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THE NEW YORK CITY SPEEDY DISPOSITION PROGRAM:

Incentives and Prosecutorial Initiatives in Reducing Court
Delay and Jail Overcrowding »»»»»»»»»» Technical Report

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THE NEW YORK CITY SPEEDY DISPOSITION PROGRAM  
Incentives and Prosecutorial Initiatives in Reducing  
Court Delay and Jail Overcrowding

TECHNICAL REPORT

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**Court Delay and Jail Overcrowding**

**Technical Report**

- CHAPTER I.....INCENTIVES AND CRIMINAL JUSTICE REFORM  
Thomas W. Church  
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- CHAPTER II.....ANALYSIS OF DEPARTMENT OF CORRECTION CENSUS DATA  
Paul Dynia  
New York City Criminal Justice Agency
- CHAPTER III.....DESCRIPTION OF THE SUPREME COURT PENDING CASE SAMPLE  
Laura Winterfield  
Vera Institute of Justice
- CHAPTER IV.....COMPOSITION OF THE DETAINEE POPULATION DURING 1984  
Paul Dynia  
New York City Criminal Justice Agency



INCENTIVES AND CRIMINAL JUSTICE REFORM

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I. Introduction

The difficulties of inducing constructive change in the criminal justice systems of America has been amply documented over the past decades by scholars and practitioners alike. Despite a succession of Presidents who have placed improvement in our system of criminal justice at or near the top of their public agendas, despite a succession of blue ribbon commissions who have investigated the problems and made extensive recommendations for improvements, despite the very considerable lawmaking activity by Congress and state legislatures in such areas as sentencing and plea bargaining reform, and despite substantial increases in public expenditures for criminal justice, things don't seem to be all that much better.

The very substantial amount of research on criminal courts over the past decade suggest some of the reasons for the frequent failure of court reform efforts. The central findings of this body of research can be summarized by reference to three factors found to exert substantial influence on the conduct of business in criminal courts: 1) informal practices through which lawyers, judges and other court personnel interact to dispose of cases in

ways not described (or controlled) by laws or formal court rules and procedures; 2) attitudes and norms of criminal court actors that militate against change and which support existing dispositional practices and patterns; and 3) practitioner incentives of both a personal and organizational nature that tend to support the status quo. These factors overlap to some degree, yet they emphasize distinct elements. Somewhat ironically, despite the fact that the third leg of the stool - incentives - is almost always given primacy in explaining the failure of various reform efforts, it has been subjected to the least systematic analysis.

The importance of informal practices in the disposition of criminal cases was, at least in the most recent wave of research, first suggested by Abraham Blumberg in Criminal Justice<sup>1</sup> and in his description of "The Practice of Law as a Confidence Game."<sup>2</sup> Studies of the pact of litigation have uncovered the existence of "professional courtesy" among lawyers requesting continuances and other scheduling concessions.<sup>3</sup> A judicial practice of granting postponements when privately retained defense lawyers have not been paid (a continuance awaiting the appearance of "Mr. Green, a key witness") has been described by others.<sup>4</sup> Similarly, we have descriptions of the growth of sub-rosa plea negotiations after formal prohibitions of plea bargaining by statute or prosecutorial policy.<sup>5</sup> Raymond Nimmer terms the totality of these informal practices a court's "local discretionary system."<sup>6</sup> Using somewhat different terminology, James Eisenstein and Herbert Jacob posit the existence of "courtroom workgroups" whose



stability and makeup purportedly influence the course of criminal case dispositions to a very substantial degree.<sup>7</sup> Regardless of the terminology, all these studies demonstrate the inadequacy of a superficial and legalistic model of ongoing criminal justice systems and thus the complexity of designing any permanent change.

The importance of practitioner norms and attitudes has been illustrated in studies of sentencing which indicate that the majority of cases in criminal courts are disposed in accordance with "going rates"<sup>8</sup> for "normal crimes."<sup>9</sup> It has also been suggested that practitioners share locally based norms governing the mode of disposition.<sup>10</sup> Finally, of most relevance to New York's Speedy Disposition Project, several studies of delay in trial courts have posited the existence of localized norms governing the appropriate pace of litigation.<sup>11</sup>

"Local legal culture" has become an analytical shorthand by which these courthouse norms are summarized. In this understanding, commonly held attitudes and norms support continuance of the system of informal practices of courthouse regulars. They also support existing patterns of dispositional procedures and outcomes on such issues as time to disposition, mode of disposition and sentence.<sup>12</sup> Because these norms potentially constrain efforts to change either the procedures or the outputs of local criminal courts, the notion of local legal culture adds an important caveat to reform proposals based on the assumption that deficiencies in formal structure or system

resources are the only impediments to a "properly" operating system.

The third element shown to be important in understanding change in criminal courts is practitioner incentives. The lack of appropriate incentives for judges, prosecutors and defense attorneys to alter existing practice has been held to be determinative in the failure of reform efforts in a number of areas: delay reduction,<sup>13</sup> plea bargaining,<sup>14</sup> sentencing,<sup>15</sup> bail.<sup>16</sup> A recent attempt to generalize on the problems associated with reform in the criminal courts concluded that

The central obstacle to change in the courts is not the resistance to reform, but is, more fundamentally, the lack of interest in even thinking about change. This is not to suggest that there are no efforts at planned change ... only that there is little incentive for those engaged in day-to-day administration of the criminal courts to think about system-wide changes or, when they do, to pursue them vigorously.<sup>17</sup>

Surprisingly, there has been little systematic analysis of the role of incentives in criminal justice reform. Perhaps even more remarkable, incentives seldom enter into discussions of those few criminal justice reforms that do, in fact, appear to succeed. For example, discussion of incentive structures does not appear prominently in the evaluation of the successful delay-reduction programs evaluated either by the American Judicature Society<sup>18</sup> or the National Center for State Courts.<sup>19</sup> We are thus left with what is put forward by commentators as the underlying explanation for the failure of many reform efforts seeming to have little relevance to their success. And, even with respect to the failures, we have little specific discussion of how

incentives operate on either organizations or individuals in a court setting.

New York's Speedy Disposition Program constitutes a conscious attempt by government to manipulate incentives of the City's district attorneys to obtain a particular policy outcome: a reduction in the number of long-term detainees without an accompanying increase in the overall number of "old" felony cases. As such, it constitutes one of the few attempts at producing organizational change in the criminal justice system in which incentives were not only considered -- an unusual enough occurrence -- but where conscious alteration of incentives was the primary policy tool used to effect the hoped-for changes in behavior. Rather than employing "command and control" techniques<sup>20</sup> to force adherence to the City's goals, the policy was designed to make desired behavior attractive by dangling a carrot -- potential budgetary increments -- in front of the district attorneys to encourage them to accelerate the disposition of the oldest cases.

The absence of criminal justice analogies to SDP in the published literature is apparent. There are exhortations advocating greater use of incentives in this policy area.<sup>21</sup> There are cautionary discussions of the implicitly coercive or ethically suspect nature of manipulating incentives to produce particular policy outcomes.<sup>22</sup> We have uncovered a few terse accounts of actual attempts to use incentives in a systematic way in criminal justice reform: California, for example, attempted to encourage localities to place more convicted defendants on

probation (and thus not in state-supported prisons) through a subsidy program that involved payments to localities for each convicted defendant placed on probation.<sup>23</sup> Using financial incentives to change police behavior has been tried in several communities.<sup>24</sup> Published reports on these projects are both cursory and anecdotal, however, and do not provide enough information to ascertain even whether the initiatives were successful, let alone what general lessons might be applied to analogous undertakings.

The purported centrality of incentives, as both potential tools and proven obstacles to reform in the criminal justice system, taken together with the lack of any systematic analysis of the subject in the criminal justice literature, argue for turning our sights to other areas. Financial incentives in the private sector, always considered a primary tool for motivating individual and group behavior, appear to be gaining popularity in a number of major corporations.<sup>25</sup> Rather, use of incentives by government is becoming an increasingly popular alternative to strict regulatory approaches.

In health care, the recently imposed scheme of Diagnostic Related Groups establishes fixed fees for various illnesses in Medicare cases in order to contain hospital costs, thereby creating financial incentives for hospitals to reduce the length of patient hospitalization and the use of costly procedures.<sup>26</sup> Purposive manipulation of incentives to achieve policy ends in the education system seems also to be enjoying new popularity.<sup>27</sup> Furthermore, we see proposals for incentive-based schemes in

nursing homes for the elderly<sup>28</sup> and environmental policy<sup>29</sup>, to name only a few.

Beyond a broad focus on carrots rather than sticks, however, incentive plans differ. In some the goal is achieve some kind of minimal standard of performance; in others it is designed to move performance beyond the minimum which is achieved by the imposition of rules. Some kinds of incentive schemes aim to alter individual behavior, and reward the successful individuals accordingly. Others have as their goal the change in performance of a unit of an organization, or of the organization itself, and may, or may not, award the individuals, rather than the unit or the organization, for improved performance.

Further, when one plunges into the work on incentives outside of the criminal justice area one is again struck both by the abundance of exhortations urging greater use of incentive plans and by the dearth of useful propositions about how incentives have worked in practice. There seems to be a sense that an incentive approach represents a potentially novel and effective means of innovation, but one which either because of its relative novelty, or because of the absence of serious study, remains poorly understood.

Perhaps the most prominent proponent of using incentives in the public sector is George Schultze, whose influential Public Uses of Private Interest makes the case for substituting market-like incentive systems for more traditional regulatory techniques in a number of policy areas:

For a society that traditionally has boasted about the economic and social advantages of Adam Smith's

invisible hand, ours has been strangely loath to employ the same techniques for creative intervention. Instead of creating incentives so that public goals become private interests, private interests are left unchanged and obedience to public goals is commanded."<sup>30</sup>

What follows in Part II summarizes what we know of the role and success of incentive-based strategies to produce change in the two specific policy areas in which their application has been substantial and where incentive programs have been subjected to the most analytic scrutiny: health care and education. In Part III we turn our attention to a more theoretical discussion of the issues implicated by opting for an incentive strategy for inducing organizational reform. Part IV summarizes our conclusions.

## II. Incentives in Health Care and Education

As already noted, the actual use of incentives -- or at least exhortations to use incentives more -- are increasingly characteristic of a range of policy areas. A quick sojourn through two of these areas is valuable in that it illustrates the kind of incentive schemes being tried and the relative paucity of information both about "what works" and about the conditions under which incentives might optimally be employed.<sup>31</sup>

A. Health Care. The most prominent use of incentives has been in the Medicare program, specifically with regard to efforts by the government to reduce length of stay in hospitals. Traditionally, Medicare reimbursed hospitals on a fee-for-service retrospective basis. Hospitals received payments (constrained

somewhat by a Medicare schedule) for the procedures they performed. In an effort to stem the seemingly constant rise in Medicare expenditures, Congress passed PL 98-21, which took effect in October of 1983. This bill substituted for the fee for service design of Medicare a prospective payment model of reimbursement for hospitals. Prices for 467 Diagnosis Related Groups (DRGs) were set. Hospitals would be reimbursed the set fee associated with each of these DRGs, regardless of costs they actually incurred. The expectation was that this context would create an incentive for hospitals to be more efficient. If hospitals could process cases for less than the DRG allotment, the extra funds were theirs; conversely, if they exceeded the DRG allowance, they absorbed the extra costs.<sup>32</sup>

Several observations about how this plan has fared to date are illustrative of the potential efficacy and risks of incentive-based strategies. First, some preliminary analysis by the Senate Special Committee on Aging suggests that the DRG system is in fact succeeding in reducing hospital stays. The average length of stay in American hospitals has been reduced from 9.5 days in 1983 to 7.7 days in 1985.<sup>33</sup> Further, contrary to the fears of some that patients would be readmitted more frequently to hospitals (to collect multiple DRG allotments), admissions in fact declined by 3.7% between 1983 and 1984.<sup>34</sup>

What we do not yet know, however, is the price paid to achieve these apparent savings. We do not know, for example, if "prospective payment has evoked desirable behavioral responses such as increased efficiency or the acquisition or resources at

lower factor prices or whether it has motivated less desirable behavioral responses such as cost-shifting or reducing the quality of care".<sup>35</sup> Nor do we know what, if any, are the consequences for patient care of the earlier hospital discharges.<sup>6</sup> Some observers suggest that patients are being released "quicker and sicker," while others speculate that shorter stays in hospitals may yield a net reduction in illness since there is less overall exposure to the diseases inherent in the hospital environment.<sup>37</sup> One research project (a survey by the American Medical Association) found that 60% of the doctors in their survey believed quality had decreased with the advent of DRG's,<sup>38</sup> but for the most part, speculation on effects is just that: speculation.<sup>39</sup>

Interestingly, given our concern with the incentive dimensions of these plans, some hospitals have actually begun to share their DRG rewards with the doctors whose patients produce these savings. Doctors in one group of California hospitals receive additional personal compensation in proportion to their contribution to the DRG savings.<sup>40</sup> Needless to say, this kind of stark program quickly implicates the kinds of tradeoffs with quality enumerated above.

What is plain, we think, from our examination of the DRG experience, is that the creative use of financial incentives established by this program appears to have stimulated change in hospital and physician practices. It is at least possible, however, that these changes resulted simply from a general atmosphere of increased attention the length of hospital stays or



from the creation of regulatory bodies to monitor Medicare reimbursement, and not from the incentive plan per se.<sup>41</sup> The information necessary to analyze these competing hypotheses, to assess more thoroughly the policies hospitals have adopted, and to examine the consequences of these policies for patient care, is simply not available at present.

B. Education. Incentive schemes have recently been urged or adopted with respect to several dimensions of the educational enterprise. Though more in the formulating stage than in the implementing stage, these reforms include programs focused on teachers, students and schools.<sup>42</sup> Some are as prosaic as career ladders for teachers based on performance and ability in place of the more traditional promotion steps based on longevity and educational level.<sup>43</sup> Others, such as paying schools for successfully getting children out of compensatory education classes and publicizing the schools that are most successful, are both unique and intriguing.<sup>44</sup>

Whereas the animating principle behind reform in the Medicare reimbursement program seemed to be that hospitals could do the same for less, and thus save the Federal government money, the principle behind incentive-based schemes in education seems to be less driven by finances than by quality. Today's efforts at educational reform follow a long period of "throwing money at problems" with what appears to be little effect. In a metaphor reminiscent of the criminal justice reform literature, the attempt to achieve real change in the schools was likened by a former dean of the Harvard School of Education to "trying to push

a large square of jello across a plate with the sharpened point of a pencil."<sup>45</sup> Neither school expenditures nor classroom size have been found to be related to student performance, and as a result, policy makers appear to be more open to "bottom up" incentive plans in lieu of uniform schemes imposed from the top.<sup>46</sup> The education literature, in another formulation with analogies in criminal justice, seems to embrace a notion of the centrality of "school climate" ("also variously known as social organization, school culture, school ethos, school eco-system, et cetera")<sup>47</sup> in sorting schools on an effectiveness continuum.

Two dimensions of this bottom-up approach to conceptualizing innovation strategies for schools are worth noting. First is the belief that simply imposing a "blueprint"<sup>48</sup> for all schools fails to deal with the very real possibility of a bad fit for some schools. Teachers can simply "nullify any effort they are not committed to".<sup>49</sup> Second is the flip side of this argument: If it is impossible to impose innovations that are not compatible with local tastes, if local school climate is as important as some suggest, and if simply throwing resources at school problems does not work in any event, then why not, some argue, allow innovations to arise at the bottom? To a certain extent this argument contains an almost irrational component in that it concedes that some of what "might work" through bottom-up incentive plans may not be easily captured by evaluators. It might work because of some local chemistry, effort, attitudinal change and so on, something neither easily summarized, nor

readily transferable. Eric Hanushek, in an excellent review of the education literature, makes many of these points nicely:

An alternative approach [to "top-down" strategies], which seems more productive given our current state of knowledge, is to begin with the presumption that the teaching process is idiosyncratic and that the ingredients of successful teaching are indefinable. This view suggest that it would be more profitable to encourage individual teachers and administrators to innovate, and then to reward good performance where it appears. Such an approach could conceivably pay off even if one never identified the ingredients of success; improved performance would simply depend on teachers and administrators finding their own way to a promised reward....Incentive schemes of various sorts might be a fertile area for experimentation. The essential questions involve alternative type of incentive schemes and the behavioral responses of teachers and administrators....It seems much more profitable [than searching for "the" blueprint for successful schools] to change our basic perspective, to think in terms of altering incentives and basing policies on performance, while admitting that we do not understand exactly what goes on in the classroom.<sup>50</sup>

The skepticism that seems to run through some of the conjecture about what DRG's will produce in hospitals seems in the educational area to be replaced by a kind of optimism and faith in encouraging "a thousand flowers to bloom" at the local level. Manipulating the reward structures of teachers, schools, and students<sup>51</sup> is held out as a promising alternative to mandating specific policies. But what the medical and educational areas have in common is that neither has generated a body of systematic research evaluating specific incentive plans, nor has there begun to emerge any but the most cursory theory about the more general conditions under which incentives are to be preferred to other policy tools.<sup>52</sup> In the section that follows, we look at the more theoretical literature on policy

design and incentives and ask how it informs our inquiry into this general problem.

### III. Incentives as Policy Tools

This brief examination of the use of incentives in education and health care demonstrates both the increasing prominence of incentive-based strategies in various policy arenas and the rudimentary nature of our theoretical and practical understanding of the strengths and limitations of incentives as tools of public policy. The critical policy question underlying any use of incentives is: What considerations of design and context are necessary for successful incentive programs? We are interested, in other words, with when incentive-based programs should be utilized and what considerations should go into design of the program. Unfortunately, the literature on particular policy domains contains very little by way of systematic examination of this central question.<sup>53</sup> In the pages that follow, we turn to more general discussions to inform our inquiry. Before this discussion can progress very far, however, we need to distinguish incentive-based strategies from other competing alternatives. After an attempt to specify what is and is not distinctive about incentives as policy tools, we return to our central inquiry.

A. Typologies of policy strategies. Conceived in simplest terms, incentives, as illustrated above, are portrayed as standing in contrast to regulatory, rule imposing forms of obtaining compliance. In the latter, new rules are continuously being promulgated to force performance at some specified level. Incentives, on the other hand, often begin with the notion that

merely specifying levels of performance may be insufficient to insure that this performance will result. The actors responsible for the desired behavior under both models are assumed to have the capacity to do whatever it is than is desired. The problem is how does one induce them to do so: by carrot or by stick.

The analysis of generic tools of social policy -- of which regulation and incentives are but two -- has recently become fashionable, and with this popularity have come a number of typologies purporting to define in an inclusive manner the various categories of "implements" or tools of social policy. While virtually all attempts to categorize these "implements"<sup>54</sup> include some variant of regulation/coercion strategies and reward/incentive strategies, additionally they may include strategies aimed at "capacity building" or, "facilitation" and "information" strategies, or even "system broadening" strategies.<sup>55</sup>

These typologies can inform analysis, if only to suggest the variety of policy options available to deal with a particular problem and to emphasize that any strategy has a distinctive set of strengths and weaknesses. To some degree, however, the attempt to formulate a typology of tools relevant to all policy domains is an arbitrary exercise. Most policy strategies consist of bundles of elements that can be shaped and reshaped in almost infinite variety depending on the particular policy arena and the objective of the policy maker.<sup>56</sup>

The drawing of lines between various public policy alternatives is best guided by the set of problems and issues

peculiar to a particular policy area. For example, McDonnell and Pascal's category of "system broadening" techniques (which expand the universe of potential actors to include those traditionally outside the policy arena) depicts an important policy alternative in education and other areas where "privitization" of public functions may serve to increase competition and improve quality. It may have limited applicability in the criminal justice area as well<sup>57</sup>. But even the most ardent laissez-faire economist would probably consider it irrelevant to the area of national defense. Thus while categorizations of specific policy strategies may inform discussion in particular policy realms, they are less helpful in a more general context.

In order to best understand the distinctive elements of incentive-based strategies, we propose not a typology of policy implements, but a broader conceptualization of the distinctive elements that make up any strategy aimed at producing organizational change. At the broadest level, all such initiatives are aimed at affecting, in various degrees, two basic factors: the motivation of the target organization or individuals to direct their behavior to achieve the ends of the policy, and their capacity to produce the desired results. The individuals and organizations whose changed behavior will presumably produce the policy change must, at some basic level, wish to further the policy goal; and they must possess the expertise and material elements necessary to accomplish those

ends. All policy strategies consist of one or more elements aimed at affecting either motivation or capacity or both.

Motivation concerns why the particular group or organization would want to conform its behavior to the wishes of the policy initiator. In the words of one observer of planned change in the courts:

The assumptions underlying reform planning are generally inaccurate. Most of the deficiencies can be observed by asking a simple question: Why should a participant in the judicial process alter behavior in response to a reform? ... [C]hange will not occur spontaneously but must be induced by the reform."<sup>58</sup>

Motivation thus addresses issues of influence and power. While there are other tools of providing motivation, the most relevant in the policy context are rewards and sanctions: the proverbial carrots and sticks.<sup>59</sup>

Capacity issues, on the other hand, relate not to power or influence but rather to the frequently more prosaic concerns of simple ability. Most questions of capacity fall into two categories: resources and technology. Resource questions concern whether the available material and human resources are sufficient to achieve the policy aim; technology questions concern whether adequate competence, information and expertise is present to achieve the desired results.

Virtually all the categories of policy implements of which we are aware attempt to affect, to varying degrees, the elements of capacity -- resources and technology -- and motivation. Some policy tools may emphasize one element to the exclusion of the other: The DRG scheme to reduce hospital stays discussed in the previous section, for example, focused almost entirely on the

element of motivation: providing a monetary incentive for hospitals to release patients early and a penalty for lengthy stays. The capacity of hospitals and doctors to achieve these goals without a dilution in overall quality of health care (an issue involving both technology and resources) was of far less concern, at least to the policy makers, than increasing the motivation to effectuate the cost savings.<sup>60</sup> Alternatively, grants-in-aid programs such as those established during the various incarnations of "New Federalism" provided resources to augment capacity, and assumed simply that these monies would be spent on socially desirable programs.

B. Incentives and other motivations. The major alternatives facing policy makers who seek to influence behavior of other individuals and organizations are use of either some form of incentive strategy -- rewards -- or use of regulation -- coercion. Incentive strategies makes rewards contingent upon desired performance. Regulation most often imposes sanctions for behavior that does not comport with predefined standards.<sup>61</sup> There are other alternatives, what Schultze calls "emotional" appeals, that rely on "compassion, patriotism, brotherly love, and cultural solidarity" to achieve compliance with policy goals.<sup>62</sup> Such approaches are typically irrelevant to any but the most salient and central items on a government's agenda, however. As such, while potent, they are not relevant to most contexts.

Our central concern is with incentives, or what two influential social psychologists, John French and Bertram Raven, term "reward power".<sup>63</sup> French and Raven's analysis suggests



several hypotheses concerning the strength of reward power and the conditions under which it is likely to produce behavioral changes. Because of the direct applicability of these hypotheses to the use of incentives in public policy, they are worth restating in full:

Reward power is defined as power whose basis is the ability to reward. The strength of the reward power of O [over] P increases with the magnitude of the rewards which P perceives that O can mediate for him. Reward power depends on O's ability to administer positive valences and to remove or decrease negative valences. The strength of reward power also depends upon the probability that O can mediate the reward as perceived by P. A common example of reward power is the addition of a piece-work rate in the factory as an incentive to increase production.

The new state of the system induced by a promise of reward (for example the factory worker's increased level or production) will be highly dependent on O. Since O mediates the reward, he controls the probability that P will receive it. Thus P's new rate of production will be dependent on his subjective probability that O will reward him for conformity minus his subjective probability that O will reward him even if he returns to his old level. Both probabilities will be greatly affected by the level of observability of P's behavior.<sup>64</sup>

These hypotheses suggest the importance of the relationship between O and P: compliance is conceptualized in terms of P's perceptions as to the likely actions of O, as to whether O can or will observe the degree of his compliance. Furthermore, the emphasis is on perceived probabilities. Presumably the relevant perceptions are learned through P's past experiences with O, with O's reputation among others, and from P's knowledge of O's similar attempts to exert influence on others.<sup>65</sup>

These formulations, together with our forays in the policy literature, suggest that the major factors in the design and

implementation of an incentive-based policy should include the following considerations:

- a. The perceived size of the reward in respect to the costs of compliance.

A focus on the costs ("negative valences") as well as the benefits of compliance is as essential in reward-based strategies as in those grounded in coercion. Few changes in individual or, especially, in organizational behavior are perceived to be cost free by those asked to make the changes. The major finding of much of the research on failed criminal justice reforms could be reformulated in just such terms: the perceived benefits to the participants of organizational change were outweighed by the perceived costs of making those changes.<sup>66</sup>

Obviously not all (or any) of the perceived costs and benefits need be monetary. Potent rewards can be given, and substantial costs incurred through changes in status and reputation, and power and influence.<sup>67</sup>

- b. The perceived likelihood that the reward will be obtained after compliance, and the perceived likelihood that the reward will not be obtained in the absence of compliance.

The issues here revolve around the the bases of prediction concerning the power of the influencer both to "deliver" the reward upon compliance and to withhold the reward if compliance is not forthcoming. These predictions are presumably learned through previous direct experience with the influencer and through observation of others' experiences. As French and Raven suggest, these predictions also concern technology issues: if the target of attempted influence believes that it is unlikely

that he will be able to produce the results that will earn the reward, his motivation is obviously altered. Depending upon the context, these changes may result in attempted compliance, despite the perceived impossibility of success, withdrawal, or some intermediate response.

The linkage of rewards to compliance also concerns the observability of compliant behavior. If the affected individual or group perceives that compliance cannot be observed, then receipt of the reward can obviously not be made contingent upon it. Hence, the strength of the incentive will be diminished to the extent that compliance is unobservable or unmeasurable. The relative clarity of the performance standards are relevant in this context as well: a policy that establishes rewards contingent upon standards that are ambiguous is unlikely to have as strong an effect on behavior, or at least as strong an intended effect, as one in which the standards are well defined. Ambiguous incentives may produce behavior that is unrelated and even counterproductive to the policy objectives.

C. When to Use Incentives: Speculations on Context. We have discussed the place of incentives among competing public policy tools, and we have set forth several aspects of design that will influence the success of an incentive as a motivator of individual and organizational behavior. We now turn to the contextual question: under what conditions can we expect incentive-based strategies to be effective in producing desired policy results? and when should incentive strategies be used instead of regulatory ones?

Our review of the literature, both analyses of specific policy areas and more general discussions of policy tools, has revealed few systematic attempts to specify the conditions that would argue most for use of incentives as opposed to regulatory strategies. In the words of two researchers who have surveyed the same landscape:

[T]here is little theoretical or empirical basis for making wholesale distinctions between the effectiveness of penalties and of incentives in securing policy goals. We are left with a state of affairs in which the relative effectiveness of the two categories is best revealed in case studies within a variety of contexts.<sup>68</sup>

There is a normative argument that supports use of incentives generally, because they "minimize the need for coercion as a means of organizing society."<sup>69</sup> Antipathy for governmental regulation and the coercive means that inevitably accompany regulation represents a political position that is currently very popular; it is not, however, a position that is susceptible to empirical examination in terms of effectiveness.<sup>70</sup> Beyond this normative argument, we have distilled three hypotheses, concededly a non-exhaustive list, concerning the situations in which incentives are most promising.

a. Incentives are useful tools of influence when the policy maker possesses insufficient legal or political authority to impose "command and control" techniques.

It is somewhat tautological to suggest that incentives are well adapted to situations in which their major alternative, regulation, is either impossible or politically inappropriate. This relatively simple contextual fact, however, may be one of the more important of the reasons to utilize incentives.

Legislatures have very broad powers of setting behavioral standards and imposing sanctions for non-compliance. Executive agencies often have substantial regulatory authority as well, although this authority is more circumscribed. Even courts have rule-making authority over many elements of process and procedure. But it is frequently either legally, administratively, or politically unfeasible to impose a regulatory solution on all those individuals and organizations necessary to make a complex policy initiative work.

The absence of legal or administrative authority to impose rules and sanctions is particularly evident in the area of courts and criminal justice: criminal court "systems" are composed of agencies and individuals whose independence is deemed essential not simply to their adequate functioning but to very the continuation of free government. Thus while there may be limited opportunities for using a command and control strategy in certain areas of process, regulation cannot address all the relevant players in most criminal justice policy initiatives.

b. Incentives are useful in policy areas where technology is unclear or complex, or where the information necessary to regulate behavior is either inadequate or can only be obtained with great expense.

