their while to pursue the case further.

Project planning has already begun to take into account findings from this study. The project and the DA's office are taking steps to reduce civilian waiting time in the Complaint Room through a new procedure for civilians who are eligible to sign a stipulation and be excused before arraignment. Previously, these persons spent hours waiting their turn with an ADA. As a result of the new procedure, these cases are identified immediately and processed before other cases. The research department is collecting data to evaluate the impact of the procedure on civilian waiting times. The research department is also studying the feasibility of an alert procedure whereby civilians would not be summoned to the Complaint Room until their case was ready to be processed.

V/WAP is also examining the feasibility of new procedures at post-arraignment court dates as well. One idea which is being considered is an

arraignment representative who would perform in-person notification of the next court date and place on alert eligible civilians who attend arraignment. For the 50% of civilians who do not come to the Complaint Room, V/WAP staff would establish phone contact immediately and again after the arraignment outcome was known. A community representative would be dispatched by Complaint Room staff to establish contact with witnesses who do not have phones and notify them of their next court date.

Additional project modifications to respond to research findings are being planned and the research department will continue to monitor the impact of such changes in project procedures.

DESCRIPTION OF APPEARANCE MANAGEMENT PROCEDURES

V/WAP's witness notification system replaced the traditional method of notifying witnesses by subpoena. Prior to V/WAP, the court ordered subpoenas issued to witnesses who had not been in court to receive verbal notification of pending dates. There were a number of problems with this system, including a) many subpoenas were returned undelivered and no follow-up attempts were made on these cases, b) unless ADA's made personal contact with witnesses, (which was a common practice in important cases) they had no way of knowing which witnesses were likely to come to court or if witnesses who did not attend were still interested in seeing the case prosecuted, c) the rate of non-appearance among civilian witnesses was thought to be very high and d) all witnesses notified by subpoena were required to appear even though cases were frequently adjourned without progress resulting in many unnecessary appearances for both police and civilians. The first mandate of the Victim/Witness Assistance Project, therefore, was to develop a more effective method of witness notification, and expand a limited system of telephone alerts begun in 1970 by the

Appearance Control Unit, an earlier demonstration project of the Vera Institute of Justice. To handle the large volume of cases (36,000 per year) that enter the Brooklyn Criminal Court, the project developed a computerized witness notification system.

Interviews conducted with police and civilian witnesses in the Complaint Room are input into an on-line computer, creating a case file in the computer which becomes the basis for future notifications. Input of arraignment information (including docket numbers, witness presence or absence, court outcome and adjourned date and part) completes the information needed to begin notifications.

The computer first decides, on the basis of arraignment information, which witnesses are not needed at the next court date in non-disposed cases. These include police witnesses who have been excused by the District Attorney's Office and civilians whose testimony has been stipulated in court. These witnesses are automatically assigned an "Excused" status by the computer. Civilians on Excused status receive a computer-generated letter

informing them of the date their case will next be heard by the court and of the fact that their presence is not required.

Civilian witnesses whose testimony is required and whose cases are adjourned for eight days or more receive a computer-generated letter notifying them of their court date and requesting that they contact V/WAP to confirm receipt of the letter. Calls from these witnesses are received by a V/WAP court part specialist, who uses a computer terminal to retrieve case information to assist in "statusing" the witness. If the specialist determines that the witness is willing and able to appear in court, lives within an hour of the courthouse, and can be reached by phone on the day of the court appearance, he may place the witness on "Alert" status. A witness placed on alert is summoned to court only if it is determined on his court date that the case is ready to proceed and his presence is required. Civilians whose presence is required but who are not eligible for alert are placed on "Must Appear" status and told to report to the appropriate court part at 9:00 am on the day of their appearance.

When statusing is completed, the specialist enters into his terminal the mode of contact with the witness (in the case described above, an incoming call), the witness' status, and the specialists' expectation of whether the witness will attend his court date.

Civilians whose adjourned dates are too short to receive a letter and persons who fail to call V/WAP in response to a letter appear on a computer-generated list of witnesses to be contacted. These lists are then used by the court part specialists to contact these witnesses by phone. Results of contact (mode of contact, status, and expectation(are input into the computer. Civilians who still have not been contacted by the day before their court date appear on a second computer list which is given to V/WAP's community representatives who attempt in person contact, again, results of contact are input.

Notification of police officers is currently still handled manually either by teletype or phone communication with the police officer's command. Police officers are first screened for alert eligibility by the court part specialist assigned to the case. An officer who initially appears eligible for alert

status is passed on to two police department personnel working in conjunction with the project, who contact the officer's command to determine if the officer's duty schedule will permit him to be on standby the day of his court appearance. If a police officer is placed on alert, a confirming call is made to his command the day prior to the court date. Police officers determined not to be eligible for alert status in the initial screening are notified through their commands that they must appear.

