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PRELIMINARY EVALUATION OF THE
43RD PRECINCT FELONY CASE PREPARATION PROJECT

Vera Institute of Justice

May 8, 1980

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PREFACE

In June 1979, the New York City Police Department and the Bronx District Attorney's Office were awarded an L.E.A.A. Grant for the implementation of a Felony Case Preparation Project in the 43rd Precinct. This Police-District Attorney Program was designed to determine the impact of case preparation on the disposition of felony cases. Case preparation involves conducting immediate follow-up investigations on felony arrests and providing Arrest Investigation Reports to the District Attorney.

As consultants to the Police Department and the Criminal Justice Coordinating Council, the Vera Institute of Justice has assisted in the development and implementation of this project. The report which follows represents Vera's first comprehensive evaluation of this program and was conducted at this time to provide the Police Department and the District Attorney's Office with a preliminary indication of how well the project is meeting its established goals. Vera's role throughout the development, implementation and operation of this project has been one of rendering technical assistance to the Police and District Attorney and providing a careful evaluation of the project's effectiveness. Actual project operations are solely within the control of the Police Department and the Bronx District Attorney's Office.

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AN EVALUATION OF THE 43RD PRECINCT FELONY CASE PREPARATION PROJECT

I. HISTORICAL BACKGROUND

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

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

tion of felony arrests effected in the 43rd Precinct in the Bronx between January 1, 1978 and June 30, 1978 and found that only about 10% of these arrests resulted in felony convictions.

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

In consideration of this, in February 1978 the Vera Institute of Justice proposed to the New York City Police Department that a joint Police-Vera study be conducted to determine the feasibility of implementing a pilot project in one Police Precinct to determine what effect increased police investigation of felony arrests might have on their prosecution. In submitting this recommendation, Vera cited the differences in felony conviction rates between New York City and several other large jurisdictions,

most notably Los Angeles and Detroit. The evidence suggested that persons arrested on felony charges in those jurisdictions were more often subjected to felony prosecutions than persons arrested on felony charges in New York City. Vera also suggested that one reason for this disparity might be the differences in case preparation techniques used by the various police agencies. In this regard, the Vera report read as follows:

In the City of New York the police do little to document a case after the initial arrest. Uniformed personnel, who make the majority of felony arrests, are required only to prepare basic booking documents which, in effect, spell out the probable cause for the arrest. While detectives may prepare other investigatory documents, these are not routinely transmitted to the prosecutors. When a police officer appears in the court complaint room, the only forms he gives to the A.D.A. are a copy of the booking report and the defendant's rap sheet. All other facts are presented verbally by the officer. In victim-related cases, while the police are required to notify the complainant to appear in the complaint room, the vast majority of complainants do not. As a result, the Assistant District Attorney reviewing the case is limited to the police officer's recollections and presentation of facts in making his prosecutorial decisions.*

Case preparation, in the sense of the orderly assembly and verification of facts concerning a prosecution, begins after arraignment. In those cases that are disposed of at the Criminal Court level, the process is less formalized, consisting of the notes on the A.D.A.'s handling of the case in the post-arraignment parts of the court. In those cases to be prosecuted as felonies in Supreme Court, serious case preparation begins after the case is assigned to A.D.A.s for Grand Jury and trial preparation. It is at this point that written statements are secured from witnesses and officers and all of the other documentary supporting material is assembled in one file. At any point in this process, the case may fail. Reluctant witnesses may refuse to appear, promised evidence may fail to materialize and witnesses' memories may fade.

Case preparation and screening in New York City is then a continuous process, initiated by the police and continued by the prosecution and court. In other jurisdictions, there are marked differences which may explain the higher initial washout rate and the high final conviction rate.

In Los Angeles and Detroit, as in many other jurisdictions, the police conduct a follow-up investigation immediately after the arrest and prepare a police prosecution report. This report, which con-

*While this was substantially true at the time of the original report, procedural changes made by both the police and prosecutors have greatly reduced the number of instances in which civilian complainants are not available at the time of the initial complaint room screening.

tains all of the facts of the case, statements of all witnesses, a description of any physical evidence and any other pertinent data, is used as the basis for determining whether or not the case should be prosecuted in court. If the decision is affirmative, the report is carried forward as the basic prosecution record of the case. When done properly, the police report in L.A. and Detroit is probably a more complete compilation of the facts of a case than is the New York case report prepared after weeks and months of prosecutor-police effort. Moreover, the L.A. and Detroit police reports serve as the basis of prosecutions in those cities, greatly reducing the amount of work which must be done on the case by the prosecutor.

In the jurisdictions cited, each arrest is assigned for follow-up to an investigator. Exceptions are made for cases in which the arrest is made by a member of a specialized squad, in which case, he is responsible for the preparation of the follow-up report. The investigator is responsible for conducting a thorough investigation of the arrest and for preparing the investigation report for the prosecutor. The investigation includes the investigator personally interviewing the arresting officer, complainant and any witnesses, as well as interrogating the defendant. Each witness's statement is reduced to writing and included in the report.

There are subtle differences between California and Michigan in the manner in which the follow-up investigation is conducted. In California, the follow-up investigator acts more as an assembler of information, collecting reports from arresting and witnessing officers, statements of witnesses and laboratory reports, and assembling them into a comprehensive prosecution report. The investigator is then responsible for delivering the report to an assistant prosecutor and reviewing the facts of the case with him. It is at this review that the prosecutor may decline to prosecute the case, after which arrangements are made to free the defendant. It is important to note that California law provides for a 48-hour period between arrest and arraignment and it is during that time that the follow-up investigation is conducted.

Detroit, on the other hand, operates under an arraignment system very similar to New York's, with most arraignments taking place within 12 to 24 hours of the arrest. In that city, the follow-up investigator operates more independently than his counterpart in California, and the investigation report represents an independent investigative effort. The typical investigation report in Detroit begins with a brief description of the facts of the alleged crime, and then follows with a summary of the statement of each officer and witness involved. When the investigation is completed, it is reviewed by a superior officer who is responsible for making the final decision on whether the case should be presented for prosecution or the defendant released. Detroit Police Department arrest policy dictates that the department will not present a case to the prosecutor unless the department has secured sufficient evidence to prove every element of the crime charged. They will also refrain from going forward in any case in which the complainant indicates that he does not wish to prosecute.

If the decision is made to seek prosecution, neither the arresting officer nor assigned investigator are required to carry the case forward at that time. Instead, each precinct in Detroit has a number of Court Liaison Officers assigned to it. These officers, sergeants with investigative experience, act as liaison between the precincts and the prosecutor, delivering the completed case reports for review and overseeing the arraignment of the defendant.

While the post-arrest investigation and report preparation procedures in Michigan and California probably require the expenditure of greater amounts of police resources at the front end of the system than in New York, there is some evidence that the advantages gained more than offset these costs. Among the apparent advantages are the following:

- a. The immediate elimination of weak or inappropriate cases from the system reduces the total number of police court appearances both in the arraignment and post-arraignment parts of the court.
- b. Immediate removal of the arresting officer from the process eliminates substantial overtime expenditures.
- c. In neither Los Angeles nor Detroit does the arresting officer have to appear in court at arraignment.
- d. Police officer court appearances are limited to hearings and trials.
- e. Post-arraignment assignment of police personnel for case preparation is either completely avoided or greatly reduced.
- f. Total system resources may be directed at successful prosecutions.

After a period of analysis and discussion with Vera, the Police Department approved the conduct of the feasibility study and designated the 43rd Precinct in the Bronx as a possible site for a pilot project. In September 1978, a research team consisting of Vera's Director of Police Planning, the Police Department's liaison officer at Vera, and a Vera staff attorney, began research in both the 43rd Precinct and the Bronx District Attorney's Office. During the next five months, the research team conducted a number of studies in the 43rd Precinct and presented the results to the Police Department in January 1979. Among these were the following:

- a. An analysis of the workload of the 43rd Precinct Investigating Unit for the first six months of 1978.
- b. An analysis of the procedures followed in both the Police Department and the Bronx District Attorney's Office relative to the processing of felony arrests.
- c. An analysis of the dispositions of all of the felony arrests made in the 43rd Precinct during the first six months of 1978.
- d. The development of operational procedures for the conduct of a pilot project in felony case preparation.

Also during this period, a pilot program was developed in which members of the 43rd Precinct Investigating Unit began to conduct follow-up investigations on selected felony arrests made in the precinct.

The results of these activities were recorded and presented to the Police Department on January 3, 1979 in a status report on the development of the proposed project.

The report was considered in a series of internal meetings within the Department and was discussed in some detail in a meeting with representatives of Vera. At that time it was decided that the Department would conduct the experiment and Vera was asked to prepare an application for a Law Enforcement Assistance Administration Grant to defray the cost of the additional manpower which it was thought would be required to insure effective operations.

The grant request was subsequently approved by the New York City Criminal Justice Coordinating Council and the N.Y. State Division of Criminal Justice Services. The grant was to begin on June 1, 1979 with actual project operations scheduled to commence on July 1, 1979. However,

prior to project implementation, the Police Department announced that a reorganization of its detective forces in Bronx County would go into effect on July 1. As a result of this reorganization, the number of detectives assigned to the 43rd Precinct Detective Unit (PDU) was increased, as was its responsibility with respect to the initial investigation of most categories of crimes. Prior to the reorganization, the detective unit was part of the Patrol Bureau of the Department and its initial investigative responsibility was limited to those crimes not referred to the specialized Detective Bureau Commands in the Borough (i.e., Homicide, Sex Crimes, Senior Citizens Robbery, etc.). Under the reorganization, the Detective Unit was transferred to the Detective Bureau and almost all of the specialized Detective Borough units were abolished.

Faced with the difficulties inherent in introducing a major innovative program on the same date that a functional reorganization would take place, the decision was made to defer implementation of the pilot project until August 1, 1979.

During the three months prior to implementation, final arrangements were made for the introduction of the program. These included:

- a. Intensive orientation and training of the members of the Detective Unit. This included those members assigned as of July 1.
- b. Orientation and training of the members of the uniformed force assigned to the 43rd Precinct.
- c. Development of a Criminal Investigation Course which was administered to the members of the P.D.U. by personnel assigned to the Department's Legal Division.

- d. Final development of project procedures, project forms, and record-keeping instruments.
- e. The recruitment and selection of the additional personnel provided under the L.E.A.A. Grant.

OPERATION OF THE PROGRAM

The 43rd Precinct Felony Case Preparation Project began operations on August 1, 1979. The purpose of the program is to improve felony prosecution in the City of New York through the investigative augmentation of felony arrests. By improving police charging practices and presenting more and better information to the prosecutor at the very beginning of the process, the project aims to weed out un-prosecutable cases in a more timely and effective manner, strengthen the evidence against defendants who are continued for prosecution and thus increase the number and level of convictions in felony cases.