George Schultze suggests two empirical observations on the use of incentives: incentive strategies reduce the need for hard-to-get information,<sup>71</sup> and they serve to "direct innovation into socially desirable directions ... and take advantage of advancing technology."<sup>72</sup> Schultze gives an example of these strengths in the context of environmental pollution:

[A]n efficient regulatory scheme to control the discharge of pollution into the nation's waterways requires that regulatory authorities know the production function, the range of technologies for pollution control, and the demand curves of every major polluter. The alternative approach of making pollution expensive to create, by levying a charge on each unit of effluent discharged, sets in motion the information-processing and feedback mechanism of the market. In order to maximize profits, or at a minimum to avoid ultimate failure, individual polluting firms would have to grope toward a least-cost approach to pollution control. The knowledge required of the pollution-control authorities, while still formidable, is sharply lessened under the effluent-charge approach.<sup>73</sup>

One might add that such a policy would be particularly useful if the technologies available to reduce pollution were as yet not fully developed, and thus one would want to give industries an incentive to develop new and more efficient technologies to accomplish the desired policy end. Obviously, this strategy offers advantages over a command-and-control model that would prohibit discharge of particular levels of effluent.<sup>74</sup>

Incentive systems appear to be particularly applicable when the affected individuals or groups possess specialized professional expertise, where the tradeoffs necessary for applying general rules to individualized circumstances are best made on a case-by-case basis. This element of individualized treatment is one of the definitional hallmarks of a profession; attempts at regulating such decisions in detail would require extraordinarily complex regulations based on ever-changing technologies. More importantly, it would run contrary to important professional norms. Perhaps the clearest example of this concern for retaining professional judgment in individual cases is in medicine. The DRG system designed to reduce

hospital stays established basic payment schedules for particular types of illnesses and surgical procedures; but no regulations governed how long patients with particular ailments were permitted to remain in the hospital. Rather, the policy said to health care professionals: You are the experts. We don't possess the required information to tell you how to deal with each case. We will reward you, however, if you are successful in reducing the average length of hospital stays for each specified condition to (or below) the figures specified in the DRGs.<sup>75</sup>

c. Incentives may be especially appropriate in contexts in which organizational goals are ambiguous, difficult to measure, or where multiple goals are in competition.

Incentives can be particularly effective in organizations with goals that are either difficult to define with any degree of precision or where diverse goals are in competition. Under such circumstances, incentive strategies can be useful in raising the saliency of one of these goals in the minds and actions of relevant actors. Incentives can usually be crafted in such a way as to affect goal-oriented behavior at the margins: the target of the strategy is not asked to accept a new hierarchy of goals imposed by a policy maker but is rather influenced to make particular objectives more salient.

An example: the basic goal of public schools is to produce educated citizens who are ready to assume the duties of citizenship and who are equipped to become productive and fulfilled human beings. Yet this unassailable objective is not especially useful in evaluating requests to commit scarce resources to programs helping educationally handicapped children,

for example, or aimed at accelerating the development of particularly gifted students. By establishing rewards for establishing particular kinds of programs, or for producing specified educational results, incentive schemes can make salient particular elements of broad amorphous goals while not dictating a particular hierarchy of concerns or establishing mandated programs and policies that may be inappropriate to local circumstances.

Incentive schemes are also useful in overcoming two inherent problems in regulatory strategies that are particularly problematic in organizations having ambiguous or competing goals. We call these the "problem of the inevitable exception" and the "problem of the ceiling and the floor."

State and federal speedy trial provisions provide a useful example of the problem of the inevitable exception. Concern with the slow pace of litigation in criminal proceedings has led most state legislatures, and the United States Congress, to pass legislation that requires cases to reach disposition within a specified time period. Speedy trial statutes, or court-imposed speedy trial rules, are present in almost every American jurisdiction. These rules take a number of forms, but typically mandate the dismissal of criminal charges against a defendant if his case is not tried within a prescribed number of days from arrest or indictment. The drafters of these rules, however, were not unaware of the existence of cases in which such standards would be inappropriate: the extraordinarily complex, multi-defendant extortion case; or the case in which the one side or



the other needed unusually lengthy preparation time; or a case where the defense attorney retained by the defendant was unavailable for trial during a lengthy period.

A hard-and-fast rule of speedy disposition for each and every case, without exception, would be draconian in that small minority of cases in which a lengthier disposition time is both necessary and appropriate. Establishing universal processing time deadlines based on the time required to dispose of these exceptional cases, however, would be irrelevant to the vast majority of more routine cases in which a more expeditious pace of disposition would be appropriate.

The response in many jurisdictions to the inevitability of exceptions to speedy trial standards was typically to incorporate into the speedy trial rules an "exception to the rule in the interest of justice"<sup>76</sup> or "exceptions to the right to speedy trial based on defendant waiver."<sup>77</sup> The problem, of course, is that the exception tends to become the rule; the specific provisions fashioned to deal with the unusual case are utilized to subvert the aims of the policy initiative. An incentive scheme such as that utilized in the Speedy Disposition Project, however, need not fashion exceptions:<sup>78</sup> prosecutors were rewarded in a straightforward fashion for reducing the number of old cases. Built into the program was an implicit assumption that some of old cases were justifiably old, but that a substantial number of the cases could be disposed much more expeditiously.

A related problem with regulation we term the problem of the ceiling and the floor. Regulations usually attempt to establish a minimum standard of performance, a "floor" below which individuals or organizations are not permitted to drop without adverse consequences. The problem, of course, is that the definition of minimal performance can easily become a standard defining appropriate or even praise-worthy behavior: the floor becomes a kind of ceiling and performance comes to cluster around the established minimum level. Again, because incentive schemes reward behavior at the margins, they can often be fashioned in ways that minimize the floor and ceiling problem. <sup>79</sup>

D. The Problem of Unintended Consequences. As indicated above, incentive-based policies are particularly useful in encouraging change in organizations with multiple or ambiguous goals. Most of government falls within this classification. Whether the criminal justice system, a local school system, or the department of defense, public agencies seldom have the kind of clear and (relatively) unambiguous organizational objectives common in the private sector. While this ambiguity may make such entities good candidates for use of incentives, it also raises in a serious light the problem of unintended consequences.

Incentive programs, as we have seen, depend heavily for their effectiveness on the possibility of observation and measurement of compliance; without some relatively clear indices of performance, the motivational effect of the incentive is lost. A major strength of incentives, namely that they allow policy-makers to focus on behavior at the margins and to single out for

emphasis one goal among many, is precisely the element that raises the danger of unintended consequences. The ambiguity of goals in the public sector requires any incentive scheme to be based on a partial definition of organizational objectives since an explicit performance measure is essential to the program.<sup>80</sup>

Criminal justice provides a useful example: The goal of the criminal justice system is presumably to protect the community from criminal acts while providing just treatment of defendants charged with criminal offenses. Efficiency and cost saving are not necessarily in conflict with these largely unmeasurable (and fundamentally divergent) objectives.<sup>81</sup> Yet at some level cost cutting will necessarily reduce quality, both in terms of crime control and due process. Similarly, an increase in the pace of disposition of criminal cases need not result in a decrease in either individual fairness or societal protection; indeed, delay reduction programs are often alleged to produce increases on both dimensions. But achievement of delay reduction through hurried "kangaroo court" proceedings in which adequate preparation or arguments are impossible, or by summary dismissals of charges against defendants in old cases, would obviously run contrary to important goals of the system.

The problem is that most attempts to achieve organizational change in public and quasi-public bodies like schools, hospitals, and courts, are directed at a limited objective that does not, and cannot, comprehend overall organizational effectiveness. Indeed, Mancur Olsen suggests that it is precisely the inability to measure comprehensively the output of public agencies that

distinguishes them from private sector organizations.<sup>82</sup> Often incentive strategies in the public sector are aimed at producing efficiencies, presumably (or perhaps hopefully) without diluting the overall quality of output. Yet in such contexts, there is a real danger that a vigorous response to the incentive may produce consequences which diminish the unmeasurable, but clearly relevant, effectiveness of the organization.<sup>83</sup>

#### IV. Conclusion

This paper has examined the theory and practice of using incentives to bring about organizational change. Criminal justice reform has faced a rocky history of unsuccessful programs. A major reason for these failures, at least according to much of the literature in the field, is the failure of policy makers to take the incentive structures of individuals and organizations into account. Reforms were often designed as if technology and resources were the only impediments to success; the need to supply a motivation to those supposed to implement the reforms was either not considered, or was discounted as unimportant. But while incentives have been given a central place in the assessment of unsuccessful reform attempts in the criminal justice area, they have very seldom been seen as potential tools for effectuating organizational change in this policy domain.

Incentive-based change strategies have been much more in evidence in other substantive areas, most particularly in health care and education. Programs that link resources to particular educational accomplishments (such as graduating students from

compensatory education classes), regardless of the pedagogical means by which that performance is brought about, is a representative example of use of incentives in education. Payment to hospitals based on the Diagnostic Related Group associated with the patient's ailment rather than the actual time spent in the hospital is suggestive of incentives in health care.

The lessons we can learn from use of incentives in education and health care, together with those proposed in the more general research on policy implementation, take the form of tentative hypotheses rather than demonstrable propositions. We categorize them under two broad categories: Design considerations and contextual considerations.

Issues of design concern the determinants of an incentive's effectiveness in influencing or motivating behavior. Central to the issue of effectiveness are questions concerning the relationship between the policy initiator and the target of the incentive scheme. In particular, we hypothesize that compliance will be dependent on two major factors: the perceived size of the reward as opposed to the cost of compliance; and the perceived likelihood of receiving the reward after compliance and the perceived likelihood of not receiving the reward after a failure to comply. This latter consideration suggests the importance of establishing techniques for observing the degree of compliance and the need for clarity of the relevant performance standards.

Contextual considerations describe the potential utility of incentive strategies -- as opposed to other strategic

alternatives -- in a given setting. In practice, the relevant alternatives are most often incentives and regulation. Three broad hypotheses emerge from our review of this literature. First, that incentives are useful when regulatory strategies are foreclosed by legal, administrative, or political considerations. Second, that incentive strategies are promising in policy arenas where technology is unclear, or complex, or where the information that would be necessary for regulating behavior would be unobtainable or prohibitively expensive. Third, incentives may be particularly promising in organizational settings in which goals are ambiguous, or multiple and competing.

We conclude with a cautionary note: that the policy settings in which incentive programs may be most appropriate are also the areas in which both regulatory and incentive schemes are likely to generate unintended, and undesired, side effects. Incentive schemes by their nature tend to focus on a measurable and relatively narrow set of performance criteria. The danger is that success in terms of these limited criteria will be achieved at a sacrifice of other important, but perhaps less measurable, organizational goals. The difficulty of measuring performance in public agencies is thus at once a factor arguing for more use of incentives, and a contextual element that makes design of incentive schemes particularly tricky.

## Notes

- <sup>1</sup>Abraham Blumberg, Criminal Justice (New York: Quadrangle Books, 1964).
- <sup>2</sup>Abraham Blumberg, "The Practice of Law as a Confidence Game: Organizational Co-optation of a Profession," 1(2) Law and Society Review 15 (1967).
- <sup>3</sup>Thomas W. Church, Justice Delayed: The Pace of Litigation in Urban Trial Courts (Williamsburg, Va.: National Center for State Courts, 1978); Martin Levin, "Delay in Five Criminal Courts," 4 Journal of Legal Studies 83 (1975).
- <sup>4</sup>Laura Banfield and C.D. Anderson, "Continuances in Cook County Criminal Courts," 35 University of Chicago Law Review 256 (1968).
- <sup>5</sup>Thomas W. Church, "Plea Bargains, Concessions and the Courts: Analysis of a Quasi-Experiment," 10 Law and Society Review 377 (1975); Milton Heumann and Colin Loftin, "Mandatory Sentencing and the Abolition of Plea Bargaining: The Michigan Felony Firearm Statute," 13 Law and Society Review 515 (1979).
- <sup>6</sup>Raymond Nimmer, "A Slightly Moveable Object: A Case Study in Judicial Reform in the Criminal Justice Process: The Pretrial Hearing," 48 Denver Law Journal 206 (1976).
- <sup>7</sup>James Eisenstein and Herbert Jacob, Felony Justice: An Organizational Analysis of Criminal Courts (Boston: Little-Brown, 1977).
- <sup>8</sup>See Milton Heumann, "Thinking About Plea Bargaining" in Peter Nardulli (ed.) The Study of Criminal Courts: Political Perspectives (Cambridge, Ma.: Ballinger Publishing Co., 1979).
- <sup>9</sup>David Sudnow, "Normal Crimes: Sociological Features of the Penal Code in a Public Defender's Office," 12 Social Problems 255 (1965).
- <sup>10</sup>Lynn Mather, Plea Bargaining or Trial? The Process of Criminal Case Disposition (Lexington, Ma.: Lexington Books, 1979).
- <sup>11</sup>Church, Justice Delayed; David Neubauer et al., Managing the Pace of Justice: An Evaluation of LEAA's Court Delay Reduction Programs (Washington, D.C.: U.S. Department of Justice, 1981).
- <sup>12</sup>See Thomas W. Church, "Examining Local Legal Culture," 1985 American Bar Foundation Research Journal 449.

<sup>13</sup>In addition to the citations in note 11, above, see Barry Mahoney et al., "Addressing Problems of Delay in Limited Jurisdiction Courts: A Report on Research in Britain," 6 Justice System Journal 44 (1981).

<sup>14</sup>See sources cited in note 5, above.

<sup>15</sup>Joint Committee on New York Drug Law Evaluation, The Nation's Toughest Drug Law: Evaluating the New York Experience (Washington, D.C.: U.S. Department of Justice, 1978); Jonathan Casper, David Brereton and D. Neal, The Implementation of the California Determinate Sentencing Law (Washington, D.C.: U.S. Department of Justice, 1982).

<sup>16</sup>Roy Flemming, Allocating Freedom and Punishment: Pretrial Release Decisions in Detroit and Baltimore (New York: Longman, 1982); see also Roy Flemming, C.W. Kohfeld and Thomas Uhlmann, "The Limits of Bail Reform: A Quasi-Experimental Analysis," 14 Law and Society Review 947 (1980).

<sup>17</sup>Malcolm Feeley, Court Reform on Trial: Why Simple Solutions Fail (New York: Basic Books, 1983), 192.

<sup>18</sup>Neubauer, et al., Managing the Pace of Justice.

<sup>19</sup>Larry Sipes, et al., Managing to Reduce Delay (Williamsburg, Va.: National Center for State Courts, 1980).

<sup>20</sup>Charles Schultze, The Public Use of Private Interest (Washington, D.C.: The Brookings Institution, 1977) 7

<sup>21</sup>See James Levine, "Implementing Legal Policies Through Operant Conditioning: The Case of Police Practices," 6 Law and Society Review 210 (1971); David Aaronson, C. Thomas Dienes and Michael Musheno, Public Policy and Police Discretion: Processes of Decriminalization (New York: Clark Boardman Co., 1984), ch. 13..

<sup>22</sup>See, generally, John Brigham and Don W. Brown, Policy Implementation: Penalties or Incentives? (Beverly Hills, Ca.: Sage Publications, 1980); esp. Roger Handberg, "Law Coercion and Incentives: Reconciling the Irreconcilable," 106, and Max Neiman, "The Virtues of Heavy-Handedness in Government," 35.

<sup>23</sup>For a brief summary of this plan, see Elizabeth Vorenberg and James Vorenberg, "Early Diversion from the Criminal Justice System," in Prisoners in America [Lloyd Ohlin, ed.], (Englewood Cliffs: Prentice Hall, 1973), 163.

<sup>24</sup>In Orange County, California, for example, the police were promised salary increases for decreases in certain kinds of crime within the community. See John Greiner et al., Monetary Incentives and Work Standards in Five Cities: Impact and Implications for Management and Labor (Washington: Urban



Institute, 1977), 61-72. Former New York City Police Commissioner Patrick Murphy initiated a similar program to reward, with promotions and more attractive assignments, police officers who made bribery arrests. New York Times, (September 19, 1972) 57.

<sup>25</sup>Steven Prokesch, "Companies Turn to Incentives" New York Times (July 19, 1985).

<sup>26</sup>In perhaps the most extreme example in the health care area, The New York Times recently reported a plan put forward by a group of hospitals in California by which individual doctors who keep Medicare patients' services to a minimum would receive personal financial payments. New York Times (September 24, 1985) 24.

<sup>27</sup>Jonathan Friendly, "States Shift Toward Incentives," New York Times (December 24, 1985).

<sup>28</sup>See "State to Test a New System for Paying Nursing Homes," New York Times (November 17, 1983) B-8. See also Seymour Spillerman and Eugene Litwak, "Reward Structure and the Organizational Design of Institutions for the Elderly," in Spiro (ed.), Evaluating the Welfare State: Social and Political Perspectives (New York: Academic Press, 1983).

<sup>29</sup>See Thomas Schelling, Incentives for Environmental Protection (Cambridge: MIT Press, 1983). Two economists have even suggested a system in which companies would receive financial payments from the government if they obey current laws and regulations pertaining to pollution. See William Baumol and Edwin Mills, "Paying Companies to Obey the Law," New York Times, (October 27, 1985), F3.

<sup>30</sup>Schultze,

<sup>31</sup>For a discussion of the operation of incentives in some areas other than those to be discussed in this section, see Brigham and Brown editors, op. cit. An interesting assessment of the effects of adopting financial incentive plans for municipal water meter readers and municipal waste collectors is available in Greiner et al, op. cit., 35-58. On the use of incentives in various environmental settings see, Allen Kneese and Charles Schultze, Pollution, Prices, and Public Policy (Washington, D.C.: The Brookings Institution, 1975); Thomas Schelling, ed., op. cit. See also Spillerman and Litwak, op. cit., for a clever discussion of manipulating reward structures within nursing homes to achieve various policy goals.

Incentive schemes appear to be increasingly relied on in industry (where of course they have always enjoyed a fair amount of popularity) to improve the productivity and performance of employees and managers. "In industries ranging from financial services and telecommunications to food processing and high

technology, more and more companies are pushing incentive pay farther and farther down their white-collar ranks in a bid to tie compensation more closely to individual and divisional performance". Steven Prokesch, "Companies Turn to Incentives," New York Times (July 19, 1985). In the higher levels of management it is estimated that incentives account for up to 54% of executive paychecks (Eric Gelman, "Santa's Golden Handcuffs", Newsweek (December 24, 1984). The new General Motors Saturn Project in Tennessee (the subject of fierce competition among the states to have it housed in their locale) includes an agreement between General Motors and the United Auto Workers which offers workers a lower base pay but an opportunity to make above the industry average through a system of incentives based on quality and output. William Serrin, "Saturn Labor Pact Assailed by a UAW Founder," New York Times (October 28, 1985). For a discussion of the traditional uses of both individual and group-directed incentives in various business settings see Bruce Ellic, "Pay Strategies During Inflationary Times," Management Review (September 1981) 23; James Brinks and A.W. Smith, Jr., "Incentive Compensation for Bank Management," Bankers Magazine (March/April 1982) 74; Edward Lawler, "Merit Pay: Fact or Fiction?," Management Review (April 1981) 50; Robert Scott, Jr., "A Look at Management Incentive Plans," Journal of Accountancy (June 1981) 76.

The sweep of other incentive-like programs is too large to but call attention to here. Ranging from development bonuses to builders who agree to construct low- and moderate-income housing under the Mount Laurel Plan in New Jersey (Robert Hanley, "Some New Jersey Towns, Giving in to Courts, Let In Modest Homes," New York Times, February 29, 1984) to programs which offer money to motorists who use seat belts (Carolyn Pesce, "Buckle-Up for Bucks is Catching On," USA Today, November 17, 1983) it appears that a greater reliance on structuring inducements--particularly financial inducements -- to encourage particularly desired behavior is on the increase. In the text, we will limit our discussion largely to the health and education area, in part because the purposive manipulation of incentives in those policy areas is closest to New York City's manipulation of incentives in its Speedy Disposition Program, and in part because the literature, though still sparse, is more extensive in these two policy areas than in most others.

<sup>32</sup>See generally, Robert Broyles and Michael Rosko, "A Qualitative Assessment of the Medicare Prospective Payment System," 11 Social Science and Medicine 1185-1190 (1985); Robert Newcomer, Juanita Wood, and Andrea Sankar, "Medicare Prospective Payment: Anticipated Effect on Hospitals, Other Community Agencies, and Families," 10 Journal of Health Politics, Policy and Law 275-282 (1985).

<sup>33</sup>Robert Pear, "Senate Study Calls for New Laws to Protect Aged Hospital Patients," New York Times (September 26, 1985).

<sup>34</sup>Susan Dentzer, "Hospitals Take the Cure," Newsweek (July 2, 1984). See also "Hospital Stays Shorter, Medicare Report Says," New York Times (October 25, 1985).

<sup>35</sup>Broyles and Rosko, op.cit., 1186.

<sup>36</sup>Newcomer, Sankar, and Wood, op. cit., 280. There is some anecdotal evidence and much conjecture consistent with this concern that doctors and hospitals may respond in less than desirable ways to these incentive plans. For example, the first year of DRG's witnessed an erroneous classification of a particular coronary bypass procedure. Traditionally this particular procedure was performed in a laboratory, but it was mistakenly classified as a surgical procedure entitled to substantial Medicare reimbursement. Apparently hospitals rushed to set up the labs to perform these procedures, costing the government in one year \$38 million dollars more than was appropriate. Joel Brinkley, "Plan for Cutting Hospital Costs by Rewarding Doctors Draws A.M.A. Fire," New York Times (September 24, 1985). Another oft expressed concern is that hospitals and doctors will join in "upcoding" or participating in a "DRG creep". This practice would misclassify a procedure into a more generous DRG category. See Broyles and Rosko, op. cit., 1187.

<sup>37</sup>Milt Freudenheim, "Cost Controls Raise Concerns on Health Care," New York Times (July 30, 1985).

<sup>38</sup>Brinkley, op.cit.

<sup>39</sup>Newcomer, Wood, and Sankar argue that the DRG program will have implications for hospital management, for community service programs, and for the families of elderly patients who are being discharged earlier. One major effect of the DRG program on hospital management has been the institution of cost-cutting measures, which might, they argue, include a shift away from registered nurses to lower paid practical nurses and nurses aids. Also, they note the earlier release of patients will place a strain on home health care agencies and the patient's family (the limited space available in nursing homes coupled with their selectivity in admissions will preclude this option for many releasees). Home health agencies will find that they are being asked to provide more demanding and complex services, and may indeed have to higher more skilled personnel for these tasks. Newcomer, Wood, and Sankar, op. cit., 277-281.

Others question whether hospitals will tolerate a real decrease in resources, or whether they simply won't switch costs to clientele. The most likely places for these shifts are the outpatient services the hospital provides (perversely discouraging the use of this previously more reasonable priced alternative). It is also likely that the costs of in patient treatment for the commercially or self insured will also rise. Broyles and Rosko, op. cit. 1187-1189.

<sup>40</sup>Brinkley, op. cit. Other hospitals have not yet taken this final money sharing step, but have gone as far as to compare and rank doctors on the profits -- and losses -- their patients generate for the hospitals. Robert Pear, "Senate Study Calls for New Laws to Protect Aged Hospital Patients," New York Times (September 26, 1985).

<sup>41</sup>At least one scholar has raised the possibility that prospective payment schemes may work because of the regulatory agencies they bring with them, and not because of the incentive plans they introduce. Robert Foster, "Cost-Based Reimbursement and Prospective Payment: Reassessing the Incentives," 7 Journal of Health Politics, Policy and Law (Summer 1982), 414.

<sup>42</sup>See generally, Bruce Dollar, "What Is Really Going on in Schools," Social Policy (Fall 1983) 7-19; Harold Howe II, "Education Moves to Center Stage: An Overview of Recent Studies," 65 Phi Delta Kappan (November 1983), 167-172; Center for Policy Research in Education, Institutional Grant Proposal to National Institute of Education, "Center for State and Local Policy Development and Leadership in Education" (1985)--(hereinafter cited as "Educational Policy Center"); Jonathan Friendly, "States Shift Toward Incentives," New York Times (December 24, 1985).

<sup>43</sup>Howe, op. cit., 169.

<sup>44</sup>A program like this was recently announced in New Jersey. See Robert Braun, "State to Reward Schools for Getting Students Out of Remedial Education," The Star-Ledger (February 6, 1986).

<sup>45</sup>The former dean, Theodore Sizer, is quoted in Dollar, op. cit., 19.

<sup>46</sup>Eric Hanushek, "Throwing Money at Schools," 1 Journal of Policy Analysis and Management (1981) 19-41.

<sup>47</sup>Dollar, op. cit., 16.

<sup>48</sup>Hanushek, op. cit., 37.

<sup>49</sup>Dollar, op. cit., 15.

<sup>50</sup>Hanushek, op. cit., 36-37.

<sup>51</sup>In New York City, Eugene Lang, a businessman, offered to pay college tuitions for each student in a sixth-grade class in a Harlem school who remained in school. Five years after making the offer all fifty-two of the students still in the New York area were in school, and were reported doing well enough to qualify for college admission. William Geist, "One Man's Gift: College for 52 in Harlem," New York Times (October 19, 1985).

<sup>52</sup>The Eagleton Institute of Rutgers University, together with the Rand Institute and the University of Wisconsin have

recently been awarded a six million dollar grant to study educational policy innovations in six states. The authors argue in their proposal that the Federal role in educational innovation is declining and being replaced by a variety of state designed programs. These programs, in turn, run the gamut from rigid blueprint-like regulation through bottom-up incentive plans. The consortium's research ought to yield the very sort of systematic comparative data about the efficacy of different policy strategies that is so obviously missing when one examines the present literature.

<sup>53</sup>Though it does speak to the difficulty of designing effective incentive schemes. For example, Bacow and Milkey, in discussing siting for hazardous waste facilities, observe that "[I]t is much easier ...to articulate the rationale behind this approach [incentives] than it is to design an administrative mechanism to make it work. " Lawrence Bacow and James Milkey, "Overcoming Local Opposition to Hazardous Waste Facilities: The Massachusetts Approach," 6 Harvard Environmental Law Review (1982), 304.

<sup>54</sup>See Eugene Bardach, "Implementation Studies and the Study of Implements," Paper Presented to the 1980 Annual Meeting of the American Political Science Association; Lester Salamon, "Rethinking Public Management: Third-Party Government and the Changing Forms of Government Action," 29 Public Policy 255-273; Richard Elmore, "Policy Analysis as the Study of Implements," Paper Presented to the 1985 Annual Meeting of the Western Political Science Association.

<sup>55</sup>The clearest of the discussions which we have seen distinguishing among policy strategies is L.M. McDonnell's and A.H. Pascal's, "Assessing Alternative Policy Instruments," in NIE Center, op. cit. 57-66. The authors sort these approaches into regulatory, inducement, capacity building, and system-broadening options. Similar classifications can be found in a number of other works. For example, Bardach, op.cit., writes of inducements, enforcement, and benefaction; Balch distinguishes among information, facilitation, regulation and incentive strategies. George Balch, "The Stick, The Carrot, and Other Strategies," 2 Law and Policy Quarterly (January 1980), 30-38.

<sup>56</sup>We know little about the consequences of opting for one strategy over enough, and even less about the consequences of opting for a hybrid strategy. See McDonnell and Pascal, op. cit., 61.

<sup>57</sup> The growth of the private police industry has been rather dramatic. Cite Law and Society Review. More recently private "rent a judges" and private prisons are also receiving attention. See, for example, Marcia Chambers, "California's Private Trial System Seems Settled In," New York Times (February 24, 1986); Kevin Krajick, "Prisons for Profit: the Private Alternative," State Legislatures (April 1984) 9-14.

<sup>58</sup>Raymond Nimmer, The Nature of System Change: Reform Impact in the Criminal Courts (Chicago: American Bar Foundation, 1978) 26 (emphasis in original).

<sup>59</sup>We will elaborate on this below in our discussion of other forms of influence and power.

<sup>60</sup>Of course, the assumption that the DRG necessarily had to couch the plan around was that providing service at the average level, or below it, was still consistent with adequate (quality?) care. Though it could not articulate or demonstrate what number of days for what kind of procedure or illness was "correct" the DRG model required that the average at least be acceptable.

<sup>61</sup>We recognize that regulation may involve elements other than simple coercion or punishment: legitimacy, possibly expertise. It also typically involves application of standards. Thus something more than simple coercion or punishment. We use incentives and regulation as a rough dichotomy, rather than rewards and sanctions, because the latter, at least in a policy context, often look like flip sides of the same thing. We suggest that what differentiates regulation from incentives is not simply positive vs. negative reinforcement, but also elements of predefined behavioral standards, and "command and control" perspective on producing compliance.

<sup>62</sup>Charles Schultze, op. cit., 17-18. Compare French and Raven's categorization note 63, below.

<sup>63</sup>French and Raven, in an influential discussion of "The Bases of Social Power", specify the five techniques by which one person can influence the actions, attitudes or beliefs of another: Rewards and coercion refer respectively to benefits conferred after desired behavior, and the punishments imposed upon undesired behavior; the influence of legitimacy flows from the belief that such is influence proper, and carries an obligation to conform; the influence of identification is based on "a feeling of oneness" or relationship with the individual or group attempting to exert influence; expertise is a source of influence based on a recognition of the expert knowledge of the influencer. John French and Bertram Raven, "The Bases of Social Power," in Dorwin Cartwright and Alvin Zander (eds.), Group Dynamics (Evanston: Row Peterson, 1962)

<sup>64</sup>French and Raven, op. cit., 613-14.

<sup>65</sup>Social learning theory provides a useful framework for understanding how these perceptions grow and develop. Learning is categorized into learning from response consequences (the simple stimulus-response models of Skinnerian psychology) and the more complex phenomenon of "observational learning," by which people learn by observing others. For a nice summary of this literature, see Margorie Randon Hershey, Running for Office: The Political Education of Campaigners (Chatham, NJ: Chatham House

Publishers, 1984). We are indebted to Robert Nakamura for pointing out the relevance of this literature.