Every morning, the computer prints a set of court part information sheets for all project cases which are scheduled for that day in court. Each sheet includes a list of all witnesses on the case, their appearance statuses (must appear, on alert, or excused), the mode of contact, and whether they are expected to appear in court on that day. These sheets are then forwarded to assistant district attorneys (ADAs) in the post-arraignment court parts to enable them to make informed decisions on how to proceed with their case.

After the case has been disposed in court that day, the ADA records on the court part information sheet the outcome of the proceedings (disposition

and adjourned date and part, if applicable), which witnesses were present in court, which witnesses are not needed next time, and any additional witnesses needed who do not appear on the sheet. The sheets are picked up and returned to V/WAP's offices at the end of the day, the information provided by the ADA is entered into the computer, and the notifications cycle begins again.

ALERTS

In 1970, the Appearance Contol Unit (ACU), a demonstration project of the Vera Institute of Justice, was established to reduce wasted police time resulting from requiring officers' appearance in court when their testimony was not needed or when the case was not heard. The ACU placed eligible police witnesses on telephone "alert"; officers on alert status were summoned to court by police radio when and if it was determined by the court that their presence was required. Since it costs an estimated $125 per day for an officer who spends a day in court, ACU's alert system represented a substantial benefit to the City of New York; officers who would otherwise have spent most of a day waiting in court to give testimony were freed for other assignments. The alert system was later expanded to include civilian witnesses, although the emphasis of the ACU remained on police alerts.

The Victim/Witness Assistance Project incorporated the ACU as part of its notification system. V/WAP's goal was to increase both police and civilian alerts and thereby bring about a greater reduction

in wasted witness appearances. To gauge V/WAP's impact in this area, its operations from August 1975 to March 1976 were compared to those of ACU from July 1974 to May 1975.[1]

Police Alerts

Police alert levels achieved by ACU and V/WAP are shown in Table 1.[2] Table 1 shows that V/WAP has effected a substantial increase in the average number of police alerts per month; V/WAP's 1,016 officers on alert per month represent a 53% increase over the 664 officers per month placed on alert status by ACU. The difference is statistically significant ($t = 3.16$, $df = 17$, $p < .01$). Not surprisingly, the number of activations also showed a significant rise. However, the percent of alerts activated is virtually identical for both groups (16.7% for V/WAP vs 16.9% for ACU).

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1. Data for June 1975 were unavailable. The month of July 1975 was not included because the organizations were in a state of transition.

2. In this context, "police" include members of New York Police Department and the Transit Police Department. "Civilians" include the other law enforcement officials, store and hotel security, and "true" civilians. Members of the Housing Police Department are not included in either table because department policy prevents its members from being placed on alert.

TABLE 1

POLICE ALERTS

ACU vs V/WAP

Average Per Month

	ACU (7/74 - 5/75)		V/WAP (8/75 - 3/76)	
Alerts	664		1016	
Activations (percent of Alerts)	112	16.9%	170	16.7%
Failures of Appear (percent of Activations)	0.6	0.6%	1.9	1.1%
Unnecessary Appearances* (Percent of Non-Activated Alerts)	15	3%	34	4%
Saved Appearances	537		812	

* Cases in which a police officer on alert came to court although the alert was not activated.

The project's larger number of alert activations produced more failures to appear, both in absolute number, and in percentage (1.1% for V/WAP vs 0.6% for ACU). However, 27% of the project's failures were because the officer was making a new arrest - an event over which the project has no control. Taking this into account reduces the project's failure rate to 1.4 per month, or 0.8% of activations (although ACU also noted failures resulting from new arrests, none were encountered in tabulating data for the months examined). Further, V/WAP's failure rate has been steadily decreasing; its failure rate for the first quarter of 1975 reached a low of 0.5% - less than that of ACU.

The percent of police on alert who appear in court without being activated has increased slightly since V/WAP began, from 3% to 4%.

Most importantly, Table 1 shows that V/WAP has effected a substantial increase in saved police appearances. V/WAP's average to date of 812 saved appearances per month (cases in which the officer was on alert, the alert was not activated, and the

officer did not come to court unnecessarily) represents a 51% increase over ACU's 537 saved appearances per month. Translated to monthly cost savings, V/WAP has saved an additional $34,000 per month in police time over ACU.

Further, this is a low estimate since V/WAP's figures are averaged over an eight month period, whereas the project's performance in the area of alerts has increased substantially in recent months. In January, the project formed an alert task force to investigate the factors which prevent a police witness from being placed on alert status. After studying the problem, the task force made recommendations to the project on ways to increase police alerts. The recommendations of the task force (which included a) centralizing screening of cases for alert eligibility b) checking project files against DA files to insure that the project has files on all cases it should be handling for each court date, c) providing the court with information on which days witnesses cannot attend an adjournment and d) obtaining the DA's consent to put witnesses in priority cases on alert) have now been implemented by

the project.[1]

The impact of these new procedures is apparent in Figure 1A. After a peak of 288 police alerts per week achieved in October when screening cases for alert eligibility was centralized, alert volumes slid back down and remained constant at about 220 per week until the task force was formed in January. February and March represented the highest alert volumes the project had ever achieved, with 293 officers being placed on alert status per week in February and 332 per week in March. The percentage of all police witnesses placed on alert status (shown in Figure 1B) exhibits a similar, but less dramatic trend; during March 41% of all police statused by V/WAP were placed on alert status compared to 32% in December.