Under the terms of the project, approximately ²90% of the adult felony / 3 arrests made in the pilot precinct are assigned to members of the Precinct Detective Unit for follow-up investigation and the preparation of an Arrest Investigation Report by the assigned detective. (Adult arrests not included in the program are those made by specialized investigating units which already have established liaison channels with the District Attorney's Office.) In project cases, upon completion of the follow-up investigation and the preparation of the Arrest Investigation Report, the defendant is taken through the normal central booking/pre-arraignment/arraignment process by the arresting officer.

Briefly, the project operates as follows: Members of the police department making arrests within the 43rd Precinct bring the defendants to the precinct station house for pre-central booking processing. Upon

arriving at the station house, they inform the precinct desk officer of the circumstances of the arrest. The desk officer then reviews the facts of the case and makes a determination as to whether or not the arrest should be voided or booked and, if booked, on what charge. If the desk officer determines that felony charges should be placed against the defendant, and the arrest was made by a member of the department not excluded from project operations, he prepares a Project Case Log and directs the arresting officer to deliver the defendant and the Project Case Log to the supervisor on duty in the precinct detective unit. The P.D.U. supervisor briefly reviews the facts of the case with the arresting officer and assigns the arrest of a member of the unit for follow-up investigation.

The assigned detective interviews all parties to the case, the arresting and any assisting officers, the victim and any identified witnesses, and the defendant. If necessary, he may visit the crime scene to search for additional evidence or to conduct a survey to locate additional witnesses or, he may request the assistance of forensic technicians to examine the crime scene. Also, if necessary, he may conduct one or more line-ups to insure the proper identification of the defendant. During the course of the follow-up investigation, the detective uses the arresting officer to assist him, a procedure which not only involves the officer in the development of his case, but which also serves as a training vehicle designed to improve the investigative skills of arresting officers.

When he has completed his investigation, the assigned detective prepares an Arrest Investigation Report (AIR). Each AIR, at a minimum, describes the following:

- how the crime came to the attention of the police
- the nature and circumstances of the offense, including a description

of the nature of the relationship between the suspect and complainant, if any;

- the way in which the suspect was identified (show-up, line-up, photo identification, etc.);
- the way in which the suspect was apprehended (e.g. at the scene of the crime, turned himself in, etc.);
- statements made by the complainant, witnesses, and the defendant;
- physical evidence that has been vouchered;
- the willingness of the complainant to proceed with the prosecution.

In short, the AIR is designed to transmit to the District Attorney's Office all of the information about the crime and the arrest known to the police.

The assigned detective is responsible for determining the appropriate charge to be placed against the defendant. Consistent with Police Department charging policies this is the highest charge for which probable cause may be demonstrated by the facts of the case. Occasionally, the follow-up investigation may develop additional information which leads to the conclusion that the arrest should be voided. If so, the detective confers with the P.D.U. supervisor and a recommendation to that effect is made to the Precinct Desk Officer.

When the AIR is completed, it is reviewed by the PDU supervisor; the arresting officer is given two copies, one for his personal records and one for delivery to the District Attorney's Office, and the officer is released to deliver his prisoner(s) to the Central Booking Facility. Upon completion of Central Booking, the arresting officer delivers the AIR to the project's

Court Liaison Sergeant who escorts the officer through the District Attorney's screening process and records various items of information used in the development and evaluation of the program.

All project cases, whether finally charged as felonies or misdemeanors by the PDU, are screened by the Felony Case Bureau (FCB) of the Bronx District Attorney's Office. The members of that unit are responsible for evaluating the merits of cases presented to them and determining how such cases should be handled. Among the range of alternatives available to the FCB are the following:

- (1) The ADA may refuse to prosecute, based on his opinion that the information available at that time does not indicate that a crime was committed. This option is known as a "343"--a reference to form 343 which is completed by the ADA in these circumstances.
- (2) The ADA may decline to prosecute because the complaining witness fails to appear in the complaint room or, upon appearing, indicates that he does not wish to pursue the matter;
- (3) The ADA may decide to prosecute the case as a misdemeanor or as a felony, or may refer the case to another forum, i.e., Family Court.

If the FCB ADA decides to proceed with the case as a felony, he is responsible for assigning a Felony Case Track to the case. The felony case track--A through E--indicates how the screening ADA believes the case should be handled by the Bronx District Attorney's Office, even though the tracking decision may be reviewed and changed during the life of the case in court. Felony case tracks used by the Bronx District Attorney's Office are as follows:

"A" Track - Indicates that the District Attorney's Office intends to prosecute the case as a felony and will present the facts to a Grand Jury without first having a felony hearing in the Criminal Court.

"B" Track - Indicates that the District Attorney's Office intends to prosecute the case as a felony, but will present the facts to a Grand Jury only after (the conduct of) a felony hearing in Criminal Court.

(NOTE): Throughout this report, "A" and "B" Tracked Cases are referred to as Indictment Tracked Cases.

"C" Track - Indicates that the case tracking decision will be deferred until either additional information is available (e.g. defendant's prior criminal record), or the case is reviewed by supervisory personnel.

"D" Track - Indicates that the complaint will be drawn as a felony but is to be disposed of in Criminal Court on reduced charges either as a misdemeanor or a violation.

"E" Track - Indicates that the District Attorney's Office will move for the dismissal of the case at arraignment.

If the Felony Case Bureau ADA assigns an A or B track to a felony case, he is responsible for the preparation of the District Attorney's Case Folder and for all of the post-arraignment processing of the case up to and including the presentation of the case before a Grand Jury. If on the other hand, the ADA in the FCB assigns a C, D. or E track to a felony case or charges a misdemeanor, the responsibility for D.A. folder preparation and subsequent processing of the case is delegated to a member

of the Criminal Court Bureau of the District Attorney's Office. Regardless of who prepares the District Attorney's folder, actual preparation of the court complaint takes place in the D.A.'s complaint room under the supervision of members of the Criminal Court Bureau. After the complaint has been prepared and sworn to by the complainant or arresting officer, both are released and the defendants arraigned in the normal fashion.

During the Felony Case Bureau review of the case, the Project's Court Liaison Sergeant serves as the link between the precinct operation and the District Attorney's Office. In addition to gathering information concerning the ADA's opinion of the thoroughness of the investigation, (which is fed back to the precinct for training purposes) the liaison sergeant is available to the ADA to secure additional investigation on the case should the ADA request it. If so, the liaison sergeant notifies the assigned detective who conducts the additional investigative steps and forwards a report to the Liaison Officer who delivers it to the assigned ADA.

II. Evaluating the Felony Case Preparation Project

The Vera Institute of Justice has assumed responsibility for evaluating the FCPP. Ultimately, the program will be assessed in terms of the following five measures of impact:

- a) The amount and quality of information available at the complaint stage;
- b) The patterns of dispositions obtained in "project type" felony arrests;
- c) The ways in which the police and D.A. use the information produced by the project and interact with each other during the dispositional process;
- d) The definition and performance of various roles within the Police Department, especially those of the arresting officer and the investigating detective, and the use of detective resources within the Department; and
- e) The relationships between the police and District Attorney's Office, especially as they are enacted during felony case processing.

A design for carrying out this research has been prepared and disseminated in a separate document, entitled "A Research Strategy for the Felony Case Preparation Project". Efforts are underway now towards implementing portions of that design, especially those related to measuring the program's impact on case disposition patterns.

The basic strategy for evaluating program impact on dispositions involves a comparison of dispositional patterns for the experimental precinct (the 43rd) with those from a control precinct (the 46th) and comparison within each precinct of the dispositions obtained before and after program

commencement (August 1, 1979). The use of the "comparison" precinct allows us to control for changes in the precinct's complaint or arrest patterns and for changes in relevant policies and procedures in the District Attorney's Office or the Criminal Court. The 46th Precinct was selected because it was comparable to the 43rd with respect to felony complaint rate, felony arrest rate, age distribution of arrestees, and precinct police manpower resources.

The design calls for measuring these changes over a full year of project operation. This will mean that case disposition data will not be fully collected until a few months after that year of program operation, as additional time must pass before the majority of the later arrests are disposed.

The Police Department is, of course, concerned with indications of program impact, but cannot wait for the completion of the evaluation to receive that information. Therefore, using the basic evaluation design the Vera staff has collected and analyzed preliminary data describing the program's impact on case disposition patterns. The findings from this preliminary evaluation are reported in the remainder of this document.

For the complete evaluation, the staff will draw four samples of approximately 700 cases each. It is expected that these 2800 cases will pertain to approximately 4,200 defendants. For the purposes of this preliminary evaluation, the disposition of all "project type" felony arrests made in the two precincts during the months of August and September 1979 (i.e., the first two months of program operation) were studied and compared with similar type arrests made in the two precincts during August and September of 1978. Thus, the number of cases included in this evaluation were as follows: 43rd, '78 = 422; 43rd, '79 = 354; 46th, '78 = 434; 46th, '79 = 464.

By limiting this research to arrests that were relatively remote in time (i.e., August and September, 1979 at the latest), we insured that the vast majority of the cases would be disposed of by the time of our data collection (January, 1980). Indeed, approximately 85% of the cases in each sample were disposed and available for data collection at that time.

There are, of course, limitations to the strength of inferences which may be drawn from analyzing only two months of program data. The results obtained during the first two months may not be representative of the long term results of the project. On the one hand, the project may have a building effect which may not be clearly reflected in the first two months, because, as with many new procedures, it may take time for the actors in the process to become acquainted with the new process and begin to use it to its maximum benefit. On the other hand, there may be a halo effect connected with early operations, one which is not sustained through the life of the program.

Fortunately, program personnel maintain a good deal of data describing the processing and disposition outcome in each project case, as well as information pertaining to "non-project type" arrests made in the 43rd precinct. In addition, special efforts were made to secure from the Office of Court Administration (OCA) the actual indictment figures for arrests made in the two precincts through the month of December, 1979.

This additional data from the program records and from OCA is used in later sections of this report to determine whether the patterns revealed in the analysis of the two months evaluation data are continued throughout the first five or six months of program operation.

The remainder of this report presents the findings of this preliminary evaluation. After summarizing some of the objectives and assumptions of the program and setting forth the major dispositional hypotheses, the dispositional patterns of all "project-type" arrests are presented and compared over time and between precincts. We then focus more narrowly on court activities related to these cases by examining the distribution of dispositions for all cases that were forwarded to arraignment. Since some kinds of offenses are thought to be more likely to result in indictments than others, the impact of the program on dispositions is analyzed separately for four major felonies -- robbery, assault, burglary, and grand larceny. We also hypothesized that the program would have an impact on the level at which convictions are obtained in the Criminal Court and the subsequent sentences imposed. These hypotheses are examined in the next section of the report. Finally, supplemental data obtained from OCA and program files are used to project the long-term effects of the FCPP on voided arrest and indictment rates for "project-type" cases.

