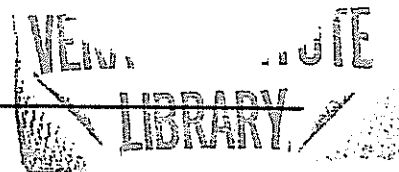

FELONY CASE PREPARATION: QUALITY COUNTS



1480

Interim Report The Vera Institute's Evaluation of the New York City Police Department's Felony Case Preparation Project

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May, 1981

Preface

We hope that readers of this report will find in it, as we do, a welcome message. In these times of diminished resources, burgeoning crime, and endemic cynicism about the criminal justice system, quality still counts. So does inter-agency collaboration. By better investigation, preparation and presentation of felony arrests, the Police Department has enabled the assistant district attorneys handling cases from the experimental precinct to indict, convict and incarcerate a greater proportion of them. An additional benefit of the experiment was that both agencies were spared lengthy court processing of some of the arrests that were headed for ultimate dismissal.

Of course, an experiment is just that. We learn from it, we modify our future efforts as best we can to take advantage of what has been learned, but we do not mistake a modest improvement for a panacea. Nor do we assume that what has been achieved -- under experimental conditions in one precinct -- can simply be extended, undiluted, city-wide. But, as reported in these pages, the experiment has recently been extended to several other precincts and the results, encouraging as they are so far, continue to be subjected to the kind of careful analysis that has brought us to this point.

The individual police officers and detectives who helped shape the Felony Case Preparation Project, and who embraced the spirit and executed the detail of this experiment, deserve our thanks. Not only did their focus on the quality of felony case preparation have a significant impact on the dispositions of these arrests in court, but their success will inspire other efforts at improving the productivity, the law enforcement impact, and the quality of justice in our system.

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EXECUTIVE SUMMARY
AND
INTRODUCTION

Puzzlement, concern and outrage have been provoked by the apparent inability of New York City's criminal justice system to increase the indictment, conviction, and incarceration rates in felony arrest cases. There are many reasons why we get the dispositional pattern that we do; it has been remarkably stable over the last decade and it is similar to the dispositional patterns reported by other large cities. Those who find the dispositions unacceptable -- because of concerns about justice, crime control and efficiency -- are not likely to find a simple or singular remedy. But each part of the system -- the police, the prosecutors, the courts, and the agencies upon which they call for ancillary services -- should find it possible by self-analysis, experiment, and collaborative action to improve it piece by piece.

This is an interim research report on such an effort by the New York City Police Department. Since August, 1979, the Department has been conducting an experiment, in collaboration with the Bronx District Attorney's Office, in which the immediate post-arrest investigation of felony arrests was expected to change the dispositional patterns in the experimental precincts and, from a law enforcement perspective, improve them.

The evidence presented here shows that the experimental procedures increased the indictment rate, the conviction rate, the incarceration rate, and the felony-time sentence rate. And the evidence of this impact is confirmed when the data are controlled for

changes in the system that might independently affect these rates.

The improved dispositional pattern was evident across all categories of the experimental precinct's felony arrests, but improvement was most dramatic for robbery and burglary arrests -- where improvement is most fervently desired. The indictment rate for arraigned robbery arrests shot up from 39% to 66%; the conviction rate rose from 51% to 74%; and the incarceration rate rose from 30% to 44%. Sentences of five years or longer more than tripled, rising from 8% to 30%. Among burglary arrests presented to the court for disposition, the indictment rate more than doubled, rising from 10% to 24%; and the conviction rate rose from 55.5 % to 68.3%.

The Felony Case Preparation Project has its operational complexities,¹ but it can be simply described. It is rooted in an assumption that the lack of timely investigation and preparation of felony arrests has two undesirable consequences: first, police officers, witnesses and defendants often waste months as some cases progress through the system only to be dismissed when their unprosecutability becomes obvious; second, other cases which should and could be prosecuted, as serious felony charges against serious criminals, are dropped or pled out at a low charge and with non-incarcerative sentences because prosecution and court decisions are inadequately informed. The normal procedure by which the police present their felony arrest work-product to the courts ends when an Assistant District Attorney ("ADA") in the Complaint Room receives a booking report (which does no more than present, often in a single

¹ See Appendix A to the full Interim Report.

sentence, those facts necessary to show that the officer had probable cause to make the arrest). For any other information the ADA must rely on Complaint Room interviews with the officer and the complainant; if there are other witnesses whose testimony bears on the evidentiary strength of the case, they will not normally be produced in the Complaint Room.

Under the experimental Felony Case Preparation Project, all adult felony arrests (except those made by special units such as Homicide, Narcotics, and Organized Crime), are referred to the Precinct Detective Unit ("PDU") which assigns a detective to conduct an immediate follow-up investigation. In "project-type" felony arrests,² the detective interviews all parties -- the arresting and any assisting officers, the victims, the witnesses -- and, if necessary, he visits the crime scene to search for additional evidence or to locate and interview additional witnesses. He may request assistance from forensic technicians, and he may conduct one or more line-ups if proper identification of the defendant is an issue. During the course of the follow-up investigation, the detective may call upon the arresting officer to assist him, a procedure which involves the officer in development of the case and serves as a training vehicle to improve the investigatory skills of the patrol force.

² Throughout this report, when we present data such as "indictment rate" and "felony-time sentence rate", the base upon which the rate is calculated consists of "project-type" felony arrests, and excludes the arrests noted in the text above. As the excluded categories have higher conviction, indictment and incarceration rates than most "project-type" felony arrests, the precincts actually have better over-all dispositional patterns than those that are shown in these pages for the purpose of evaluating the project.

The purpose of the experimental follow-up investigation is to capture at the earliest moment all evidence that would be useful to a prosecutor either for pressing cases forward or for identifying and dropping cases in which the evidence for prosecution cannot be had. The result of these investigations is reduced to a written Arrest Investigation Report ("AIR"), which is delivered to the Complaint Room together with the defendant; the AIR serves to inform initial prosecutorial decisions (e.g., whether to nolle prosequere, to seek criminal court conviction, or to seek indictment) and it becomes the backbone of the prosecution file.³ (A number of AIRs are attached as part of Appendix C to the full Interim Report, and serve to illustrate how the investigations strengthen these cases.)