V/WAP's current (March) rate of 1136 saved appearances per month represents a $75,000 increase per month in cost savings over the ACU. At this

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1. These changes are discussed in detail in a separate document (Alert Task Force Report; April 18, 1976).

FIGURE 1A

WEEKLY AVERAGE NUMBER OF POLICE ON ALERT

AUGUST 1975 - MARCH 1976

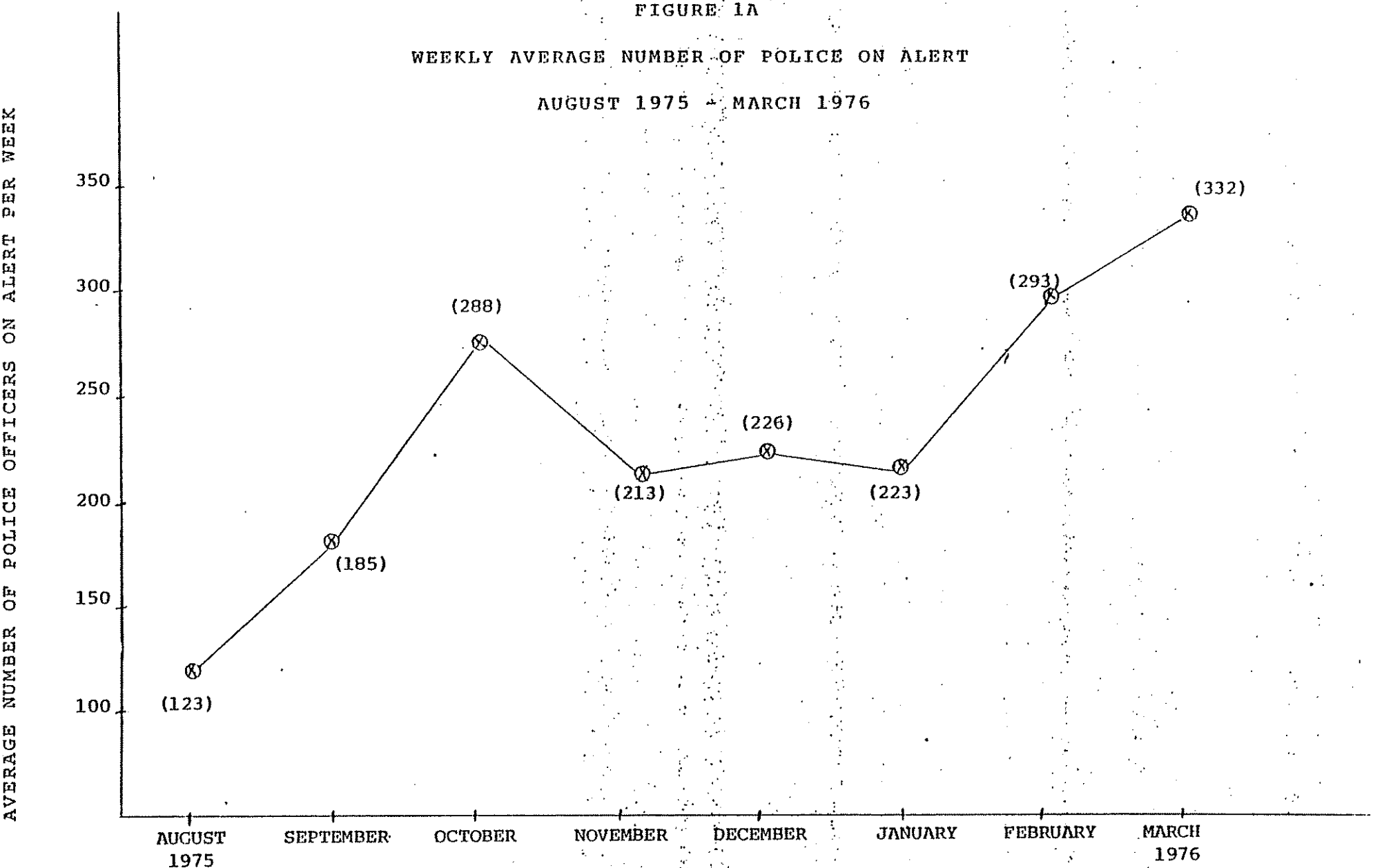
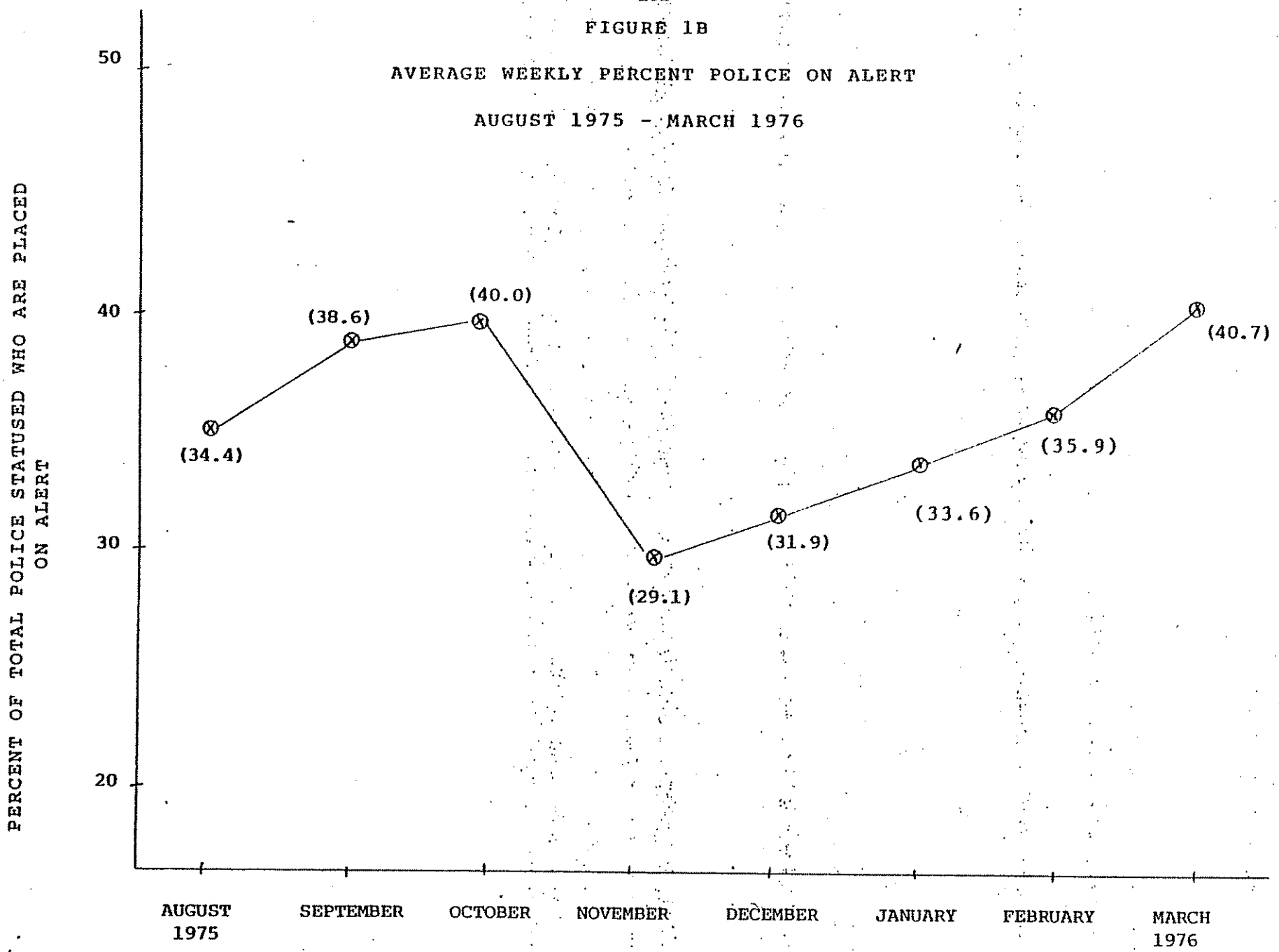