III. RESEARCH FINDINGS

A. Introduction

These are a number of standards against which the performance of the Felony Case Preparation Project may be measured. Because the principal goals of this program are to promote efficient and effective case processing on the court level, we will use conviction and indictment rates as an indication of program effectiveness. In so doing, we do not mean that arrests are justifiable and appropriate police actions only when they result in convictions or indictments. Indeed, we emphatically reject such a suggestion because it seriously over-simplifies the function of the police and the nature of the disposition process.

Vera's Felony Disposition Study and research conducted by other agencies in different jurisdictions indicate that there are a number of reasons why a legally sufficient arrest may not result in a conviction. Arresting officers are held to the standard of "probable cause" for an arrest; that is, they must demonstrate that there was "probable cause" to believe that a crime was committed and that the person arrested committed the crime. In practice, a more intensive investigation may indicate that although a crime has "technically" been committed, the nature and circumstances of the case do not warrant a prosecution. Similarly, although an arrest may be justified, there may be too little evidence to support a conviction. Furthermore, as a burgeoning body of literature suggests, the pivotal participant in the system is the victim. This research indicates that a number of potentially successful pro-

secutions fail because the victim and/or witness are unable or unwilling to cooperate with the prosecution.

In all, it appears that a large percentage of felony arrests are destined to culminate in non-conviction dispositions. This is a phenomenon not unique to New York City. In the research that preceded the introduction of the program, statistics were gathered from several large cities across the country which indicated that about 50% of felony arrests resulted in non-conviction dispositions.

If a large number of felony arrests are destined to end in non-conviction dispositions, the effectiveness of the system might best be improved by concentrating attention on those cases most likely to end in convictions. With this in mind, the Felony Case Preparation Project stresses the development of mechanisms and techniques which promote the efficient and effective utilization of court and prosecutorial resources through:

- a) the early identification and disposition of those cases which will ultimately result in dismissals or other "non-conviction" dispositions, and
- b) the identification of serious offenses meriting the allocation of court and prosecutorial resources necessary to insure a disposition commensurate with the nature and circumstances of the offense.

The Felony Case Preparation Project was designed to promote both of these ends. The implementation of post-arrest investigations conducted by detectives and the preservation of the information in the form of an arrest investigation report was designed to enable the District Attorney's office to more quickly identify those arrests that

are unlikely to result in convictions, and to promote rapid disposition for these cases. Additionally, the Arrest Investigation Report was designed to provide the prosecutor with information required to assess the merits and strength of the evidence in "prosecutable" cases, and determine which cases warrant disposition in Criminal Court as a misdemeanor, or disposition in Supreme Court as a felony.

Specifically, it was thought that intensive investigation would improve the quality of the evidence and thereby bolster the prosecutor's plea-bargaining position in serious cases. This increase in the prosecutorial leverage would be reflected in higher conviction and indictment rates.

The research presented in this report focuses on the outcome of "project type" felony arrests. Outcome is measured in terms of the number of cases voided by the police without being presented to the ADA, the number which the ADA does not accept for prosecution, the tracking decisions made by the ADA in those cases accepted for prosecution; the number of ACD's (Adjournments in Contemplation of Dismissal) and dismissals among cases which are accepted for prosecution; and the number of Criminal Court convictions and felony indictments obtained.*

* Except where indicated, the numbers reported and the ends calculated deal only with those cases which have been disposed of in Criminal Court or indicted. Thus cases which are still pending in Criminal Court are not included in our calculations. Nevertheless, we were able to obtain dispositional data on over 85% of all of the arrests effected in each time period.

Of the 422 project-type arrests effected in the 43rd Precinct in 1978, 5.9% (28) were open at the time of our data collections; 11.9% (42) of 1979 cases were still pending. Similarly, 15.7% (68) of 1978 46th precinct dispositions were unavailable compared to 15.1% (70) of 1979 cases.

Our analysis is limited to a consideration of Criminal Court disposition because the majority of the cases processed in Supreme Court are still open.

These numerous case outcomes are grouped into three categories which will be referred to as: 1) "pre-arraignment dispositions", including voided arrests, and cases in which prosecution was declined because the complainant failed to appear or because the facts of the case could not sustain a prosecution; 2) "non-conviction" cases; that is, cases that are disposed in criminal court through ACDs, dismissals, or transfers to family court, and, 3) "conviction or indictment dispositions", convictions in criminal court and indictments for felony processing in Supreme Court.

The program's major dispositional objectives may be restated in the form of a series of hypotheses related to the expected disposition of felony arrests in the 43rd precinct when compared to the base year. These hypotheses are as follows:

- 1) An increase in the proportion of felony arrests that are voided on the station house level, which would in turn result in a decrease in the proportion of cases that are declined prosecution by the FCB ADA.
- 2) Additionally, and this hypotheses is related to hypothesis 1, we expected an increase in the proportion of what may be termed "pre-arraignment dispositions", that is, cases dropped from the system before arraignment.
- 3) A decrease in the proportion of the felony arrests that are dismissed or ACD'd at or subsequent to arraignment in Criminal Court.
- 4) An increase in the proportion of all project type felony arrests that result in convictions in Criminal Court.
- 5) An increase in the proportion of felony arrests that result in grand jury indictments.
- 6) For cases that are convicted in Criminal Court, we expected an increase in the level of the conviction charge. Specifically, an increase in the proportion of pleas to Class A-misdemeanors,

and a concomitant decrease in the proportion of pleas to Class B-misdemeanors and violations was expected.

7. Given the higher level of conviction charges, an increase in the proportion of defendants sentenced to periods of incarceration was anticipated.

In practical terms, the implementation of the program should result in a shift in dispositions from the Criminal Court level back to the prearrest decision-making points, specifically the station house and FCB level. Moreover, of those cases that survive this intensified screening, we would expect an increase in the relative frequency of Criminal Court convictions, and an increase in the severity of the punishment imposed. In other words, given a more accurate appraisal of the nature and circumstances of the offense, and the quality of the evidence, we would anticipate a disposition that is commensurate with the "worth" or "value" of the case.

As the following sections show, the data available for this interim report support each of the seven hypotheses--an unusual event in research of this kind. In most instances, the impact of the program appears dramatic.

B. An Overview of Case Outcomes For All "Project-Type" Arrests

Table 1 presents the distribution of dispositions for "project-type" felony arrests effected in the 43rd and 46th Precincts during August and September 1978 and 1979. As the text indicates, the results are in the expected direction, and it appears that the Felony Case Preparation Project has had a significant impact on pre-arraignment screening of arrests, has substantially reduced the proportion of arrests that result in dismissals and ACD's in Criminal Court, and has dramatically increased the indictment rate for 43rd Precinct felony arrests.

C. Voided Arrest Rates

In the research design section, we hypothesized that the post-arrest investigation process would result in an increase in the proportion of arrests that are voided at the station house. The data presented in Table 1 confirm this expectation. In 1978, only 1.3% of the 43rd Precinct felony arrests were voided at the station house. In 1979, 18.6% of the felony arrests were dropped at this point. This represents a difference of 17.3% from the base to the test year, a percentage change of 1330%. In contrast, the voided arrest rates for the 46th Precinct remained almost unchanged from 1978 to 1979, declining slightly from 4.9% to 4.8%. In sum, not only was there a thirteen-fold increase in voided arrests in the 43rd Precinct, but that precinct voided nearly four times as many arrests as did the 46th Precinct.

D. Declined Prosecution

We hypothesized that the increase in the proportion of arrests that were voided at the precinct level would result in a decrease in the proportion that were declined prosecution by the District Attorney. As expected,

TABLE 1

Four Way Comparison of the Distribution of Dispositions of Arrests Disposed of Before or At Criminal Court Level

Precinct	Voided	Declined Prosecution	Sub-Total Pre-Arr. Disp.	A.C.D.	Dismissed	Sub-Total Court Non-Convnt.	Sub-Total Non-Convnt.	Convnt.	Indicted	Sub-Total Convnt.
43-78 (397)	5 (1.3%)	32 (8.1%)	37 (9.3%)	55 (13.9%)	117 (29.5%)	172 (43.3%)	209 (52.6%)	150 (37.8%)	38 (9.6%)	188 (47.4%)
43-79 (312)	58 (18.6%)	22 (7.1%)	80 (25.6%)	23 (7.4%)	61 (19.6%)	84 (26.9%)	164 (52.6%)	100 (32.1%)	48 (15.4%)	148 (47.4%)
Absolute Change:	+17.3%	-1.0%	+16.3%	-6.5%	-9.9%	-16.4%	0.0%	-5.7%	+5.8%	0.0%
% Change:	+1330%	-12.3%	+175%	-46.8%	-33.6%	-37.9%	0.0%	-15.1%	+60.4%	0.0%
46-78 (366)	18 (4.9%)	19 (5.2%)	37 (10.1%)	43 (11.7%)	104 (28.4%)	147 (40.2%)	184 (50.3%)	127 (34.7%)	55 (15.0%)	182 (49.7%)
46-79 (394)	19 (4.8%)	28 (7.1%)	47 (11.9%)	52 (13.2%)	107 (27.2%)	159 (40.4%)	206 (52.3%)	126 (32.0%)	62 (15.7%)	188 (47.7%)
Absolute Change:	-0.1%	+1.9%	+1.8%	+1.5%	-1.2%	+0.2%	+2.0%	-2.7%	+0.7%	-2.0%
% Change:	-2.0%	+36.5%	+17.8%	+12.8%	-4.2%	+0.4%	+4.0%	-7.8%	+4.6%	-4.0%
Cross Precinct % Change - 43/46										
1978	-3.6%	+2.9%	-0.8%	+2.2%	+1.1%	+3.1%	+2.3%	+3.1%	-5.4%	-1.7%
1979	+13.8%	0.0%	+13.7%	-5.8%	-7.6%	-13.5%	+0.3%	+0.1%	-0.3%	-0.3%

the percentage of cases in which prosecution was declined decreased slightly from 8.1% to 7.1% for 43rd Precinct cases, reflecting a 12.3% decrease in the declined prosecution rate.

In contrast, there was a substantial increase in the proportion of 46th Precinct cases that were disposed of in this manner. For the latter category of cases, the decline prosecution rate climbed from 5.2% in 1978 to 7.1% in 1979, a percentage change of 36.5%. Thus, while the 43rd Precinct declined prosecution rate decreased by 12.3%, it rose by 36.5% for 46th Precinct cases.