The Vera Institute has been conducting evaluative research to determine the effects of the experimental case-preparation procedures. The 43rd Precinct was selected as the first site; additional detectives were assigned to the Precinct Detective Unit there, in advance of formal commencement of the project on August 1, 1979, to cover the expected increase in PDU workload. (In fact, the post-arrest investigations consumed only 7 percent of the hours detectives were available in that unit.) Vera then set up systems for the collection, coding and analysis of a great deal of data,

³ During Complaint Room review of the arrest, the Project's Court Liaison Sergeant serves as the link between precinct operations 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.

including data necessary to monitor charging and voiding decisions at the precinct, non-prosecution and indictment-tracking decisions by ADAs in the Complaint Room, and dismissals, convictions and sentences in the Criminal and Supreme Courts.

The design of this evaluative research permits comparison of results obtained in 43rd Precinct felony arrests for any time period in the "test year" (beginning August 1979) with results for the same period in the preceding year (the "base year," beginning August 1978). But evaluative research is on shaky ground when, after observing change at an experimental site, it points to the new procedures as the cause of the change; the project can be credited with causing the change only if the research can show there is no other factor, external to the project, that caused the change. For this reason, Vera selected the 46th Precinct in the Bronx as a "control precinct," and collected the same data, for the same periods, on project-type felony arrests originating there. That way, if a jump in the 43rd Precinct's indictment rate was in fact caused not by introduction of the project but by a change in District Attorney policy, for example, a similar change of the same magnitude would show up in the control precinct and the apparent impact of the project would be seen as an illusion. If, on the other hand, there were no change (or no similar change) in the control precinct, the impact of the project would be confirmed. (The question is not, of course, whether one precinct has, for example, a higher or lower indictment rate than another. Indictment rates, conviction rates and the like are the product of a variety of factors that themselves vary from precinct to precinct. The question is whether a change in

these rates in the experimental precinct can be attributed to the augmentation procedures applied to felony arrest originating there; the answer will be yes if the change is not found in another, similarly-situated precinct.)

For the most part, this report presents data only for "project-type" arrests originating in the first six months of the test year and the same six months of the base year, in the two precincts. We stop at six months because, that way, we can present final dispositions in a very high proportion of the cases; arrests made in more recent months include rather too many that are still open in Supreme Court.⁴

The results are impressive. As the subsequent pages make clear, the dispositional pattern for arrests originating in the control precinct remained virtually unchanged, but the pattern changed dramatically -- in the expected direction -- in the experimental precinct. In presenting these findings, the broadest but most conservative measures of impact are presented first: that is, first we calculate indictment rates and the like on a base of all project-

⁴ For the six month periods under examination in this report, the size of the "open case" category is approximately the same for the two precincts in each of the years. For example: for the test year, 11.1% of the 909 project-type felony arrests from the Experimental Precinct were still open at the time of last data-collection; 12.4% of the 1350 arrests were still open in the Control Precinct. The proportions of cases still open from the two precincts in the base year are lower, but similarly close to each other (i.e., 7.3% of the 1191 arrests were still open in the Experimental Precinct, and 9.9% of the 1369 arrests were still open in the Control Precinct). This report presents findings from data that exclude open cases; when presenting sentencing data, the report excludes convictions for which no sentence had been imposed at the time of last data-collection. For a discussion of why the findings are unlikely to be affected by the closure of these open cases, see the first part of the full Interim Report.

type arrests (including arrests that were voided or nolle prossed), then we calculate the rates on a base that includes arraigned project-type arrests only. First, the results when all arrests are included:

Conviction rate. The proportion of all project-type felony arrests from the experimental precinct that resulted in conviction increased from 45% to 50% a relative change of 11%. (The overall conviction rate in the control precinct fell, from 50% to 48%.)⁵

Indictment Rate. The experimental precinct's indictment rate increased from 11.5% to 17.6% -- a relative change of 53%. (The indictment rate increased in the control precinct too, where it rose from 13.6% to 16.3%; but the relative change -- 20% -- was so much lower than in the experimental precinct that the positive impact of the project on indictment rate cannot be explained away by an upward movement of indictment rates in the Bronx generally.)

Incarceration Rate. The overall incarceration rate rose in the experimental precinct from 14.4% to 17.2% -- a relative change of 19.4%. (In the control precinct, it fell from 20.7% to 17% -- a relative change, in the opposite direction, of 17.9%.)

⁵ Note that, at this point, we are using the most conservative measure of program impact. The base on which these rates are calculated includes felony arrests voided at the precinct, felony arrests that are dropped by the prosecutor before arraignment, and felony arrests that have been reduced to misdemeanor charges by the time they reach Criminal Court arraignment. Most assessments of the criminal justice system exclude from "felony arrests" all arrests except those actually presented to the court system for arraignment on felony charges. (See, Felony Offenders Disposed in 1978 (New York State Division of Criminal Justice Services [March 1, 1978].) The effect of including the weak and unprosecutable cases in the base, as we do here, is to suppress the conviction, indictment and incarceration rates, and to suppress the magnitude of the improvements in these rates caused by the project.

Felony Sentencing Rate. The proportion of all project-type felony arrests in the experimental precinct that ended with sentences of more than a year rose from 4% to 5.8% -- a relative increase of 45%. (In the control precinct, the rate fell from 7.6% to 6.1% -- a relative decrease of 20%.)

Long-term Sentencing Rate. The proportion of project-type felony arrests resulting in sentences with maximums of five years or longer more than doubled in the experimental precinct (1.6% to 3.9%), while it fell in the control precinct (4.6% to 3.5%).

The Bottom Line (Crime Control). From a police perspective, the most important question about any innovative use of the Department's resources seems to be whether it increases the rate at which serious criminals are removed from the streets for felony terms, and the absolute number of them so removed. The project had a clear impact on the likelihood of a felony-time sentence being imposed in a felony arrest case, and the impact was strongest for felony terms of five years or more. But because the number of project-type felony arrests was declining in both precincts during this period, and because it was declining in the experimental precinct more rapidly than in the control precinct, it is encouraging to note that the absolute number of felony-time sentences actually increased slightly in the experimental precinct -- despite the fall-off in the number of felony arrests there -- while the number of criminals removed from the streets for more than a year in prison actually declined in the control precinct (and

declined at a much faster rate than the control precinct's fall-off in felony arrests).⁶