FIGURE 1B

AVERAGE WEEKLY PERCENT POLICE ON ALERT

AUGUST 1975 - MARCH 1976



rate, V/WAP would save the city $1,700,000 in police time annually, offsetting total project operating costs of $1,200,000 per year.

Civilian Alerts

Table 2 shows a significant (106%) rise in number of civilian alerts for V/WAP (386 per month) over ACU (187 per month) ($t = 5.56$, $df = 17$, $p < .001$). A higher percentage of V/WAP civilian alerts were activated than for ACU (19.0% vs. 14.5%); this difference however, was not significant ($X^2 = 1.429$, $df = 1$, $Q > .50$). It can be seen from Table 2 that there has been little change in the civilian failure to appear rate (4.3% for V/WAP vs 5.0% for ACU) and the number of unnecessary appearances (0.4 per month for V/WAP vs 0.2 for ACU).[1]

In terms of saved appearances, V/WAP has nearly doubled the monthly rate achieved by the ACU (312 per month for V/WAP vs 160 per month for the ACU). Although a cost savings cannot be attached as easily

1. It should be noted that police officers are required to sign in when they appear in court. Therefore, the data on police appearances and appearance failures can be considered quite accurate. Since civilians are under no such sign-in requirement, their appearance and appearance failure rates should be considered estimates.