E. Pre-Arraignment Dispositions

The impact of the project is very clearly reflected in the proportion of cases that are disposed of before arraignment. In 1978, only 9.3% of the 43rd Precinct felony arrests were dropped from the system before arraignment. In 1979 the prearraignment disposition rate soared to 25.6%. This 175% increase in non-arraigned arrests is primarily attributable to the substantial increase in the proportion of arrests that were dropped at the precinct level. In comparison, the pre-arraignment disposition rates for the 46th Precinct cases were relatively stable over time and comparable to the 43rd Precinct's rate before the implementation of the project. Specifically, the proportion of 46th Precinct arrests that were voided or declined prosecution rose from 10.1% in 1978 to 11.9% in 1979, a percentage change of 17.8%.

F. Non-Convictions in the Criminal Court

The percentage of 46th Precinct "project-type" arrests that were

disposed of in the Criminal Court as either dismissals or ACD's remained constant over time. In 1978, 40.2% of the arrests resulted in "non-convictions" in Criminal Court, compared to 40.4% in 1979. Similarly, 43.3% of the 1978 43rd Precinct cases were disposed of in this manner. In sharp contrast, the 43rd Precinct in 1979 experienced a dramatic reduction in the proportion of project-type cases dismissed or ACD'd. The non-conviction rate declined from 43.3% to 26.9% -- an absolute difference of 16.4% and a percentage change of 37.9%.

In the introduction to this report, we noted that various studies of felony case attrition in both New York City and other jurisdictions suggest that 50% of all felony arrests will be disposed of through dismissals or other "non-conviction" dispositions. The samples used in this evaluation are no exception. In both the base and test year and across precincts, the "non-conviction" rate hovered around the 50% mark. A review of the 43rd Precinct figures indicates that the project had no impact on the non-conviction rate; nevertheless, the FCPP appears to have had a profound impact on the point at which these cases left the system. "Non-convictable" arrests were dropped from the system at the station house level and before court arraignment. This in turn, resulted in a relatively low ACD and dismissal rate in the Criminal Court. These findings suggest that the project facilitated the identification of evidentially weak and non-serious cases and promoted their early disposition.

G. Convictions/Indictments

The data presented in Table I indicate that there was remarkably little variation within or between precincts in terms of the percentages of all felony

arrests that resulted in convictions in Criminal Court or were disposed of through Grand Jury indictments. Overall, only one out of every two project-type arrests resulted in either a conviction or indictment. Specifically, in both 1978 and 1979, 47.4% of the 43rd Precinct arrestees were convicted or indicted compared to 49.7% and 47.7% for the 46th Precinct arrests for the base and test year.

However, a closer examination of the distribution of convictions and indictments reveals that the project had a considerable impact on the ratio of convictions to indictments for 43rd Precinct cases. For example, in 1978, 37.8% of 43rd Precinct arrestees were convicted, while 9.6% were indicted, producing a ratio of 4 Criminal Court convictions to 1 Grand Jury indictment. In 1979, the ratio was 2:1 (32.1% to 15.4% respectively), indicating that there has been a substantial shift within the conviction/indictment category. The most obvious implication of this shift toward a higher indictment rate is that we can anticipate an increase in the proportion of felony arrests that will result in felony convictions for 43rd Precinct cases.

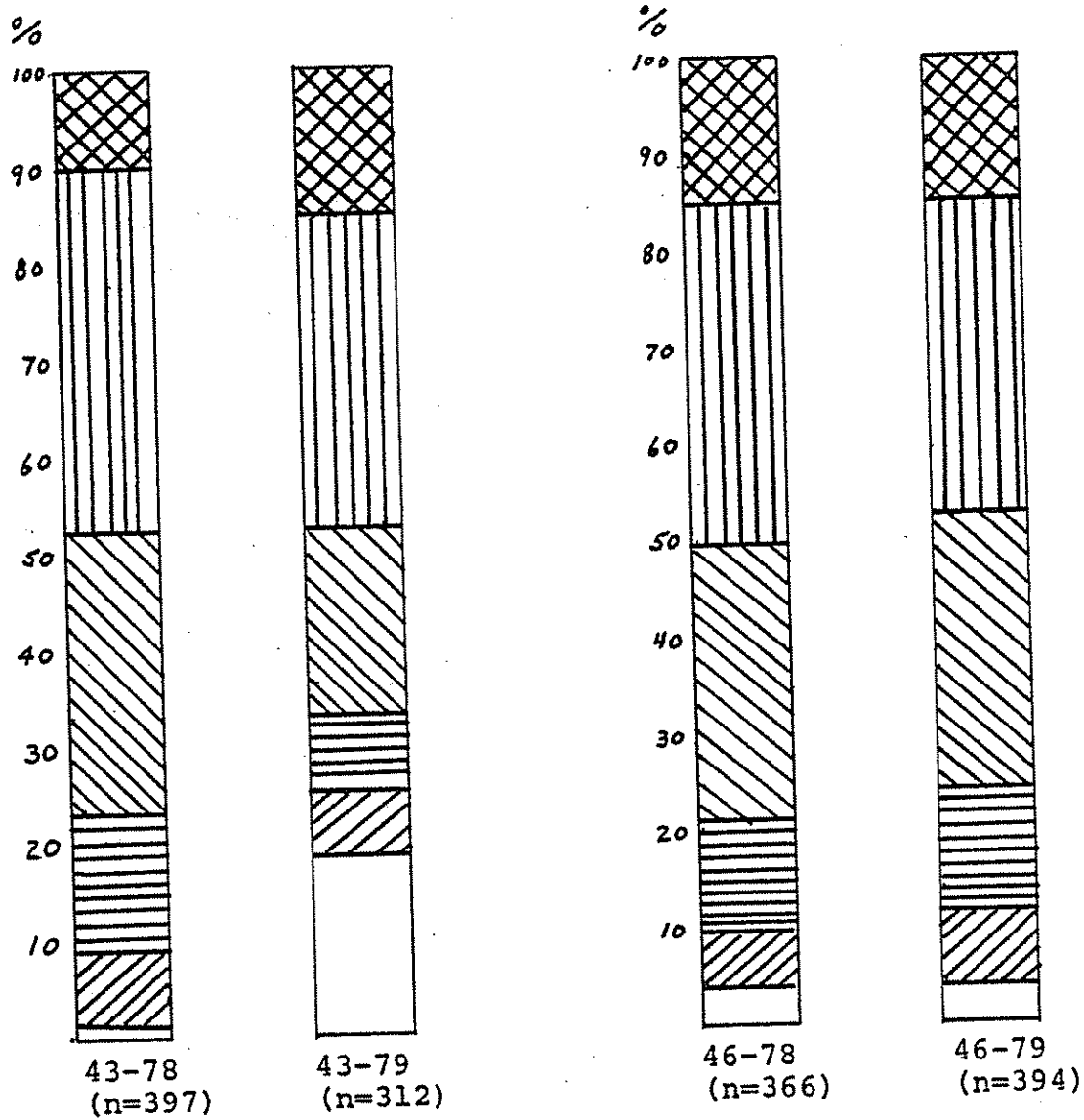
Although there was a considerable change in the distribution of convictions and indictments for 43rd Precinct cases, there was very little fluctuation in the 46th Precinct rates. While the 43rd Precinct indictment rate rose from 9.6% to 15.4% (an absolute difference of 5.8% and a percentage change of 60.4%), the indictment rate for the 46th Precinct cases varied little over the two years, increasing slightly from 15.0% to 15.7%, a percentage change of 4.6%. Additionally, the ratio between convictions and indictments in the 46th Precinct remained unchanged, at approximately 2:1 for the base and test years.

Figure 1 provides a graphic view of the percentage distribution of

43rd Precinct Felony Case Preparation Project

Figure 1

Four-Way Comparison of the Percentage Distribution of Dispositions of Arrests Disposed of Before or At Criminal Court Level



Voided

Nolle Prose

ACD

Dismissals

Criminal Court Convictions

Indicted

dispositions of project-type arrests at critical points in the processing system.

H. Disposition of All Arraigned Cases

In this section we focus on the distribution of dispositions for project-type felony arrests that survived screening on both the station house and complaint room levels and were forwarded for arraignment. This examination of the arraignment and post-arraignment dispositions provides an indication of the impact of the Felony Case Preparation Project on Criminal Court case-processing patterns.

Table 2 displays the distribution of Criminal Court dispositions for 43rd and 46th Precinct felony arrests that were forwarded to arraignment. Nearly half of the felony arrests in the three non-FCPP samples resulted in an ACD or dismissal. For example, the non-conviction rate for 46th Precinct cases was fairly stable rising slightly from 44.7% in 1978 to 45.8% in 1979 resulting in a percentage change of 2.5%. In marked contrast, the 43rd Precinct's ACD and Dismissal rates dropped substantially from 47.8% in 1978 to 36.2% in 1979 -- an absolute difference of 11.6% and a percentage change of 24.3%.

This reduction in the ACD and dismissal rates for 43rd Precinct arrests produced a considerable increase in that precinct's conviction/indictment rate (from 52.2% in 1978 to 63.8% in 1979 -- an absolute increase of 11.6% and a percentage change of 22.2%). In comparison the 46th Precinct experienced a slight decline in the proportion of arraigned cases that resulted in convictions or indictments. While 55.3% of the 46th Precinct cases were disposed

Table 2

Four Way Comparison of the Distribution
of Cases Disposed of in Criminal Court

<u>Precinct</u>	<u>ACD</u>	<u>Dismissed</u>	<u>Not-Conv.</u>	<u>Convicted</u>	<u>Indicted</u>	<u>Conv./Indicted</u>
43 - 78 (360)	55 (15.3%)	117 (32.5%)	172 (47.8%)	150 (41.7%)	38 (10.6%)	188 (52.2%)
43 - 79 (232)	23 (9.9%)	61 (26.3%)	84 (36.2%)	100 (43.1%)	48 (20.7%)	148 (63.8%)
Absolute Change:	- 5.4%	- 6.2%	- 11.6%	+ 1.4%	+10.1%	+ 11.6%
% Change:	- 35.3%	- 19.1%	- 24.3%	+ 3.3%	+94.4%	+ 22.2%
46 - 78 (329)	43 (13.1%)	104 (31.6%)	147 (44.7%)	127 (38.6%)	55 (16.7%)	182 (55.3%)
46 - 79 (347)	52 (15.0%)	107 (30.8%)	159 (45.8%)	126 (36.3%)	62 (17.9%)	188 (54.2%)
Absolute Change:	+ 1.9%	- 0.8%	+ 1.1%	- 2.3%	+ 1.2%	- 1.1%
% Change:	+ 14.5%	- 2.5%	+ 2.5%	- 6.0%	+ 7.2%	- 2.0%

of by conviction or indictment in 1978, only 54.2% were disposed of in this manner in 1979.*

The impact of the project on court processing of 43rd Precinct arraigned cases is evident in the shift in the ratio between Criminal Court convictions and indictments. In the base year, approximately four out of every ten arraignments resulted in conviction in Criminal Court; an additional ten percent were indicted. Thus the ratio between convictions and indictments was approximately 4:1. With the implementation of the project, the conviction rate for 43rd Precinct arrests rose from 41.7% to 43.1%, and the indictment rate literally doubled from 10.6% in 1978 to 20.7% in 1979. Thus the ratio of convictions to indictments improved from 4:1 to 2:1.