These improvements in the dispositional pattern for the experimental precinct were achieved with notable efficiency. There was no increase in arresting officers' overtime, there was no net increase in arrest-to-arraignment delay, and the investigations and report-writing consumed only 7.2% of the hours of detective manpower available to the Precinct Detective Unit. (See Appendix C.) There were other efficiencies as well: The increase in overall conviction rate was accompanied by an increase in the proportion of cases that were screened out before they reached formal court hearings in which they would, after wasted court appearances, have been dismissed. That is, the proportion of felony arrests voided at the experimental precinct (without any resources being devoted to them in the Complaint Room, pre-arraignment, and court process) increased from 3.4% to 13.2%. (The control precinct's voiding rate rose too, but only from 4.5% to 5.1%.) The efficiency of the police in screening out cases which investigation showed not to be prosecutable was matched, in the experimental precinct, by a drop in the proportion of cases

⁶ Fluctuations, up and down, in any precinct's felony arrest numbers are common. There are myriad causes, ranging from fluctuations in the gross amount of patrol and anti-crime manpower available for street patrol (and changes in the distribution of officers to uniformed and anti-crime assignment), to changes of personnel in command and patrol functions, to changes in the precinct's street conditions. Although some readers of earlier reports of this research have suggested that the declining number of felony arrests in the experimental precinct is in some way a consequence of introducing post-arrest investigations, our attempts to find such a link have not born fruit. Indeed, the independent causes of the declining volume of felony arrests in these precincts can be identified and quantified. A separate report, disposing of these matters, is in preparation.

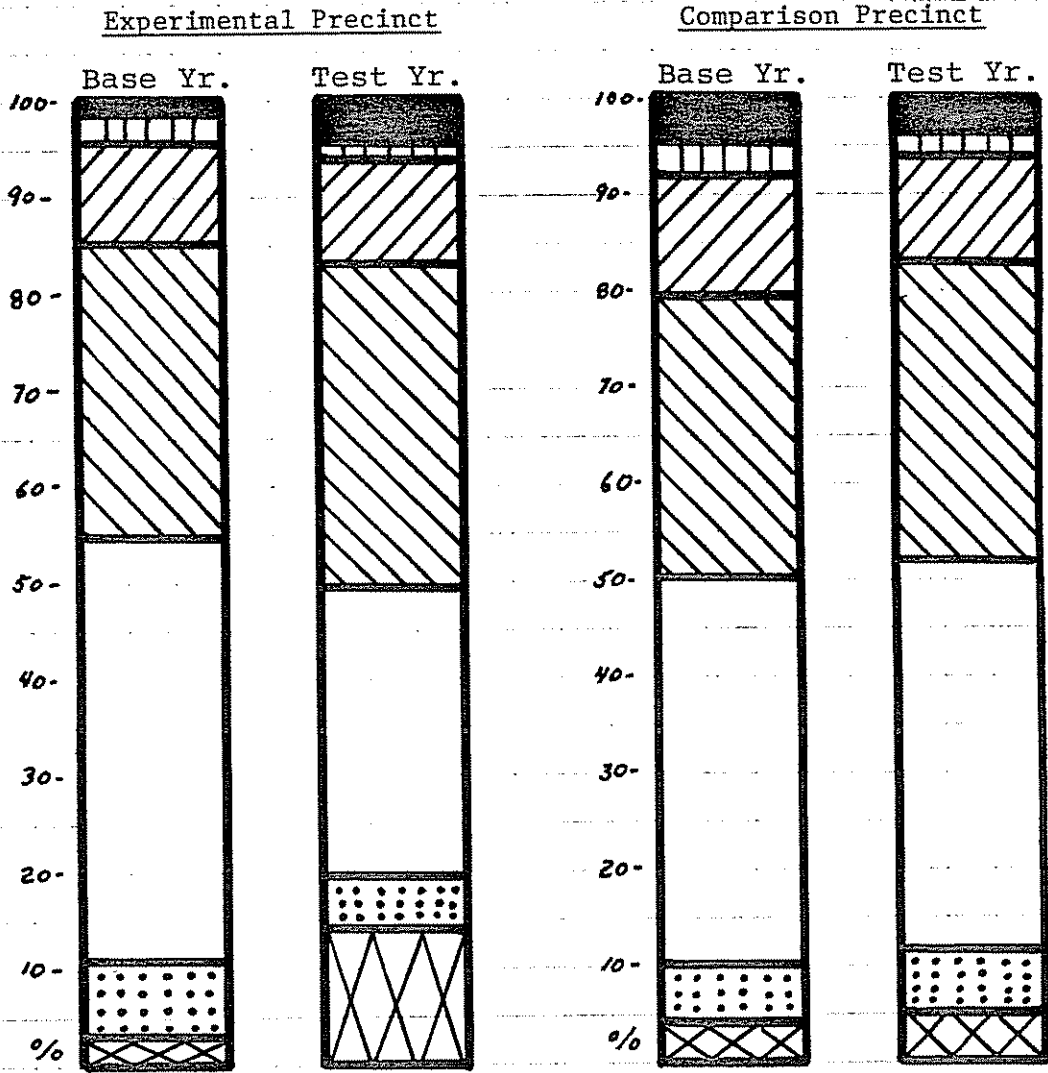
in which the Complaint Room ADAs declined prosecution (7.4% to 5.1%). (Declination of prosecution in the control precinct cases rose slightly, from 5.6% to 5.9%.)

If all these effects of the project are combined -- the increase in the conviction rate and the increase in the rate at which unprosecutable cases are identified and screened out prior to arraignment -- it is obvious that the proportion of felony arrests that were carried forward in the system only to be dismissed by the court declined dramatically in the experimental precinct. Indeed, court dismissals declined from 44% to 30%, a relative change of 35%. (In the control precinct, court dismissals remained constant at 40% of felony arrests.)

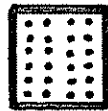
These effects are presented graphically on the following page. Each bar presents 100% of one precinct's project-type felony arrests for the base year or the test year (closed cases only, see note 4 above.)

Figure 1

Dispositional Pattern for Felony Arrests --
Criminal and Supreme Courts Combined



VOIDED



NOLLE PROSSE



NOT CONVICTED



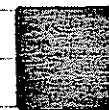
CONVICTED --
NON-INCARCERATIVE
SENTENCE



CONVICTED --
SENTENCE:
1 to 12 Months



CONVICTED --
SENTENCE:
13 to 59 Months



CONVICTED --
SENTENCE:
60 Months +

The impact of the case preparation procedures is evident in virtually every category of felony, as later sections of this report make clear, but it is most evident where it is most desired -- in arrests for robbery. Because robbery is currently the focus of special efforts throughout the city, the robbery data are separately summarized here:

The Conviction Rate for all robbery arrests in the experimental precinct (including those voided or nolle prossed) rose from 44.7% to 51%, a relative change of 14%. (It declined in the control precinct from 54% to 46%, a relative change of 15% in the opposite direction.)