TABLE 2

CIVILIAN, OLE, AND STORE & HOTEL SECURITY GUARDS

ALERTS: ACU vs V/WAP

	AVERAGE PER MONTH			
	ACU (7/74 - 5/75)		V/WAP (8/75 - 3/76)	
Alerts	187		386	
Activations (percent of Alerts)	27	14.5%	73	19.0%
Failures to Appear (percent of Activations)	1.4	5.0%	3.1	4.3%
Unnecessary Appearances	0.2		0.4	
Saved Appearances	160		312	

to a saved civilian appearance as to a police saved appearance, the value of a civilian alert should not be underestimated. The most obvious benefit is that the civilian can stay on the job rather than spend the day in court. It can also be hypothesized that defense attorneys' knowledge of alert witnesses' reliability (discussed below) would make them less inclined to request adjournments as a "stalling tactic" in hope of wearing down a witness when that witness is not inconvenienced by an adjournment.

Table 3 presents support for this hypothesis. Case outcomes are compared for a sample of civilians on "Must Appear" status, broken down by witness presence or absence, and a sample of civilians on alert status. Data for the "Must Appear" sample were gathered from court observations during November and were reported in the first impact report. Data for the alert sample were gathered from project records and represent a cross section of cases at different stages in the post-arraignment court parts, each of which had a scheduled appearance during the week of March 31 through April 6. Both activated and non-activated alerts are included in the table (5%

TABLE 3

CASE OUTCOMES ACCORDING TO CIVILIAN APPEARANCE STATUS

(INCLUDES ONLY CASES INVOLVING CIVILIAN WITNESSES)

COURT OUTCOMES	CIVILIAN ON ALERT		CIVILIAN REQUIRED TO APPEAR Witness Present		CIVILIAN REQUIRED TO APPEAR Witness Absent	
Dismissals:						
No Civilian	-	2*	0	14	19%	23
Other	-		14		4	
Guilty Pleas	32		25		12	
Waived to Grand Jury	4		22		2	
Bench Warrants	2		2		10	
Adjourned:						
No Civilian Witness	-	60*	0	36	40	55
Other	-		36		15	
	100%		100%		100%	
(n)	(53)		(44)		(52)	

* Data on reasons for dismissals and adjournments were not collected for the alert sample.

of the 53 alerts sampled were activated).

Are witnesses on alert perceived by the prosecution and defense as if they were in court or as witnesses not present? Table 3 suggest that, in several ways, alert witnesses are perceived as if they are present. Specifically, the rate of guilty pleas is similar whether the witness is on alert (32%) or present in court (25%); both are substantially higher than if the witness is absent (12%). Dismissals occur even less frequently when the witness is on alert (2%) than when the witness is present (14%), or absent (23%). Presumably this is because cases are neither dismissed because of non-appearance nor because the civilian comes to court and is unable to identify the defendant or withdraws charges. A difference between witnesses on alert and witnesses present occurs, however, in cases sent to the Grand Jury (4% vs 22%, respectively). This is probably due to the fact that in many cases where a preliminary hearing has been scheduled for an adjourned date, ADAs instruct V/WAP not to place the civilian on alert; this interpretation would be consistent with the finding of V/WAP's alert task force that

in 10% of all police appearances, the officer is not placed on alert because the ADA instruction to "bring the witness in", usually for a preliminary hearing. Further research is clearly warranted to follow up on these preliminary findings.

CIVILIAN APPEARANCE RATES

An earlier research report (An Impact Evaluation of the Victim/Witness Assistance Project's Appearance Management Activities; December 19, 1975) analyzed the effect V/WAP has had on civilian attendance rates and case outcomes at the first post-arraignment court date. The report relied mainly on comparisons between three samples of witnesses: a "baseline" group of witnesses whose cases entered the court system prior to the start of V/WAP operations and who therefore were not affected by the project, a "control" group whose cases began after V/WAP, but who were not processed or notified by the project of their court appearances; and finally, a "project" group who were interviewed by the project and notified of every date on which their appearance was required. Since the writing of that report, project and baseline cases were followed and their files updated (because of the problems of contamination of the control group described in an appendix to An Impact Evaluation, the control sample was discontinued after the initial study). Thus a clearer picture can now be produced

of the effect of V/WAP's appearance management activities on civilian witness appearances and on court outcomes.

V/WAP's more systematic notification procedures were expected to reduce misinformation and confusion, thought to be major contributors to the civilian non-appearance rate. However, attempting to increase civilian attendance is complicated by the fact that, unless subpoenaed, civilian witnesses attend court proceedings on a quasi-voluntary basis. This stands in marked contrast to police witnesses, for whom appearance in court is part of their job. While some civilians are cooperative, even enthusiastic in their role as prosecution witnesses, others are uncooperative to the point of hostility towards the prosecutor's office and would not come to court unless forced. In between project planners assumed, are a large number of people who would attend if they were better informed of when and where to appear, if it were more convenient, or if someone would lend a sympathetic ear to their plight.