These significant changes in the 43rd Precinct are in sharp contrast to the relative stability of conviction and indictment levels over time in the 46th Precinct. The conviction rate actually declined slightly from 38.6% in 1978 to 36.3% in 1979. That decline was compensated for by a slight increase in the indictment rate from 16.7% to 17.9%. It is notable, however, that the conviction rate in the 43rd Precinct increased slightly while the indictment rate doubled over the same period.

These findings suggest that the FCPP, by improving the quality of the evidence provided the prosecutor, enabled him to obtain convictions in cases which might otherwise have been disposed in Criminal Court as dismissals. Furthermore, and perhaps of greater consequence, the AIR seems to have not only facilitated the identification of serious cases, but also strengthened

*These percentages are higher than the conviction/indictment percentages presented in the preceding section. The base used here is all arraigned cases, while the large base of all project arrests was used in the last section.

the quality of the evidence to a degree that the prosecutor was able to obtain indictments in cases that would under normal circumstances have resulted in pleas to misdemeanors or violations.

I. Post-Arrest Dispositions for Four Major Offense Categories

*Carefully
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here.*

We considered the possibility that the changes in the conviction and indictment rates reported in the preceding sections may be attributable to changes in the proportion of "indictment prone" arrests in the two precincts and over time. Thus, if there were an upsurge in robbery arrests, a charge for which indictments are fairly frequent, as a proportion of all felony arrests, one would expect an increase in the overall proportion of arrests resulting in indictments. On the other hand, relative stability in the arrest or arraignment rates for each category of offense would suggest that changes in convictions and indictments are attributable to changes in prosecutorial policy or case preparation techniques.

This section narrows our focus to a consideration of the post-arrest disposition for four major offense categories: robbery, burglary, assault and grand larceny. The number of cases in these categories are sufficiently large to permit an evaluation of the impact of the Felony Case Preparation Project on conviction and indictment rates by arraignment charge. Table 3 presents the distribution of non-convictions, convictions and indictments for these four categories.

I. Robbery: As an examination of Table 3 reveals, there was a substantial decrease in the percentage of robbery arraignments that resulted in non-convictions for 43rd Precinct arrests. The non-conviction rate dropped 22.3%

TABLE 3

Distribution of Dispositions (Closed Cases) According to
 Arraignment Charge for Four Major Offense Categories
 43rd Precinct
 46th Precinct

Offense Category	Pct./Yr.	Total N		Non-Convictions		Convictions		Indictments	
		N	%	N	%	N	%	N	%
<u>ASSAULT</u>	43-78	60	53.3%	32	53.3%	25	41.7%	3	5.0%
	43-79	44	61.4%	27	61.4%	8	18.2%	9	20.5%
% Change	--	--	+8.1%	--	+8.1%	--	-23.5%	--	+15.5%
% Change	46-78	58	53.4%	31	53.4%	19	32.8%	8	13.8%
	46-79	90	70.0%	63	70.0%	21	23.3%	6	6.7%
% Change	--	--	+16.6%	--	+16.6%	--	-9.5%	--	-7.1%
<u>BURGLARY</u>	43-78	50	42.0%	21	42.0%	26	52.0%	3	6.0%
	43-79	45	35.5%	16	35.5%	16	35.6%	13	28.9%
% Change	--	--	-6.5%	--	-6.5%	--	-16.4%	--	+22.9%
% Change	46-78	75	38.6%	29	38.6%	38	50.7%	8	10.7%
	46-79	64	32.8%	21	32.8%	30	46.9%	13	20.3%
% Change	--	--	-5.8%	--	-5.8%	--	-3.8%	--	+9.6%

TABLE 3 (continued)

Distribution of Dispositions (Closed Cases) According to
 Arraignment Charge for Four Major Offense Categories
 43rd Precinct
 46th Precinct

Offense Category	Pct./Yr.	Total N	Non-Convictions		Convictions		Indictments	
			N	%	N	%	N	%
<u>ROBBERY</u>								
	43-78	64	33	51.5%	10	15.6%	21	32.8%
	43-79	24	7	29.2%	5	20.8%	12	50.0%
% Change	--	--	--	-29.3%	--	+5.2%	--	+17.2%
	46-78	51	18	35.3%	8	15.7%	25	49.0%
	46-79	47	23	49.0%	6	12.8%	18	38.3%
% Change	--	--	--	+13.7%	--	-2.9%	--	-10.7%
<u>GRAND LARCENY</u>								
	43-78	61	39	54.2%	22	45.8%	0	0.0%
	43-79	41	10	24.4%	26	63.4%	5	12.2%
% Change	--	--	--	-29.8%	--	+17.6%	--	+12.2%
	46-78	40	17	42.5%	23	57.5%	0	0.0%
	46-79	23	3	13.0%	20	87.0%	0	0.0%
% Change	--	--	--	-29.5%	--	+29.5%	--	0.0%

from 51.5% in 1978 to 29.2% in 1979. This dramatic reduction in the ACD and dismissal rates was translated into a sizable increase in the robbery conviction and indictment rate. While the conviction rate rose from 15.6% to 20.8%, the indictment rate soared by 17.2%, from 32.8% to 50.0%, a percentage change of 52.4%. In 1978, only 48.4% or 1 out of every 2 43rd Precinct robbery arraignments resulted in a conviction or an indictment. In 1979, the ratio changed to 7:10. Again, the substantial reduction in the non-conviction rates is primarily attributable to the increase in the indictment rate rather than the Criminal Court conviction rate.

In marked contrast to the trend for 43rd Precinct cases, there was a sharp increase in the proportion of 46th Precinct cases that were disposed of as dismissals or ACD's in the Criminal Court. For robbery arraignments, the non-conviction rate rose from 35.3% to 49.0%, a percentage change of 38.8%. This increase in the non-conviction rate is clearly reflected in decreases in both the indictment and criminal court conviction rates. While the Criminal Court conviction rate dropped from 15.7% to 12.8%, the indictment rate declined from 49.0% to 38.3% for a percentage change of 21.0% in the overall conviction/indictment rate.

2. Grand Larceny: Although the dispositional patterns for the 43rd and 46th Precinct's grand larceny cases are somewhat similar for both 1978 and 1979, the Felony Case Preparation Project appears to have had a marked impact on the 1979 43rd Precinct indictment rate.

Although there are some differences in the distribution of dispositions for 43rd and 46th Precinct grand larceny arraignments between the precincts and over time, the most noticeable change occurred in the category of indict-

ment. There were no indictments for 46th Precinct cases in either the base or test year; nor were there any for 43rd Precinct cases in 1978. In 1979, the 43rd Precinct grand larceny arraignments resulted in 5 indictments. Although only 12.2% of the grand larceny arraignments resulted in indictments, the importance of this departure from previous processing patterns should not be understated.

The relatively high Criminal Court conviction rate for grand larceny for both precincts suggests that it is the policy of the District Attorney to actively seek misdemeanor or violation convictions in these cases. Nevertheless, the fact that 12.2% of the 43rd Precinct's 1979 grand larceny cases resulted in indictments suggests that the District Attorney's Office is able to obtain indictments in these cases if the Police Department provides the prosecutor with the requisite information and evidence.

3. Assault: In the base year, the non-conviction rate for assault arraignments was almost identical for the 43rd and 46th Precincts (53.3% and 53.4% respectively). In the test year, although each precinct experienced a substantial increase in their non-conviction rates, the increase was not as great in the 43rd. While the 43rd's non-conviction rate climbed from 53.3% to 61.4%, the 46th Precinct rate soared from 43.4% to 70.0%. Of greater interest is the way in which the non-conviction rate was reflected in the indictment rates for each precinct. Assault indictments for the 46th Precinct dropped from 13.8% to 6.7%, while, in contrast, the 43rd Precinct's assault indictment rate rose from 5.0% in 1978 to 20.5% in 1979. Thus, the indictment rate for 43rd Precinct assault cases not only increased dramatically over time, but this increase was obtained during a period in which the

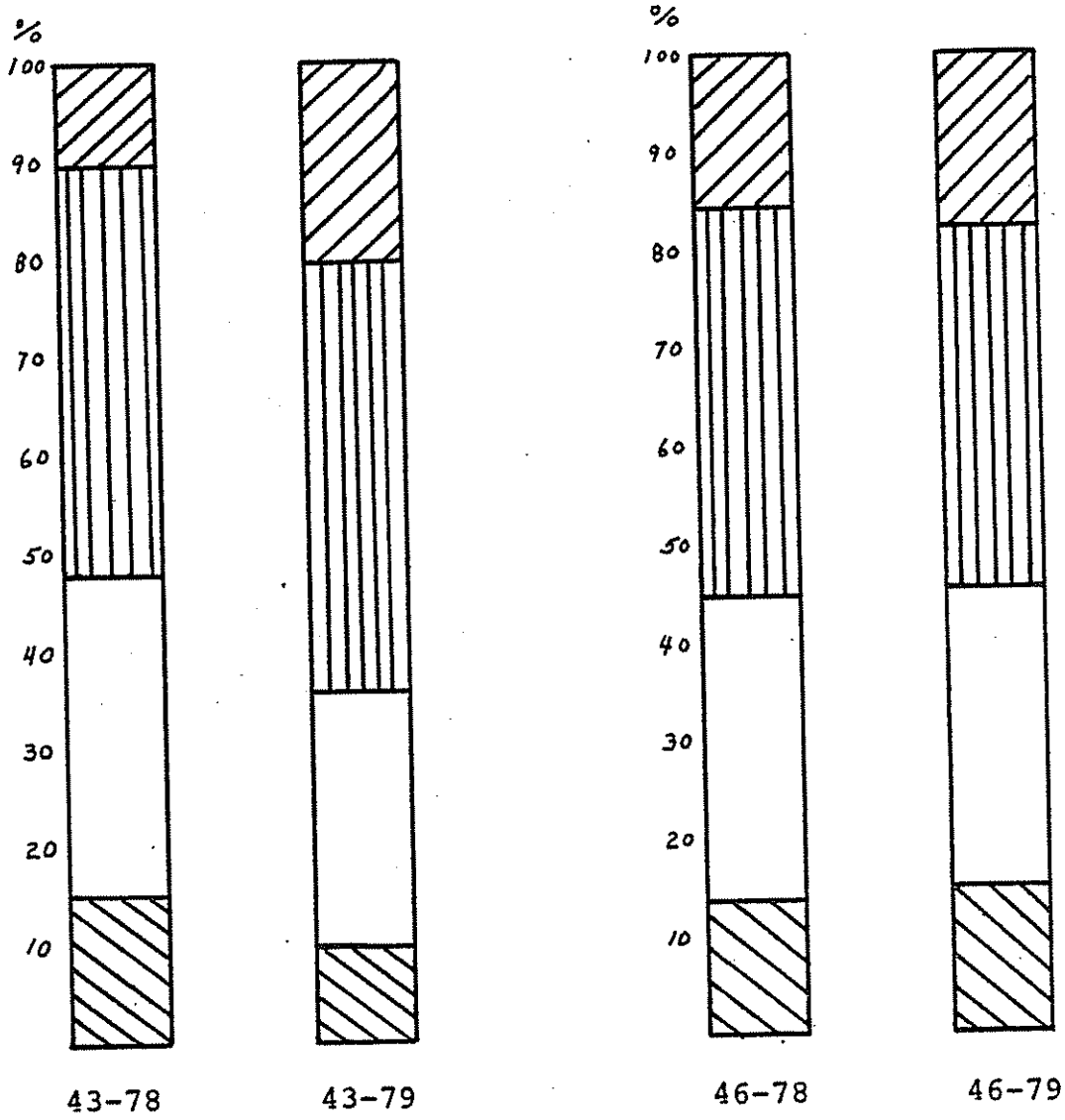
46th Precinct was experiencing a considerable decline in its indictment rate for this crime.