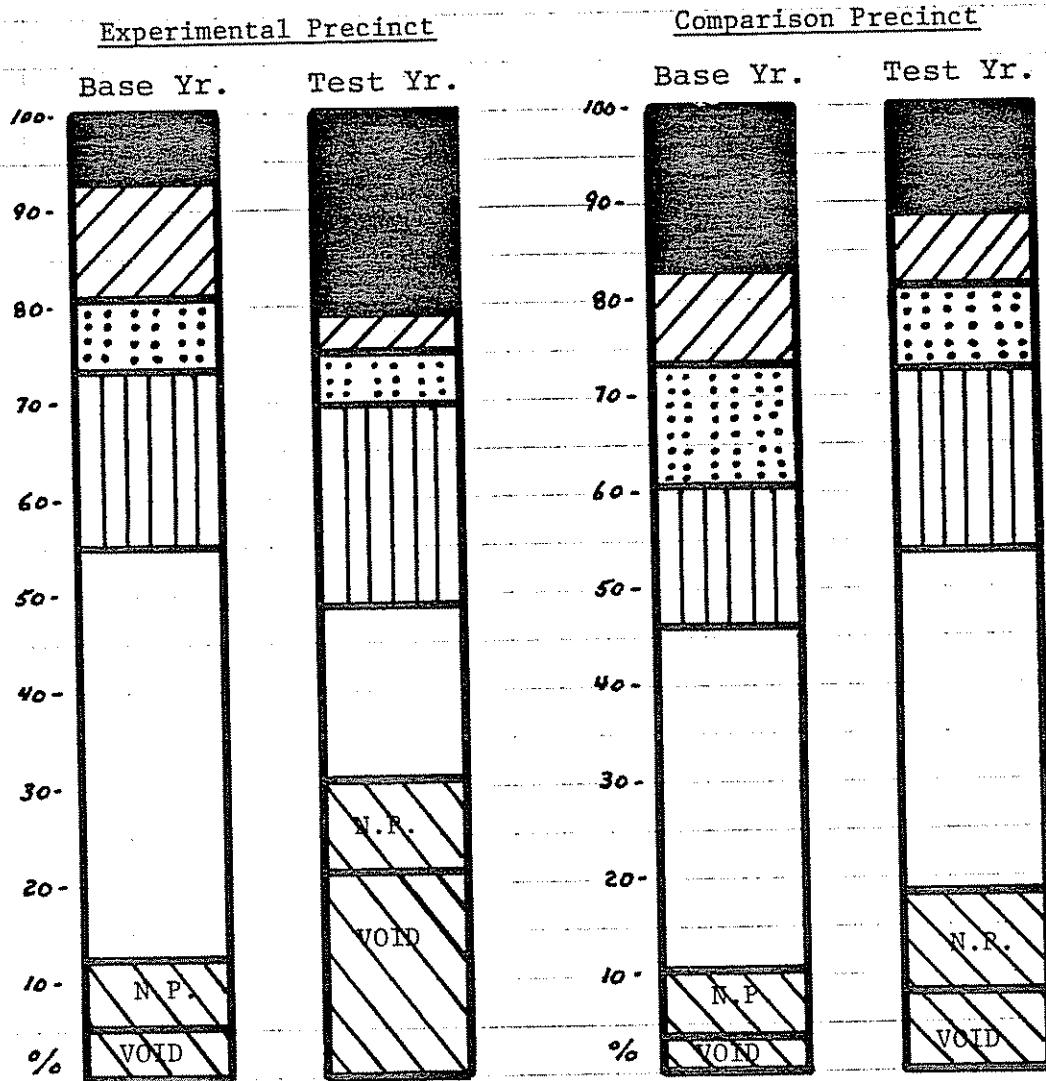
The Indictment Rate for all robbery arrests rose 14.5%, from 33.9% to 48.4% -- a relative change of 43%. (In the control precinct, the indictment rate for robbery arrests rose only 3%, from 39.1% to 42.2% -- a relative change of 8%.)

The Felony Sentence Rate rose 6% in the experimental precinct, from 18.5% to 24.6% -- a relative change of 33%. (It fell 7.7% in the control precinct, from 26.4% to 18.7% -- a relative change of 29% in the opposite direction.)

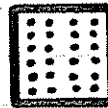
The combined effects of these changes in the dispositional pattern for robbery arrests -- and the dramatic rise in the long-term felony-time sentence rate, which nearly tripled in the experimental precinct by going from 7.3% to 20.8% -- are summarized in Figure 2 on the following page:

Figure 2

Dispositional Pattern for Robbery Arrests --
Criminal and Supreme Courts Combined



NOT ARRAIGNED



CONVICTED --
SENTENCE: 1 to 12 Mo.



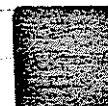
NOT CONVICTED
IN COURT



CONVICTED --
SENTENCE:
13 to 59 Months



CONVICTED --
NON-INCARCERATIVE
SENTENCE



CONVICTED --
SENTENCE:
60 Months +

From a crime control perspective, the bottom line for the felony case preparation project is particularly encouraging in the robbery arrest category. The absolute number of robbers removed from the streets of the experimental precinct by prison sentences of five years or longer almost doubled after the project was introduced, despite the drop in the volume of robbery arrests that began before (and continued during) this period. In the control precinct, the absolute number of such incapacitative sentences fell.

So far, we have been examining changes in various dispositional rates expressed as percentages of all project-type felony arrests. This is useful for its highlighting of the rather efficient trade-offs observed between voiding and declining of prosecution on the one hand and, on the other hand, the more time-consuming and wasteful dismissing of cases after they have been sent forward in the system to the court. These measurements of impact also have the advantage of being the most conservative tests of program impact, because the magnitude of improvements in the dispositional pattern of arrests that are actually prosecuted in court is obscured by including in the base the cases that, when properly prepared, are screened out before prosecution is attempted. Because impact on the District Attorney's Office and the courts is of independent importance, and because other reports of the dispositions of felony arrests do not

include in the base these voided and nolle prossed cases,⁷ Figures 3 and 4 are presented to illustrate the impact of the project on dispositional patterns for all arraigned project-type felony arrests. The magnitude of the improvement resulting from the Felony Case Preparation Project is even more evident, when the base is restricted to arraigned arrests. The highlights are:

The Indictment Rate for arraigned project-type arrests rose from 13% to 22% -- a relative change of 69%. (In the control precinct it rose from 15% to 18%, a relative change of only 20%.)