<sup>14</sup>Relatedly, the not infrequent inability to adequately learn about the effects of the incentives being used can result in incentives which may be "too weak or too strong or just plain perverse." Bardach, op.cit., 7.

<sup>67</sup>Indeed, there is reason to believe that these non-monetary forms of reinforcement may be stronger than money. See Balch, op. cit., 52. See also Abraham Maslow's categorization of reinforcements, wherein the highest levels, "self-actualization" and "self esteem", are not directly related to income. Abraham H. Maslow, Motivation and Personality (New York: Harper, 1954). For an interesting discussion of how "quality of work" as compared to financial incentives differentially motivate blue and white collar workers see Jon Walker and Curt Tausky, "An Analysis of Work Incentives," 116 The Journal of Social Psychology (1982), 27-39.

<sup>68</sup>John Brigham and Don Brown, "Introduction", in John Brigham and Don Brown, eds., Policy Implementation: Penalties or Incentives? (Beverly Hills: Sage Publications, 1980), 12. Similarly, Salamon noted that "there has been a virtual absence of systematic comparative work analyzing different tools [of government action] or examining the changing forms of action as a whole." Salamon, op. cit., 263. McDonnell and Pascal suggest, as a framework, that the choice of a policy instrument be evaluated in terms of the type of policy problem addressed, the organizational and political context in which it is employed, and the feasibility of realizing the goals with which it is concerned. McDonnell and Pascal, op. cit., 62-63. Finally, Elmore argues that "[a]s an antidote to the inevitable preoccupation with typologies....any analysis of implements should begin with the question, 'What's controllable over what range with what effect?'" Elmore, op. cit., 14-15 (emphasis in the original). These sorts of approaches to exploring the utility of the various policy tools only confirm the the need for the "case studies within a variety of contexts" discussed in the text.

<sup>69</sup>Schultze, op. cit., 17. But see Max Neiman's argument to the effect that that incentives are just as "coercive" as regulation, and moreover are less subject to public scrutiny. Max Neiman, "The Virtues of Heavy-Handedness in Government," in Brigham and Brown, op. cit., 19-43.

<sup>70</sup>The ethical or moral superiority of incentives over more coercive techniques is not universally accepted, at least among those who are not economists. The non-coercive aspect of incentives, perhaps their critical definitional element, is disputed; the withdrawal of previously awarded incentives looks a great deal like a punishment to some critics. See Brigham and Brown, op. cit., 8-10. There is also a concern that incentive-

based strategies are more manipulative, covert, and possibly more dangerous than coercive techniques. See Max Neiman, *op.cit.*, 19-42. His concern is that by increasing our use of incentives "we would possibly be replacing a creaky system of overt coercion, practiced by generally visible agencies, with a more subtle, insular system, run by policy analysts, programmers, and perhaps worst of all, economists." 35.

<sup>71</sup>"[C]ompared to alternative forms of social organization the market process is an efficient information processor through feedback mechanisms that do not depend on explicit knowledge of the unknowable." Schultze, *op.cit.*, 20.

<sup>72</sup>*Ibid.* 25.

<sup>73</sup>Schultze, *op. cit.*, 20. Schultze continues with a variant of this theme later in his book, arguing the advantages of incentives in situations in which it is simply impossible to master all relevant information. "We try to specify in minute detail the particular actions that generate social efficiency and then command their performance. But in certain complex areas of human behavior, neither our imagination nor our commands are up to the task" 65.

<sup>74</sup>Another example: EPA regulations requiring manufacturers of automobiles to meet ever-increasing gasoline mileage increases when the technologies to produce such efficiencies didn't yet exist. The political ramification of these regulations were substantial: auto manufacturers mounted extensive lobbying efforts to pressure Congress reduce the mileage standards because the technology was allegedly not available to accomplish the original goals economically.

<sup>75</sup> As we saw earlier, though, the DRG's clearly carry with them a risk, that quality of care tradeoffs will result from the effort to meet or beat the DRG's allowances.

<sup>76</sup>This is the response in the Federal Speedy Trial Act.

<sup>77</sup>This is the response in most state statutes. See Church, Pretrial Delay, A Review and Bibliography (Williamsburg: National Center for State Courts, 1978).

<sup>78</sup>While there were no specific exceptions to the time periods established in the Speedy Disposition Project guidelines, time spent for psychiatric examination and on revoked bail was not counted in the disposition-time measures.

<sup>79</sup>Incentives can minimize, but not escape, the floor and ceiling problem. Incentives can themselves come to be seen as expected goods. The argument suggests, though, that this is less likely to happen, or perhaps happens more slowly, than with regulations that specify some level of good or of performance.



<sup>80</sup>As Mancur Olsen states in his analysis of the difficulties of "Evaluating Performance in the Public Sector:" "[A]n adequate incentive system cannot be established when there is no way of measuring the volume or value of output." Mancur Olsen, "Evaluating Performance in the Public Sector," 114.

<sup>81</sup>See Herbert Packer's discussion of the "crime control" and "due process" models of the criminal justice process in The Limits of the Criminal Sanction (Stanford; Stanford University Press, 1968).

<sup>82</sup> Olsen, op. cit., 11.

<sup>83</sup>Two other dimensions of this problem are worth noting. First there is what we might call the "problem of anticipated consequences". By this we mean that all undesirable results from the incentive plan are not necessarily unanticipated. Wise--and cynical--policymakers are often quite adept at predicting the undesirable behaviors (and/or attitudes) that are likely to result from an incentive scheme. These predictions, however, do not necessarily result in rejecting the plan.

Second, it is important to note that there is a theme in the literature which portrays the government as sometimes being less than comfortable with promoting incentive schemes. Part of this discomfort no doubt results from a sense about the predictability of undesirable consequences. Another potential cause, that "[i]ncentives strategies...can unfortunately appear to be a call for the abandonment of government policy rather than a new direction for policy and strategy..." William Reilly and John Noble, "The Search for Incentives: Any Progress?" Environmental Comment (January 1977), 4. Finally, Schultze notes that incentive strategies make their governmental proponents quite anxious, in no small measure because these strategies tend to yield some control from their originators to the objects of the policies: "Because incentive-oriented approaches to social intervention rely on decentralized reactions to prices, they seem to deprive government of control of case-by-case results. If nothing else this would make legislators nervous. They would have to forgo the opportunity to provide their programs with all sorts of adjudication procedures drawn up to take care of specific losses. They would also forfeit the opportunity to second-guess administrators and to provide services for constituents through intervention in administrative decisions." Schultze, op. cit., 72.



## CHAPTER II

### ANALYSIS OF DEPARTMENT OF CORRECTION CENSUS DATA

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#### I. INTRODUCTION AND DESCRIPTION OF THE DATA

As discussed elsewhere in the report, one of the major goals of the SDP Program was to reduce the size of the City's jail population by offering a financial incentive to District Attorneys' Offices to speed the processing of old detainee cases. Evidence had shown that from 1977 to 1982 the average daily detention population rose while admissions declined, suggesting that court processing time for detainee cases had increased. Accordingly, if processing time was reduced, jail population could decline. This was a key premise underlying the program. On the other hand, there are those who maintain that court delay and jail crowding are caused in large part by increases in system workload. Such factors as the volume of arrests, arraignments and indictments are thought to be directly related to case backlog and the overall speed at which cases are processed. With respect to the program's impact on population reduction, it is argued that any reduction could be easily offset by an increase in workload, especially if the increased caseload is weighted toward more serious offenses.

The following graphs contain monthly data from 1982 to 1985 on various DOC population categories and on specific workload measures. Population figures are presented for four categories, total population, pre-trial detainees, sentenced offenders and new detainee admissions.<sup>1</sup> The four year period enabled researchers to compare trends in these categories for the two years preceeding the program (pre-program years) with the two years during its implementation (post-program years). Workload data are provided on total arrests, Criminal Court arraignments excluding Desk Appearance Tickets (DAT's) and Supreme Court filings.<sup>2</sup>

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<sup>1</sup>Data on the total, pre-trial detention, and sentenced populations were obtained from the NYC Department of Correction Monthly Inmate Population Summary. Total population includes pre-trial detainees, sentenced offenders and state "readies" (those awaiting transfer to a State prison). The pre-trial detention population includes defendants awaiting disposition or sentence. Sentenced offenders include those sentenced to a DOC facility. Figures for these categories represent the average daily population for each month.

Data on new detainee admissions was obtained from DOC's Movement of Population Report. This category includes all those admitted to a DOC facility with detainee status. The figure is the total number of new detainee admission for each month.

All figures are located at the end of this section.

<sup>2</sup>Arrest statistics were obtained from the New York City Police Department publication entitled, NYPD Statistical Reports: Complaints and Arrests. Total arrests include arrests for felonies, misdemeanors and violations. At the time this report was compiled, data were available through October 1985.

These particular measures were used because of their purported effect on jail population size; hence workload data are shown in combination with population figures. Since the data presented are aggregate measures, caution should be exercised in inferring a causal relationship. The arrest data do not provide a breakdown of the "mix," or proportion of felonies, misdemeanors or violations to the total for each year. This breakdown is important since an increase in the proportion of misdemeanors or low-level offenses would have less of an impact on the pre-trial population. Similarly, the court data do not differentiate between those defendants released after arraignment and those detained pre-trial. Thus, workload measures are included mainly to provide a broader context for interpreting changes in jail population.

#### A. TOTAL POPULATION

Figure A presents monthly DOC census figures for the total, pre-trial detainee and sentenced populations. The graph shows a general upward trend in all categories over

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Data on non-DAT Criminal Court arraignments were obtained from the New York City Criminal Justice Agency's monthly standard tables (figure includes arraignments on felony, misdemeanor and violation charges). At the time this report was compiled, data were available through June 1985. Data on Supreme Court filings were obtained from the Unified Court System, Caseload Activity Reports. Filings which are reported by court term (13 terms per year), were adjusted using a moving average based on two terms to reflect the number per calendar month. Data were unavailable for the last two terms of 1985.

the four years. Total population, which was slightly under 9,000 in January 1982, rose to nearly 12,000 by the end of 1985 (a 33% increase). Similarly, the number of pre-trial detainees increased from slightly less than 6,000 in January 1982, to 7,500 by December 1985 (a 25% increase) and the number of sentenced offenders increased from 2,650 to 3,234 (a 22% increase) over this same period. However, while there are fluctuations in the number of pre-trial detainees, the number of sentenced offenders exhibits less fluctuation and is fairly constant in both the pre- and post-program years.

Regarding the pre-trial detainee population (the population specifically targeted by the SDP program), the graph reveals that the fluctuation is seasonal; population begins to rise in June, peaks in early fall then drops in November and December (this is not true of 1982 when population did not decline until February 1983). A comparison of the pre- and post-Speedy Disposition years shows a sharp upturn in detainee population midway through 1982 and again in 1983, with a decline in the last three months of 1983. (It was during this time that the city was ordered by the Federal District Court to reduce its detention population.) This decline was followed by a steady upward trend through 1984 and 1985, with population peaking in October 1985 before dropping slightly in the last two months of the year.

Despite monthly fluctuations, the graph shows that both the total and detainee populations were higher at the end of each of the Speedy Disposition years than they were in the beginning; the end of year population decreases were not enough to offset the substantial increases occurring the first three-fourths of 1984 and 1985.

With respect to any apparent effect of the Speedy Disposition initiative on jail population size, the census data thus show that the total and detainee populations are in fact higher in the post-program years. The relatively flat shape of the line depicting the number of sentenced offenders suggests however that the increase in total population is not attributable to a corresponding increase in sentenced offenders. It is important to note that the DOC figures presented here include detainees in the targeted and non-targeted SDP program case age categories.

#### B. NEW DETAINEE ADMISSIONS

Figure B compares the trend in total population to that of new detainee admissions. Like total population, there was a general upward trend in new detainees from 1982 to 1985. The pattern of fluctuation between two categories is fairly similar in the pre-program years; that is total population appears to vary directly on a month-to-month basis with detainee admissions. However, the pattern in the post-

program years exhibits less of a direct relationship. For example, there was a sharp upturn in total population in the second half of 1985 compared to a more moderate upward trend in admissions. Also, in 1985 the graph shows total population increasing at a greater rate in 1985 than new detainee admissions. This would suggest that average length of stay was increasing during this period.<sup>3</sup>

The raw data indicate that in 1984 there were four percent more detainees admitted to the city's jails than in 1983 (64,829, or 2,481 more than in 1983). In comparison, the average monthly total population was only one percent higher for this same period (10,073, or 100 more than in 1983).<sup>4</sup> In 1985 there was virtually no change in detainee admissions over the previous year (64,829 vs 64,317), however, average monthly total population increased by 9.4 percent (11,022 vs. 10,073).

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<sup>3</sup>DOC data confirm that the average length of stay for detainees in the first half of fiscal 1986 (July to December 1985) increased to 47 days from 43 days during fiscal 1985 (July 1984 to June 1985). However, caution should be used since the DOC figure is based on a formula that estimates the average length of stay.

<sup>4</sup>Since DOC reports the average total population for each month, yearly comparisons are based on the average of the monthly figures.



It should be noted, however, that DOC's total operating capacity (the number of available beds on a given day) increased in 1984 and 1985.<sup>5</sup> There were a total of 1,150 beds added in 1984 and 1,100 more added in 1985. In May 1984 DOC's citywide capacity increased by 210 beds with the opening of the old Navy Brig in Brooklyn, by October 210 more beds were added bringing the total for this facility to 450. An additional 700 beds were added with the construction of modular dormitories at various facilities during the year. In July 1985 a new facility was opened at Rikers Island (the North command) adding 800 beds by October when it was fully operational. The construction of modular dormitories added 300 additional beds.

Because the 1984 increase in operating capacity is spread out fairly evenly over the course of the year, it is difficult to determine if there is a relationship between the increase in operating capacity and the increase in total population. On the other hand, the 1985 census data show an upward trend in total population from July to October, the same period in which DOC increased its operating capacity by 800 beds.

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<sup>5</sup>DOC data on operating capacity are subject to fluctuations throughout the year since this measure takes into consideration such things as the number of cells in repair and legal requirements for the separation of inmates based on age and sex. Operating capacities on Dec. 31, 1984 and Dec. 31, 1985 were 10,628 and 11,861, respectively. The end of year figure indicates operating capacity in 1985 increased 11.6 percent over 1984.

### C. ARRESTS AND CRIMINAL COURT ARRAIGNMENTS

Figure C compares the trend in citywide arrests and Criminal Court non-DAT arraignments with the trend in the pretrial detention population and new detainee admissions. The graph shows that despite periodic fluctuation there was a general upward trend in arrest and arraignments over the four years. Both measures increased sharply in the second half of 1982 then declined through the first half of 1983. However, in 1984 and 1985 there is a definite upward trend in both measures. By comparison, the number of pre-trial detainees in the post-program years exhibits less fluctuation and is relatively flat.

A comparison of the yearly arrest totals reveals that in 1983 there were four percent more arrests as compared to 1982 (220,405 or 8,706 more than in 1982). The number of non-DAT arraignments, similarly, was five percent higher in the same period (123,223 or 5,642 more than in 1982).<sup>6</sup> However, in 1984, there were eight percent more arrests than in 1983 (238,605 or 18,200 more than in 1983) but 22 percent more arraignments (150,450 or 27,227 more than in 1983). Arrests for the first ten months of 1985 were six percent higher compared to the same period in 1984 (213,092 or 12,519 more than in 1984). And, the number of defendants

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<sup>6</sup>The substantial differences between arrests and arraignments result from the exclusion of DAT arraignments.

arraigned in the first six months of 1985 was 14 percent higher than the same period in 1984 (83,043 or 10,427 more than in 1984).

While there were increases in both detention population categories in the Speedy Disposition years, the rate of increase was comparatively lower than the rate for arrests and arraignments. The raw data show no increase in detention population in the first year of the program and a three percent increase in the second; new detainee admissions rose four percent the first year but exhibited no growth in the second.

With respect to the Speedy Disposition Program, the plot of the workload measures show that during the course of the program there was a definite upward trend in arrests and arraignments. This increase, however, was not followed by a corresponding increase in detention population, suggesting either that changes in workload volume do not affect population size as directly as some maintain or that the composition of arrests in 1984 and 1985 was different (i.e., more misdemeanors or lower level felonies which are less likely to result in pre-trial detention),<sup>7</sup> or that District

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<sup>7</sup>NYPD-UCR data show that of the 220,406 total arrests in 1984, 48 percent were for felonies, 50 percent were for misdemeanors and 2 percent were for violations. Data for the first half of 1985 show the mix of arrests was virtually identical to 1984. Of the 117,608 total arrests, 48.7 percent were for felonies, 49.5 percent were for misdemeanors and 1.8 percent were for violations.

Attorney's efforts to reduce detainee cases were effective (the latter claim assumes that absent the SDP program the rate of detainee population growth would have been more in line with workload).

#### D. SUPREME COURT FILINGS

Figure D compares the trend in the pretrial detainee population with that of Supreme Court filings. Filings reflect the number of felony cases (indictments) entering Supreme Court each court term. Since Supreme Court cases generally involve a higher percentage of defendants who are remanded to custody pending disposition, there should be a more direct relationship between increases in filings and the size of the detainee population than with arrests or Criminal Court arraignments. This relationship, however, is complicated by the fact that over half the felony cases in Supreme Court take more than six months to reach disposition. Consequently, an increase in filings in any given month may affect the size of the detainee populations for a longer period. Also, any direct relationship is mitigated since the data presented here do not differentiate between defendants who make bail or are ROR'd and those detained. The proportion of new Supreme Court defendants who are detained can be affected by the types of offenses charged and criminal histories of these defendants.

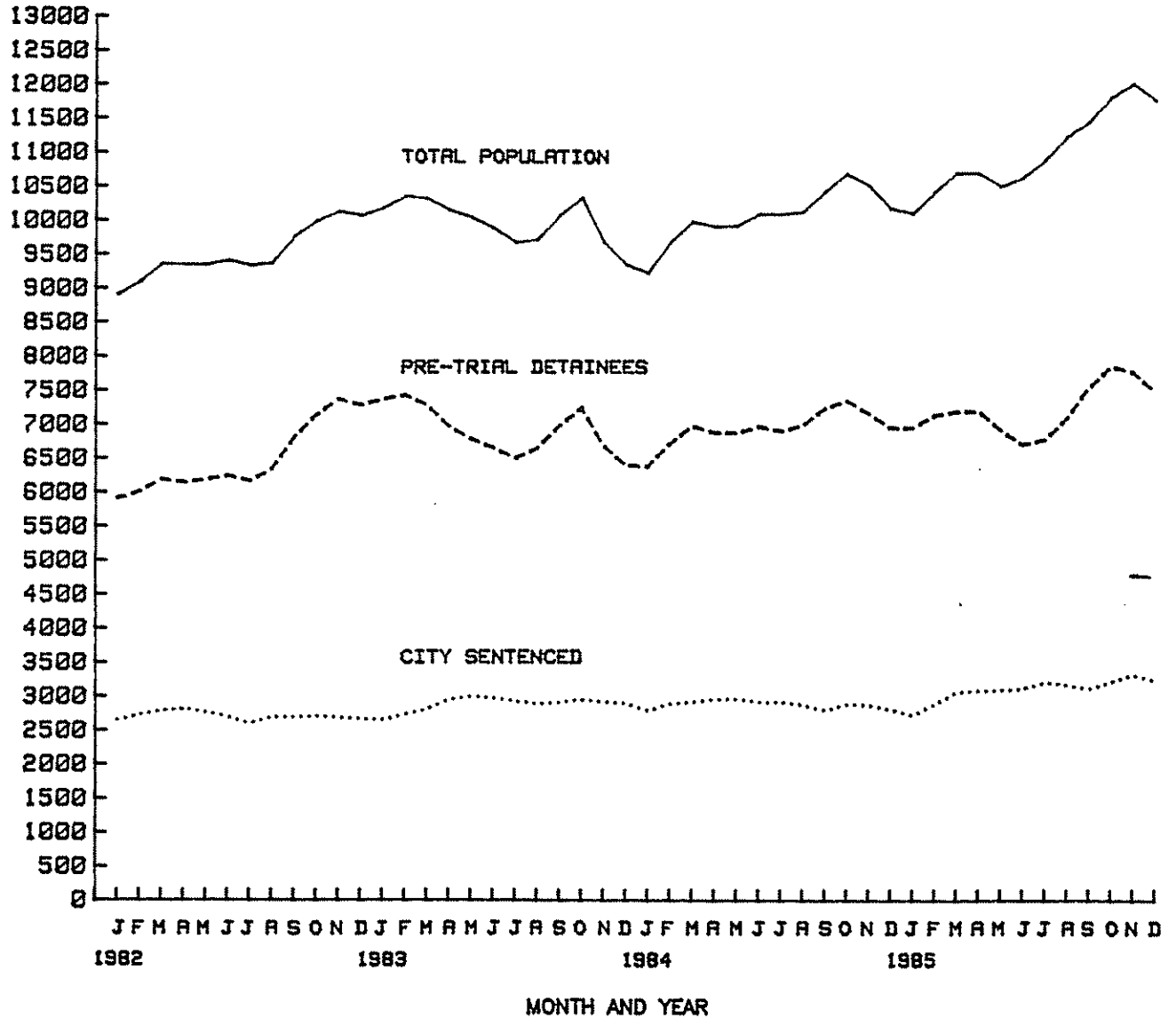
The graph shows that, despite some moderate fluctuation, there was a slight upward trend in citywide filings from 1982 to 1985. The raw data reveal, however, that the rate of change between years was minimal. In 1983 the number of filings decreased by less than one percent, to 28,046 from 28,228 in 1982. In 1984 filings increased by approximately five percent to 29,529 from 28,046 in 1983. And, in the first ten months of 1985, filings increased by 1.5 percent as compared to the same period in 1984. In comparison, the pretrial detainee population rose approximately six percent in 1983, while the 1984 and 1985 percent increases were 0.6 and 3, respectively.

If examined closely the graph shows that changes in the volume of filings does affect detention population several months later. FIGURE E shows that if filings are lagged by ten months, the fluctuations in the two measures are similar. Thus, it is possible that the increase in filings in 1984 may have contributed to the rise in the City's detention population in 1985.

Figure A

New York City Speedy Disposition Program Evaluation

MONTHLY CENSUS FOR TOTAL POPULATION, PRE-TRIAL DETAINEES,  
AND CITY SENTENCED POPULATION:  
Citywide, 1982 - 1985

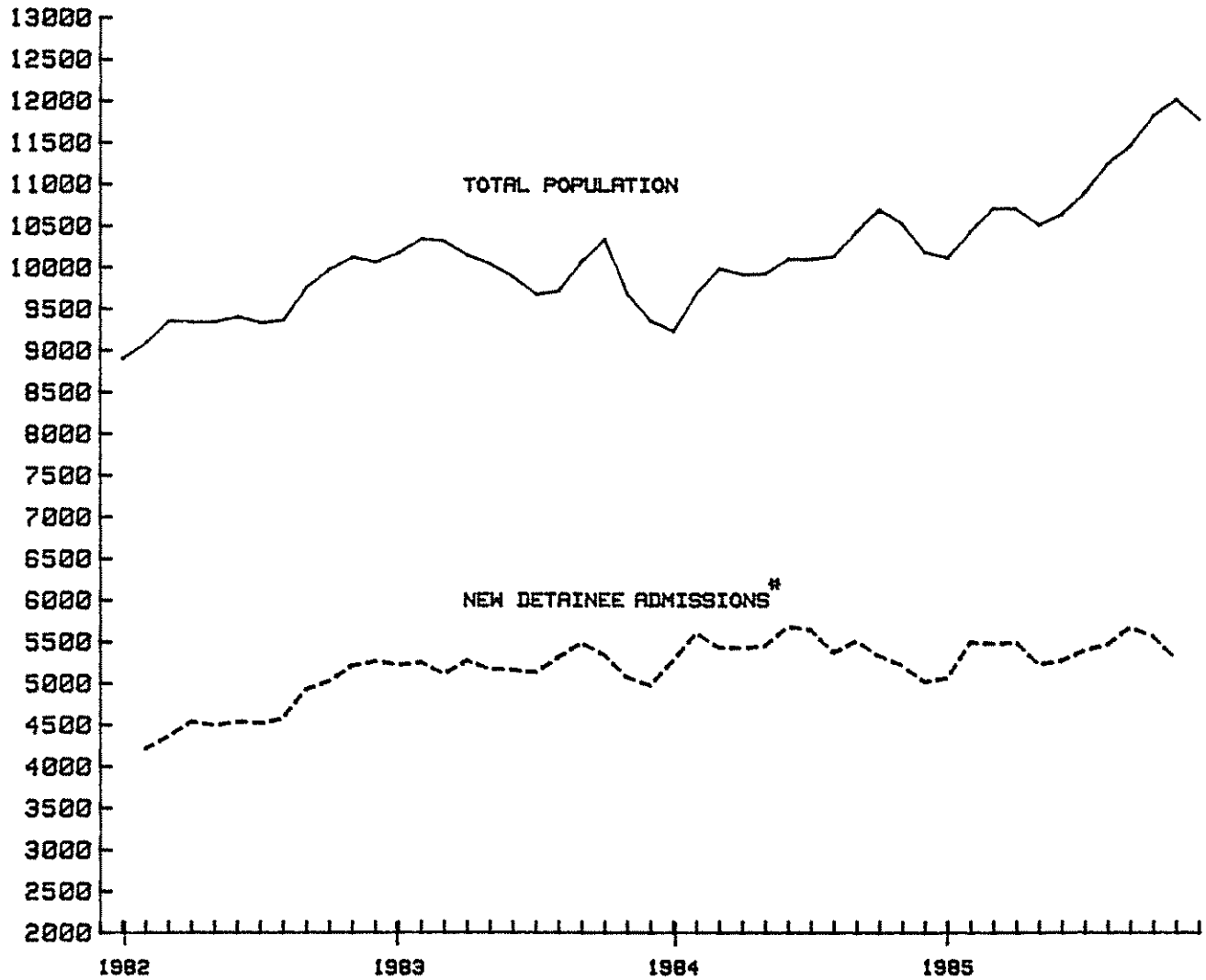


SOURCE: New York City Department of Correction Monthly Inmate Population Summary, 1982 - 1985

Figure B

New York City Speedy Disposition Program Evaluation

MONTHLY CENSUS FOR TOTAL POPULATION, AND NEW DETAINEE ADMISSIONS:  
Citywide, 1982 - 1985



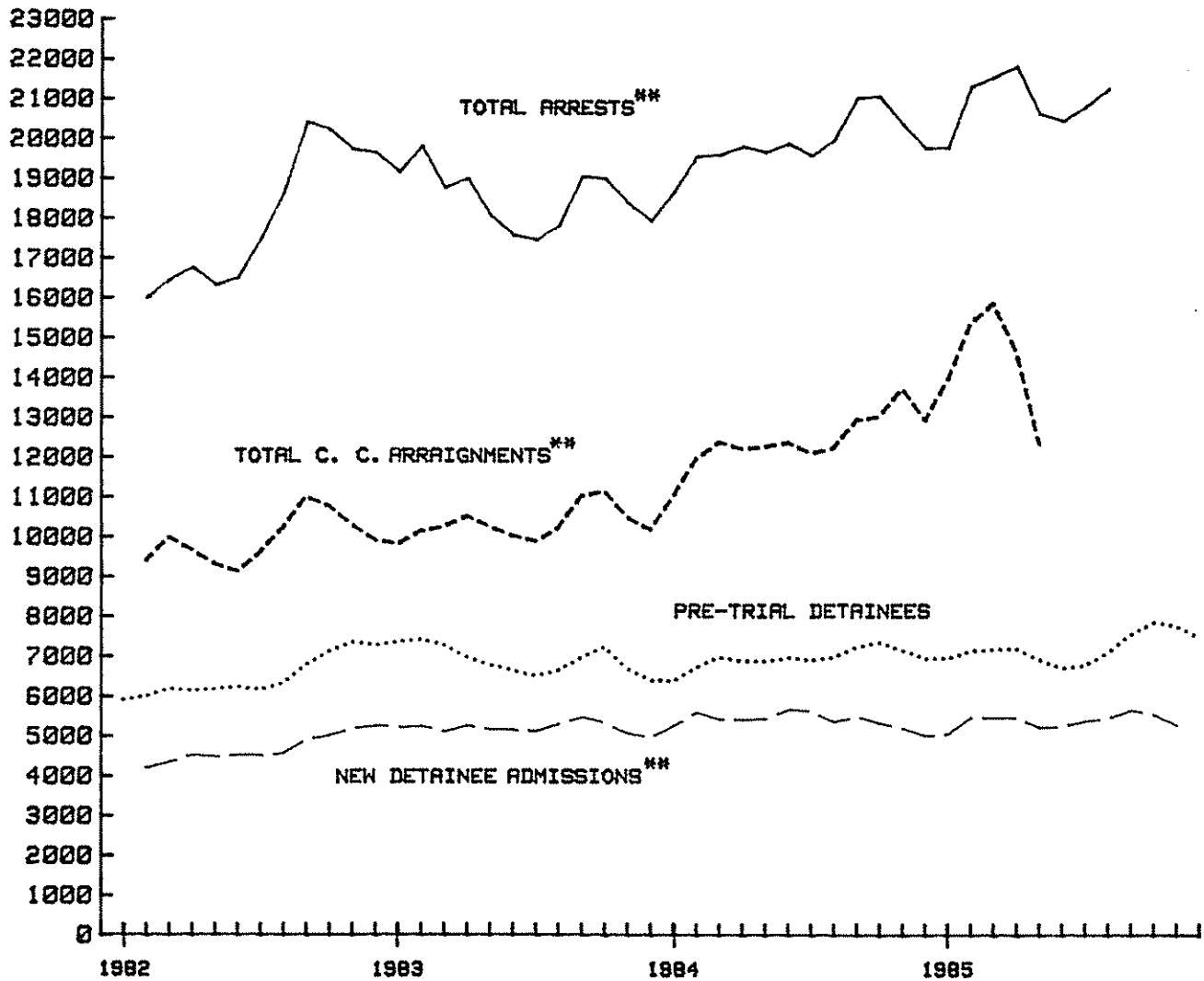
\* Data have been smoothed using moving average for 3 terms with equal weights.