4. Burglary: A review of Table 3 indicates that both the non-conviction rate and the Criminal Court conviction rates for burglary decreased in each precinct. These reductions were off-set by increases in the indictment rates for each precinct. Specifically, in 1978, only 6.0% of the 43rd Precinct's burglary arraignments resulted in an indictment compared to 28.9% in 1979. From 1978 to 1979, the 46th Precinct burglary indictment rate rose from 10.7% to 20.3%. The fact that both precincts in the test year experienced reductions in their non-conviction and conviction rates coupled with marked increased in the indictment rate suggests that there has been a shift in prosecutorial policy regarding the processing of burglary arrests. Assuming for the moment that the District Attorney's Office is actively seeking indictments in this area, we would nevertheless expect the effects of this change in policy to be relatively uniform across precincts. In light of the doubling of 46th Precinct indictments, we would expect a substantial increase in 43rd Precinct indictments; however, it is unlikely that changes in prosecutorial policy alone account for the five-fold increase in the 43rd Precinct's indictment rate. Moreover, the 43rd Precinct's indictment rate exceeded the 46th Precinct's by 8.6% (28.9% and 20.3% respectively) in the test year.

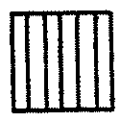
Figure 2 graphically displays the four way comparison of the percentage distribution of dispositions of arrests disposed of at the Criminal Court level. The percentages were computed against a base of all arraigned cases. Figure 3 graphically displays the distribution of dispositions according to Arraignment Charge for Four Major Offense Categories. Again, arraigned cases ~~form~~ form the bases for computing the percentage in each offense category.

Figure 2

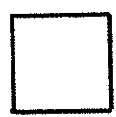
Four Way Comparison of the Percentage Distribution of Dispositions of Arrests Disposed of at the Criminal Court Level



ACD



Criminal Court Convictions



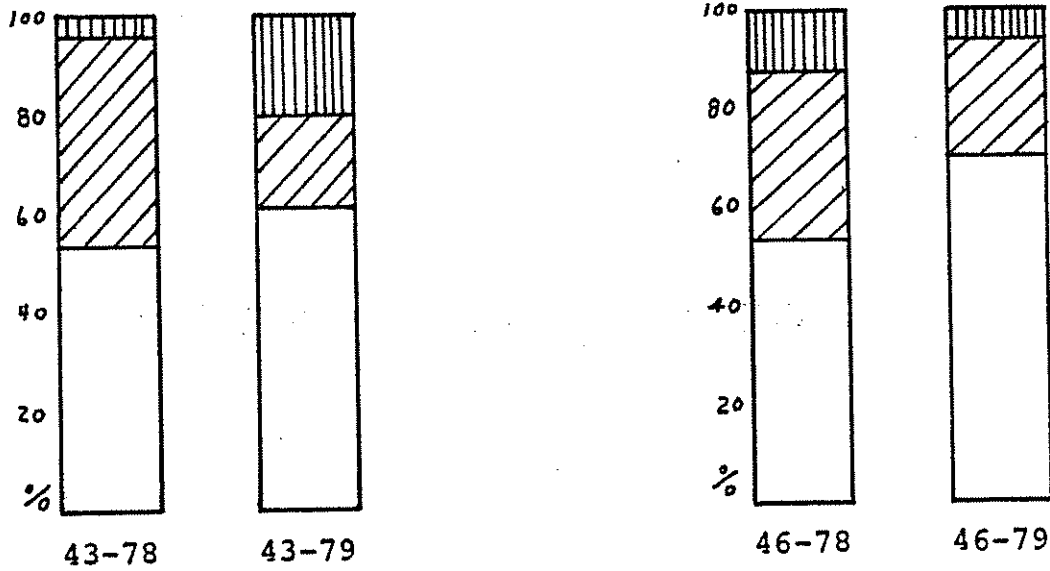
Dismissals



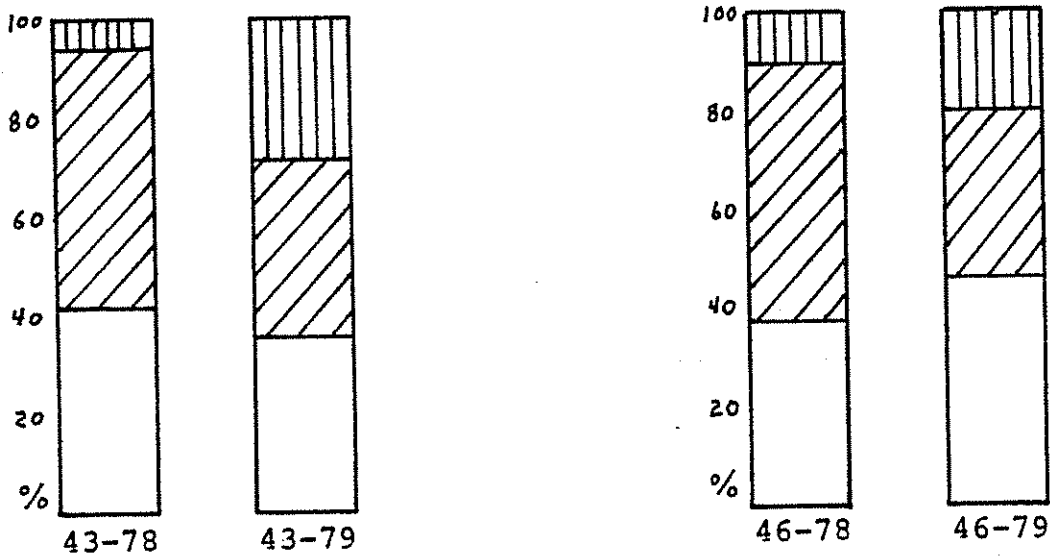
Indictments

Distribution of Dispositions (Closed Cases) According to Arraignment Charge for Four Major Offense Categories

ASSAULT



BURGLARY



Not-Convicted

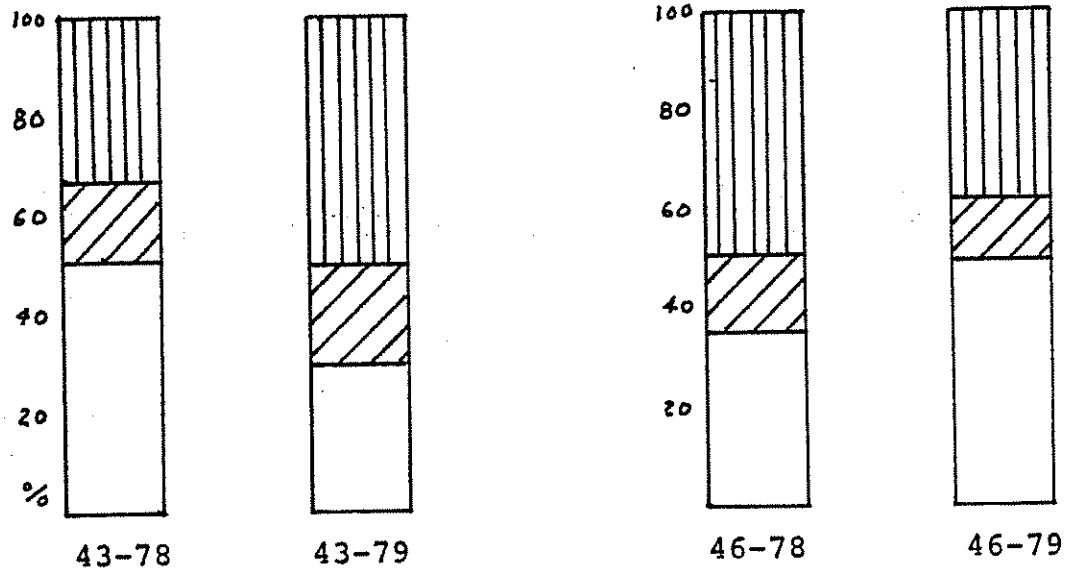


Criminal Court Convictions

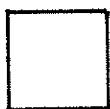
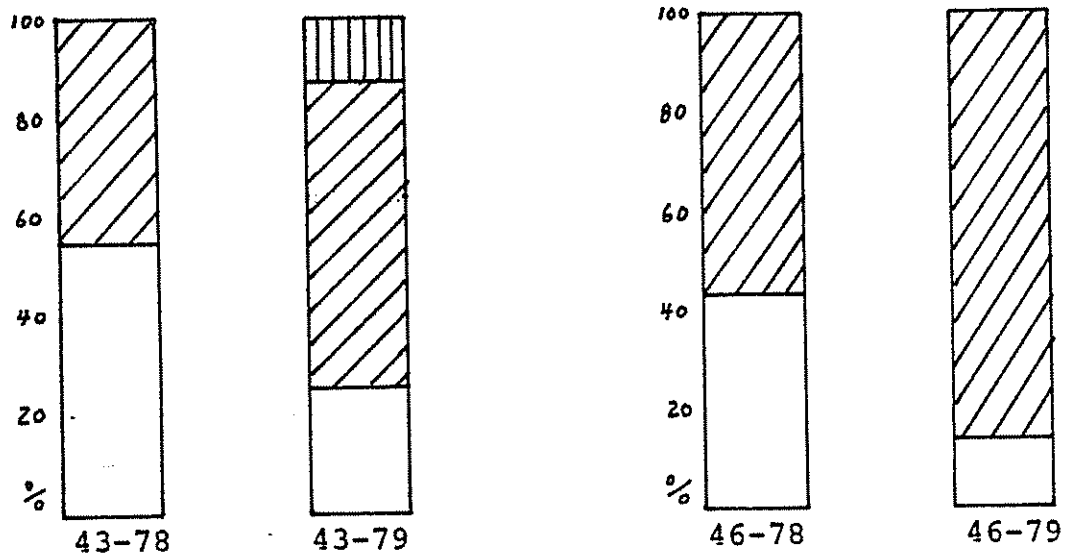


Indictments

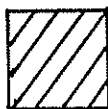
ROBBERY



GRAND LARCENY



Not-Convicted



Criminal Court Convictions



Indictments

J. Criminal Court Convictions -- Charge Level and Sentencing Patterns

The preceding section of this report described the effects that the Felony Case Preparation Project has had on the distribution of post-arraignment Criminal Court dispositions. Although there has been a substantial increase in the indictment rate, it is clear that approximately 40% of the arraigned cases will result in misdemeanor or violation convictions in Criminal Court, rather than felony pleas in Supreme Court. Earlier we hypothesized that the project would effect the level of the convictions obtained in Criminal Court. Specifically, we expected that there would be an increase in the proportion of pleas to Class-A misdemeanors and a concomitant decrease in the proportion of pleas to Class-B misdemeanors and violations. Moreover, we suggested that this change in the conviction level would translate into an increase in percentage of defendants sentenced to jail terms. As the following indicates, there has been an increase in both the proportion of pleas to Class-A misdemeanors and the incarceration rate.