Table 4 shows the appearance rates for project and baseline civilians whose appearance was required, pooled across all post-arraignment court dates. Overall, the project group has a slightly higher appearance rate (46%) than the baseline group (43%). This difference, however, is not statistically significant (X^2 = .406, df = 1, $Q > .50$.)[1]

Appearance rates for the two groups are broken down by court date in Figure 2. While the project group has a slightly higher appearance rate at the first adjourned date (55% vs 45%) this advantage is lost by the next court date. Appearance rates for both groups show some decline as adjournments increase.

These data suggest that the project has not been as successful in improving witness appearance rates as had been hoped. The non-appearance rate among civilians remains high. However, it should

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1. The reader is cautioned that, in spite of intensive efforts to obtain appearance information from all available sources (V/WAP records, D.A. records, and court records), a good deal of missing information still exists in the data (see Table 4). The fact that the 46% appearance rate for the project sample agrees very closely with estimates from two samples of in-court observations taken by the research department provides some degree of confidence that the missing data do not substantially bias the findings.

TABLE 4

APPEARANCE RATES FOR ALL POST ARRAIGNMENT COURT DATES

FOR PROJECT AND BASELINE SAMPLES

(CIVILIANS WHOSE APPEARANCE IS REQUIRED

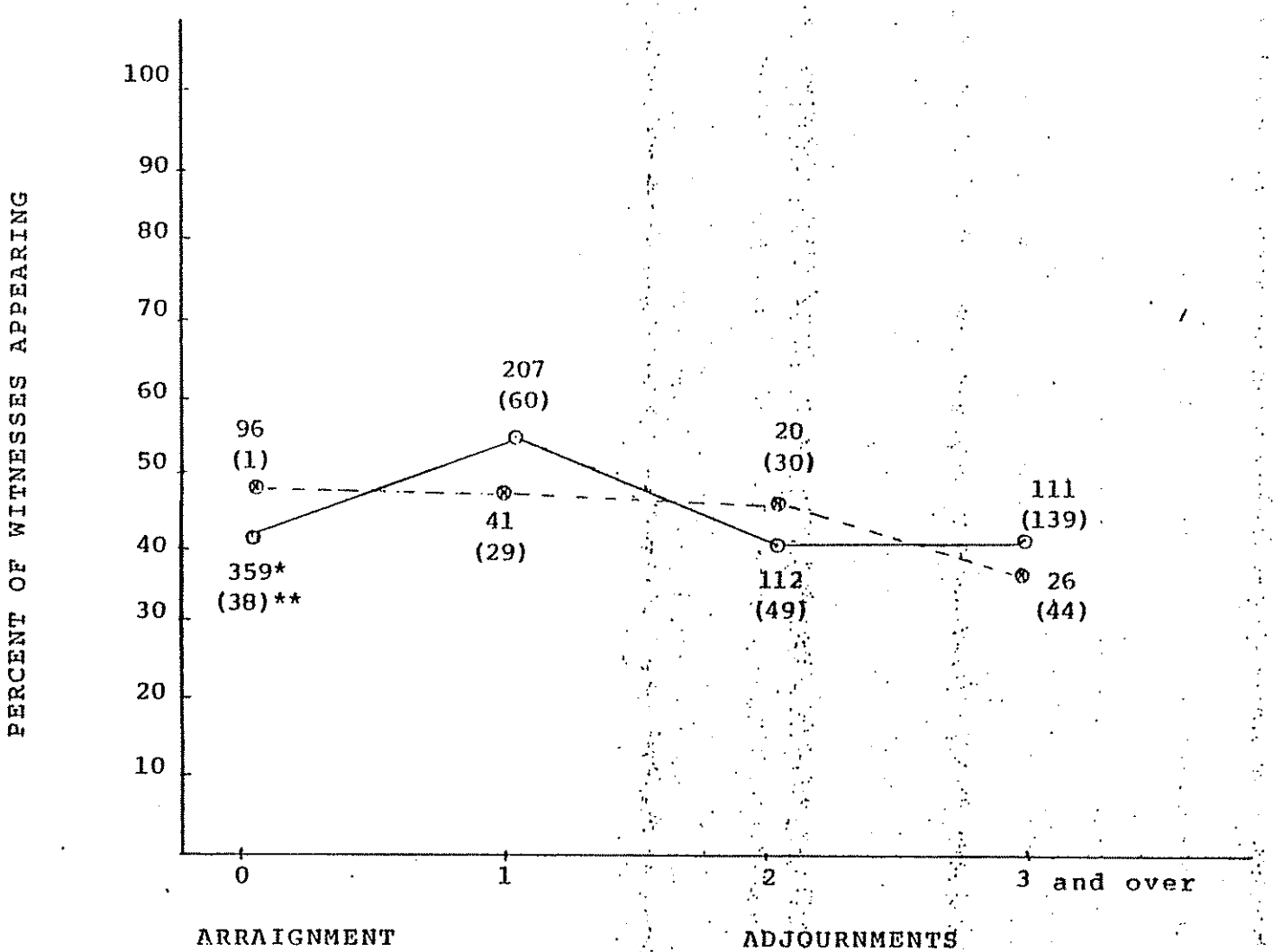
	PROJECT		BASELINE	
In Court	199	46.3%	37	42.5%
Not in Court	231	53.7%	50	57.5%
TOTAL	430		87	
No Information	248		103	
Excused	35		3	
Alert	18		3	