SOURCE: New York City Department of Correction Movement of Population Report, 1982 - 1985

Figure C

New York City Speedy Disposition Program Evaluation

TOTAL ARRESTS, TOTAL C. C. ARRAIGNMENTS, PRE-TRIAL DETAINEES,  
AND NEW DETAINEE ADMISSIONS:  
Citywide, 1982 - 1985\*



\* Includes arrests through October 1985 and arraignments through June 1985; Excludes DAT arraignments.

\*\* Data have been smoothed using moving average for 3 terms with equal weights.

SOURCES: NYPD Statistical Reports: Complaints and Arrests, 1982 - 1985

New York City Criminal Justice Agency Monthly Standard Tables,  
January 1982 to June 1985

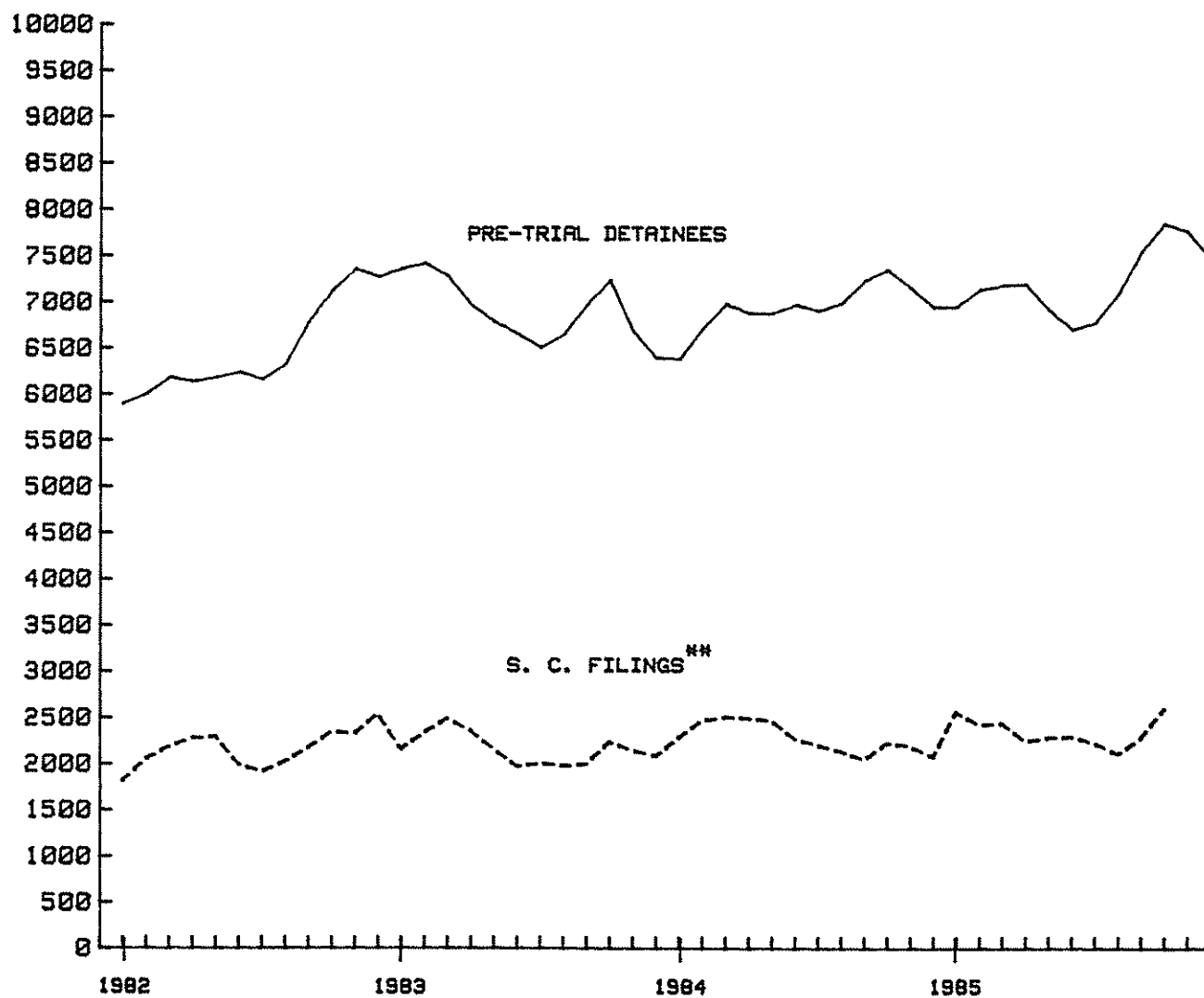
New York City Department of Correction Movement of Population Report, 1982 - 1985



Figure D

New York City Speedy Disposition Program Evaluation

PRE-TRIAL DETAINEES, AND SUPREME COURT FILINGS BY MONTH:  
Citywide, 1982 - 1985\*



\* Data on S. C. filings were unavailable for the last 2 terms in 1985.

\*\* Data have been adjusted using moving average for 2 terms.

SOURCES: New York City Department of Correction Monthly Inmate Population Summary, 1982 - 1985

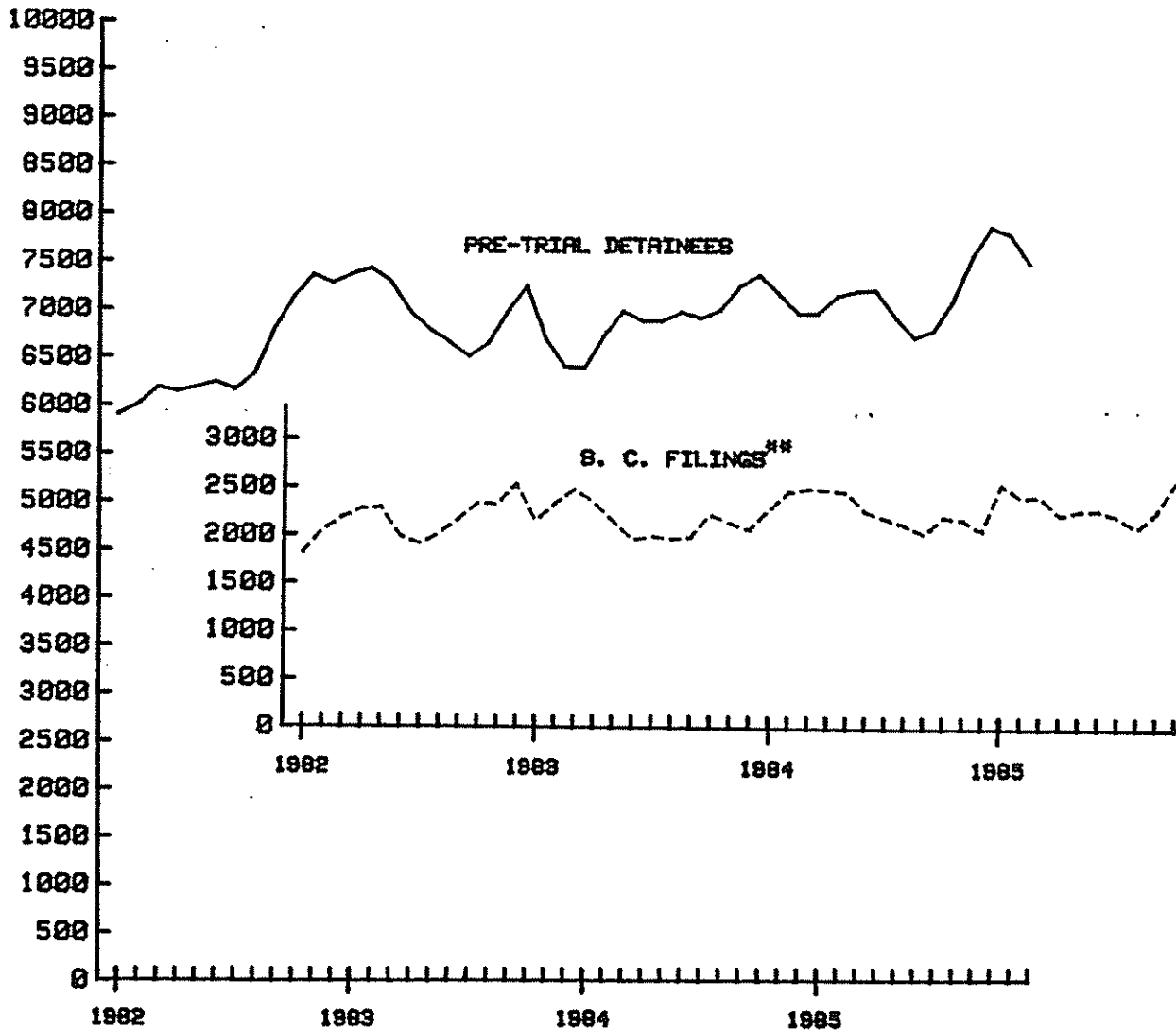
New York State Unified Court System, Caseload Activity Reports, Office of Management Support, 1982 - 1985

# Figure E

New York City Speedy Disposition Program Evaluation

PRE-TRIAL DETAINEES, AND SUPREME COURT FILINGS  
WITH FILINGS LAGGED TEN MONTHS:

Citywide, 1982 - 1985<sup>\*</sup>



\* Data on S. C. filings were unavailable for the last 2 terms in 1985.

\*\* Data have been adjusted using moving average for 2 terms.

SOURCES: New York City Department of Correction Monthly Inmate Population Summary, 1982 - 1985

New York State Unified Court System, Caseload Activity Reports, Office of Management Support, 1982 - 1985

## CHAPTER III

### DESCRIPTION OF THE SUPREME COURT PENDING CASE SAMPLE

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#### Introduction

When examining the characteristics of cases pending in the Supreme Court on certain sample dates, we outlined several questions of primary concern. They are:

- 1) What were the characteristics of the oldest pending cases (over 11 months old) and were these characteristics distinctly different than those of the overall pending caseload?
- 2) Did the characteristics of the oldest caseload change substantially over time?
- 3) Did the characteristics of the pending caseload, as a whole, change substantially over time?

The overall purpose of asking these questions is to provide some understanding of the types of cases with which the prosecutors had to deal when targeting the oldest cases for Speedy Disposition initiatives.<sup>1</sup> Additionally, by asking the second part of the first question (i.e., are the old cases different from the caseload overall), one can get a sense of whether the characteristics of the old cases are distinctly different from other age groups of cases.<sup>2</sup>

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<sup>1</sup> Pending case samples cannot be used to explain "why" cases get old; the drop-out probabilities of cases with different characteristics is not known, so that the proportion of the young cases at one data which will go on to become old at the next, or be disposed and be no longer pending is not known.

<sup>2</sup> When examining the overall pending caseload, of which the old cases are a part, it is important to ensure that the proportion of old cases does not increase dramatically over time. When the specific proportion of the overall caseload comprised of the oldest cases is analyzed, we saw no change in a majority of the

We were also interested in determining whether the old case characteristics changed over time. It could be hypothesized that, as the prosecutors got rid of the "easy" oldest cases first, that there would be a distillation of the oldest cases over time, thus resulting in an older caseload that looked more severe at the latter part of the sample period, than in the former.

Finally, we asked questions regarding the overall pending caseload characteristics, and whether these characteristics changed over time. This will help discern whether the prosecutors had to deal with a more serious caseload overall at the end of the sample period than at the beginning; if that was true, one implication could be an overall slowing down of times to disposition (in that it is felt that it "takes longer" to process more serious cases).

### Methods

Sample Dates. For this analysis, although we had, in the performance measures, six sample periods with two sample dates per period, we just looked here at the characteristics of the first year of the pending caseload. We chose only one year, and one sample date per sample period, because, although there is currently only limited information available on the characteris-

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jurisdictions, and a decrease in the others. The figures are given, by jurisdiction for Time 1, Time 2, and Time 3, respectively: Manhattan--19%, 15%, 14%; SNP--25%, 14%, 12%; Bronx--23%, 21%, 14%; Kings--22%, 14%, 19%; Queens--18%, 15%, 14%. Thus, the old case characteristics should not unduly influence the characteristics of the overall pending caseload.

tics of pending cases, this question was not the main focus of the research. Additionally, we chose the first year of the program because it was during this time that the prosecutors developed many of their programs; hence, we felt that a description of the characteristics of the cases with which the prosecutors were primarily concerned (i.e., the oldest cases) would be of interest. The dates used here were October 30, 1983 (Time 1), June 30, 1984 (Time 2), and October 30, 1984 (Time 3).

Variables. We used three general dimensions on which to describe the pending caseload: case complexity, case seriousness, and case descriptors. Because of the limited number of variables available in our database, these concepts are defined somewhat primitively. Additionally, for each record, we only had the most serious charge rather than all related charges. Below is the list of the specific variables used to measure these dimensions:

- Case Complexity:
- 1) Proportion of cases with two or more indictments filed.
  - 2) Proportion of cases with two or more dockets transferred from Criminal Court to Supreme Court.
  - 3) Proportion of cases with two or more indictments pending.
  - 4) Proportion of cases with two or more co-defendants.

- Case Seriousness: 1) Proportion of cases which were VFO status.<sup>3</sup>

<sup>3</sup> Although we collected this data item, we determined later that, because of different data entry procedures, the automatic classification of certain statutes as VFO statutes was not done for the earlier sample dates. Thus, increases in the proportion

- 2) Proportion of cases which were either A or B felonies.<sup>4</sup>
- 3) Proportion of cases which were either murders or sex crimes, specifically rape.<sup>5</sup>
- 4) Proportion of cases which were either robberies, burglaries, drug crimes, or weapons offenses, analyzed separately.

- Case Descriptors:
- 1) Proportion of cases where the defendant was 20 years old or less.
  - 2) Proportion of cases where the defendant was ever out on a warrant or psychiatric hold. CPL 220.15.
  - 3) Proportion of cases handled by either a private attorney, or an 18B attorney.

Age Calculation. The unit of analysis used by the research to count the size of the pending caseload was a "defendant-arrest." Any defendant being processed by the Supreme Court on a

of VFOs over time were most likely due to changes in data entry, rather than charges, and were not analyzed.

4 We decided to combine A and B felonies to ease description of analysis; additionally, the proportion of the combined category composed of A felonies was stable over time. For Manhattan, the proportion of A felonies is approximately 28% (the range is from 27% to 32%); for Special Narcotics Prosecutor the proportion is approximately 40% (the range is from 36% to 44%, with two of the sample dates being the same at 44%); Brooklyn has approximately 36% A felonies (the range is from 35% to 37%); Queens indicates approximately 34% (with a range of 32% to 38%). For the Bronx, there is a shift over time, from approximately 26% for Times 1 and 2, to 40% for Time 3. This change will be noted in the discussion. Otherwise, it can be assumed that any change in the proportion of the caseload which is A and B felonies is due to an equal change in both A and B felonies.

5 Here, because the numbers of rape cases were so low (under 20%), and stable over time within jurisdiction, we combined the crime types to represent the category of "serious felonies against persons."

sample data who had one or more pending indictments stemming from a single arrest was counted once; if there were co-defendants, each was counted separately.

To determine the number of defendant-arrests pending, each indictment record for each defendant-arrest in the initial pool was examined separately. First those indictments that could not be considered potentially pending were excluded, and then the actual pending status and age of each remaining indictment was established for every sample date. Once this was done, the number of defendants with at least one indictment from a single arrest that was pending over the specified length of time was counted for each date.

Once it was determined that an indictment was pending on a given sample date (i.e., had not yet reached a disposition), we then calculated the age of the indictment, as measured from Criminal Court arraignment date, to the date on which the pending caseload sample was drawn. For this calculation we subtracted out the number of days out on warrants, or out on psychiatric holds. We thus used the actual amount of time, in days, that an indictment was in the criminal justice system, available for prosecution. If there was more than one indictment pending against a defendant, we chose the oldest; if they were both the same age, we chose the one with the most serious charge. For this analysis, an "old" case is one which had been pending for over 11 months, or 330 days. For all of the jurisdictions, the specific tables are contained at the back of this section, ordered by sample date.

### Findings

Manhattan. In terms of case complexity, there was little difference between the composition of old cases and that of the pending caseload overall in the Supreme Court, nor was there much change over time in either the old cases or the pending cases. The only variable which showed any difference or change (and that was slight) was the percentage of cases with two or more indictments filed. Here, the old cases had approximately 10% as compared to 7% (Time 1), 11% as compared to 7% (Time 2), and 11% as compared to 5% at Time 3. Thus, the proportion of cases that had two or more indictments filed is somewhat more for the old cases than for the entire pending caseload, with that proportion increasing somewhat over time. However, in that the percentage was still small (11%), this characteristic did not appear meaningful. The other characteristics regarding case complexity were as follows:

- approximately 2% of both the old cases and the pending caseload overall had two or more dockets transferred.
- approximately 3% of both the old cases and the pending caseload overall had two or more indictments pending.
- approximately 15% of both the old cases and the pending caseload overall had two or more co-defendants.

Additionally, for both the old cases and the pending caseload, these characteristics did not change dramatically over time. Thus, it appears that neither the old cases, or pending cases overall, are very "complex" as measured by these variables.



Regarding case severity, there was, at least at Time 2 and 3, a difference of approximately 9% between the old cases and the overall pending cases on the proportion of the caseload that are A and B felonies with the oldest cases having more. The proportion of the old cases which were A and B felonies went from 38% at Time 1, to 45%, and then 42% at Time 3; by comparison, the overall pending caseload had a proportion of A and B felonies of approximately 35% over time. This difference, and change over time, was mirrored in a shift in the proportion of cases which were C felonies; the oldest cases had less than the overall pending caseload, and this difference also became more dramatic over time (as the proportion of oldest cases became more heavily weighted to A and B felonies).

In contrast, however, there did not appear to be any dramatic differences between the oldest cases and the overall pending cases in terms of specific type of felony offense. (It should be noted here that, for this analysis, we did not look at every felony charge, simply the most serious. Thus, there may have been shifts in less serious crime types not examined.) Generally, both the old cases and the pending felony cases overall had a majority of the cases which were robberies (approximately 40%); about 10% were burglaries, and approximately 15% were weapons offenses. Additionally, these proportions did not change much over time, for either the old cases or the pending caseload as a whole. Thus, in terms of case seriousness, while the old cases were somewhat more serious than the pending caseload overall in terms of the proportion of A and B felonies,

there was little difference regarding specific type of offense. Further, while a sizable proportion of the old caseload was composed of A and B felonies, the proportion of each was less than 50% (for the old cases it was about 40%; for the pending cases overall it was 36%). Further, the proportion of cases which were murders, sex crimes, and robberies combined was also about half (approximately 58% for both the old and the pending cases). Thus, while the caseload of felonies over 11 months old in Manhattan Supreme Court is composed of serious crimes, these are not all or even mostly murders as is occasionally alleged.

When looking at other case descriptors, several trends emerge. First, the pending caseload overall was composed of slightly more young defendants than was the old caseload, although this difference did not change over time. The old cases had about 15% of the cases in which the defendant was less than nineteen years old; the overall pending caseload has 18%. Additionally, the old caseload had more cases which were ever out on a warrant or hold; this percentage also increased over time. For Time 1, 23% of the old cases had ever been out, as compared to 14% of the pending cases as a whole, while Time 3 the difference is even more dramatic, 33% as compared to 17%. Both the pending caseload and the old cases indicated an increase in the proportion ever out; however, the increase in the old cases was more dramatic.

Finally, when examining the type of attorney, the old cases had fewer Legal Aid attorneys, and had a concomitant larger proportion of private attorneys (the difference in 18B attorneys is

not that dramatic). Additionally, this difference increased over time. This shift may be linked to an increase in the proportion of murder cases; Legal Aid attorneys do not represent defendants in murder cases. But this shift did not appear linked to the number of cases with co-defendants, which were few and did not change over time. Thus, in terms of these case descriptors, there seemed to be some differences between the old cases and the pending caseload overall. However, the reasons for these differences appear unrelated to Speedy Disposition.

Special Narcotics Prosecutor. This jurisdiction is the only one out of those examined which revealed a difference between the old felony cases and the Supreme Court pending caseload overall on the dimension of case complexity: The old cases were somewhat more complex, and became more complex over time. Specifically, of the old cases approximately 22% had two or more indictments filed as compared to 11% for overall pending cases; they also have 9% of the cases where more than one docket was transferred (as compared with 5%), have 9% with two or more indictments pending, but show no differences in terms of the number of co-defendants (both the pending cases as well as the old cases have about 16% with two or more co-defendants). However, as was the case in Manhattan, the total proportion of cases which can be called "complex" using our limited criteria is still relatively low for both groups.

For this office, given our variables, we cannot differentiate degrees of seriousness. All of the cases are drug cases,

thus providing no differentiation on type of charge, and more than 90% of cases are A and B felonies. Thus, we did not examine this concept here.

Regarding the case descriptors, findings similar to Manhattan were discovered. The old cases had a smaller proportion of young defendants (4%) than did the pending cases overall (7%), with the proportions stable over time; there were more cases which were ever out on warrants or holds in the old caseload, with this percentage increasing over time (at T1, there were 28% of the old cases ever out, compared to 23% of the overall pending cases; at T3 the proportions were 49% to 32%). Further, there were fewer cases represented by Legal Aid and more represented by private attorneys (45% of the old cases had private attorneys as compared to approximately 35% for the pending cases, and approximately 20% had Legal Aid, as compared to 30% overall). Again, these characteristics appear unrelated to Speedy Disposition.

Bronx. In terms of case complexity, there were no meaningful differences between the old felony cases and the Supreme Court pending caseload overall. Further, there were no large changes over time in the characteristics of either group. Specifically, the proportion of old cases with two or more indictments filed was about 16%, there were about 22% where there was more than one docket transferred, there were two or more indictments pending in about 5% of the cases, and co-defendants in about 13%. For the overall pending cases, there were approximately 12% of the cases where two or more indictments were filed,

22% with more than one docket transferred, 5% with two or more indictments pending, and co-defendants in about 12%. Thus, in general, a majority of cases in both groups are not seen to be complex.

When case severity is examined, some differences between the old and the pending caseload overall became apparent. First, there was a greater proportion of A and B felonies on the old caseload, than the pending caseload overall, and this proportion increased over time. At Time 1, the proportion of A and B felonies was 59% for the old cases compared to 54% for the pending cases overall; at Time 3, the proportions were 71% to 59%.<sup>6</sup> Additionally, there was a larger proportion of the old crimes which were murder and sex crimes, with an increase in the proportion of these crimes over time (at Time 1 the proportions were 24% for the old cases compared to 19% for the pending caseload overall; at Time 3 the proportions were 35% to 22%). There was also a parallel smaller proportion of the other crime types in the older caseload, and a larger proportion in the overall pending caseload. Here, the only change over time was a difference in the proportion of burglary crimes in the old caseload as compared to the overall pending caseload (which increased over time). Thus, there was a difference in the proportion of old cases which were severe, as compared with the overall pending caseload. Further, in the old cases the percentage of A and B felonies was approximately 65% over the three time periods (for the overall

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<sup>6</sup> We know that this increase was primarily due to an increase in the number of murder cases at Time 3.

caseload it was 55%); the proportion which were murders and sex crimes was about 30%. Thus, in terms of felony class, both the pending caseload, and even more dramatically the old cases, appear to be weighted toward more serious felonies. However, in that there was an increase over time for both the overall pending caseload, as well as for the old cases, we do not feel that this distribution is Speedy Disposition related.

Finally, concerning the case descriptors, we saw the same pattern as was apparent in the preceding two jurisdictions, primarily, that the old cases had fewer younger defendants, more cases that were out on either warrants or holds, and a greater proportion of cases handled by private and 18B attorneys. However, there was no meaningful change in any of these factors, either for the old cases or the pending caseload overall, over the three time periods. Specifically, in 10% (old) as compared to 15% (overall) of the cases, the defendant was under nineteen; in approximately 15% of the cases (old) as compared with 11% (pending) were cases ever out on either a warrant or hold. Further, approximately two-thirds of both groups had cases represented by either private or 18B attorneys. Once again, while these characteristics are interesting, they were unrelated to the Speedy Disposition initiatives.

Brooklyn. Here, this jurisdiction showed a similar set of findings as did the Bronx. There was no difference between the two groups in terms of case complexity. Under 10% of both groups had two or more indictments filed; less than 2% had more than one

docket transferred and only 2% had two or more indictments pending; less than 15% had co-defendants. Thus, neither the old felony cases or the overall Supreme Court pending cases appear complex, nor does this appear to be changing over time.

In terms of case seriousness, there was a somewhat larger proportion of old cases that are A and B felonies, although this difference did not appear to be changing (for the old cases the proportion of A and B felonies is approximately 64%; for the pending caseload overall, it is 56%). Further, there was a larger proportion of the old cases that were either murders or sex crimes (26% for the old cases and 15% for the overall pending caseload), with the proportions of each crime type fairly stable over time for both caseloads. Thus, the two different types of caseloads have a fairly high proportion of serious felonies (A and B), but a low percentage of murders and sex-related crimes.

The case descriptors indicate the same findings as in the preceding jurisdictions. The old cases have fewer younger defendants, more cases out on warrants or holds, and more cases represented by private and 18B attorneys. In detail, about 10% of the old cases had cases with defendants under nineteen as compared with 18% of the overall pending caseload; there were approximately 18% of the old cases that were ever out on warrants or holds versus 14% of the pending caseload, and about 70% of both the old cases and the overall pending caseload were represented by either private or 18B attorneys. The same descriptions, then, of the pending and old cases seen previously pertain here also.

Queens. For this jurisdiction, we see a similar pattern as elsewhere. There was little difference between the old and the pending cases in terms of complexity; further, neither group was particularly complex. There was only about 15% of the old cases, and 10% of the pending cases overall that had two or more indictments pending; about 10% of the old cases and 8% of the pending cases had more than one docket transferred. Less than 10% of both groups had two or more indictments pending, and approximately 15% of both had two or more co-defendants. Thus, neither group had a majority of complex cases.

In terms of case severity, the difference between the old and the overall pending cases was not as dramatic as has been the case elsewhere. Looking at A and B felonies, the difference between the old and the pending cases was less than 8%; for the old cases, there was approximately 45% A and B felonies, while this was 38% for the overall pending caseload. It should also be noted that this proportion was not as high for either the old or the pending caseload as had been found in the other jurisdictions. Additionally, there were fewer murders and sex crimes than elsewhere, and a less than dramatic difference between the two groups. For the old cases, the proportion was 17%, while for the pending cases it was 11%, neither of which was great. There was, for this jurisdiction, a greater proportion of burglaries, and drug crimes, than was the case in the other jurisdictions. For both the old as well as the pending caseload, the percentage of burglaries was close to 12% (in the other jurisdictions it was about 6%), and drugs was approximately 16%. However, there were



no changes in these distributions over time, and thus there was no relationship, we feel, to Speedy Disposition.

The same pattern as was found elsewhere regarding the case descriptors also was found here. The old caseload had fewer young defendants (13% as compared to 20%), and more cases that had been out on warrants or holds (16% versus 12%), with that difference decreasing over time. Further, there was little difference regarding attorney types, with a majority of both groups being represented by either private or 18B attorneys (close to 80%). In that there were no changes in these proportions over time, the distributions appear unrelated to Speedy Disposition.

### Conclusions

To sum up, there did not appear to be meaningful differences between the old and the overall pending caseload regarding case complexity, nor were either of the two caseloads particularly weighted towards complex cases. However, there were some differences in terms of case seriousness, with the old group being more likely to have a higher proportion of A and B felonies. However, this probability varied with the overall proportion of A and B felonies in the pending caseload, and typically was not over 10% higher than that generally found. The same held true for the proportion of cases which were murder and sex crimes. Thus, while the older cases were somewhat more likely to have more serious cases, the difference was not dramatic and usually reflected the proportions of cases found in the overall caseload. Finally, while there was a similar pattern regarding the case

descriptors found in every jurisdiction, this seems unrelated to Speedy Disposition. Thus, there was nothing in the pending case description which would have a bearing on the initiatives put into place by the prosecutors; the old cases were not drastically different than the general "run-of-the-mill" case, nor were there increases in either the complexity or the seriousness of old or pending cases over time. It can be seen, then, that the prosecutors' programs were developed for a set of cases not dramatically different than cases generally, and for a relatively stable type of case. Speedy Disposition programs could thus be constructed in a relatively stable environment, for a relatively typical set of cases.