Criminal Court Conviction Level

A review of Table 4 indicates that there has been a substantial shift in the level of conviction charges for 43rd Precinct cases. In 1978, 43.1% of the 43rd Precinct defendants were convicted of Class-A misdemeanors compared to 57.7% in 1979, an absolute increase of 14.6% and a percentage change of 34.0%. This increase in the Class-A misdemeanor conviction rate was reflected in a decrease in both the Class-B misdemeanor and violation conviction rates. Class-B misdemeanor convictions dropped from 18.5% in the base year to 16.5% in 1979. By the same token, violation convictions

43rd Precinct Felony Case Preparation Project

Table 4

Four Way Comparison of Conviction Charge Level
of Cases Disposed of In The Criminal Court

43rd Precinct

<u>Charge Level</u>	<u>1978</u>	<u>%</u>	<u>1979</u>	<u>%</u>	<u>% of Difference</u>	<u>% Change</u>
A Misdemeanor	65	43.1%	56	57.7%	+ 14.6%	+ 33.9 %
B Misdemeanor	28	18.5%	16	16.5%	- 2.0%	- 10.8%
Violation	58	38.4%	25	25.8%	- 12.6%	- 32.8%
	<u>151</u>		<u>97</u>			

46th Precinct

<u>Charge Level</u>	<u>1978</u>	<u>%</u>	<u>1979</u>	<u>%</u>	<u>% of Difference</u>	<u>% Change</u>
A Misdemeanor	64	50.4%	57	45.6%	- 4.8%	- 9.5%
B Misdemeanor	35	27.6%	29	23.2%	- 4.4%	- 15.9%
Violation	28	22.0%	39	31.2%	+ 9.2%	+ 41.8%
	<u>127</u>		<u>125</u>			

declined dramatically from 38.4% in 1978 to 25.8% in 1979 -- a percentage change of 32.8%.

While the 43rd Precinct data reflects a considerable increase in the proportion of Class-A misdemeanor convictions, the 46th Precinct experienced a reduction in Class-A and Class-B misdemeanor convictions, and a substantial increase in the proportion of pleas to violations. Specifically, the Class-A misdemeanor conviction rate dropped from 50.4% in 1978 to 45.6%. There were similar declines in the Class-B conviction rate which shrank from 27.6% in the base year to 23.2% in the test year. The reduction in the 46th Precinct misdemeanor conviction rate is reflected in the 9.2% increase in violations convictions (a proportionate change of 41.8%).

Criminal Court Sentencing Patterns

Table 5 presents the distribution of sentences imposed in the Criminal Court for 43rd and 46th Precinct project cases. An analysis of this data reveals that a fairly small proportion of the Criminal Court convictions resulted in jail terms. Approximately 7 out of 10 defendants were conditionally discharged, or placed on probation or fined. Although there has been some variation over time and across precincts in terms of the proportion of the convictions that result in these non-incarcerative sanctions, the changes in the imprisonment rate are the most interesting.

In light of an increase in the proportion of pleas to ^Amisdemeanors, we would expect an increase in the incarceration rate. The data presented in Table 5 bears out our expectations. The imprisonment rate for 43rd Precinct cases rose from 20.4% in 1978 to 28.4% in 1979, an absolute difference of 8.0%

43rd Precinct Felony Case Preparation Project

Table 5

Four Way Comparison of Sentences Imposed on Defendants Convicted In the Criminal Court

<u>Precinct</u>	<u>Conditional Discharge</u>	<u>Probation</u>	<u>Fine</u>	<u>Jail</u>
43-78 (n=147)	19 (12.9%)	20 (13.6%)	78 (53.1%)	30 (20.4%)
43-79 (n= 95)	20 (21.1%)	11 (11.6%)	37 (38.9%)	27 (28.4%)
Difference	+ 8.2%	- 2.0%	-14.2%	+ 8.0%
% Change	+ 63.3%	- 14.7%	- 26.7%	+ 39.2%
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46-78 (n=116)	19 (16.4%)	16 (13.8%)	38 (32.8%)	43 (37.1%)
46-79 (n=117)	25 (21.4%)	11 (9.4%)	55 (47.0%)	26 (22.2%)
Difference	+ 5.0%	- 4.4%	+ 14.2%	- 14.9%
% Change	+ 30.5%	- 31.9%	+ 43.3%	- 40.2%

and a percentage change of 39.2%. Similarly, and as expected, the 46th Precinct's decrease in misdemeanor convictions was translated into a substantial decline in the incarceration rate which dropped from 37.1% in 1978 to 22.2% in 1979 -- a percentage reduction of 40.2%.

IV. EXTENDED ANALYSIS OF VOIDED ARREST AND INDICTMENT TRENDS

This section of the report presents an analysis of the two trends for which program statistics may be used to supplement the two months research data. The program and O.C.A. data permit us to determine whether or not the increases in voided arrests and in indictment which were revealed in the two months data continued in subsequent months of program operation.

A. Precinct Arrest Activity

During the first two months of project operations, August and September, 1979, there were a total of 354 project-type arrests in the 43rd Precinct. During the same months in the previous year, there were a total of 422 project arrests in the precinct. This represents a decrease of 68 arrests or 16.1% in the test year over the base year. In the control precinct, the 46th, there were a total of 464 project arrests in the test year (1979) as compared to 436 in the base year (1978). This represents an increase of 28 arrests of 6.4% over the base year. This pattern of decreasing arrests in the 43rd has continued through the first six months of program operation. Table 6 presents the number of project-type arrests made in the two precincts for the months of October, November and December, 1979 with comparable figures for the same months of the preceding year.

The reasons for the decline in arrests in the 43rd Precinct are not entirely clear. The pattern is not confined to project-type arrests; all felony and misdemeanor arrests are down from their levels in the preceding year. In addition, the volume of felony arrests in the 43rd Precinct had been dropping consistently for several months

Table 6

Project-Type Arrests in the Test Year
and for Comparable Months in the Preceding Year

<u>Pct. & Yr.</u>	<u>October</u>	<u>November</u>	<u>December</u>
43 - 78/79	185	201	205
43 - 79/80	146	141	127
Diff. #	- 39	- 60	- 78
%	- 21.1	- 29.8	- 38.0
46 - 78/79	208	195	217
46 - 79/80	215	266	190
Diff. #	+ 7	+ 71	- 27
%	+ 3.4	+ 36.4	- 12.4

prior to the commencement of the program. There is evidence to indicate that while the existence of the Felony Case Preparation Project may have some impact on the level of felony arrest activity in the Precinct, other factors, unrelated to the project's existence, bear heavily upon this matter. During the year 1979, more than one-half of all of the Police Precincts in New York City experienced a decline in the number of felony arrests made when compared with the previous year. In Bronx County alone, 7 of the 11 precincts experienced a decline in felony arrest activity during 1979. In fact, of the 40 Precincts which experienced this decrease, 11 precincts had a higher percentage decline than did the 43rd Precinct. Within Bronx County, two precincts had a higher percentage decrease than did the 43rd.

It is conceivable that the project, by sharpening the arresting officers' sense of what constitutes adequate grounds for a felony arrest, has contributed somewhat to an arrest decline that is essentially a product of factors which are operating quite independently of the project.

B. Voided Arrests

We have already seen that the number of felony arrests that were voided at the precinct increased dramatically during the first two months of program operation. Specifically, as shown in Table 7, during the base year of 1978, desk officers in the 43rd Precinct voided a total of 5 of the 422 project arrests presented for booking, a voiding rate of 1.2%. During the test year, precinct desk officers in the 43rd Precinct voided 38 of the 354 project arrests presented for booking, a voiding rate of 10.7%. In addition, as a result of information developed during the follow-up investigation conducted by members of the 43rd Detective Unit, an additional 20 arrests were

voided. This increased the total number of arrests voided at the 43rd Precinct to 58 for the test year, a voiding rate of 16.3%. This represents a twelve-fold increase in the voiding rate (1,258%) over the previous year.

In the 46th Precinct, desk officers voided a total of 18 of the 434 project arrests during the base year, a voiding rate of 4.1%. During the test year, desk officers in the 46th Precinct voided a total of 19 of the 464 project arrests, a voiding rate of 4.1%. As a result, there was no change in the voiding rate between the two years in the comparison precinct.

Table 7

Four Way Comparison of Screening of Project Type Arrests in the 43rd and 46th Precincts for the Months of August & September 1978 Compared to August & September 1979

<u>Year</u>	<u>No. Arr.</u>	<u>No. Booked</u>	<u>No. Voided</u>	<u>% Voided</u>
43-78	422	417	5	1.2%
43-79	354	296	58	16.3%
% Change				+15.1%
Proportionate Change				1258 %
46-78	434	416	18	4.1%
46-79	464	445	19	4.1%
% Change				N/C

Although we anticipated that there would be an initial increase in the precinct voiding rate, we also believed that while this rate would remain higher than the base year, it would decrease as the project proceeded. The additional data from program files confirm this expectation. Table 8

presents the monthly voiding rates in the 43rd Precinct for the six month period between August 1979 and January 1980 as compared to the same months in the previous years:

Table 8

43rd Precinct - Felony Voiding Rate - August 1979 through
January 1980 vs. August 1978 through January 1979

<u>Month</u>	<u>% of Total Felony Arr. Voided 1978-1979</u>	<u>% of Total Fel. Arrests Voided 1979-1980</u>
August	0.7%	13.3%
September	1.3%	10.5%
October	1.3%	6.3%
November	2.1%	7.9%
December	4.5%	4.6%
January	4.4%	4.6%
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6 month total	2.0%	8.1%

These data present the number of voided arrests as a percentage of all felony arrests in the two precincts, rather than as a percentage of all project-type arrests. Of course, the percentages would be higher, if all project-type arrests were used as a base, as they were in the preceding table (e.g., 16.3% of the 43rd cases voided in August and September of 1979). We have used all felony arrests in this table because the project-type arrest figures were not yet available for the last three months of 1978 and the first of 1979.