SIGNIFICANCE: $x^2 = .406$ $df = 1$ $.75 > Q > .50$

FIGURE 2

CIVILIAN APPEARANCE RATES FOR PROJECT AND BASELINE GROUPS

AS A FUNCTION OF NUMBER OF ADJOURNMENTS



* Number of valid observations

** Number of missing observations

be noted that V/WAP's goals of increasing civilian alerts conflicts with its goal of increasing appearance rates. Because two of the project's criteria for placing civilians on alert are an interest in prosecuting and reliability, those civilians placed on alert by V/WAP are very likely persons who would have attended court if required. This assumption is borne out by the fact that approximately 95% of civilians on alert who are summoned to court do appear. Thus to the extent that the project removes this group of "good risk" witnesses from the population of persons required to appear, it is reducing the impact it might have on appearance rates. Overall, this report indicates that V/WAP has increased the number of civilian alerts without a corresponding decline in appearance rates among those witnesses whose appearance is required.

COURT EFFICIENCY

In the original evaluation report, disposition rates at the first post-arraignment adjournment were compared for project and non-project cases. Since the writing of that report, most cases in each group have been adjudicated; 88% of project cases and 94% of baseline cases are now completed in criminal court. Table 5 shows the number of adjournments required to reach final disposition for cases in each sample which survived arraignment (cases disposed at arraignment were omitted from the analysis since the project's notification efforts begin after arraignment). While the project sample had a higher percentage of cases disposed at the first adjourned date (44% vs 29%), disposition rates were relatively similar for the two samples by the third adjourned date. A chi-square test revealed no significant difference in the distribution of disposition rates ($X^2 = 5.63$ $df = 3$, $.25 > Q > .10$).

Since one of the goals set out in V/WAP's original grant proposal was to reduce dismissals,

TABLE 5

Number of Adjournments to Final Disposition

For Project and Baseline Cases

Surviving Arraignment

NUMBER OF ADJOURNMENTS	PROJECT		BASELINE	
1		44%		29%
2		21%		22%
3		15%		25%
4 or more		21%		24%
Total Disposed	195	100%	59	100%
Not Disposed	26		4	
Disposed at Arraignment	75		26	
TOTAL N	296		89	

Significance: $X^2 = 5.627$

$df = 3$

$.25 > Q > .10$

it is also of interest to look at project and baseline cases broken down by type of final disposition. Table 6 shows the manner of disposition for cases surviving arraignment. A smaller proportion of project cases were dismissed (25%, compared with 31% for the baseline group) and sent to the Grand Jury (17% vs 27%). There were more pleas taken in the project (44%) than the baseline group (31%), while the proportion of ACDs was approximately the same. There were no transfers or trials in the baseline group.

A chi-square test did not reveal a significant difference in type of disposition ($X^2 = 4.75$, df = 3, $Q > .10$.)[1]

Sample findings are supported by statistics obtained from the New York City Office of Court Administration (see Table 7). There has been no appreciable difference since the project began, in the proportion of cases dismissed; the dismissal rate has remained a constant 41-42% since the beginning of 1975. In fact, the only systematic

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1. Since the distribution of Pearson's chi-square statistic is radically altered when there are expected cell frequencies less than five, transfers to other courts and trials were deleted for a test of significance.

TABLE 6

Final Disposition of Cases Surviving

Arraignment for Project and Baseline Groups

	PROJECT		BASELINE	
	percent of total dispositions	average # of appearances	percent of toal dispositions	average # of appearances
Dismissed	25%	(2.96)	31%	(3.05)
Guilty Plea	44%	(2.07)	30%	(2.56)
Grand Jury	17%	(1.79)	27%	(2.38)
ACD	11%	(2.19)	12%	(2.14)
Transfers	2%	(1.0)	-	-
Trials	2%	(5.3)	-	-
TOTAL DISPOSED	100%	195	100%	59
Not Disposed		24		4
Missing Data		2		0
TOTAL N		221		63

Significance: (For Dismissed, Guilty Pleas, Grand Jury, and ACD only)

$$X^2 = 4.48$$
$$df = 3$$
$$.25 > Q > .10$$

TABLE 7

Kings County Dispositions - 1975

	Jan. - Mar.	Apr. - June	July - Sept.	Oct. - Dec.
Dismissed*	41%	41%	42%	42%
Plea	39	43	43	43
Grand Jury	14	11	9	8
Trials	1	0	1	1
Other	5	5	6	6
	100%	100%	100%	100%
Total N	15,624	15,663	12,744	14,311

* includes ACDs

variation in dispositions appears to be a gradual trend towards fewer Grand Jury cases and more guilty pleas - the same trend found in the sample data.