TABLE IV-1

Selected Characteristics of the Supreme Court Pending Caseload and of  
the Caseload 11 Months or Older by Jurisdiction for Baseline Period  
10/30/83

| Case Characteristics           | Jurisdiction<br>(Sample N) |                    |                 |                    |                 |                    |                 |                    |                 |                    |                 |                    |
|--------------------------------|----------------------------|--------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|
|                                | Manhattan                  |                    | SNP             |                    | Bronx           |                    | Brooklyn        |                    | Queens          |                    |                 |                    |
|                                | Old Cases (789)            | All Pending (4247) | Old Cases (278) | All Pending (1135) | Old Cases (749) | All Pending (3197) | Old Cases (864) | All Pending (3964) | Old Cases (548) | All Pending (3046) | Old Cases (548) | All Pending (3046) |
| A. % <u>&gt;</u> 11 Months     | 100%                       | 19%                | 100%            | 25%                | 100%            | 23%                | 100%            | 22%                | 100%            | 8%                 | 100%            | 8%                 |
| B. <u>Complexity:</u>          |                            |                    |                 |                    |                 |                    |                 |                    |                 |                    |                 |                    |
| % 2+ Indictments               | 10                         | 7                  | 19              | 15                 | 16              | 13                 | 12              | 8                  | 15              | 10                 | 14              | 10                 |
| % 2+ Docket Transferred        | 2                          | 2                  | 9               | 7                  | 19              | 20                 | 2               | 2                  | 8               | 7                  | 30              | 30                 |
| % 2+ Indictments Pending       | 3                          | 2                  | 9               | 7                  | 5               | 5                  | 3               | 3                  | 6               | 5                  | 13              | 8                  |
| % 2+ Co-defendant              | 21                         | 16                 | 20              | 16                 | 18              | 14                 | 17              | 14                 | 17              | 13                 | 27              | 28                 |
| C. <u>Seriousness:</u>         |                            |                    |                 |                    |                 |                    |                 |                    |                 |                    |                 |                    |
| % A Felonies                   | 10                         | 9                  | 39              | 30                 | 18              | 13                 | 21              | 15                 | 14              | 10                 | 21              | 15                 |
| % B Felonies                   | 28                         | 28                 | 54              | 64                 | 42              | 42                 | 41              | 42                 | 30              | 30                 | 41              | 42                 |
| % Murder                       | 11                         | 10                 | 0               | 0                  | 17              | 12                 | 22              | 15                 | 13              | 8                  | 22              | 15                 |
| % Sex Offense                  | 3                          | 2                  | 0               | 0                  | 7               | 7                  | 5               | 3                  | 4               | 4                  | 5               | 4                  |
| % Robbery                      | 37                         | 41                 | 0               | 0                  | 33              | 36                 | 28              | 32                 | 27              | 28                 | 28              | 27                 |
| D. <u>Descriptors:</u>         |                            |                    |                 |                    |                 |                    |                 |                    |                 |                    |                 |                    |
| % < 19 Years Old               | 15                         | 19                 | 4               | 5                  | 10              | 17                 | 12              | 20                 | 12              | 22                 | 12              | 22                 |
| % Ever Out-on-Warrant/<br>Held | 23                         | 14                 | 28              | 23                 | 14              | 9                  | 20              | 14                 | 20              | 12                 | 20              | 12                 |
| % Legal Aid                    | 30                         | 38                 | 19              | 25                 | 29              | 37                 | 23              | 35                 | 16              | 29                 | 16              | 29                 |
| % 18B and Private              | 70                         | 62                 | 81              | 75                 | 71              | 63                 | 77              | 65                 | 84              | 71                 | 77              | 84                 |

TABLE IV-2

Selected Characteristics of the Supreme Court Pending Caseload and of the Caseload 11 Months or Older by Jurisdiction for Interim Period 6/30/84

| Case Characteristics           | Jurisdiction (Sample N) |                    |      |                 |                    |      |                 |                    |      |                 |                    |      |                 |                    |      |
|--------------------------------|-------------------------|--------------------|------|-----------------|--------------------|------|-----------------|--------------------|------|-----------------|--------------------|------|-----------------|--------------------|------|
|                                | Manhattan               |                    |      | SNP             |                    |      | Bronx           |                    |      | Brooklyn        |                    |      | Queens          |                    |      |
|                                | Old Cases (545)         | All Pending (3765) | 100% | Old Cases (160) | All Pending (1188) | 100% | Old Cases (543) | All Pending (2567) | 100% | Old Cases (649) | All Pending (4522) | 100% | Old Cases (504) | All Pending (3444) | 100% |
| A. % $\geq$ 11 Months          | 100%                    | 15%                | 100% | 100%            | 14%                | 100% | 21%             | 100%               | 14%  | 14%             | 100%               | 15%  | 15%             | 15%                | 15%  |
| B. Complexity:                 |                         |                    |      |                 |                    |      |                 |                    |      |                 |                    |      |                 |                    |      |
| % 2+ Indictments               | 11                      | 6                  | 24   | 14              | 14                 | 16   | 12              | 11                 | 7    | 15              | 10                 | 15   | 10              | 10                 | 10   |
| % 2+ Docket Transferred        | 3                       | 1                  | 11   | 5               | 24                 | 24   | 24              | 2                  | 2    | 12              | 2                  | 12   | 2               | 9                  | 9    |
| % 2+ Indictments Pending       | 3                       | 3                  | 9    | 7               | 5                  | 5    | 5               | 2                  | 3    | 2               | 3                  | 8    | 6               | 6                  | 6    |
| % 2+ Co-defendant              | 15                      | 12                 | 13   | 18              | 10                 | 10   | 10              | 13                 | 14   | 17              | 14                 | 17   | 15              | 15                 | 15   |
| C. Seriousness:                |                         |                    |      |                 |                    |      |                 |                    |      |                 |                    |      |                 |                    |      |
| % A Felonies                   | 14                      | 8                  | 32   | 25              | 14                 | 15   | 14              | 25                 | 12   | 16              | 8                  | 16   | 8               | 8                  | 8    |
| % B Felonies                   | 31                      | 29                 | 61   | 68              | 43                 | 51   | 43              | 42                 | 44   | 26              | 27                 | 26   | 27              | 27                 | 27   |
| % Murder                       | 15                      | 9                  | 0    | 0               | 14                 | 16   | 14              | 25                 | 12   | 13              | 6                  | 13   | 6               | 6                  | 6    |
| % Sex Offense                  | 3                       | 2                  | 0    | 0               | 7                  | 12   | 7               | 3                  | 2    | 5               | 3                  | 5    | 3               | 3                  | 3    |
| % Robbery                      | 38                      | 41                 | 0    | 0               | 37                 | 35   | 37              | 28                 | 36   | 22              | 27                 | 22   | 27              | 27                 | 27   |
| D. Descriptors:                |                         |                    |      |                 |                    |      |                 |                    |      |                 |                    |      |                 |                    |      |
| % < 19 Years Old               | 16                      | 17                 | 3    | 5               | 18                 | 10   | 18              | 10                 | 19   | 16              | 21                 | 16   | 21              | 21                 | 21   |
| % Ever Out-on-Warrant/<br>Held | 30                      | 16                 | 41   | 28              | 12                 | 14   | 12              | 21                 | 16   | 21              | 13                 | 21   | 13              | 13                 | 13   |
| % Legal Aid                    | 31                      | 43                 | 20   | 28              | 41                 | 30   | 41              | 26                 | 40   | 14              | 29                 | 14   | 29              | 29                 | 29   |
| % 18B and Private              | 69                      | 57                 | 80   | 72              | 59                 | 70   | 59              | 74                 | 60   | 86              | 71                 | 86   | 71              | 71                 | 71   |

TABLE IV-3

Selected Characteristics of the Supreme Court Pending Caseload and of the Caseload 11 Months or Older by Jurisdiction for First Year Outcome 10/30/84

| Case Characteristics           | Jurisdiction (Sample N) |                    |                 |                    |                 |                    |                 |                    |                 |                    |      |     |
|--------------------------------|-------------------------|--------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|------|-----|
|                                | Manhattan               |                    | SNP             |                    | Bronx           |                    | Brooklyn        |                    | Queens          |                    |      |     |
|                                | Old Cases (554)         | All Pending (3896) | Old Cases (143) | All Pending (1134) | Old Cases (315) | All Pending (2712) | Old Cases (811) | All Pending (4370) | Old Cases (520) | All Pending (3601) |      |     |
| A. % > 11 Months               | 100%                    | 14%                | 100%            | 12%                | 100%            | 14%                | 100%            | 19%                | 100%            | 14%                | 100% | 14% |
| B. Complexity:                 |                         |                    |                 |                    |                 |                    |                 |                    |                 |                    |      |     |
| % 2+ Indictments               | 11                      | 5                  | 22              | 14                 | 16              | 12                 | 10              | 6                  | 15              | 9                  |      |     |
| % 2+ Docket Transferred        | 4                       | 1                  | 10              | 6                  | 24              | 24                 | 2               | 2                  | 11              | 9                  |      |     |
| % 2+ Indictments Pending       | 3                       | 2                  | 12              | 7                  | 5               | 5                  | 2               | 3                  | 8               | 5                  |      |     |
| % 2+ Co-defendant              | 13                      | 13                 | 15              | 18                 | 10              | 10                 | 13              | 13                 | 16              | 14                 |      |     |
| C. Seriousness:                |                         |                    |                 |                    |                 |                    |                 |                    |                 |                    |      |     |
| % A Felonies                   | 14                      | 9                  | 39              | 23                 | 28              | 16                 | 23              | 12                 | 14              | 8                  |      |     |
| % B Felonies                   | 29                      | 26                 | 50              | 62                 | 42              | 43                 | 40              | 44                 | 30              | 27                 |      |     |
| % Murder                       | 15                      | 10                 | 0               | 0                  | 27              | 15                 | 24              | 12                 | 11              | 6                  |      |     |
| % Sex Offense                  | 3                       | 2                  | 0               | 0                  | 9               | 7                  | 3               | 2                  | 6               | 3                  |      |     |
| % Robbery                      | 38                      | 40                 | 0               | 0                  | 30              | 33                 | 30              | 33                 | 21              | 24                 |      |     |
| D. Descriptors:                |                         |                    |                 |                    |                 |                    |                 |                    |                 |                    |      |     |
| % < 19 Years Old               | 14                      | 18                 | 2               | 5                  | 7               | 15                 | 11              | 16                 | 13              | 19                 |      |     |
| % Ever Out-on-Warrant/<br>Held | 33                      | 17                 | 49              | 32                 | 19              | 11                 | 25              | 17                 | 13              | 14                 |      |     |
| % Legal Aid                    | 34                      | 44                 | 19              | 30                 | 34              | 42                 | 28              | 39                 | 20              | 33                 |      |     |
| % 18B and Private              | 66                      | 56                 | 81              | 70                 | 66              | 58                 | 72              | 61                 | 80              | 66                 |      |     |



## CHAPTER IV

### COMPOSITION OF THE DETAINEE POPULATION DURING 1984

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#### I. INTRODUCTION AND METHODOLOGY

Based on information provided by the New York City Department of Correction, researchers were able to construct a profile of defendants detained from each jurisdiction in the City's jails at specific points during the first year of the SDP and to examine changes in that profile over the year. This information enabled researchers to assess whether there were changes in the composition of the detainee caseload that could help to explain increases or decreases in the 1984 performance measures. The following section provides information on the sample and methodology, and discusses the limitations of the data.

##### A. DESCRIPTION OF THE SAMPLE

The sample consisted of all detainees (those pending final disposition or sentence) confined in the City's detention facilities on six different dates (herein referred to as sample dates). The first two sample dates, October 30, 1983 and December 4, 1983 (baseline samples), reflect the composition of the detainee population just before the SDP program began and provide baseline data for the analysis. The 1984 dates, June 24, September 23 (interim samples),

October 28 and December 2 (first year outcome samples), provide information on the population during and at the end of the first year. Information on detainee cases was derived from a series of tapes created from DOC's Inmate Information System (IIS). These tapes were the same ones used to calculate the performance measures for the detainee samples during the first year of the SDP.<sup>1</sup> The IIS data included the date of the most recent admission to a DOC facility, various defendant identifiers, detainee status, and information on up to six dockets or indictments (charge, bail amount, conviction date if any, sentence date if any, discharge code if any). This information was transferred from the DOC tapes to CJA's computer system and subsequently to an SPSS system file to permit analysis of variables across sample dates. A preliminary examination of the combined DOC samples files revealed that 28 percent of the detainees (n= 12,544) in the total sample had more than one docket or indictment listed on the IIS record. Since cases had to be assigned to appropriate jurisdictions (i.e., prosecutors' offices), a decision rule was established to handle the assignment of detainees with multiple cases. For purposes of consistency, the method used was the same one

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<sup>1</sup>The total number of cases for individual boroughs differ slightly from the detainee performance data provided in the main body of the report. The differences result from the different programming that was needed to assign cases to the appropriate jurisdictions once data from the original tapes were combined into one file and transferred to an SPSS system file.



devised to compute the performance measures. That is, when the DOC record indicated that a detainee had more than one case pending in the same borough, the case with the most severe charge was selected for analysis. When the record indicated that a detainee had cases pending in more than one borough, cases were assigned once to each of those boroughs (the most severe charge rule was applied when there were two cases in the same borough). Cases were assigned to the Office of Special Narcotics Prosecutor when they had a felony drug charge from Article 220 of the Penal Law and a New York County docket. If the record indicated a detainee had a Manhattan felony drug charge and a non-drug charge in another borough, both cases were included in the analysis.

This procedure produced a total sample (six sample dates combined) consisting of 44,552 cases with totals for each prosecutor's office as follows: Manhattan (15,417), Brooklyn (11,909), Bronx (8,478), Queens (6,563), Staten Island (495) and the Office of the Special Narcotics Prosecutor (1,690).

#### B. METHOD OF ANALYSIS

Researchers were interested in exploring whether there were any relevant changes across sample dates with respect to charges (type and severity) and bail amounts for the young (non-SDP target cases) and old (SDP target cases) detainee cases. To facilitate analysis, cases were divided into two age categories, those six months and over (old cases) and those under (young cases).<sup>2</sup> Also, data from the

two baseline sample dates were combined and averaged as were the data for the two outcome dates. Data from the June 23 sample date was used as a midyear sample.<sup>3</sup> Comparisons were then made between the baseline and interim sample dates (T1 vs. T2), the interim and first year outcome dates (T2 vs. T3) and the baseline and first year outcome dates (T1 vs. T3). Because the size of the samples varied across the three dates, researchers examined the percentage differences in the various charge and bail categories to determine if there were any changes or shifts in the distribution across sample dates.

#### C. DATA ELEMENTS

DOC's IIS system provides one charge for each docket/indictment per detainee record. Generally, if the case involves a misdemeanor or violation, the charge listed in the database is the affidavit/arraignment charge. If the case involves a felony, and a Supreme Court indictment has been filed, the charge listed is the indictment charge. However, the IIS system is designed to allow charge and bail

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<sup>2</sup>The SDP detainee performance measures officially targeted cases that were six months and over, however for ease of expression these cases are referred to as the over six month cases throughout the text.

<sup>3</sup>Data from the September 23 interim sample date was not included since this date was close to the October 28 date.

information to be updated at each court appearance. Consequently, when a charge is amended or bail status changes, the existing data are "written over." Thus, the charge and bail information used in the analysis reflect the status of the detainee population as updated through the sample date, which may be different than at the time of admission to detention.

For purposes of analysis charges listed in DOC's database by Penal Law statute number were classified according to the FBI's Uniform Crime Reports (UCR) offense categories,<sup>4</sup> and by severity; cases were classified as felonies, with the appropriate severity level designated (A, B, etc.) or non-felonies (included A and B level misdemeanors, violations and non-penal law offenses). Bail amounts were divided into four categories: low bail (\$500 or less), medium bail (\$501-2500), high bail (\$2501 or more) and remand. For detainees with multiple cases, bail amounts were

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<sup>4</sup>The UCR categories were constructed as follows: murder (includes manslaughter), robbery, felonious assault, burglary, dangerous drugs, dangerous weapons, "other felonies" (includes grand larceny, rape as well as all other felony offenses in the New York State Penal Law) and non-felonies (includes misdemeanors, violations and non-penal law offenses).

added and listed as the amount on the case with the most severe charge.<sup>5</sup> When a detainee had two or more cases in the same borough and one of them indicated a remand, the bail status was listed as a remand (if the most severe charge had a bail amount it was replaced with the remand designation).

For further analysis, a distinction was made between cases awaiting conviction and cases awaiting sentence. Once identified, the mean and median times from date of conviction to sample date were calculated so that comparisons could be made across samples. The numbers of convicted defendants in detention over six months as well as the mean and median times provided researchers with a rough estimate of whether detainee case delay was at least partially attributed to delays in sentencing.

#### D. LIMITATIONS OF THE STUDY

It is important to note when reviewing the findings that the sampling method used to obtain the detainee samples

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<sup>5</sup>This procedure was necessary since it is the total amount which must be submitted to the court before a defendant can be released from pre-trial detention. Also, a preliminary examination of detainee records with multiple cases indicated that the case with the most severe charge (i.e., the one selected for analysis) did not always have the highest bail amount.

did not enable researchers to track the progress of cases identified in the baseline sample (i.e., it was not a cohort sample). Instead, the methods sampled the detainee population at different points in time, known as trend sampling since each subsequent sample contains some of the cases included in the previous sample as well as new cases. In terms of the SDP, this sampling technique made it impossible to know what percentage of the cases for the interim and outcome samples were baseline cases (still not disposed six months or one year after SDP was implemented) and what percentage were new cases that had aged into the over six month category. Consequently, if the results of this analysis indicated that a particular District Attorney's Office had a substantial increase in old cases with serious felony charges, it was still possible that prosecutors' had been successful in reducing the pre-existing serious felony cases, but in doing so had allowed new cases to age into the over six-month category.

The second limitation stems from a more technical problem. Data from the IIS tapes were initially transferred to disk in CJA's computer system and a file was set-up to enable processing of the detainee performance measures. The CJA tape was then converted to an SPSS system file and cases once again had to be assigned to the appropriate jurisdictions. Because of the way the SPSS file was constructed (each docket/indictment was not a separate record), the assignment procedure made it difficult to know the percentage of detainees in each jurisdiction that had cases

pending in more than one borough. It is important to consider that within legal circles it is generally acknowledged that case processing time slows considerably whenever defendants have cases pending in other boroughs. Consequently, if a particular District Attorney's Office had a high percentage of detainees with cases pending in other boroughs for the baseline sample, it may have affected the performance measures for the subsequent samples.

## SUMMARY OF FINDINGS

The analysis of the detainee cases addressed two questions. First, did the old cases at each of the sample dates differ from the young with respect to charge type, severity and bail amount. And second, did the distribution of charges and bail amounts change for either young or old cases across samples. The analysis of bail amounts for the young cases was particularly important since there was some concern that prosecutors would recommend high bail once SDP was implemented on the theory that defendants who are detained pre-trial are likely to plead guilty earlier than those non-detained. Also of interest was the question of whether jurisdictions that had increases or decreases in the performance measures during the first year of SDP also experienced noticeable shifts in the distribution of charges. In comparing charge and bail information across samples, we looked for trends rather than for sharp changes in the distribution. What follows is a brief summary of the findings for each jurisdiction; a more detailed analysis follows the summary.

### A. MANHATTAN

The composition of Manhattan's detainee caseload with respect to charges (type and severity) and bail amounts remained remarkably stable for both young and old cases across samples. With respect to charge severity, the data showed

that the old cases had a substantially higher percentage of A and B felony charges and a relatively low percentage with E felony and non-felony charges. With respect to charge type, the data showed the old cases had a higher percentage of violent felony offenses, most notably murder/manslaughter. In contrast, the percentage of non-violent felonies and cases with a non-felony charge was higher for the younger cases. With regard to bail amounts, a substantially higher percentage of the old cases had high bail or were remanded to custody.

Examination of the over six month cases for the interim and outcome samples revealed that among charge types there was a decrease in robberies; however the decrease was small and thus not indicative of a trend. It is important to note that the reduction in Manhattan's old cases (i.e., SDP target cases) was not accompanied by any shift in the distribution of charges or bail amounts. There was also no evidence of any upward trend in the medium or high bail categories for the young cases, in fact these categories had small decreases after the SDP began.

#### B. BROOKLYN

Like Manhattan, the composition of Brooklyn's detainee caseload changed minimally across samples. With respect to charge severity, the data showed the old cases had a substantially higher percentage of A felonies and a relatively



outcome samples. Thus, the decrease in total cases at the end of the first year of the program was accompanied by a decrease in A felonies and an increase in D felonies. In terms of the SDP program, the data suggest that over the year the Special Narcotics Prosecutor was most successful in disposing of its most serious old cases.

Regarding bail amounts, a greater percentage of the old cases had high bail. However, unlike the other boroughs, the percentage remanded was higher for the young cases. A relatively small percentage of both the young and old cases had low or medium bail, this reflected the low percentage of cases with C, D and E felony drug charges. In examining changes across samples for the old cases there was a small downward trend in the medium and high bail categories and an upward trend in the remand category (these changes should be interpreted cautiously since the absolute numbers for each category were small). Among the young cases, there was no indication of a shift toward higher bail amounts across samples.

small percentage of lower level felony and non-felony charges. However, there was evidence of a decrease (7.3 percentage points) in the percentage of A felonies among old cases between the baseline and outcome samples. With respect to charge types, the data showed the old cases were heavily weighted toward violent felony offenses, most notably murder and robbery, and had comparatively few non-violent felony and non-felony charges. Among charge types there was a small decrease (7.5 percentage points) in old cases with a murder charge between the baseline and outcome sample dates. Percentages in the other categories remained fairly constant across samples. Regarding bail amounts, a substantially larger percentage of the old cases had high bail or were remanded, this reflected the high percentage of A and B felony charges. Although there were fluctuations in the bail categories, most notably in the high bail category there was no evidence of any trend. Most importantly, the data show that Brooklyn's increase in old cases during the first year of the SDP was accompanied by a decrease in A felony (murder) cases. As was the case with Manhattan, there was no evidence of any upward trend in the medium or high bail categories across samples.

### C. BRONX

Like Manhattan and Brooklyn, the composition of Bronx detainee cases changed minimally during the first year of the SDP, although the performance measures showed a substantial drop in the number of old (SDP target) cases. With

respect to charge, the data showed the old cases had more severe charges (majority were A and B felonies), and a substantially higher percentage of violent felony offenses. There was evidence of a small shift in A and B felonies between the baseline and outcome samples; A felonies decreased by five percentage points and B felonies increased by the same amount. Among charge types there was a slight increase in murders, the offense category with second highest percentage of cases, while for robberies, the category with the highest percentage, there was a slight decrease. With respect to bail amounts, a substantially higher percentage of the old cases had high bail or were remanded to custody while an extremely small percentage had low bail. Aside from a small decrease in the medium bail category for the outcome sample, bail amounts for old cases remained fairly constant across samples. Among the young cases, the increase in total cases across samples was accompanied by a slight downward trend in low bail and a slight upward trend in the remand category (however, the percentage differences between samples were small).

#### D. QUEENS

The composition of the Queens detainee caseload showed slight changes across samples for the under six month cases and more substantial changes among the over six month cases. With respect to charge, the old case had more severe charges (A and B felonies) and a higher percentage of violent felony offenses, most notably in the murder category. The data showed that the slight decrease in total cases at the end of

the first year of SDP (decrease of only 3 cases) was accompanied by a substantial decrease in A felonies and an increase in B felonies (the two categories with the highest percentages). Examination of these two categories across samples showed a definite downward trend in A felonies and a clear upward trend in B felonies. Although there were fluctuations in the percentages across samples for the other severity categories, there was no evidence of trend. Examination of charge types among old cases showed that the decrease in total cases for the outcome sample was accompanied by a slight decrease in murders and a slight increase in felonious assault. Changes in the other categories appeared to be random. Regarding bail amounts, as in the other boroughs a substantially higher percentage of the Queens old detainee had high bail or were remanded to custody, while an extremely small percentage had low bail. Examination of bail categories across samples shows a downward trend in high bail and an upward trend in remands. Despite the increase in the total number of young cases midway and at the end of first year of the program, there was no evidence of any shift toward higher bail amounts.

#### E. STATEN ISLAND

In examining the composition of Staten Island's detainee caseload, it is important to note the relatively small sample size. Because of the small numbers in the various charge and bail categories, comparisons across

samples do not yield meaningful results. Nonetheless, some general observations can be made regarding the composition of young and old cases.

Like other jurisdictions, the old cases were weighted toward more serious charges and had a higher percentage of violent felony offenses. In contrast, the young cases had a higher percentage of low level and non-felony charges. Regarding bail amounts, the old cases had a higher percentage of cases in the remand and high bail categories and a small percentage in the low bail category. Although the absolute numbers are small, there is evidence of a slight upward trend among young cases in the medium bail category and a downward trend in high bail. Again, although the numbers are small there was no evidence of a trend across samples in any of the charge type or severity categories for the old cases. Thus, the increase in the total number of cases at the interim and outcome sample dates was not accompanied by any real shift in charge distribution.

#### F. SPECIAL NARCOTICS PROSECUTOR

The composition of the detainee caseload for the Special Narcotics Prosecutor changed slightly for both young and old cases across samples. With respect to charge severity, the old cases had a higher percentage of A felonies than the young, but a smaller percentage of B felonies. Examination of the severity categories across samples showed a downward trend in A felonies and a substantial increase in D felonies between the interim and

### III. Manhattan

#### A. CHARGE SEVERITY

Table 1.1 presents the distribution of Manhattan detainee cases by charge severity and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

##### 1. Overall Comparison of Young and Old Cases

A comparison of the young (under six months) and old (over six months) cases for each of the samples (T1, T2 and T3) reveals a distinct difference in charge severity. For each of the samples the percentage of cases with serious felony charges (A and B) is substantially higher for the old cases. Whereas A and B felony charges comprise about 60 percent of the old cases, they make up only 30 percent of the young. The percentage of young cases with A felony charges is relatively small compared to the old (about 6% vs. 20%). The percentage of C and D felonies also is higher among the older cases, although the differences are smaller than the differences for serious felonies. In contrast, the young cases have a higher percentage of E felonies and non-felony charges (about 30% of the old vs. 10% of the young).

To summarize, comparison of the young and old cases across samples shows the older cases had a substantially higher percentage of A and B felonies (30% more) and a comparatively low percentage with E felony and non-felony charges.

## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the baseline and interim samples (T1 to T2) shows only small changes in charge distribution six months after SDP was implemented. The percentage of B felonies decreases to 24.8 percent from 26.0, while non-felonies increase to 23.4 from 18.6 percent. Changes in the other severity categories are extremely small (less than 1.5 percentage points for each category). Six months later, the case composition looks much the same as did for the interim sample. There is a slight reduction in non-felonies to 20.9 percent from 23.4, but little difference in the other categories (less than 1.5 percentage points for each category).

Although the performance measures showed the total number of cases under six months had increased at the end of the first year of the SDP there was no evidence of a trend in any of the charge categories, nor was there evidence that the implementation of the program was associated with a change in the charge profile of these cases.

b. Over Six Month Cases. A comparison of the baseline and interim samples (T1 to T2) reveals a small decrease in cases with a non-felony charge to 3.2 percent from 5.6, but little change among the other severity categories (less than 2 percentage points for each category). The interim to first year outcome comparison (T2 to T3)

shows a small decrease in B felonies to 35.9 percent from 39.1, and a small increase in non-felony charges to 5.9 percent from 3.2 (off-setting the decrease in non-felonies at T2). As was the case with the under six month cases, the distribution across samples revealed no evidence of a trend in any of the charge categories. Thus, the reduction in manhattan's total number of old cases during the first year of SDP (T1 to T3) was not accompanied by any shift in charge severity.

#### B. CHARGE TYPE

Table 1.2 presents the distribution of Manhattan's detainee cases by charge type and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

##### 1. Overall Comparison of Young and Old

A comparison of the distribution of charge types for each of the samples reveals distinct differences between young and old cases. Most notably, there is a substantially higher percentage of cases with a violent felony offense (murder/manslaughter, robbery and felonious assault). Whereas these comprise about 70 percent of the old cases, they make up under 50 percent of the young. The biggest difference among the violent offenses is in the percentage of cases with a murder charge. These comprise about 20 percent of the old cases compared to only five percent of the



young. The percentage difference for robbery, the most frequent charge type in both case age categories across samples, is comparatively smaller (a difference of less than 10 percentage points for each sample). Among the non-violent offense categories, the percentages of burglary (about 10%), weapons (about 6%) and drug offenses (about 5.5%) are higher for the under six month cases.\* The young cases also have a higher percentage of non-felony charges. Approximately 20 percent have a non-felony charge compared to five percent of the old cases (slightly lower at T2).

To summarize, the comparison showed the older cases had a substantially higher percentage of violent felony crimes, most notably in the murder/manslaughter category followed by robbery and assault. In contrast, the percentage of non-violent felonies and cases with a non-felony charge was higher for the younger cases. This pattern was evident across samples.

## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the baseline and interim samples shows that among violent felony offenses the percentage of cases with a felony assault charge doubles, to 13.7 percent from 6.8. There is also a

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\*As explained in the methodology, Manhattan's felony drug cases are handled by the Special Narcotics Prosecutor. The drug cases listed in the table are misdemeanors. This accounts for the small number among the over six month cases.

small decrease in robberies (a difference of 4.2 percentage points) while the percentage of murders is about the same. The changes for burglary, drug and weapons charges are minimal while there is a small increase in non-felony charges (4.8 percentage points). The percentage of "other felonies" decreases by almost half, to 7.0 percent from 13.4. Thus, six months after SDP began Manhattan's young detainee caseload was comprised of more felony assaults and non-felonies and fewer "other felonies." Interestingly, six months later the comparison of the interim and first year outcome samples shows decreases in the assault and non-felony categories and an increase in the "other felonies" categories. For the assault and "other felonies" categories, the changes off-set those that occurred over the first six months of SDP, resulting in percentages that are nearly the same as the baseline. Also, non-felony charges decrease to 20.9 percent from 23.4 (about half the increase for the interim sample).

In examining the distribution of charge types across samples, there was no evidence of a trend. Although there were some changes six months into the program, these were reversed by the end of the first year, resulting in a distribution for the outcome sample that closely mirrors the baseline.

b. Over Six Month Cases. A comparison of the baseline and interim samples shows only small changes among charge types. There is a slight increase in assaults (a difference of only 2.7 percentage points) and a corresponding decrease in non-felony charges (a difference of 2.4 percentage points). The percentage of charges in each of the other categories closely parallels that of the baseline. The interim to first year outcome comparison reveals little change in distribution; there is a slight decrease in robberies (a difference of 2.5 percentage points) and a slight increase in non-felonies (a difference of 2.7 percentage points). The increase in non-felonies however off-sets the drop six months earlier, while the decrease in robberies represents a further drop from the interim sample.

In examining the distribution of charge types across samples, the data showed a slight downward trend in robberies. Whereas 40.2 percent of the cases for the baseline sample had this charge, one year after the SDP program was implemented the percentage had dropped to 36.6. Thus, the data suggest that the Manhattan District Attorney's Office was most successful in reducing robberies, most of which were B felonies. The small fluctuations among the other charge categories suggest that the increases and decreases were probably random occurrences.

### C. BAIL AMOUNT

Table 1.3 presents the distribution of Manhattan detainee cases by bail amount and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

#### 1. Overall Comparison of Young and Old Cases

A comparison of the young and old cases for each of the samples reveals a substantially higher percentage of the under six month cases in the low (\$500 or less) and medium (\$501-2500) bail amount categories. Whereas 36 percent of the under six month cases have either a low or medium bail, only 11 percent of the older cases have these amounts. The older cases have a significantly greater percentage of re-mands, approximately 55 percent as compared to 30 percent. The percentage of those in the high bail category (\$2501 or more) is the same (about 33 percent) for both case age categories across samples. However, if the percentage is based only on those for whom bail was set, the percentage is higher among old cases (about 1.5 times higher for each sample).

#### 1. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of bail amounts for the baseline and interim samples reveals a small increase in the low bail category to 12.9 percent from 8.6;

this may reflect higher percentages of assaults and misdemeanors at T2 (see Table 1.2). Percentages in the other bail categories vary only slightly from the baseline. Six months later, the distribution of bail amounts shows little change from the interim sample.

In examining bail amounts across samples the data show a small increase in the percentage of young cases with low bail. Whereas 8.7 percent of the baseline cases had this amount, 12.9 percent of the cases at the interim and outcome sample dates had low bail. This increase is consisted with the higher percentages of non-felonies at T2 and T3.

b. Over Six Month Cases. A comparison of the baseline and interim samples shows that the percentages in each of the bail categories are about the same (a difference of less than 1 percentage point in each category). The interim to first year outcome comparison shows a slight decrease in the percentage of cases with high bail to 31.7 percent from 33.7, and little change in the other categories.

In examining the distribution across samples, there was no evidence of a trend in any particular bail category nor was there evidence of a shift between the baseline and first year outcome samples.

## IV. BROOKLYN

### A. CHARGE SEVERITY

Table 2.1 presents the distribution of Brooklyn detainee cases by charge severity and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

#### 1. Overall Comparison of Young and Old Cases

A comparison of the young and old cases for each sample reveals a distinct difference in charge severity. For each sample the percentage with an A felony charge is substantially higher among older cases. Whereas A felonies comprise about 33 percent of the older cases (slightly lower at T3), they make up approximately 10 percent of the young. The difference in B felonies, the severity category with the highest percentage in both case age categories, are much smaller. B felonies comprise about 40 percent of the old cases compared to 35 percent of the young. In comparison, the percentage of C (19.0%), D (17.1%) and E (5.2%) felonies is higher for the younger cases (especially for D and E felonies) as is the percentage of non-felony charges. In contrast to the other boroughs the largest difference is in the non-felony category. While about 11 percent of the older cases have this charge (slightly higher at T3), only 2.5 percent of the young cases are non-felonies.

## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the baseline and interim samples reveals only small changes in the severity composition of Brooklyn detainee cases six months after SDP began. For example, the percentage of A felonies decreases to 10.1 percent from 12.8, while B felonies increase to 36.8 from 34.5 percent. The interim to first year outcome comparison shows a small increase in non-felony charges (2.8 percentage points), but little change in the other severity categories. In examining changes in the severity distribution across samples, the data show a small decrease in A felonies and small random fluctuations in the other categories. Thus, although the performance measures showed Brooklyn's under six month case had increased substantially during the first year of the program there was little shift in charge distribution.

b. Over Six Month Cases. A comparison of the baseline and interim samples shows virtually no change in the charge distribution of Brooklyn detainee cases six months after SDP began. As was the case for the baseline, about 75 percent had A or B felony charges. The interim to baseline comparison reveals a rather substantial drop in A felonies to 30.5 percent from 37.4, and a small increase in C felony charges to 15.9 from 12.1 percent. The percentages for the other severity categories are similar to the interim

samples. In comparing the charge distribution for the baseline and outcome samples, the data show that Brooklyn's substantial increase in total cases was accompanied by a decrease in the percentage with A felonies.

## B. CHARGE TYPE

Table 2.2 presents the distribution of Brooklyn detainee cases by charge type and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

### 1. Overall Comparison of Young and old Cases

A comparison of the distribution of charge types for each of the samples reveals a sharp difference in the composition of young and old cases. As in Manhattan, the percentage of cases with a violent felony offense is substantially higher among the old cases. Violent felony offenses comprise close to 80 percent of the old cases (slightly less for the outcome sample), but only one-half of the young (44% at T3). The largest difference is in the murder category, where the percentage for old cases is more than three times larger than it is for the young. The percentage of robbery offenses is about the same across samples, while the old cases have a higher percentage of assaults. Among the non-violent felonies, there are higher percentages for the young cases (collectively these offenses comprise about 12% of the old cases and 25% of the young).



The young cases also have substantially more non-felony charges. Whereas these comprise no more than 4 percent of the old cases, they make up over 10 percent of the young.

1. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the baseline and interim samples reveals a small decrease in the percentage of cases with a murder charge to 8.2 percent from 11.8, and a small increase in drug offenses to 12.1 from 8.2 percent. The percentages among the other offense categories are nearly the same as the baseline sample. The interim to outcome comparison shows a slight decrease in cases with a robbery charge to 29.2 percent from 32.8, and a slight increase in non-felony cases to 14 percent from 11.2. In examining the distribution of charge types across samples, there is evidence of a slight downward trend in murder cases. The small fluctuations in the other charge categories suggest that the increases and decreases were most likely random occurrences.

b. Over Six Month Cases. A comparison of the baseline and interim samples reveals few changes in the charge type distribution. The interim to baseline comparison shows a rather substantial decrease in the murder category to 29.1 percent from 37.4, and a small increase in robberies to 34.8 from 32.1 percent. There are also

increases in the other categories (except for "other felonies"), however they are extremely small (less than 2 percentage points for each category).

In examining the distribution of charge types across samples, the data show a slight shift among violent felony offenses for the outcome sample. When compared to the baseline and interim samples, the outcome sample has a smaller percentage of cases with a murder charge and slightly larger percentages in the other felony and non-felony categories. In terms of SDP, the increase in total cases at the end of the first year was accompanied by a noticeable decrease in murder charges.

#### C. BAIL

Table 1.3 presents the distribution of Brooklyn detainee cases by bail amount and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

##### 1. Overall Comparison of Young and Old Cases

A comparison of the young and old cases across samples reveals a substantially higher percentage of the young cases with low and medium bail amounts. About one-third of the young cases have either low or medium bail compared to only ten percent of the old. The percentage of old cases in the low bail category is extremely small, less than two percent for each sample. In contrast, the old cases have higher

percentages in the remand and high bail categories, this reflects the high percentage of cases with serious felony charges. About 90 percent of the old cases have either high bail or are remanded compared to about 70 percent of the young.

## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the baseline and interim samples shows a slight increase in the remand category to 26.6 percent from 24.4. Percentages in the low, medium and high bail categories are nearly the same as the baseline (a difference of less than 2 percentage points for each category). The interim to outcome comparison reveals a slight shift in the distribution. There is a small increase in the low and medium bail categories (2.7 and 3 percentage points, respectively), this may reflect the lower percentage of A and B felonies at T3.

The data do show a small shift in the distribution between the baseline and outcome samples. As mentioned above, the outcome sample had a slightly higher percentage of cases with low bail and a slightly lower percentage with high bail.

b. Over Six Month Cases. A comparison of the baseline and interim samples shows a small increase in cases with high bail to 64 percent from 58.8 and a small decrease in those remanded to custody to 29.2 from 33.5 percent. The interim to outcome comparison shows that, six months later,

there is a drop in the percentage with high bail and an increase in remands (these changes more than off-set the changes at T2). In addition, there is a small increase in the medium bail category. The rather substantial drop in the percentage with high bail (10.4 percentage points) reflects the lower percentage of A felonies at T2. In examining bail amounts across samples, the data show no evidence of a trend in any of the categories.

## V. BRONX

### A. CHARGE SEVERITY

Table 3.1 presents the distribution of Bronx detainee cases by charge severity and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

#### 1. Overall Comparison of Young and Old Cases

A comparison of the young and old cases for each of the samples (T1, T2 and T3) reveals a distinct difference in charge severity. Like Manhattan and Brooklyn, the older cases have a substantially higher percentage of A and B felony charges. About three-fourths of the Bronx old cases are A and B felonies compared to about one-half of the young. The largest difference, however, is in the A felony category. The percentage of old cases for the baseline is about double the percentage for the young (13% vs. 26%), while for the interim and outcome samples it is nearly three times as large (11% vs. 32%). In comparison, the difference in B felonies is smaller (a difference of 10 percentage points for T1 and T3 and only 1.5 points for T2). The percentage with D, E and non-felony charges is higher for the young cases than for the old (30% vs. 10%). Most notably, the percentage of E felony and non-felony charges among old cases is under two percent (slightly higher for T3). With few exceptions (noted below), the composition of young and old cases is similar across samples.

## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the severity distribution for the baseline and interim samples shows only slight changes. There is a decline in the percentage of A and C felonies (a difference of only 2.0 and 2.6 percentage points, respectively) and a slightly larger increase in non-felonies (a difference of 3.5 percentage points). Six months later, at the end of the first year of SDP, the distribution is nearly the same as for the interim sample.

In terms of the SDP, the absolute numbers show an increase in total cases for the interim and outcome sample dates, however these increases were not accompanied by any real shift in charge distribution.

b. Over Six Month Cases. A comparison of the baseline and interim samples shows a substantial decline in cases with a B felony charge six months after the SDP was implemented, to 40.3 percent from 50.3. The absolute numbers show a substantial decrease in the old cases to 248 from 435 (a 43% decrease). If the smaller base is taken into account, the decrease in B felonies is even more substantial (the raw numbers show B felonies decreased by half to 100 from 218). There are small increases in the A and C felony categories as well. A felonies increase to 32.3 percent from 25.9, and C felonies increase to 18.1 from 14.1 percent. Six months later, the interim to outcome comparison shows an increase

in B felonies to 45.4 percent from 40.3, and a decrease in C felonies to 12.3 from 18.1 percent (off-setting the decrease and increase at T2). The absolute numbers show a substantial increase in total cases to 324 from 248 (although the total remains below the baseline); thus a substantial portion of the increase appears to result from an increase in cases with a B felony charge (the raw numbers show an increase to 147 from 100).

In comparing the severity distribution for older cases across samples there is no clear pattern or trend, categories which had decreased six months into the program, increased by the outcome sample date, mitigating much of the change.

#### B. CHARGE TYPE

Table 3.2 presents the distribution of Bronx detainee cases by charge type and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

##### 1. Overall Comparison of Young and Old Cases

A comparison of young and old cases for each of the samples reveals distinct differences in charge type. The older cases have a substantially higher percentage of violent felony offenses (murder, robbery and assault), most notably in the murder category. Like Brooklyn, about three-fourths of the older cases are violent felonies compared to

one-half of the young. The largest difference is in the percentage with a charge of murder; whereas slightly more than 25 percent of old cases have this charge, only ten percent of the young cases are murders (slightly less at T3). The percentage with a robbery charge is higher among the older cases (it is also the most frequent charge type in both age categories), although the percentage difference is much smaller than for murder (about 7% for T1 and T3, 1% for T2). The percentage with an assault charge is nearly the same for young and old cases, about ten percent for each sample (slightly lower for the under six month cases at T2). Among the non-violent felonies, there are higher percentages of burglary, drug and weapons offenses for the younger cases (collectively, non-violent felonies comprise slightly over one-fourth of the younger cases but only 12 percent of the old). And, like Brooklyn, an extremely small percentage of old cases have non-felony charges (1.4, .4 and 3.4 percent, respectively for each sample).

## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the baseline and interim samples shows that the increase in total cases (to 1012 from 947) was not accompanied by any real shift in the distribution of charge types. There is a small decrease in the percentage with an assault charge to 8.2 percent from 11.5, and small increases in the robbery, non-felony and "other felonies" categories (less than 3 percentage points in each). Six months later, the interim



to outcome comparison shows little change among charge types. There is a small decrease in robberies to 29.1 percent from 33.3 and a small increase in assaults to 10.3 from 8.2 percent.

In examining the distribution of charge types across samples, there was no evidence of a pattern or trend. In those categories where there are successive increases or decrease (non-felonies and drugs), the percentage differences were small.

b. Over Six Month Cases. A comparison of the baseline and interim samples reveals that the rather substantial drop in old cases (to 248 from 429) six months into the SDP was not accompanied by any real shift in the distribution of charge types. There is a small increase in the percentage of murders to 28.2 percent from 25.9 and an equally small increase in weapons charges to 5.6 from 3.5 percent. In contrast, the percentage of robberies decreases to 34.7 percent from 38.7. Again, if the smaller base is taken into account, the decrease in robberies is even more substantial (robbery cases drop by about half to 86 from 166).

In examining the distribution of charge types across samples, there was no clear pattern or trend in any of the categories. Moreover, the substantial drop in total cases between the baseline and first year outcome samples (to 326 from 429 cases) was not accompanied by any real shift in the

distribution of charge types. Further, in reducing it old cases the Bronx District Attorney's Office showed no tendency to concentrate on one offense type more than another.

### C. BAIL

Table 3.3 presents the distribution of Bronx detainee cases by bail amount and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

#### 1. Overall Comparison of Young and Old Cases

A comparison of the young and old cases for each of the samples reveals a substantially higher percentage of under six month cases with low and medium bail. About 30 percent of all young cases (slightly lower at T3) have this amount compared to approximately 12 percent of the older cases (slightly lower at T3). The percentage of old cases with low bail is extremely small, less than two percent of the total for each sample. Among those detainees who have high bail set or who are remanded to custody, the percentages are higher across samples for the older cases. About 90 percent of the old cases are in the high bail or remand categories compared to 70 percent of the young cases.

#### 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of bail amounts for the baseline and interim samples reveals a decrease in the medium bail category to 17.8 percent from

24.5, and a slight increase in remands to 29.6 from 26.4 percent. The decrease in the medium bail category may reflect the higher percentages of E felony and non-felony cases at T2. Six months later, the comparison of the interim and outcome samples shows a small decrease in the high bail category to 40 percent from 44.4. Percentages in the other categories vary only slightly from the interim sample (less than 2 percentage points for each category).

In examining bail amounts across samples the data showed a small upward trend in the low bail and remand categories. Whereas 5.9 percent of the baseline cases had low bail, by the outcome sample date the percentage had risen to 9.3. The same comparison for remands shows an increase to 31 percent from 26.4, increases and decreases in the other categories appear to be random. Thus the rather substantial increase in Bronx young cases was accompanied by an increase in remands, which are usually associated with the most serious felony charges.

b. Over Six Month Cases. A comparison of the baseline and interim samples shows a small decrease in the high bail category to 46.6 percent from 50.9, and a small increase in remands to 41.7 from 36.1 percent. The increase in remands may reflect the higher percentage of A felonies at T2. Percentages in the low and medium bail categories are nearly the same as the baseline. The interim to first year outcome

comparison shows small decreases in medium and remand categories, the percentage with medium bail decreases to 5.9 from 10.1 and remands drop to 38.2 from 41.7 (the decrease in remands off-sets the increase at T2.) The percentage with high bail increases to 54.4 percent from 46.6 (this increase off-sets the decrease at T2). The decrease in remands is consistent with the drop in A felonies at T3, while the increase in the high bail category reflects the higher percentage of B felonies.

There was no evidence of a trend in any of the bail categories across samples. The substantial decrease in the total number of old cases for the Bronx at the end of the first year of SDP, however, was accompanied by a small decrease in the percentage of cases with low bail (11.3% at T1 vs. 5.9 at T3).

## VI. QUEENS

### A. CHARGE SEVERITY

Table 4.1 presents the distribution of Queens detainee cases by charge severity and by length of detention for the baseline (T1) interim (T2) and first year outcome (T3) samples.

#### 1. Overall Comparison of Young and Old Cases

A comparison of the young and old cases for each of the samples reveals that like Manhattan, Brooklyn and the Bronx, the Queens old cases have a higher percentage of A and B felony charges. About 60 percent of the old cases are A and B felonies compared to slightly less than 40 percent of the young. The largest difference however is in the A felony category, whereas about 25 percent of the older cases have this charge (20% at T3), less than ten percent of the young cases are A felonies. The difference in B felonies, the single largest category, is smaller. In contrast, the percentage with low level felony (D and E) and non-felony charges is higher among young cases (approximately 45%) than for the old (about 20%). Most notably, the percentage of E felony and non-felony cases among old cases is under five percent (slightly higher for T3). The percentage of young and old cases with C felony charges is similar across samples.

## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the baseline and interim samples shows that six months into the SDP there is little change in the charge severity distribution (although total cases rose to 942 from 816). The percentage of cases with a B felony charge decreases slightly to 28.5 percent from 31.0, while percentages for the other severity categories are nearly the same as the baseline (a difference of less than 2 percentage points for each category). The interim to first year outcome comparison shows only small changes in the severity categories. The percentage of A felonies increases slightly to 8.6 from 6.2 percent, while C felonies decrease to 15.3 percent from 19.5. Percentages among the other categories are nearly the same as for the interim sample (again, a difference of less than 2 percentage points for each category).

In examining the distribution across samples there was no evidence of a pattern or trend in any of the categories. Although the percentage of B felonies decreases at the interim and outcome sample dates, the decreases are small.

b. Over Six Month Cases. A comparison of the baseline and interim samples shows that the rather substantial decrease in SDP target cases (to 129 from 183) six months into the program was accompanied by a shift in the distribution of charges. There are small increases in the percentages of B and C felonies (a difference of 3.5 and 5.4 percentage points, respectively), and small decreases in A

and D felonies (a difference of 4.8 and 5.0 percentage points, respectively). The interim to outcome comparison reveals further changes. There is an increase in C felonies to 43.3 percent from 37.2, and a small decrease in A felonies to 20 percent from 24.8 (the decrease in C felonies off-sets the increase at T2). The percentage of B felonies increases to 43.5 from 37.2, and D felonies increase to 15.6 from 12.4 (the increase in D felonies partially off-sets the decrease at T2).

In examining charges across samples, the data show that the decrease in total cases at the interim sample date and subsequent increase at the outcome date were accompanied by shifts in distribution. A comparison of the baseline and outcome samples shows that although the number of total cases is about the same (180 vs. 183), the outcome sample had a lower percentage of A felonies and a higher percentage of B felonies.

#### B. CHARGE TYPE

Table 4.2 presents the distribution of Queens detainee cases by charge type and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

##### 1. Overall Comparison of Young and Old Cases

A comparison of the distribution of charge types for each of the samples shows distinct differences between young and old cases. As with the other boroughs, the older cases have a higher percentage of violent felony offenses, most notably in the murder category. About 60 percent of the old

cases have violent felony charges compared to approximately 40 percent of the young. However, most of the difference results from the substantially higher percentage of murders among the old cases. Whereas these comprise about 20 percent of the old cases (15% at T3), they make up only five percent of the under six month cases. The differences for robbery and felony assault are relatively smaller. Among non-violent felony offenses, the percentage with a burglary charge is higher across samples for the young cases (about 15%), while the percentages with drug or weapons charges are fairly similar for both case age categories (the one exception is drug offenses which comprise 10% of the young cases at T2 compared to 4.7% of the old). The young cases, however, have a substantially higher percentage of non-felony charges (about 15% vs. 2.5%), although there was less of a difference between young and old cases than there was for Manhattan, Brooklyn and the Bronx.

## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the baseline and interim samples shows that the distribution of offense types is nearly the same. The interim to outcome comparison reveals a small decrease in the percentage of cases with a robbery charge to 25.0 percent from 28.3, percentages in the other charge categories are similar to the interim sample (a difference of less than 2 percentage points for each category).



In examining the distribution of charge types across samples, there was no evidence of a trend in any of the categories. Moreover, the increase in total detainee cases at the interim and outcome sample dates was not accompanied by any shift in charges.

b. Over Six Month Cases. A comparison of the baseline and interim samples shows that the decrease in the total number of old cases (to 129 from 183) was accompanied by a shift in the distribution of charge types. There is an increase in the percentage of cases with a robbery charge to 34.1 percent from 30.4, and a slightly larger increase in the "other felonies" categories to 17.1 from 10.3 percent. The percentage of assaults decreases to 5.4 percent from 12.0. The interim to outcome comparison also reveals a shift in the distribution. There is a small decrease in the murder category to 14.9 percent from 20.2, and a corresponding increase in drug offenses to 9.9 from 4.7. Percentages in the other categories vary only slightly from the interim sample date (a difference of less than 2.5 percentage points for each category).

In examining the distribution of charge types the data show that the decrease in total cases at the interim sample date and the subsequent increase at the outcome date were accompanied by shifts in the murder, robbery, "other felonies" and drug categories.

## C. BAIL AMOUNT

Table 4.3 presents the distribution of Queens detainee cases by bail amount and by length of detention for the baseline (T1) interim (T2) and first year outcome (T3) samples.

### 1. Overall Comparison of Young and Old Cases

A comparison of the young and old cases for each of the samples reveals a substantially higher percentage of the young cases with low and medium bail. About one-third of the under six month cases have this bail amount compared to only ten percent of the older cases (slightly lower at T2). Moreover, the percentage of old cases with low bail is extremely small, less than three percent of the total for each sample (slightly higher at T3). In contrast, roughly 90 percent of the old cases are in the high bail and remand categories. There was a slight difference between young and old cases with high bail for the baseline and interim sample dates. However, the difference is actually larger if the percentage is based only on those cases for which bail was set (i.e. excludes those remanded).

### 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of bail amounts for the baseline and interim samples shows small changes in the remand and high bail categories. The percentages of cases with high bail increases to 51.2 percent

from 47.2, while the percentage remanded decreases to 16.8 from 21.7 percent. The decrease in remands may reflect the lower percentage of A felonies at T2. The interim to outcome comparison again shows change in these two categories, but in the opposite direction. There is a rather substantial decrease in the bail category to 40.7 percent from 51.2, and an increase in remands to 23.7 from 16.8 percent (these changes offset the changes at T2). The increase in remands may reflect the higher percentage of B felonies at T2.

In examining changes across samples, the data show no evidence of a trend in any of the bail categories. Although the percentage of cases with low bail increased both at the interim and outcome sample dates, the increases were small to constitute a trend.

b. Over Six Month Cases. A comparison of bail amounts for the baseline and interim samples shows a rather substantial increase in the percentage of cases in the high bail category to 57.1 from 46.4 percent, and a small decrease in the percentage of remands to 35.7 percent from 42.0. The decrease in remands is consistent with the lower percentage of A felonies at T2. Six months later, the interim to outcome comparison shows a decline in the remand category to 27.9 percent from 35.7 and an increase in high bail category to 60.8 from 57.1. The increase in high bail appears consistent with the higher percentage of B felonies at T3.

In examining the bail distribution across samples, it appears that the decrease in total cases at the interim sample date and the subsequent increase at the outcome sample date were accompanied by decreases in the high bail category and increases in the remand category.

## VII. STATEN ISLAND

### A. CHARGE SEVERITY

Table 5.1 presents the distribution of Staten Island detainee cases by charge severity and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples. In comparing the composition of young and old cases as well as the differences between samples, it is important to note that the absolute number of cases is relatively small. Since the total number of cases over two months for the baseline sample is only 26, the results should be interpreted with caution.

#### 1. Overall Comparison of Young and Old Cases

A comparison of the young (under two months) and old (over two months) cases shows the old cases have a higher percentage of A and B felony charges. The percentage of E felonies is higher among the young cases. The most notable difference is this relatively small sample is in the non-felony category. Whereas over 20 percent of the young cases have this charge, less than ten percent of the old cases are non-felonies.

## B. CHARGE TYPE

Table 5.2 presents the distribution of Staten Island detainee cases by charge type and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

### 1. Overall Comparison of Young and Old Cases

As with the other boroughs, a comparison of the young and old cases for each of the samples reveals distinct differences (however caution should be used in interpreting the percentages because of the small number of cases in these categories). The older cases have a higher percentage of violent felony offenses and a relatively lower percentage of cases with non-felony charges. Whereas about one-half of the older cases are violent felonies, only one-third of the young cases have these charges (slightly higher percentage at T2). The percentage of non-felony charges, on the other hand, is substantially higher for the younger cases. About 25 percent have non-felony charges (slightly lower at T1 and slightly higher at T3) compared to under ten percent of the older cases. Among the non-violent felonies the differences between the young and old cases are comparatively smaller. The percentage with a burglary charge is about the same across samples (about 20%, however slightly lower at T2) for the under two month cases, while drug and weapons charges have small percentage differences (however these offense categories have a small number of cases). In contrast, the older cases have a higher percentage in the "other felonies" category.

To summarize, the comparison shows that the older cases in each of the samples were weighted more toward violent felonies, although to a lesser degree than in the other boroughs. In contrast, the percentages with non-violent felonies and non-felony charges were higher for the younger cases, although the differences between the two case age categories were small.

### C. BAIL

Table 5.3 presents the distribution of Staten Island detainee cases by bail amount and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

#### 1. Overall Comparison of Young and Old Cases

A comparison of the young and old cases for each of the samples shows a substantially higher percentage of the younger cases in the low and medium bail categories. About 45 percent (slightly lower at T1) have this amount as compared to about ten percent of the older cases (20% at T3). The percentage of old cases with low bail is considerably smaller than it is for the young. Whereas cases with low bail comprise under five percent of the old cases (slightly higher at T3), they make up over 20 percent of the young (slightly less at T3). In contrast, the percentage with high bail or remand status is higher for the older cases, with the biggest difference occurring in the remand category (approximately 40% vs. 22%).

**CHANGES BETWEEN SAMPLE DATES - Charge Severity, Charge Type  
and Bail Amount**

Again, because of the obviously small number of cases, a comparison of changes between samples yields only tentative results. However, a few findings are worth noting:

- Among the young cases there was an upward trend across samples in cases with non-felony charges, fluctuations in the other severity categories appear to be random.
- When compared to the baseline, the data show that the increase in the total number of old cases for the outcome sample (to 43 from 26) was accompanied by a decrease in the percentage of B felonies. Percentages in the other severity categories were similar to the baseline.
- Among the young cases, there was an upward trend across samples in cases with a non-felony charge type.
- When compared to the baseline, the data show the increase in total cases for the outcome sample was accompanied by a decrease in the percentage of "Other Felonies." Percentages in the other charge type categories were similar to the baseline.
- Among the young cases, there was an upward trend across samples in cases with medium bail and a downward trend in those with high bail.

## VIII. SPECIAL NARCOTICS PROSECUTOR

### A. CHARGE SEVERITY

Table 6.1 presents the distribution of the Special Narcotics Prosecutor detainee cases by charge severity and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.\*

#### 1. Comparison of Young and Old Cases

A comparison of the young and old cases for each of the samples reveals that both the young and old cases are heavily weighted toward A and B felonies. However, the percentage of drug cases with an A felony charge is higher for the old cases, while the percentage with B felonies are higher among the young. B felonies comprise about 60 percent of the young cases (slightly lower for T3) and slightly over 40 percent of the old. The differences among the lower level felonies are small and vary across samples.