The Conviction Rate rose from 51% to 63% -- a relative change of 24%. (In the control precinct, it remained virtually unchanged -- 54% and 55%.)

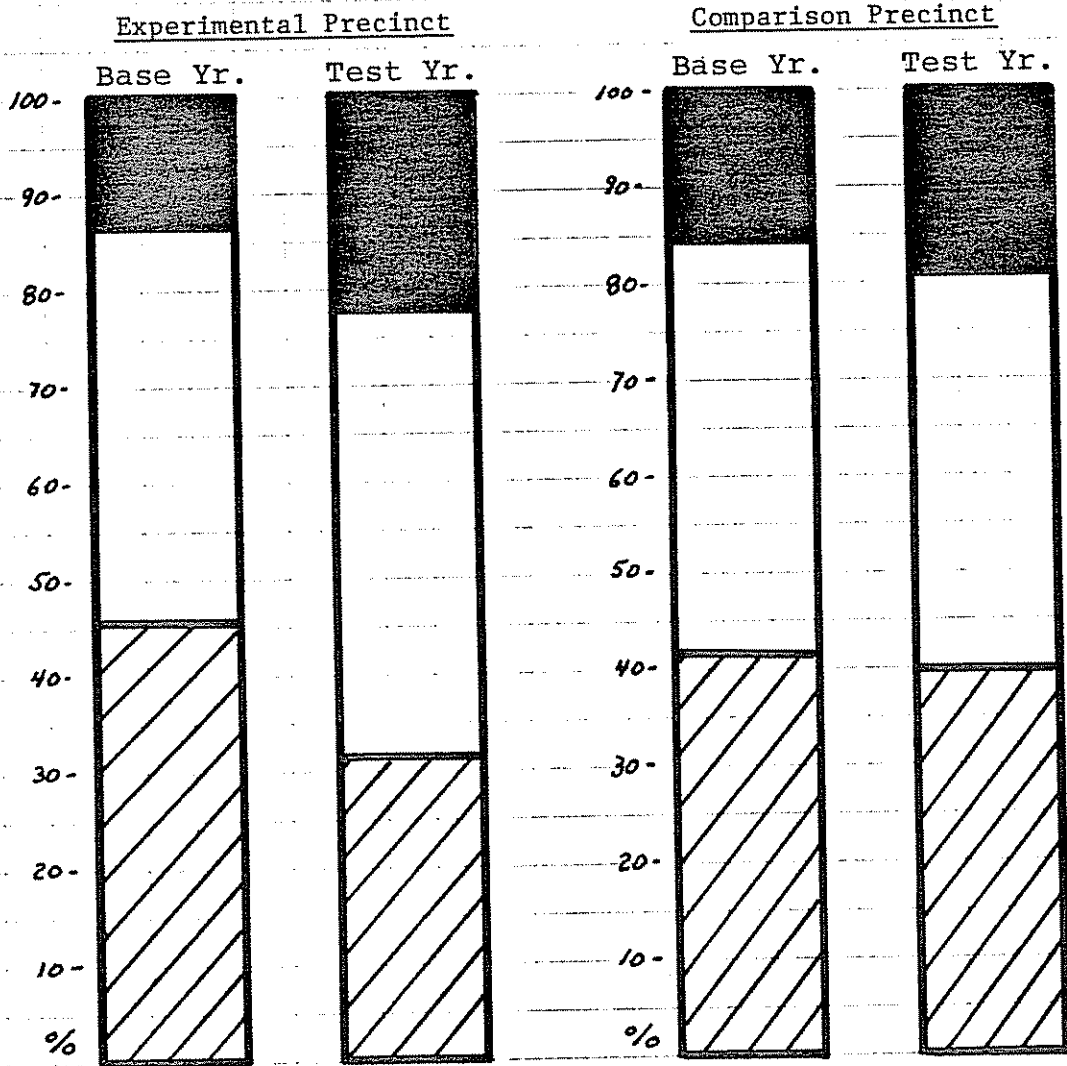
The Incarceration Rate rose from 16% to 21% -- a relative change of 31%. (In the control precinct it fell from 23% to 19% -- a relative change in the opposite direction of 17%.)

The Long-Term Sentence Rate (sentences with maximums of 5 years or longer) more than doubled -- rising from 1.8% to 4.8%. (In the control precinct, this rate decreased from 5.1% to 3.9%.)

⁷ See Felony Offenders Disposed in 1978 (New York State Division of Criminal Justice Services; March 1, 1981) pages 21, 85-93, 117-127 (and note that the DCJS Offender-Based Transaction System does not include felony arrests voided by the police or nolle prossed by the District Attorneys); and Vera, Felony Arrests: Their Prosecution and Disposition in New York City's Courts, revised edition (New York: Longman, 1981).

Figure 3

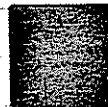
Arraigned Felony Arrests: Pattern of Indictment, Conviction and Dismissal in Criminal Court