As expected, the figures indicate that the voiding rate dropped from the first through the sixth months of program operation and appear to have stabilized in the fifth and sixth months. To some degree, this decline may

be attributable to the routinization of project operation, but we do not believe that to be the major reason. The project's administrative staff, the P.D.U. Supervisors and the 43rd Precinct supervisory personnel believe that the reduction in the voiding rate over the first six months is the result of an increased awareness by precinct personnel of the need to be more selective in their initial arrest actions. Since the program is designed to provide training to arresting officers on the techniques used in case assembly by involving them in the follow-up investigation, active personnel in the command may have become more sophisticated in assessing fact patterns prior to making an arrest. Thus, fewer arrests of questionable quality are being made, so the proportion of all arrests that are voided is dropping. This suggestion is consistent with previously noted fact that total arrests in the 43rd remain lower than they were a year ago.

Despite the expected decline, the arrest voiding rate in the 43rd Precinct has remained consistently higher than that in the comparison precinct during the first five months of program operation.

Table 9

Comparison of Felony Arrest Voiding Rate between the
43rd and 46th Precincts for the period between
August 1, 1979 and December 31, 1979

<u>Month</u>	<u>% of Total Felony Arrests Voided</u>	
	<u>43rd Precinct</u>	<u>46th Precinct</u>
August	13.3%	1.1%
September	10.5%	5.4%
October	6.3%	5.6%
November	7.9%	4.5%
December	4.6%	2.6%
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5 Mo. Total	8.7%	4.4%

C. Indictments

As previously indicated, we believe that the number of indictments obtained on cases processed by the project as felonies is an important measure of project effectiveness.

However, the indictment process in New York City is closely controlled by each of the District Attorney's Offices. Years of experience have demonstrated that when the workload of the Supreme Court is too large, the quality of dispositions is reduced. Under these circumstances, the court cannot possibly try all of the cases presented, and the plea bargaining leverage of the District Attorney is thereby reduced. To insure quality results, therefore, each of the District Attorney's Offices has established policies regarding the types of cases for which they will seek felony prosecutions in the Supreme Court. In general, the decision-making process by which the District Attorney selects cases for Supreme Court treatment involves a consideration of the following factors:

- a. The nature and circumstance of the offense.
- b. The strength of the evidence provided by the police.
- c. The prior criminal record of the defendant.
- d. The degree of physical injury and/or property loss sustained by the victim.
- e. The age of the victim.
- f. The age of the defendant.

In considering these factors, the District Attorneys attempt to select the most serious of the felony arrests made in their county for felony prosecutions. The FCPP aims to assist the District Attorney in making the decisions by increasing the amount and quality of case-related information made available when the case is first brought to his attention.

The "Indictment Rate" is a measure of the number of felony arrests for which indictments have been obtained. The rate may be, and often is, computed in different ways, depending upon the base of felony arrests that is used. For example, one method of computing an indictment rate is to describe the relationship between total adult felony arrests and the number of indictments resulting from them. Of course, this method includes in the base some felony arrests that are never arraigned as felonies, either because they are reduced to misdemeanors, or declined for prosecution by the District Attorneys. Nevertheless, it provides a useful description of the relationship between adult arrest activity and felony prosecution for a given period of time.

Using this method of computation, the city-wide indictment rates for 1979 were as follows:

Table 10

Indictment Rates by Borough for the Year 1979--Based on
Total Adult Felony Arrests Reported by the Police Department

<u>Borough</u>	<u>Total Adult Felony Arrests</u>	<u>Number of Indictments</u>	<u>Percent Indicted</u>
Manhattan	33,008	5,763	17.5%
Bronx	17,138	2,748	16.0%
Brooklyn	24,671	4,407	17.9%
Queens	13,165	2,493	18.9%
Staten Island	1,800	440	24.4%
City-Wide	89,782	15,851	17.7%

The overall indictment rate cited above includes all felony arrests made by the police as the base for computing the percentage of indictments returned. In doing so, it includes some arrests which never reached arraignment and some others which were never arraigned as felonies. It also includes some categories of arrests which are not handled by the Felony Case Preparation Project and which result in a large number of indictments (i.e., homicide arrests, narcotic sale arrests, etc.). Therefore, while it is useful to have a general sense of indictment activity on a borough and city-wide basis, the reader is cautioned not to compare directly those rates with the indictment rates cited in this study.

For the most part, this study defines the indictment rate as the percentage of project arrests actually arraigned in the Criminal Court which resulted in indictments. Using this definition, the indictment rate for project arrests in the 43rd Precinct for the base period, August and September 1978, was found to be 9.9%. (Table II) For project cases processed during the same months in the test year, 1979, the rate was found to be 17.5%. This constitutes a proportionate increase in indictments of 77% over the two year period. By comparison, the indictment rate for project type arrests in the 46th Precinct for the two months of the base year was found to be 13.9%. In the same months of 1979, it was determined to be 14.9%. This represents a proportionate increase of 7.0% over the previous year.

Thus, the test precinct experienced a very sharp increase in the indictment rate after the project went into operation, while the rate for the comparison precinct remained fairly stable. Moreover, the indictment rate in the 43rd Precinct which was 4 percentage points lower than that of

Table II

Four Way Comparison of Indictment Rates as a Proportion
of Arraigned Cases in the 43rd and 46th Precincts
for August and September 1978 Compared to August and September 1979

<u>Precinct</u>	<u>No. of Arrests Arraigned</u>	<u>No. of Indictments</u>	<u>Indictment Rate</u>
43-78	385	38	9.9%
43-79	274	48	17.5%
% Change			+ 7.6%
Proportionate Change			+ 77.0%
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46-78	397	55	13.9%
46-79	417	62	14.9%
% Change			+ 1.0%
Proportionate Change			+ 7.0%

the 46th in the base year, was almost 3 percentage points higher than that of the 46th after two months of program operation.

In an effort to determine whether or not these trends in indictments continued beyond the first two months, we used data from program files and from O.C.A. printouts to assemble indictment rates for the first 5 months of operation, August through December, 1979. In doing so, we re-defined the indictment rate. Because of the differences in the nature of the data available, we used as a base all project arrests minus those that were voided at the precinct. Therefore, in the table that follows, the indictment rate is defined as the percentage of project arrests forwarded to the District Attorney, which resulted in indictments.

Table 12

43rd and 46th Precinct Indictment Rates as a Proportion
of Felony Arrests Presented to FCB
August through December 1979

Month	43rd Precinct			46th Precinct		
	Number Proj. Arr.	Number Indicted	Percent Indicted	Number Proj. Arr.	Number Indicted	Percent Indicted
Aug	145	27	18.6%	225	36	16.0%
Sept	151	21	13.9%	220	26	11.8%
Oct	141	24	17.0%	225	28	12.4%
Nov	125	22	17.6%	257	24	9.3%
Dec	118	17	14.4%	190	24	12.6%
Total	680	111	16.3%	1117	138	12.4%

* In gathering the data for the preparation of this table, it was noted that the Supreme Court computer print-outs, which are only updated on a quarterly basis, understated known 43rd Precinct indictments by approximately 20%. Therefore, it may be anticipated that the actual number of indictments returned for 46th Precinct arrests may be higher than those cited. Further, as some cases from each of the months are still pending Grand Jury Action, it may be anticipated that the indictment rates for each precinct may increase for each of the months.

The table indicates that the higher indictment rates enjoyed by the 43rd Precinct during the first two months continued through the end of the calendar year. Moreover, indictment rates in the test precinct were consistently higher than those in the comparison precinct throughout that period.

At the time that this report was prepared, we were unable to secure data on actual indictments for arrests effected after December 31, 1979. However, we did focus attention on the indictment tracking decisions of the Assistant District Attorneys. As indicated in the "Historical Background"

section of this report, the ADAs assigned to the Felony Case Bureau assign a Felony Track to each of the cases accepted for felony prosecution, with those cases "A" or "B" tracked being designated for Grand Jury treatment. These tracking decisions are made on the basis of the information first presented to the ADA and they largely determine the course of prosecution thereafter. If the program is to increase the indictment rate, it must first lead to an increase in the number of cases tracked for indictment. Therefore, the effect on indictment tracking decisions is itself an important measure of program impact.

The indictment tracking decisions are of interest also because experience has shown that the number of cases so tracked and the number of actual indictments are virtually identical. In fact, during the first 5 months of project operations, the number of cases actually indicted was 98.2% of the number of cases that were tracked for indictment. This is not to say that 98.2% of those cases which were indictment tracked resulted in actual indictments. In some instances cases which were "B" tracked were dismissed after Criminal Court hearings. However, other cases, originally "C" tracked resulted in indictments.

Using D.A. Indictment Tracking as an indicator of indictment activity, the following are the percentages of 43rd Precinct cases accepted for felony prosecution* which were "A" or "B" tracked during the period from January 1 through April 14, 1980:

* (i.e., voided cases, cases declined prosecution and cases reduced to misdemeanors in the FCB are excluded from the base).

Table 13

Cases Tracked for Indictment as a Proportion
of All Cases Given Felony Tracks - 43rd Precinct
January through April 14, 1980

	<u>No. of Arrests Felony Tracked</u>	<u>No. of Arrests "A" or "B" Tracked</u>	<u>% "A" or "B" Tracked</u>
Jan.	91	20	21.9%
Feb.	71	14	19.7%
Mar.	83	26	31.3%
Apr. 1-14	36	13	36.1%

We do not now have historical data on tracking decisions or comparative data on the D.A's tracking of 46th Precinct cases. That data will be collected and analyzed later in the evaluation process. Nevertheless, comparing these statistics with the actual indictment statistics presented in Table 12 yields three important observations. Firstly, it appears that the trend towards increased indictment rates in the 43rd Precinct continues, and, in fact, may be accelerating, in the most recent months of program operation. Secondly, unless there are very dramatic increases in 46th Precinct indictments, the indictment rates in the test precinct appear to continue at considerably higher levels than those in the comparison precinct.

Finally, given the uniformly high conviction rates obtained by the District Attorney on cases prosecuted in the Supreme Court, the increase in the percentage of 43rd Precinct arrests which are indicted will result in a substantial increase in the number of persons actually convicted of felonies.