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\*Although technically the Office of the Special Narcotics Prosecutor has citywide jurisdiction over felony drug arrests, the bulk of its caseload is comprised of Manhattan drug felonies (over 90%). The cases used in this analysis are Manhattan felony drug cases with an indictment.

Because the Office of the Special Narcotics Prosecutor only handles felony drug cases, there is no analysis of charge type.



## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of the baseline and interim samples shows that the increase in total cases (to 251 from 227) is accompanied by a shift in A and D felonies. A felonies decrease to 19.1 percent from 25.1, and D felonies doubles to 14.3 percent from 6.4. The interim to outcome comparison shows a further drop in A felonies to 15.8 percent from 19.1, and a further increase in D felonies to 22.5 from 7.9. There is also a small decline in the percentage with B felony charges to 53.6 from 60.2.

In examining charges across samples, the data show a definite downward trend in both the A and B felony categories and an upward trend in D felonies. When the percentages for the baseline and first year outcome sample dates are compared the differences are substantial: A felonies decrease from 25.1 percent to 15.8, B felonies decrease from 61.7 to 53.5, and D felonies increase from 6.4 to 22.5. Thus, the small increase in total cases at the outcome sample dates (to 241 from 227) was accompanied by rather substantial shift in the distribution of charges.

b. Over Six Month Cases. A comparison of the baseline and interim sample shows that the decrease in total cases (to 40 from 50) is accompanied by a shift in A and B felonies. A felonies decrease to 42.5 percent from 44.0 (the decrease is actually larger if the smaller base is taken into account, cases decrease to 17 from 22) and B

felonies increase to 45.0 percent from 40.0. The interim to outcome comparison shows a substantial drop in A felonies to 28.9 percent from 42.5, and a significant increase in D felonies to 21.1 from 5.0. Thus, the small decrease in total cases for the outcome sample date (to 38 from 40) was accompanied by a decrease in A felonies and a corresponding increase in D felonies.

In examining charges across samples, the data show a downward trend in A felonies and an upward trend in D felonies. In comparing the baseline and first year outcome samples the differences are substantial, A felonies drop to 29.7 from 43.9 and D felonies increase to 20.3 from 5.1. Thus, the decrease in total cases at the end of the first year of SDP was accompanied by a shift toward cases with less serious charges.

### B. Bail

Table 6.3 presents the distribution of the Special Narcotics Prosecutor detainee cases by bail amount and by length of detention for the baseline (T1), interim (T2) and first year outcome (T3) samples.

#### 1. Overall Comparison of Young and Old Cases

A comparison of the young and old cases for each of the samples shows a greater percentage of old cases in the high bail amount category. About one-third of the old cases have high bail (27% at T3), compared to one-fifth of the young (29.9% at T1). However, unlike the bail distribution for detainees in the other boroughs, the percentage of remands

is higher among young cases. The percentage of cases with low bail is small for both young and old cases (less than 4% of the young cases and less than 6.5% of the old for each sample). The percentage with medium bail is higher among young cases for the baseline and interim samples and lower for the outcome sample.

## 2. Changes Between Sample Dates

a. Under Six Month Cases. A comparison of bail amounts for the baseline and interim samples reveals a decrease in the high bail category to 17.5 percent from 25.0 and a corresponding increase in remands to 62.9 from 55.3. The percentages with low or medium bail are similar to the baseline (a difference of less than 1.5 percentage points for each category). Six months later, the interim to outcome comparison shows only slight changes in the distribution. There is a slight decrease in the medium bail category and a slight increase in the percentage with high bail (a difference of 2.8 and 2.7 percentage points, respectively).

In examining bail amounts across samples, the data show no evidence of a trend in any of the categories. Moreover, the changes that do occur are small and probably random.

b. Over Six Month Cases. A comparison of the bail amounts for the baseline and interim samples shows a small increase in the medium bail category to 15.0 percent from 10.2, and a corresponding decrease in the high bail category to 32.5 from 38.8. The changes in the high bail category may reflect the higher percentage of B felonies at T2. The interim to outcome comparison shows small changes in all the categories, however the absolute number of cases in each is small.

In examining bail amounts across samples, the data show that the decreases in the total number of cases at the interim and first year outcome sample dates were accompanied by increases in the percentage with medium bail, and decreases in the percentage with high bail.

## IX. POST-CONVICTION DETAINEE DATA

In the analysis of the old detainee cases, researchers were interested in knowing the proportion of the total population on each of the sample dates that had been convicted but not yet sentenced. Because of the target group definition used in the SDP (i.e., defendants awaiting disposition or sentence), detainees awaiting sentence were counted equally with those awaiting disposition. However, it can be argued that prosecutors have considerably less control over the delay between conviction and sentencing than over other stages of case processing. The Department of Probation, for example, must prepare a pre-sentence investigation report for old convicted felons. Defense Attorneys may request hearings to contest predicate felony offender status. Consequently, guidelines for a 21-day processing time for completing presentence investigations were developed to help reduce any delay. In terms of the SDP, it was possible that prosecutors may have been successful in accelerating time to disposition, only to have experienced delays in sentencing. Tables 7.1 through 7.6 present data by jurisdiction on the number of over six month

cases with a conviction and on the mean and median times from a conviction to sample date for the baseline (T1), interim (T2) and first year outcome (T3) samples.\*

#### A. MANHATTAN

Table 7.1 shows that the percentage of old Manhattan cases with a conviction decreased somewhat across samples as did the mean and median times between conviction and sample dates. The baseline to interim comparison reveals that the small decrease in the percentage convicted (to 23.7% from 28.8%) was accompanied by a corresponding drop in the median time of those awaiting sentencing (to 21 days from 33.4). Six months later, the percentage convicted is about the same (23.9%) while the median time increases slightly (to 25.4 days). Although we cannot be certain, (since we do not know the total time between conviction and sentencing) the decrease in the median time suggest that time to sentencing for Manhattan detainee cases had not increased during the first year of the program.

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\* Because of the wide range of times for each of the jurisdictions on each of the sample dates, the median is a better measure of time between conviction and sample date than the mean. Consequently, changes in conviction to sample date times focus on the change in median time across samples. The analysis was not carried out for Staten Island because of the extremely small number of cases, however the raw data is presented in Table 7.5.

## B. BROOKLYN

The percentage of old Brooklyn detainee cases with a conviction decreased slightly from the baseline to interim sample date (to 10.1% from 12.8%), then increased six months later (to 16.8%). (See Table 7.2.) The decrease at the interim date was accompanied, however, by an increase in the median time (to 24.2 days from 17.5). Six months later the percentage convicted rises but the median time remains about the same as it was for the interim date (24.2 days vs. 23.5). Thus, for Brooklyn the data suggest that time to sentencing may have increased during the first year of the program, thereby contributing to the higher percentage of detainees awaiting sentence in the first year outcome sample.

## C. BRONX

Table 7.3 shows that the percentage of Bronx detainee cases with a conviction increased slightly between the baseline and interim sample dates (to 16.1% from 13.4%), then dropped slightly on the outcome date (to 15.7%). The increase at the interim date was accompanied by small increase in the median time (to 20.2 days from 16.5). However, six months later the median time dropped sharply (to 14.8 days), although the percentage with a conviction remained the same as it was for the interim sample.

#### D. QUEENS

the percentage of Queens detainee cases with a conviction (Table 7.4) increased between the baseline and interim sample dates (to 22.5% from 18.0%) while the median time dropped by nearly half (to 18.2 days from 30.4). The interim to outcome comparison shows the percentage with a conviction dropped substantially (to 14.4%) but the median time remained the same as it was for the interim sample. Thus, the data show no direct relationship across samples between changes in the percentage convicted and changes in the median time.

#### E. Special Narcotic Prosecutor

Table 7.6 shows that there was little change across samples in the percentage of Special Narcotics Prosecutor cases with a conviction, although there was a decrease in the median time from conviction to sample date. The baseline to interim comparison showed a sharp decline in the median time to 25.2 days from 34 and a further drop six months later to 15.5 days. Thus, although we cannot be certain, the data suggest that time to sentencing for the Special Narcotics Prosecutor had decreased during the first year of the program, although the percentage of old detainees awaiting sentence was much higher than for the other prosecutors.

In summary, there was no evidence that the jurisdictions which were most successful during the first year of SDP in reducing their old cases (Manhattan, Office of the Special Narcotics Prosecutor and the Bronx) had significant changes



across samples in the percentage of cases with a conviction. However, both Manhattan and the Special Narcotics Prosecutor had fairly substantial decreases in the median time from conviction to sample date six months after the SDP began (Special Narcotics also had a further decrease at the outcome date). Brooklyn, which had an increase in the total number of old cases at the end of the first year of the program, showed an increase in the median time and a small increase in the percentage of cases awaiting sentence at the outcome date (i.e., the percentage was higher than the baseline).

TABLE 1.1  
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NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: MANHATTAN

CHARGE SEVERITY BY LENGTH OF DETENTION  
BY SAMPLE DATE

| CHARGE SEVERITY<br>DETAINED LESS<br>THAN SIX MONTHS<br>----- | SAMPLE DATE        |                 |                 |                 |                             |                 |
|--------------------------------------------------------------|--------------------|-----------------|-----------------|-----------------|-----------------------------|-----------------|
|                                                              | T1 *<br>(Baseline) |                 | T2<br>(6/24/84) |                 | T3 **<br>(1st Year Outcome) |                 |
|                                                              | N                  | %               | N               | %               | N                           | %               |
| "A" Felony                                                   | 133                | 6.4%            | 123             | 6.0%            | 148                         | 6.7%            |
| "B" Felony                                                   | 545                | 26.0            | 511             | 24.8            | 530                         | 35.1            |
| "C" Felony                                                   | 425                | 20.3            | 353             | 17.1            | 406                         | 18.4            |
| "D" Felony                                                   | 425                | 20.3            | 429             | 20.8            | 466                         | 21.1            |
| "E" Felony                                                   | 175                | 8.4             | 166             | 8.0             | 195                         | 8.8             |
| Non-Felony ***                                               | 390                | 18.6            | 482             | 23.4            | 461                         | 20.9            |
| Subtotal                                                     | -----<br>2093      | -----<br>100.0% | -----<br>2064   | -----<br>100.0% | -----<br>2206               | -----<br>100.0% |
| DETAINED SIX MONTHS OR MORE<br>-----                         |                    |                 |                 |                 |                             |                 |
|                                                              | N                  | %               | N               | %               | N                           | %               |
| "A" Felony                                                   | 94                 | 21.9%           | 63              | 20.2%           | 77                          | 19.9%           |
| "B" Felony                                                   | 168                | 39.2            | 122             | 39.1            | 139                         | 35.9            |
| "C" Felony                                                   | 67                 | 15.6            | 54              | 17.3            | 71                          | 18.3            |
| "D" Felony                                                   | 62                 | 14.5            | 49              | 15.7            | 60                          | 15.5            |
| "E" Felony                                                   | 14                 | 3.3             | 14              | 4.5             | 17                          | 1.9             |
| Non-Felony ***                                               | 24                 | 5.6             | 10              | 3.2             | 23                          | 5.9             |
| Subtotal                                                     | ----<br>429        | -----<br>100.0% | ----<br>312     | -----<br>100.0% | ----<br>387                 | -----<br>100.0% |
| Charge Not Available<br>(All Detainees)                      | 19                 |                 | 23              |                 | 38                          |                 |
| TOTAL                                                        | -----<br>2541      |                 | -----<br>2399   |                 | -----<br>2631               |                 |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83)  
 \*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84)  
 \*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 1.2

NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: MANHATTAN

CHARGE TYPE BY LENGTH OF DETENTION  
 BY SAMPLE DATE

| CHARGE TYPE<br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | T1 *       |        | T2        |        | T3 **              |        |
|----------------------------------------------------------|------------|--------|-----------|--------|--------------------|--------|
|                                                          | (Baseline) |        | (6/24/84) |        | (1st Year Outcome) |        |
|                                                          | N          | %      | N         | %      | N                  | %      |
| Murder                                                   | 111        | 5.3%   | 108       | 5.2%   | 118                | 5.3%   |
| Robbery                                                  | 716        | 34.2   | 619       | 30.0   | 690                | 31.3   |
| Felonious Assault                                        | 142        | 6.8    | 283       | 13.7   | 146                | 6.6    |
| Burglary                                                 | 229        | 10.9   | 200       | 9.7    | 208                | 9.4    |
| Dangerous Drugs                                          | 97         | 4.6    | 117       | 5.7    | 145                | 6.5    |
| Dangerous Weapons                                        | 129        | 6.2    | 110       | 5.3    | 129                | 5.8    |
| Other Felonies                                           | 280        | 13.4   | 145       | 7.0    | 310                | 14.0   |
| Non-Felonies ***                                         | 390        | 18.6   | 482       | 23.4   | 461                | 20.9   |
| Subtotal                                                 | 2094       | 100.0% | 2064      | 100.0% | 2207               | 100.0% |
| DETAINED SIX MONTHS OR MORE<br>-----                     |            |        |           |        |                    |        |
|                                                          | N          | %      | N         | %      | N                  | %      |
| Murder                                                   | 91         | 21.2%  | 65        | 20.8%  | 75                 | 19.3%  |
| Robbery                                                  | 172        | 40.0   | 122       | 39.1   | 142                | 36.6   |
| Felonious Assault                                        | 49         | 11.4   | 44        | 14.1   | 55                 | 14.2   |
| Burglary                                                 | 28         | 6.5    | 23        | 7.4    | 26                 | 6.7    |
| Dangerous Drugs                                          | 2          | 0.5    | 1         | 0.3    | 3                  | 0.8    |
| Dangerous Weapons                                        | 24         | 5.6    | 19        | 6.1    | 25                 | 6.4    |
| Other Felonies                                           | 40         | 9.3    | 28        | 9.0    | 39                 | 10.1   |
| Non-Felonies ***                                         | 24         | 5.6    | 10        | 3.2    | 23                 | 5.9    |
| Subtotal                                                 | 430        | 100.0% | 312       | 100.0% | 388                | 100.0% |
| Charge Not Available<br>(All Detainees)                  | 19         |        | 23        |        | 38                 |        |
| TOTAL                                                    | 2543       |        | 2399      |        | 2633               |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).

\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).

\*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 1.3  
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NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: MANHATTAN

BAIL AMOUNT BY LENGTH OF DETENTION  
BY SAMPLE DATE

| BAIL AMOUNT<br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | SAMPLE DATE        |                 |                 |                 |                             |                 |
|----------------------------------------------------------|--------------------|-----------------|-----------------|-----------------|-----------------------------|-----------------|
|                                                          | T1 *<br>(Baseline) |                 | T2<br>(6/24/84) |                 | T3 **<br>(1st Year Outcome) |                 |
|                                                          | N                  | %               | N               | %               | N                           | %               |
| \$ 500 or Less                                           | 174                | 8.7%            | 257             | 12.9%           | 276                         | 12.9%           |
| \$ 501 - 2500                                            | 568                | 28.3            | 522             | 26.2            | 568                         | 26.5            |
| \$ 2501 or More                                          | 677                | 33.7            | 632             | 31.8            | 651                         | 30.4            |
| Remand                                                   | 589                | 29.4            | 578             | 29.1            | 645                         | 30.1            |
| Subtotal                                                 | -----<br>2008      | -----<br>100.0% | -----<br>1989   | -----<br>100.0% | -----<br>2140               | -----<br>100.0% |
|                                                          |                    |                 |                 |                 |                             |                 |
| DETAINED SIX<br>MONTHS OR MORE<br>-----                  |                    |                 |                 |                 |                             |                 |
|                                                          | N                  | %               | N               | %               | N                           | %               |
| \$ 500 or Less                                           | 13                 | 3.1%            | 9               | 2.9%            | 13                          | 3.4%            |
| \$ 501 - 2500                                            | 37                 | 8.8             | 25              | 8.1             | 36                          | 9.4             |
| \$ 2501 or More                                          | 142                | 33.7            | 104             | 33.7            | 121                         | 31.7            |
| Remand                                                   | 229                | 54.4            | 171             | 55.3            | 212                         | 55.6            |
| Subtotal                                                 | -----<br>421       | -----<br>100.0% | -----<br>309    | -----<br>100.0% | -----<br>382                | -----<br>100.0% |
| Charge Not Available<br>(All Detainees)                  | 111                |                 | 101             |                 | 109                         |                 |
| TOTAL                                                    | -----<br>2540      |                 | -----<br>2399   |                 | -----<br>2631               |                 |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 2.1  
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NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: BROOKLYN

CHARGE SEVERITY BY LENGTH OF DETENTION  
BY SAMPLE DATE

| CHARGE SEVERITY<br>DETAINED LESS<br>THAN SIX MONTHS<br>----- | SAMPLE DATE        |                 |                 |                 |                             |                 |
|--------------------------------------------------------------|--------------------|-----------------|-----------------|-----------------|-----------------------------|-----------------|
|                                                              | T1 *<br>(Baseline) |                 | T2<br>(6/24/84) |                 | T3 **<br>(1st Year Outcome) |                 |
|                                                              | N                  | %               | N               | %               | N                           | %               |
| "A" Felony                                                   | 173                | 12.8%           | 155             | 10.1%           | 155                         | 9.7%            |
| "B" Felony                                                   | 466                | 34.5            | 563             | 36.8            | 559                         | 35.1            |
| "C" Felony                                                   | 257                | 19.0            | 294             | 19.2            | 280                         | 17.5            |
| "D" Felony                                                   | 231                | 17.1            | 280             | 18.3            | 307                         | 19.2            |
| "E" Felony                                                   | 70                 | 5.2             | 67              | 4.4             | 73                          | 4.6             |
| Non-Felony ***                                               | 154                | 11.4            | 172             | 11.2            | 223                         | 14.0            |
| Subtotal                                                     | -----<br>1351      | -----<br>100.0% | -----<br>1531   | -----<br>100.0% | -----<br>1597               | -----<br>100.0% |
| DETAINED SIX MONTHS OR MORE<br>-----                         |                    |                 |                 |                 |                             |                 |
|                                                              | N                  | %               | N               | %               | N                           | %               |
| "A" Felony                                                   | 162                | 37.8%           | 177             | 37.4%           | 154                         | 30.6%           |
| "B" Felony                                                   | 170                | 39.6            | 185             | 39.1            | 206                         | 40.9            |
| "C" Felony                                                   | 60                 | 14.0            | 57              | 12.1            | 80                          | 15.9            |
| "D" Felony                                                   | 23                 | 5.4             | 32              | 6.8             | 38                          | 7.5             |
| "E" Felony                                                   | 6                  | 1.4             | 10              | 2.1             | 10                          | 1.9             |
| Non-Felony ***                                               | 8                  | 1.9             | 12              | 2.5             | 16                          | 3.2             |
| Subtotal                                                     | ----<br>429        | -----<br>100.0% | ----<br>473     | -----<br>100.0% | ----<br>504                 | -----<br>100.0% |
| Charge Not Available<br>(All Detainees)                      | 11                 |                 | 17              |                 | 25                          |                 |
| TOTAL                                                        | -----<br>1791      |                 | -----<br>2021   |                 | -----<br>2126               |                 |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83)  
 \*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84)  
 \*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 2.2

NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: BROOKLYN

CHARGE TYPE BY LENGTH OF DETENTION  
 BY SAMPLE DATE

| CHARGE TYPE<br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | SAMPLE DATE        |        |                 |        |                             |        |
|----------------------------------------------------------|--------------------|--------|-----------------|--------|-----------------------------|--------|
|                                                          | T1 *<br>(Baseline) |        | T2<br>(6/24/84) |        | T3 **<br>(1st Year Outcome) |        |
|                                                          | N                  | %      | N               | %      | N                           | %      |
| Murder                                                   | 159                | 11.8%  | 126             | 8.2%   | 127                         | 7.9%   |
| Robbery                                                  | 428                | 31.7   | 502             | 32.8   | 466                         | 29.2   |
| Felonious Assault                                        | 102                | 7.5    | 113             | 7.4    | 117                         | 7.3    |
| Burglary                                                 | 161                | 11.9   | 183             | 12.0   | 172                         | 10.8   |
| Dangerous Drugs                                          | 111                | 8.2    | 186             | 12.1   | 226                         | 6.5    |
| Dangerous Weapons                                        | 70                 | 5.2    | 67              | 4.4    | 78                          | 4.9    |
| Other Felonies                                           | 166                | 12.3   | 182             | 11.9   | 189                         | 11.8   |
| Non-Felonies ***                                         | 154                | 11.4   | 172             | 11.2   | 223                         | 14.0   |
| Subtotal                                                 | 1351               | 100.0% | 1531            | 100.0% | 1598                        | 100.0% |
| DETAINED SIX MONTHS OR MORE<br>-----                     |                    |        |                 |        |                             |        |
|                                                          | N                  | %      | N               | %      | N                           | %      |
| Murder                                                   | 157                | 36.6%  | 177             | 37.4%  | 147                         | 29.1%  |
| Robbery                                                  | 134                | 31.2   | 152             | 32.1   | 176                         | 34.8   |
| Felonious Assault                                        | 49                 | 11.4   | 37              | 7.8    | 46                          | 9.1    |
| Burglary                                                 | 25                 | 5.8    | 30              | 6.3    | 39                          | 7.7    |
| Dangerous Drugs                                          | 17                 | 4.0    | 25              | 5.3    | 36                          | 7.1    |
| Dangerous Weapons                                        | 9                  | 2.1    | 7               | 1.5    | 11                          | 2.2    |
| Other Felonies                                           | 30                 | 7.0    | 33              | 7.0    | 35                          | 6.9    |
| Non-Felonies ***                                         | 8                  | 1.9    | 12              | 2.5    | 16                          | 3.2    |
| Subtotal                                                 | 429                | 100.0% | 473             | 100.0% | 506                         | 100.0% |
| Charge Not Available<br>(All Detainees)                  | 11                 |        | 17              |        | 25                          |        |
| TOTAL                                                    | 1791               |        | 2021            |        | 2129                        |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
 \*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).  
 \*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 2.3  
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NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: BROOKLYN

BAIL AMOUNT BY LENGTH OF DETENTION  
BY SAMPLE DATE

| BAIL AMOUNT<br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | SAMPLE DATE        |                 |                 |                 |                             |                 |
|----------------------------------------------------------|--------------------|-----------------|-----------------|-----------------|-----------------------------|-----------------|
|                                                          | T1 *<br>(Baseline) |                 | T2<br>(6/24/84) |                 | T3 **<br>(1st Year Outcome) |                 |
|                                                          | N                  | %               | N               | %               | N                           | %               |
| \$ 500 or Less                                           | 118                | 9.0%            | 113             | 7.6%            | 159                         | 10.3%           |
| \$ 501 - 2500                                            | 280                | 21.3            | 332             | 22.3            | 391                         | 25.2            |
| \$ 2501 or More                                          | 598                | 45.4            | 650             | 43.6            | 616                         | 39.7            |
| Remand                                                   | 321                | 29.4            | 397             | 26.6            | 385                         | 24.8            |
| Subtotal                                                 | -----<br>1317      | -----<br>100.0% | -----<br>1492   | -----<br>100.0% | -----<br>1551               | -----<br>100.0% |
| DETAINED SIX<br>MONTHS OR MORE<br>-----                  |                    |                 |                 |                 |                             |                 |
|                                                          | N                  | %               | N               | %               | N                           | %               |
| \$ 500 or Less                                           | 4                  | 0.9%            | 6               | 1.3%            | 10                          | 2.0%            |
| \$ 501 - 2500                                            | 29                 | 6.8             | 26              | 5.5             | 42                          | 8.3             |
| \$ 2501 or More                                          | 250                | 58.7            | 303             | 64.1            | 270                         | 53.6            |
| Remand                                                   | 143                | 33.6            | 138             | 29.2            | 182                         | 55.6            |
| Subtotal                                                 | -----<br>426       | -----<br>100.0% | -----<br>473    | -----<br>100.0% | -----<br>504                | -----<br>100.0% |
| Charge Not Available<br>(All Detainees)                  | 47                 |                 | 56              |                 | 70                          |                 |
| TOTAL                                                    | -----<br>1790      |                 | -----<br>2021   |                 | -----<br>2125               |                 |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).

\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 3.1

NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: BRONX

CHARGE SEVERITY BY LENGTH OF DETENTION  
 BY SAMPLE DATE

| CHARGE SEVERITY<br>DETAINED LESS<br>THAN SIX MONTHS<br>----- | SAMPLE DATE        |        |                 |        |                             |        |
|--------------------------------------------------------------|--------------------|--------|-----------------|--------|-----------------------------|--------|
|                                                              | T1 *<br>(Baseline) |        | T2<br>(6/24/84) |        | T3 **<br>(1st Year Outcome) |        |
|                                                              | N                  | %      | N               | %      | N                           | %      |
| "A" Felony                                                   | 123                | 13.0%  | 111             | 11.0%  | 129                         | 11.2%  |
| "B" Felony                                                   | 368                | 38.9   | 392             | 38.7   | 432                         | 35.1   |
| "C" Felony                                                   | 186                | 19.6   | 173             | 17.1   | 202                         | 17.5   |
| "D" Felony                                                   | 164                | 17.3   | 183             | 18.1   | 222                         | 19.2   |
| "E" Felony                                                   | 40                 | 4.2    | 58              | 5.7    | 48                          | 4.2    |
| Non-Felony ***                                               | 66                 | 7.0    | 95              | 9.4    | 123                         | 10.6   |
| Subtotal                                                     | 947                | 100.0% | 1012            | 100.0% | 1156                        | 100.0% |
| DETAINED SIX MONTHS OR MORE<br>-----                         |                    |        |                 |        |                             |        |
|                                                              | N                  | %      | N               | %      | N                           | %      |
| "A" Felony                                                   | 112                | 25.9%  | 80              | 32.3%  | 100                         | 30.9%  |
| "B" Felony                                                   | 218                | 50.3   | 100             | 40.3   | 147                         | 45.4   |
| "C" Felony                                                   | 61                 | 14.1   | 45              | 18.1   | 40                          | 12.3   |
| "D" Felony                                                   | 34                 | 7.9    | 20              | 8.1    | 23                          | 7.1    |
| "E" Felony                                                   | 2                  | 0.5    | 2               | 0.8    | 3                           | 1.9    |
| Non-Felony ***                                               | 6                  | 1.4    | 1               | 0.4    | 11                          | 3.4    |
| Subtotal                                                     | 433                | 100.0% | 248             | 100.0% | 324                         | 100.0% |
| Charge Not Available<br>(All Detainees)                      | 9                  |        | 12              |        | 25                          |        |
| TOTAL                                                        | 1389               |        | 1272            |        | 1505                        |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83)  
 \*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84)  
 \*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.



TABLE 3.2  
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NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: BRONX

CHARGE TYPE BY LENGTH OF DETENTION  
BY SAMPLE DATE

| CHARGE TYPE<br><br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | T1 *       |        | T2        |        | T3 **              |        |
|--------------------------------------------------------------|------------|--------|-----------|--------|--------------------|--------|
|                                                              | (Baseline) |        | (6/24/84) |        | (1st Year Outcome) |        |
|                                                              | N          | %      | N         | %      | N                  | %      |
| Murder                                                       | 96         | 10.1%  | 88        | 8.7%   | 108                | 9.3%   |
| Robbery                                                      | 293        | 30.9   | 337       | 33.3   | 336                | 29.1   |
| Felonious Assault                                            | 109        | 11.5   | 83        | 8.2    | 119                | 10.3   |
| Burglary                                                     | 93         | 9.8    | 97        | 9.6    | 123                | 10.6   |
| Dangerous Drugs                                              | 115        | 12.1   | 114       | 11.3   | 115                | 6.5    |
| Dangerous Weapons                                            | 61         | 6.4    | 47        | 4.6    | 66                 | 5.7    |
| Other Felonies                                               | 115        | 12.1   | 151       | 14.9   | 166                | 14.4   |
| Non-Felonies ***                                             | 66         | 7.0    | 95        | 9.4    | 123                | 10.6   |
|                                                              | -----      | -----  | -----     | -----  | -----              | -----  |
| Subtotal                                                     | 948        | 100.0% | 1012      | 100.0% | 1156               | 100.0% |
| <br>                                                         |            |        |           |        |                    |        |
| DETAINED SIX<br>MONTHS OR MORE<br>-----                      | N          |        | N         |        | N                  |        |
|                                                              | %          |        | %         |        | %                  |        |
|                                                              | N          | %      | N         | %      | N                  | %      |
| Murder                                                       | 111        | 25.9%  | 70        | 28.2%  | 92                 | 28.2%  |
| Robbery                                                      | 166        | 38.7   | 86        | 34.7   | 119                | 36.5   |
| Felonious Assault                                            | 48         | 11.2   | 27        | 10.9   | 35                 | 10.7   |
| Burglary                                                     | 12         | 2.8    | 11        | 4.4    | 13                 | 4.0    |
| Dangerous Drugs                                              | 26         | 6.1    | 10        | 4.0    | 20                 | 6.1    |
| Dangerous Weapons                                            | 15         | 3.5    | 14        | 5.6    | 9                  | 2.8    |
| Other Felonies                                               | 45         | 10.5   | 29        | 11.7   | 27                 | 8.3    |
| Non-Felonies ***                                             | 6          | 1.4    | 1         | 0.4    | 11                 | 3.4    |
|                                                              | ---        | -----  | ---       | -----  | ---                | -----  |
| Subtotal                                                     | 429        | 100.0% | 248       | 100.0% | 326                | 100.0% |
| <br>                                                         |            |        |           |        |                    |        |
| Charge Not Available<br>(All Detainees)                      | 9          |        | 12        |        | 25                 |        |
|                                                              | -----      |        | -----     |        | -----              |        |
| TOTAL                                                        | 1386       |        | 1272      |        | 1507               |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).