NOT CONVICTED



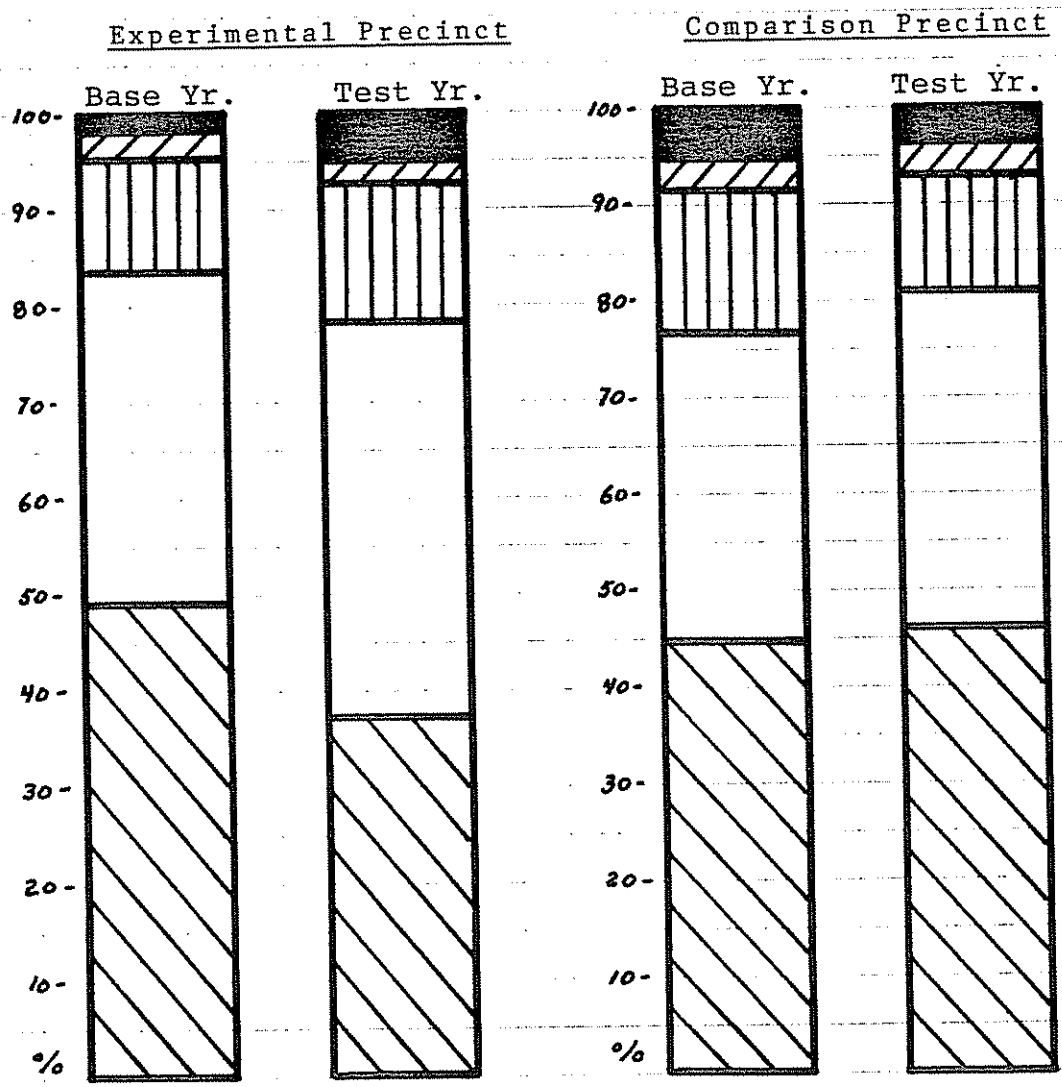
CRIMINAL COURT CONVICTIONS






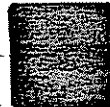
INDICTED


Figure 4

Dispositional Pattern for Arraigned Felony Arrests -- Criminal and Supreme Courts Combined



 NOT CONVICTED
  CONVICTED -- SENTENCE: 13 to 59 Months

 CONVICTED -- NON-INCARCERATIVE SENTENCE
  CONVICTED -- SENTENCE: 60 Months +

 CONVICTED -- SENTENCE: 1 to 12 Months

The project's impact on the dispositional pattern of arraigned cases was most marked in the robbery category, as Figures 5 and 6 illustrate. The highlights are:

The Robbery Conviction Rate rose from 51% to 74%, a relative change of 45%. (In the control precinct it fell from 60% to 56%, a relative change of 7% in the opposite direction.)

The Robbery Indictment Rate rose dramatically, from 39% to 66% -- a relative change of 69%. (In the control precinct it rose from 44% to 50%, a relative change of only 14%.)

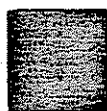
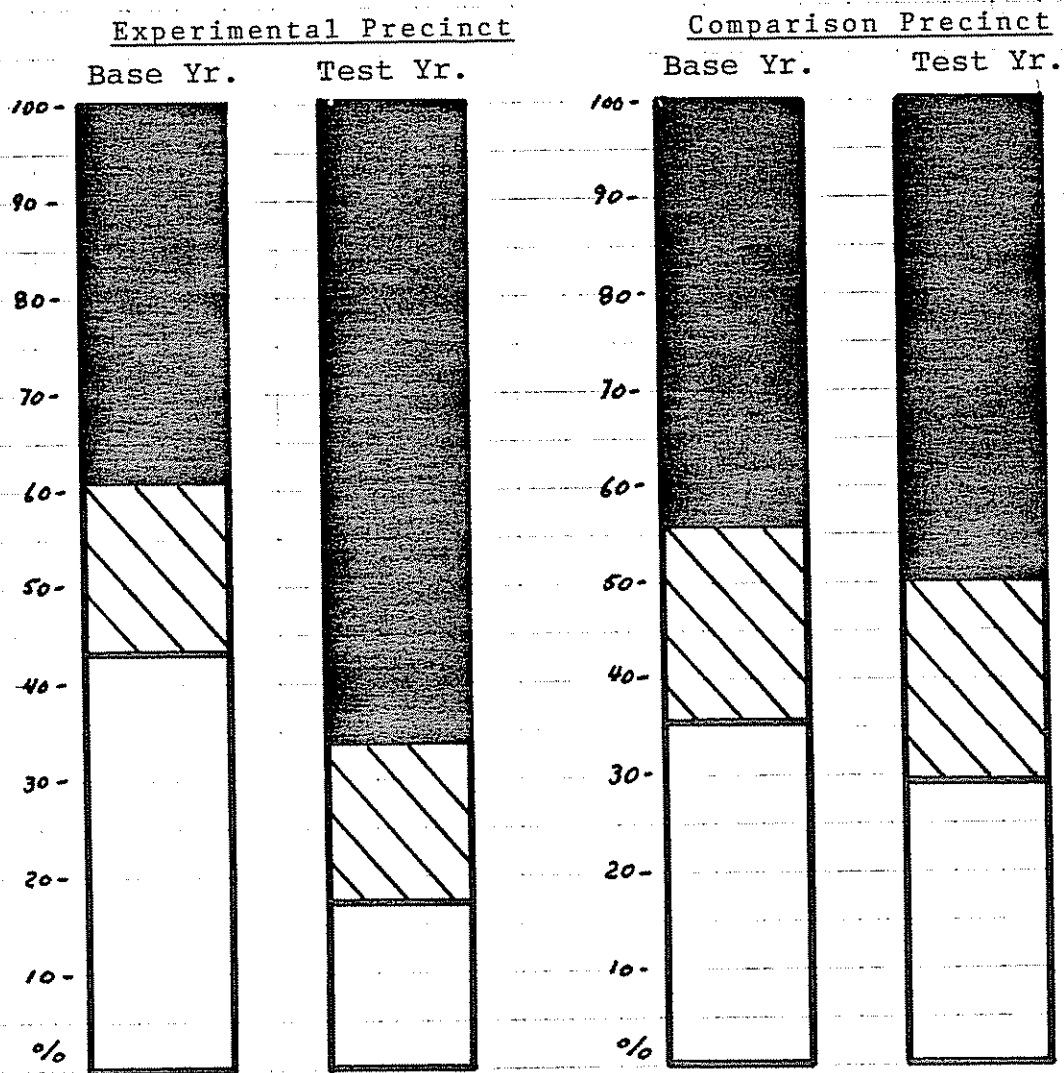
The Robbery Incarceration Rate increased from 30% to 44%, a relative change of 47%. (In the control precinct, it dropped from 44% to 34%, a relative change of 23% in the opposite direction.)