The shift from Grand Jury dispositions to guilty pleas may result from the prosecutor's Early Case Assessment Bureau (ECAB). ECAB was established in Brooklyn by the District Attorney's office at approximately the same time as V/WAP. Its stated purpose was to assess the strength of felony cases in the Complaint Room, with the hope that strong cases could be sent more quickly to the Grand Jury, while defendants in weak cases could be offered a plea to reduced charge. To the extent that ECAB is successful, it would produce precisely the results found here.

Despite an apparent lack of project effect on dispositions in general, the question arises as to whether there has been a change in the reasons why cases are dismissed. Specifically, has there been any change in the proportion of cases dismissed due to civilian non-appearance. To answer this question, a sample of felony cases arraigned in 1975 (N=171)

was drawn from the Brooklyn District Attorney's felony dismissal file. Sixty-one percent of the pre-project cases (N=93) were dismissed due to civilian non-appearance, while 63% of the post project cases (N=78) were dismissed for this reason. This finding is consistent with the previous conclusion that the civilian appearance rate has not changed.

The data presented so far do not support the hypothesis that V/WAP has had an impact on either the dismissal rate or on the reasons for dismissal. It could still be argued, however, that if the project was able to increase civilian attendance rates, dismissals would occur sooner because the DA would find out earlier that a witness was not interested in prosecuting, unable to identify the defendant, etc. Table 6 shows in parentheses the number of adjournments required for cases to reach a particular disposition. For example, the 49 cases in the project group which were dismissed required an average of 2.96 adjournments. Earlier it was concluded, based on aggregate data, that there was no significant difference in the speed with

which project and non-project cases were processed. The detailed breakdown in Table 6 reveals a slightly different picture. Student's t was caluculated separately to test the between groups difference of dismissals, pleas, Grand Jury cases, and ACDs (once again, significance tests could not be performed for transfers and trials). Using a one-tailed test, no difference was apparent for cases dismissed or adjourned in contemplation of dismissal. However, values of t approaching statistical significance were found for guilty pleas ($t = 1.29$, $df = 10$, $p < .10$) and Grand Jury cases ($t = 1.45$, $df = 4$, $p < .10$). In both instances, the tests suggest that project cases which ultimately result in guilty pleas or are sent to the Grand Jury are processed more rapidly than baseline cases. While an argument could be made attributing this difference to V/WAP, it is more likely that this represents another impact of more expeditious processing of cases by the prosecutor through the ECAB program.

CONCLUSION

This report represents the completion of the research department's formal impact evaluation of V/WAP's appearance management component. This report and the earlier impact report suggest that the project has been quite successful in some areas, while new initiatives will be necessary if progress is to be made in other areas.

V/WAP is still a very new experiment, currently only in its eleventh month of operation. The most striking conclusion to be drawn from evaluation of the project to date is that the problems it is attempting to solve are far more complex than project planners had envisioned. In the area of police alerts, the project has responded well to the challenge through the creation of its alert task force. Current volumes of police alerts represent a near maximal performance level, given the environment in which the project operates.

A similar effort will be necessary in the

areas of civilian attendance and court efficiency. There is no convincing evidence that the project's improved methods of witness notification have improved the civilian attendance rate. While new project notification procedures may help, the fundamental emphasis of the criminal justice system is not geared toward the victim as a consumer of a service, and there are always likely to be civilians who simply refuse to continue their involvement.

In this context, mediation or other means of dealing with complainants outside the Criminal Court process may be very fruitful areas for the project to examine because they do involve the victim to a greater extent in reaching a settlement. Diverting cases at the Complaint Room stage could have the same impact on the dismissal rate and length of time to case disposition as increasing witness attendance, by removing cases from the Criminal Court population which are not well suited for criminal prosecution.

The issue of civilian attendance is complicated further by the fact that even when civilians do attend court, roughly one-third of the cases are adjourned due to the prosecution, defense or court not being ready to proceed, or to the defendant's absence from the proceedings. Greater use of civilian alerts would help to reduce this problem. Also, to sustain civilian involvement and achieve maximum court efficiency, efforts by V/WAP or other groups in getting civilians to participate in the court process should be accompanied by increased efforts to coordinate all the elements which must be assembled before the court can move ahead on a case. This coordination represents a logical extension of V/WAP's current computer capabilities.