\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).

\*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 3.3  
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NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: BRONX

BAIL AMOUNT BY LENGTH OF DETENTION  
BY SAMPLE DATE

| BAIL AMOUNT<br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | SAMPLE DATE        |        |                 |        |                             |        |
|----------------------------------------------------------|--------------------|--------|-----------------|--------|-----------------------------|--------|
|                                                          | T1 *<br>(Baseline) |        | T2<br>(6/24/84) |        | T3 **<br>(1st Year Outcome) |        |
|                                                          | N                  | %      | N               | %      | N                           | %      |
| \$ 500 or Less                                           | 56                 | 6.0%   | 83              | 8.3%   | 106                         | 9.4%   |
| \$ 501 - 2500                                            | 229                | 24.5   | 178             | 17.8   | 222                         | 19.6   |
| \$ 2501 or More                                          | 403                | 43.1   | 444             | 44.4   | 452                         | 40.0   |
| Remand                                                   | 247                | 26.4   | 296             | 29.6   | 351                         | 31.0   |
| Subtotal                                                 | 935                | 100.0% | 1001            | 100.0% | 1131                        | 100.0% |
|                                                          |                    |        |                 |        |                             |        |
| DETAINED SIX<br>MONTHS OR MORE<br>-----                  |                    |        |                 |        |                             |        |
|                                                          | N                  | %      | N               | %      | N                           | %      |
| \$ 500 or Less                                           | 7                  | 1.6%   | 4               | 1.6%   | 5                           | 1.5%   |
| \$ 501 - 2500                                            | 49                 | 11.3   | 25              | 10.1   | 19                          | 5.9    |
| \$ 2501 or More                                          | 220                | 50.9   | 115             | 46.6   | 176                         | 54.3   |
| Remand                                                   | 156                | 36.1   | 103             | 41.7   | 124                         | 55.6   |
| Subtotal                                                 | 432                | 100.0% | 247             | 100.0% | 324                         | 100.0% |
| Charge Not Available<br>(All Detainees)                  | 23                 |        | 24              |        | 50                          |        |
| TOTAL                                                    | 1390               |        | 1272            |        | 1505                        |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 4.1  
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NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: QUEENS

CHARGE SEVERITY BY LENGTH OF DETENTION  
BY SAMPLE DATE

| CHARGE SEVERITY<br>DETAINED LESS<br>THAN SIX MONTHS<br>----- | SAMPLE DATE        |        |                 |        |                             |        |
|--------------------------------------------------------------|--------------------|--------|-----------------|--------|-----------------------------|--------|
|                                                              | T1 *<br>(Baseline) |        | T2<br>(6/24/84) |        | T3 **<br>(1st Year Outcome) |        |
|                                                              | N                  | %      | N               | %      | N                           | %      |
| "A" Felony                                                   | 63                 | 7.7%   | 58              | 6.2%   | 83                          | 8.6%   |
| "B" Felony                                                   | 255                | 31.3   | 268             | 28.5   | 264                         | 27.5   |
| "C" Felony                                                   | 152                | 18.6   | 184             | 19.5   | 147                         | 15.3   |
| "D" Felony                                                   | 172                | 21.1   | 221             | 23.5   | 221                         | 23.0   |
| "E" Felony                                                   | 56                 | 6.9    | 58              | 6.2    | 72                          | 7.5    |
| Non-Felony ***                                               | 118                | 14.5   | 153             | 16.2   | 173                         | 18.0   |
| Subtotal                                                     | 816                | 100.0% | 942             | 100.0% | 960                         | 100.0% |
| DETAINED SIX MONTHS OR MORE<br>-----                         |                    |        |                 |        |                             |        |
|                                                              | N                  | %      | N               | %      | N                           | %      |
| "A" Felony                                                   | 54                 | 29.5%  | 32              | 24.8%  | 36                          | 20.0%  |
| "B" Felony                                                   | 61                 | 33.3   | 48              | 37.2   | 78                          | 43.3   |
| "C" Felony                                                   | 28                 | 15.3   | 27              | 20.9   | 24                          | 13.3   |
| "D" Felony                                                   | 32                 | 17.5   | 16              | 12.4   | 28                          | 15.6   |
| "E" Felony                                                   | 4                  | 2.2    | 2               | 1.6    | 9                           | 1.9    |
| Non-Felony ***                                               | 4                  | 2.2    | 4               | 3.1    | 5                           | 2.8    |
| Subtotal                                                     | 183                | 100.0% | 129             | 100.0% | 180                         | 100.0% |
| Charge Not Available<br>(All Detainees)                      | 6                  |        | 16              |        | 19                          |        |
| TOTAL                                                        | 1005               |        | 1087            |        | 1159                        |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83)

\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84)

\*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 4.2

NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: QUEENS

CHARGE TYPE BY LENGTH OF DETENTION  
 BY SAMPLE DATE

| CHARGE TYPE<br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | T1 *<br>(Baseline) |        | T2<br>(6/24/84) |        | T3 **<br>(1st Year Outcome) |        |
|----------------------------------------------------------|--------------------|--------|-----------------|--------|-----------------------------|--------|
|                                                          | N                  | %      | N               | %      | N                           | %      |
| Murder                                                   | 42                 | 5.1%   | 34              | 3.6%   | 44                          | 4.6%   |
| Robbery                                                  | 240                | 29.1   | 267             | 28.3   | 240                         | 25.0   |
| Felonious Assault                                        | 74                 | 9.0    | 67              | 7.1    | 82                          | 8.5    |
| Burglary                                                 | 125                | 15.2   | 146             | 15.5   | 132                         | 13.7   |
| Dangerous Drugs                                          | 73                 | 8.8    | 94              | 10.0   | 108                         | 6.5    |
| Dangerous Weapons                                        | 30                 | 3.6    | 39              | 4.1    | 35                          | 3.6    |
| Other Felonies                                           | 123                | 14.9   | 142             | 15.1   | 147                         | 15.3   |
| Non-Felonies ***                                         | 118                | 14.3   | 153             | 16.2   | 173                         | 18.0   |
| Subtotal                                                 | 825                | 100.0% | 942             | 100.0% | 961                         | 100.0% |
| -----                                                    |                    |        |                 |        |                             |        |
| DETAINED SIX<br>MONTHS OR MORE<br>-----                  | N                  | %      | N               | %      | N                           | %      |
| Murder                                                   | 40                 | 21.7%  | 26              | 20.2%  | 27                          | 14.9%  |
| Robbery                                                  | 56                 | 30.4   | 44              | 34.1   | 57                          | 31.5   |
| Felonious Assault                                        | 22                 | 12.0   | 7               | 5.4    | 15                          | 8.3    |
| Burglary                                                 | 20                 | 10.9   | 14              | 10.9   | 20                          | 11.0   |
| Dangerous Drugs                                          | 18                 | 9.8    | 6               | 4.7    | 18                          | 9.9    |
| Dangerous Weapons                                        | 5                  | 2.7    | 6               | 4.7    | 11                          | 6.1    |
| Other Felonies                                           | 19                 | 10.3   | 22              | 17.1   | 28                          | 15.5   |
| Non-Felonies ***                                         | 4                  | 2.2    | 4               | 3.1    | 5                           | 2.8    |
| Subtotal                                                 | 184                | 100.0% | 129             | 100.0% | 181                         | 100.0% |
| Charge Not Available<br>(All Detainees)                  | 6                  |        | 16              |        | 19                          |        |
| TOTAL                                                    | 1015               |        | 1087            |        | 1161                        |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
 \*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).  
 \*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0). therefore subtotals across tables differ slightly.

TABLE 4.3  
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NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: QUEENS

BAIL AMOUNT BY LENGTH OF DETENTION  
BY SAMPLE DATE

| BAIL AMOUNT<br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | T1 *       |        | T2        |        | T3 **              |        |
|----------------------------------------------------------|------------|--------|-----------|--------|--------------------|--------|
|                                                          | (Baseline) |        | (6/24/84) |        | (1st Year Outcome) |        |
|                                                          | N          | %      | N         | %      | N                  | %      |
| \$ 500 or Less                                           | 66         | 8.1%   | 91        | 9.8%   | 109                | 11.6%  |
| \$ 501 - 2500                                            | 187        | 23.0   | 206       | 22.2   | 226                | 24.1   |
| \$ 2501 or More                                          | 384        | 47.2   | 476       | 51.2   | 382                | 40.7   |
| Remand                                                   | 176        | 21.7   | 156       | 16.8   | 222                | 23.6   |
| Subtotal                                                 | 813        | 100.0% | 929       | 100.0% | 939                | 100.0% |
|                                                          |            |        |           |        |                    |        |
| DETAINED SIX<br>MONTHS OR MORE<br>-----                  | T1 *       |        | T2        |        | T3 **              |        |
|                                                          | (Baseline) |        | (6/24/84) |        | (1st Year Outcome) |        |
|                                                          | N          | %      | N         | %      | N                  | %      |
| \$ 500 or Less                                           | 5          | 2.8%   | 2         | 1.6%   | 6                  | 3.4%   |
| \$ 501 - 2500                                            | 16         | 8.8    | 7         | 5.6    | 15                 | 8.4    |
| \$ 2501 or More                                          | 84         | 46.4   | 72        | 57.1   | 108                | 60.3   |
| Remand                                                   | 76         | 42.0   | 45        | 35.7   | 50                 | 27.9   |
| Subtotal                                                 | 181        | 100.0% | 126       | 100.0% | 179                | 100.0% |
|                                                          |            |        |           |        |                    |        |
| Charge Not Available<br>(All Detainees)                  | 17         |        | 32        |        | 41                 |        |
| TOTAL                                                    | 1011       |        | 1087      |        | 1159               |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 5.1  
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NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: STATEN ISLAND

CHARGE SEVERITY BY LENGTH OF DETENTION  
BY SAMPLE DATE

| CHARGE SEVERITY<br>DETAINED LESS<br>THAN SIX MONTHS<br>----- | SAMPLE DATE        |        |                 |        |                             |        |
|--------------------------------------------------------------|--------------------|--------|-----------------|--------|-----------------------------|--------|
|                                                              | T1 *<br>(Baseline) |        | T2<br>(6/24/84) |        | T3 **<br>(1st Year Outcome) |        |
|                                                              | N                  | %      | N               | %      | N                           | %      |
| "A" Felony                                                   | 2                  | 4.1%   | 0               | 0.0%   | 2                           | 3.8%   |
| "B" Felony                                                   | 9                  | 18.4   | 5               | 13.9   | 13                          | 35.1   |
| "C" Felony                                                   | 16                 | 32.7   | 9               | 25.0   | 10                          | 19.2   |
| "D" Felony                                                   | 9                  | 18.4   | 8               | 22.2   | 8                           | 15.4   |
| "E" Felony                                                   | 3                  | 6.1    | 4               | 11.1   | 2                           | 3.8    |
| Non-Felony ***                                               | 10                 | 20.4   | 10              | 27.8   | 17                          | 32.7   |
| Subtotal                                                     | 49                 | 100.0% | 36              | 100.0% | 52                          | 100.0% |
|                                                              |                    |        |                 |        |                             |        |
| DETAINED SIX<br>MONTHS OR MORE<br>-----                      | N                  | %      | N               | %      | N                           | %      |
| "A" Felony                                                   | 3                  | 11.5%  | 4               | 11.4%  | 6                           | 14.0%  |
| "B" Felony                                                   | 11                 | 42.3   | 6               | 17.1   | 13                          | 30.2   |
| "C" Felony                                                   | 5                  | 19.2   | 13              | 37.1   | 10                          | 23.3   |
| "D" Felony                                                   | 5                  | 19.2   | 8               | 22.9   | 9                           | 20.9   |
| "E" Felony                                                   | 0                  | 0.0    | 2               | 5.7    | 1                           | 1.9    |
| Non-Felony ***                                               | 2                  | 7.7    | 2               | 5.7    | 4                           | 9.3    |
| Subtotal                                                     | 26                 | 100.0% | 35              | 100.0% | 43                          | 100.0% |
| Charge Not Available<br>(All Detainees)                      | 2                  |        | 1               |        | 1                           |        |
| TOTAL                                                        | 77                 |        | 72              |        | 96                          |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83)

\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84)

\*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 5.2

NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: STATEN ISLAND

CHARGE TYPE BY LENGTH OF DETENTION  
 BY SAMPLE DATE

| CHARGE TYPE                             | SAMPLE DATE        |        |                 |        |                             |        |
|-----------------------------------------|--------------------|--------|-----------------|--------|-----------------------------|--------|
|                                         | T1 *<br>(Baseline) |        | T2<br>(6/24/84) |        | T3 **<br>(1st Year Outcome) |        |
| DETAINED LESS THAN<br>SIX MONTHS        | N                  | %      | N               | %      | N                           | %      |
| Murder                                  | 1                  | 2.0%   | 0               | 0.0%   | 1                           | 1.9%   |
| Robbery                                 | 8                  | 16.0   | 11              | 30.6   | 10                          | 19.2   |
| Felonious Assault                       | 7                  | 14.0   | 3               | 8.3    | 5                           | 9.6    |
| Burglary                                | 11                 | 22.0   | 6               | 16.7   | 10                          | 19.2   |
| Dangerous Drugs                         | 2                  | 4.0    | 0               | 0.0    | 3                           | 6.5    |
| Dangerous Weapons                       | 4                  | 8.0    | 1               | 2.8    | 1                           | 1.9    |
| Other Felonies                          | 7                  | 14.0   | 5               | 13.9   | 5                           | 9.6    |
| Non-Felonies ***                        | 10                 | 20.0   | 10              | 27.8   | 17                          | 32.7   |
| Subtotal                                | 50                 | 100.0% | 36              | 100.0% | 52                          | 100.0% |
| DETAINED SIX<br>MONTHS OR MORE          | N                  | %      | N               | %      | N                           | %      |
| Murder                                  | 3                  | 10.7%  | 2               | 5.7%   | 6                           | 14.0%  |
| Robbery                                 | 8                  | 28.6   | 12              | 34.3   | 14                          | 32.6   |
| Felonious Assault                       | 2                  | 7.1    | 4               | 11.4   | 3                           | 7.0    |
| Burglary                                | 5                  | 17.9   | 7               | 20.0   | 8                           | 18.6   |
| Dangerous Drugs                         | 1                  | 3.6    | 0               | 0.0    | 0                           | 0.0    |
| Dangerous Weapons                       | 1                  | 3.6    | 2               | 5.7    | 2                           | 4.7    |
| Other Felonies                          | 6                  | 21.4   | 6               | 17.1   | 6                           | 14.0   |
| Non-Felonies ***                        | 2                  | 7.1    | 2               | 5.7    | 4                           | 9.3    |
| Subtotal                                | 28                 | 100.0% | 35              | 100.0% | 43                          | 100.0% |
| Charge Not Available<br>(All Detainees) | 2                  |        | 1               |        | 1                           |        |
| TOTAL                                   | 80                 |        | 72              |        | 96                          |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
 \*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).  
 \*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 5.3  
-----

NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
DETAINEE PROFILE: STATEN ISLAND

BAIL AMOUNT BY LENGTH OF DETENTION  
BY SAMPLE DATE

| BAIL AMOUNT<br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | T1 *       |        | T2        |        | T3 **              |        |
|----------------------------------------------------------|------------|--------|-----------|--------|--------------------|--------|
|                                                          | (Baseline) |        | (6/24/84) |        | (1st Year Outcome) |        |
|                                                          | N          | %      | N         | %      | N                  | %      |
| \$ 500 or Less                                           | 11         | 22.9%  | 10        | 27.8%  | 8                  | 16.7%  |
| \$ 501 - 2500                                            | 7          | 14.6   | 7         | 19.4   | 17                 | 35.4   |
| \$ 2501 or More                                          | 19         | 39.6   | 12        | 33.3   | 11                 | 22.9   |
| Remand                                                   | 11         | 29.4   | 7         | 19.4   | 12                 | 25.0   |
| Subtotal                                                 | 48         | 100.0% | 36        | 100.0% | 48                 | 100.0% |
| DETAINED SIX MONTHS OR MORE<br>-----                     |            |        |           |        |                    |        |
|                                                          | N          | %      | N         | %      | N                  | %      |
| \$ 500 or Less                                           | 1          | 3.8%   | 1         | 2.9%   | 3                  | 7.1%   |
| \$ 501 - 2500                                            | 2          | 7.7    | 2         | 5.7    | 6                  | 14.3   |
| \$ 2501 or More                                          | 12         | 46.2   | 19        | 54.3   | 17                 | 40.5   |
| Remand                                                   | 11         | 42.3   | 13        | 37.1   | 16                 | 55.6   |
| Subtotal                                                 | 26         | 100.0% | 35        | 100.0% | 42                 | 100.0% |
| Charge Not Available<br>(All Detainees)                  | 3          |        | 1         |        | 5                  |        |
| TOTAL                                                    | 77         |        | 72        |        | 95                 |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).

\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.



TABLE 6.1

NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: SPECIAL NARCOTICS PROSECUTOR

CHARGE SEVERITY BY LENGTH OF DETENTION  
 BY SAMPLE DATE

| CHARGE SEVERITY                         | SAMPLE DATE        |        |                 |        |                             |        |
|-----------------------------------------|--------------------|--------|-----------------|--------|-----------------------------|--------|
|                                         | T1 *<br>(Baseline) |        | T2<br>(6/24/84) |        | T3 **<br>(1st Year Outcome) |        |
| DETAINED LESS<br>THAN SIX MONTHS        | N                  | %      | N               | %      | N                           | %      |
| "A" Felony                              | 57                 | 25.1%  | 48              | 19.1%  | 38                          | 15.8%  |
| "B" Felony                              | 140                | 61.7   | 151             | 60.2   | 129                         | 35.1   |
| "C" Felony                              | 14                 | 6.2    | 15              | 6.0    | 17                          | 7.1    |
| "D" Felony                              | 15                 | 6.6    | 36              | 14.3   | 54                          | 22.4   |
| "E" Felony                              | 1                  | 0.4    | 1               | 0.4    | 3                           | 1.2    |
| Non-Felony ***                          | 0                  | 0.0    | 0               | 0.0    | 0                           | 0.0    |
| Subtotal                                | 227                | 100.0% | 251             | 100.0% | 241                         | 100.0% |
| DETAINED SIX<br>MONTHS OR MORE          | N                  | %      | N               | %      | N                           | %      |
| "A" Felony                              | 22                 | 44.0%  | 17              | 42.5%  | 11                          | 28.9%  |
| "B" Felony                              | 20                 | 40.0   | 18              | 45.0   | 17                          | 44.7   |
| "C" Felony                              | 4                  | 8.0    | 3               | 7.5    | 2                           | 5.3    |
| "D" Felony                              | 3                  | 6.0    | 2               | 5.0    | 8                           | 21.1   |
| "E" Felony                              | 1                  | 2.0    | 0               | 0.0    | 0                           | 1.9    |
| Non-Felony ***                          | 0                  | 0.0    | 0               | 0.0    | 0                           | 0.0    |
| Subtotal                                | 50                 | 100.0% | 40              | 100.0% | 38                          | 100.0% |
| Charge Not Available<br>(All Detainees) | 0                  |        | 0               |        | 0                           |        |
| TOTAL                                   | 277                |        | 291             |        | 279                         |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83)

\*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84)

\*\*\* Includes misdemeanors, violations and non-penal law charges.

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 6.3

NEW YORK CITY SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: SPECIAL NARCOTICS PROSECUTOR

BAIL AMOUNT BY LENGTH OF DETENTION  
 BY SAMPLE DATE

| BAIL AMOUNT<br>DETAINED LESS THAN<br>SIX MONTHS<br>----- | T1 *       |        | T2        |        | T3 **              |        |
|----------------------------------------------------------|------------|--------|-----------|--------|--------------------|--------|
|                                                          | (Baseline) |        | (6/24/84) |        | (1st Year Outcome) |        |
|                                                          | N          | %      | N         | %      | N                  | %      |
| \$ 500 or Less                                           | 9          | 3.9%   | 6         | 2.4%   | 7                  | 2.9%   |
| \$ 501 - 2500                                            | 36         | 15.8   | 43        | 17.1   | 35                 | 14.5   |
| \$ 2501 or More                                          | 57         | 25.0   | 44        | 17.5   | 49                 | 20.2   |
| Remand                                                   | 126        | 55.3   | 158       | 62.9   | 151                | 62.4   |
| Subtotal                                                 | 228        | 100.0% | 251       | 100.0% | 242                | 100.0% |
| DETAINED SIX MONTHS OR MORE<br>-----                     |            |        |           |        |                    |        |
|                                                          | N          | %      | N         | %      | N                  | %      |
| \$ 500 or Less                                           | 3          | 6.1%   | 2         | 5.0%   | 1                  | 2.6%   |
| \$ 501 - 2500                                            | 5          | 10.2   | 6         | 15.0   | 8                  | 21.1   |
| \$ 2501 or More                                          | 19         | 38.8   | 13        | 32.5   | 10                 | 26.3   |
| Remand                                                   | 22         | 44.9   | 19        | 47.5   | 19                 | 55.6   |
| Subtotal                                                 | 49         | 100.0% | 40        | 100.0% | 38                 | 100.0% |
| Charge Not Available<br>(All Detainees)                  | 0          |        | 0         |        | 0                  |        |
| TOTAL                                                    | 277        |        | 291       |        | 280                |        |

\* T1 = mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
 \*\* T3 = mean of two sample dates in 1984 (10/28/84 and 12/02/84).

Note: In calculating the averages for T1 and T3 all decimals were rounded to the next highest whole number (e.g., 2.5 rounded to 3.0), therefore subtotals across tables differ slightly.

TABLE 7.1

NEW YORK SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: MANHATTAN

MEAN AND MEDIAN TIMES FOR CASES SIX MONTHS OR OLDER  
 WITH A CONVICTION, BY SAMPLE DATE

|                                                      | SAMPLE DATE               |                        |                                    |
|------------------------------------------------------|---------------------------|------------------------|------------------------------------|
|                                                      | T1 *<br>(Baseline)<br>N % | T2<br>(6/24/84)<br>N % | T3 **<br>(1st Year Outcome)<br>N % |
| Cases Six Months or More<br>With a Conviction Date   | 124 28.8%                 | 74 23.7%               | 93 23.9%                           |
| Total Cases Six Months or More                       | 429 (100.0%)              | 312 (100.0%)           | 387 (100.0%)                       |
| Median Time From Conviction<br>To Sample Date (Days) | 33.4                      | 21.0                   | 25.4                               |
| Mean Time From Conviction<br>To Sample Date (Days)   | 63.0                      | 44.5                   | 40.3                               |

\* T1 = Mean of two sample dates in 1983 (10/30/83 and 12/04/83).

\*\* T3 = Mean of two sample dates in 1984 (10/28/84 and 12/02/84).

TABLE 7.2

NEW YORK SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: BROOKLYN

MEAN AND MEDIAN TIMES FOR CASES SIX MONTHS OR OLDER  
 WITH A CONVICTION, BY SAMPLE DATE

|                                                      | SAMPLE DATE             |                      |                                  |                                  |
|------------------------------------------------------|-------------------------|----------------------|----------------------------------|----------------------------------|
|                                                      | T1 *<br>(Baseline)<br>N | T2<br>(6/24/84)<br>N | T3 **<br>(1st Year Outcome)<br>N | %                                |
| Cases Six Months or More<br>With a Conviction Date   | 55                      | 48                   | 85                               | 12.8%<br>10.1%<br>16.8%          |
| Total Cases Six Months or More                       | 429                     | 473                  | 506                              | (100.0%)<br>(100.0%)<br>(100.0%) |
| Median Time From Conviction<br>To Sample Date (Days) | 17.5                    | 24.2                 | 23.5                             |                                  |
| Mean Time From Conviction<br>To Sample Date (Days)   | 30.9                    | 40.4                 | 37.6                             |                                  |

\* T1 = Mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
 \*\* T3 = Mean of two sample dates in 1984 (10/28/84 and 12/02/84).

TABLE 7.3

NEW YORK SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: BRONX

MEAN AND MEDIAN TIMES FOR CASES SIX MONTHS OR OLDER  
 WITH A CONVICTION, BY SAMPLE DATE

|                                                      | SAMPLE DATE               |                        |                                    |
|------------------------------------------------------|---------------------------|------------------------|------------------------------------|
|                                                      | T1 *<br>(Baseline)<br>N % | T2<br>(6/24/84)<br>N % | T3 **<br>(1st Year Outcome)<br>N % |
| Cases Six Months or More<br>With a Conviction Date   | 58 13.4%                  | 40 16.1%               | 51 15.7%                           |
| Total Cases Six Months or More                       | 433 (100.0%)              | 248 (100.0%)           | 324 (100.0%)                       |
| Median Time From Conviction<br>To Sample Date (Days) | 16.5                      | 20.2                   | 14.8                               |
| Mean Time From Conviction<br>To Sample Date (Days)   | 32.0                      | 34.6                   | 27.8                               |

\* T1 = Mean of two sample dates in 1983 (10/30/83 and 12/04/83).

\*\* T3 = Mean of two sample dates in 1984 (10/28/84 and 12/02/84).

TABLE 7.4

NEW YORK SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: QUEENS

MEAN AND MEDIAN TIMES FOR CASES SIX MONTHS OR OLDER  
 WITH A CONVICTION, BY SAMPLE DATE

|                                                      | SAMPLE DATE             |                      |                                  |
|------------------------------------------------------|-------------------------|----------------------|----------------------------------|
|                                                      | T1 *<br>(Baseline)<br>N | T2<br>(6/24/84)<br>N | T3 **<br>(1st Year Outcome)<br>N |
| Cases Six Months or More<br>With a Conviction Date   | 33                      | 29                   | 26                               |
|                                                      | 18.0%                   | 22.5%                | 14.4%                            |
| Total Cases Six Months or More                       | 183 (100.0%)            | 129 (100.0%)         | 180 (100.0%)                     |
| Median Time From Conviction<br>To Sample Date (Days) | 30.4                    | 18.2                 | 18.0                             |
| Mean Time From Conviction<br>To Sample Date (Days)   | 65.2                    | 34.9                 | 46.2                             |

\* T1 = Mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
 \*\* T3 = Mean of two sample dates in 1984 (10/28/84 and 12/02/84).

TABLE 7.5

NEW YORK SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: STATEN ISLAND

MEAN AND MEDIAN TIMES FOR CASES TWO MONTHS OR OLDER  
 WITH A CONVICTION, BY SAMPLE DATE

|                                                      | SAMPLE DATE             |                      |                                  |
|------------------------------------------------------|-------------------------|----------------------|----------------------------------|
|                                                      | T1 *<br>(Baseline)<br>N | T2<br>(6/24/84)<br>N | T3 **<br>(1st Year Outcome)<br>N |
| Cases Two Months or More<br>With a Conviction Date   | 4                       | 3                    | 8                                |
|                                                      | 15.4%                   | 8.6%                 | 18.6%                            |
| Total Cases Two Months or More                       | 26 (100.0%)             | 35 (100.0%)          | 43 (100.0%)                      |
| Median Time From Conviction<br>To Sample Date (Days) | 86.0                    | 48.0                 | 14.5                             |
| Mean Time From Conviction<br>To Sample Date (Days)   | 88.5                    | 63.0                 | 43.5                             |

\* T1 = Mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
 \*\* T3 = Mean of two sample dates in 1984 (10/28/84 and 12/02/84).

TABLE 7.6

NEW YORK SPEEDY DISPOSITION PROGRAM EVALUATION  
 DETAINEE PROFILE: MANHATTAN SPECIAL NARCOTICS PROSECUTOR

MEAN AND MEDIAN TIMES FOR CASES SIX MONTHS OR OLDER  
 WITH A CONVICTION, BY SAMPLE DATE

|                                                      | SAMPLE DATE               |                        |                                    |
|------------------------------------------------------|---------------------------|------------------------|------------------------------------|
|                                                      | T1 *<br>(Baseline)<br>N % | T2<br>(6/24/84)<br>N % | T3 **<br>(1st Year Outcome)<br>N % |
| Cases Six Months or More<br>With a Conviction Date   | 16 32.6%                  | 12 30.0%               | 13 34.2%                           |
| Total Cases Six Months or More                       | 49 (100.0%)               | 40 (100.0%)            | 38 (100.0%)                        |
| Median Time From Conviction<br>To Sample Date (Days) | 34.0                      | 25.2                   | 15.5                               |
| Mean Time From Conviction<br>To Sample Date (Days)   | 27.9                      | 63.1                   | 16.5                               |

\* T1 = Mean of two sample dates in 1983 (10/30/83 and 12/04/83).  
 \*\* T3 = Mean of two sample dates in 1984 (10/28/84 and 12/02/84).