The Felony Sentence Rate for Robbery rose from 21% to 36%, a relative change of 71%. (In the control precinct it dropped from 29% to 23%, a relative change of 21% in the opposite direction.)

The Long-Term Sentence Rate for Robbery (sentences with maximums of five years or longer) more than tripled, rising from 8% to 30%. (In the control precinct, the long-term sentence rate fell from 19% to 14%, a relative change of 26% in the opposite direction.)

Figure 5

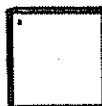
Arraigned Robbery Arrests: Pattern of Indictment, Conviction, and Dismissal in Criminal Court



INDICTED



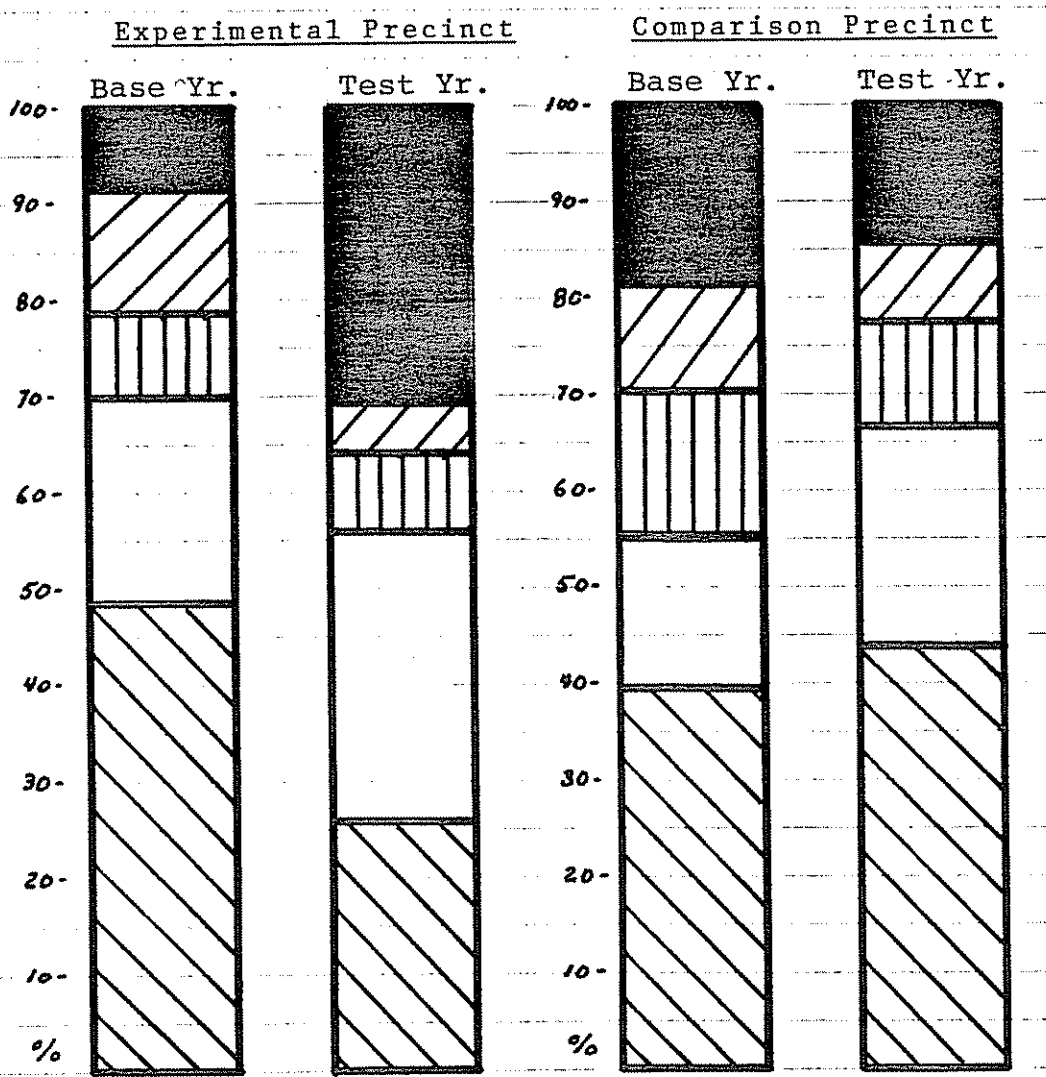
CRIMINAL COURT CONVICTIONS



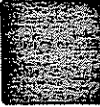




NOT CONVICTED

Figure 6

Dispositional Pattern for Affraigned Robbery Arrests -- Criminal and Supreme Courts Combined



-  NOT CONVICTED
-  CONVICTED -- SENTENCE: 13 to 59 Months
-  CONVICTED -- SENTENCE: 60 Months +
-  CONVICTED -- SENTENCE: 1 to 12 Months
-  CONVICTED -- NON-INCARCERATIVE SENTENCE

Current Period

Thus far, we have summarized the impact of the Felony Case Preparation experiment as it emerges from the controlled research on arrests made in the first six months of operations. We limited ourselves to that period because a sufficient number of cases from that period have reached final disposition and sentence for us to draw fairly comprehensive conclusions. But, because most indictments are returned within thirty days of arrest, we can look separately at the current period to verify that the impact on court processing has not fallen off with the passage of an additional twelve months.

In addition, current period data permit us to verify that the project's impact is not a function of peculiarities in the original experimental precinct. This opportunity arises because, in January 1981, after reviewing the early returns from the six month data base, the Police Department extended the project to two additional precincts. Fortunately, one of the new experimental precincts is the 46th Precinct, which had been the control precinct; the other new experimental precinct is the 50th.

Examination of the results in felony arrest cases in the three experimental precincts for the first three months of 1981 strengthens the evidence of positive program impact:

Voiding and Declined Prosecution. In the original experimental precinct, data for the first six months showed a rise in voiding, from 3.4% to 13.2%. While the higher conviction rate and the lower declined prosecution rate more than offset this increase

in voiding, voids were a matter of concern to some police officials. It now appears that the voiding rate has settled back down. In the original experimental precinct, it was down to 4.7% in the first three months of this year -- lower than it had been for this three month period in either of the past two years. Nevertheless, the proportion of felony arrests in which the prosecutors declined prosecution continued to drop -- it was 9.1% for this period in 1979, 3% for this period in 1980, and 1.8% for this period in 1981. The two new experimental precincts produced similarly encouraging results: In the 46th Precinct, the voiding rate was steady -- 7.2% in 1980 and 7.1% in 1981 -- but the declined prosecution rate dropped from 5.3% to 1%. In the 50th Precinct the voiding rate increased from 1.9% to 3.6%, but the declined prosecution rate dropped from 10.2% to 3.6%. If we combine the data from the three experimental precincts for the first three months of 1981 and for the first three months of the base year (1979 in the 43rd, 1980 in the other two precincts), we find that the voiding rate dropped from 6.5% to 5.7%, while the declined prosecution rate dropped from 7.4% to 1.7%.

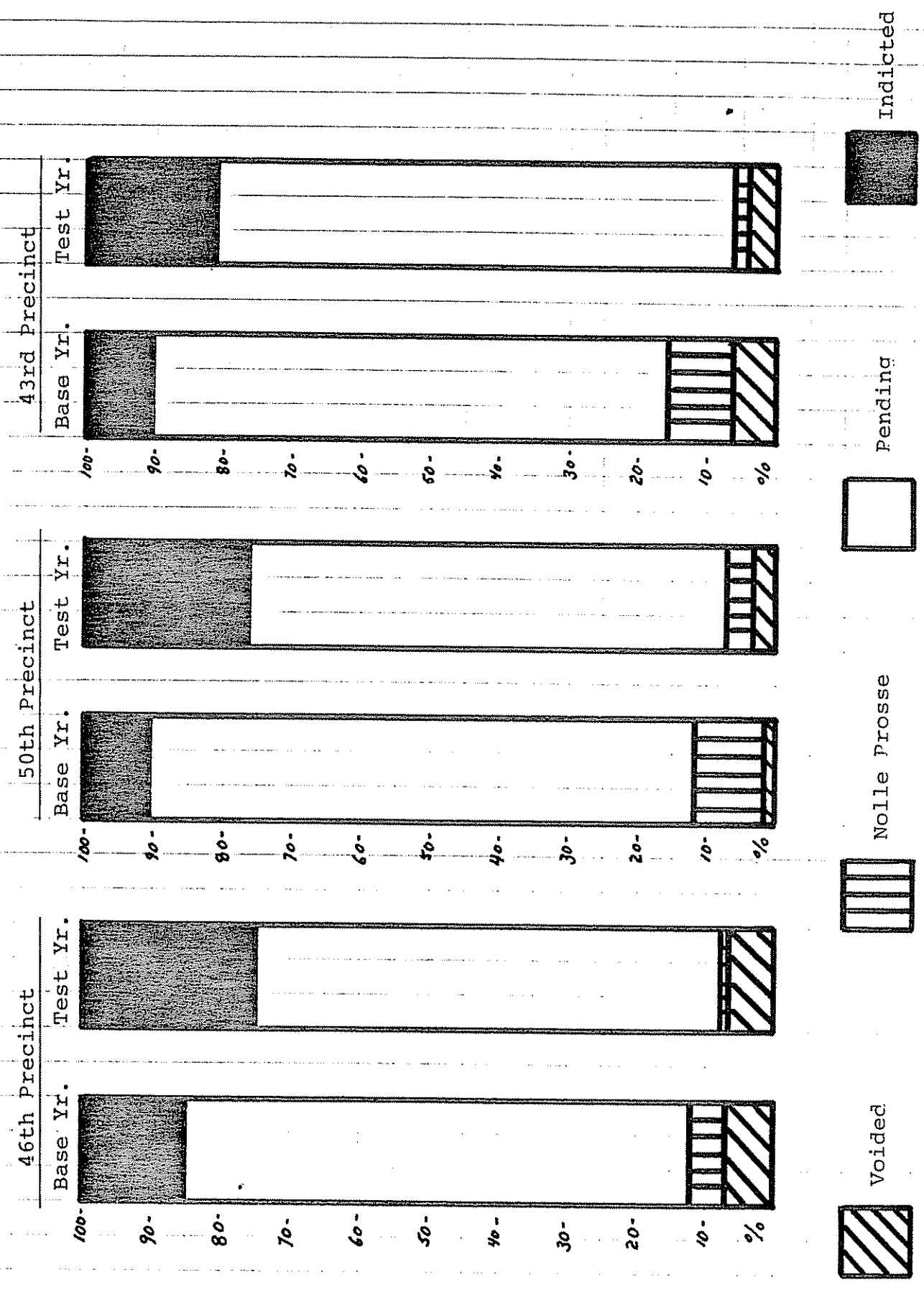
Indictment Rate. We saw in the six months' data that, as a proportion of all felony arrests, the indictment rate in the original experimental precinct increased from 11.5% to 17.6%. If we isolate the months of January, February and March of 1979, 1980 and 1981, we can trace the continued impact of the project in the 43rd Precinct as follows: In 1979, the indictment rate was 9.6% for the three month period; in 1980 (the first test year), it was 17.2%; this year it is already 18.7% -- almost double the 1979 rate for

these months. (There are still some indictment-tracked cases pending, so this measure of the current indictment rate, probably understates the final indictment rate and, thus, the magnitude of project impact.) In the 46th Precinct, the indictment rate has risen from 15.5% last year to 24.6% this year. In the 50th Precinct it has risen from 9.3% to 23.6%. If we combine the data from the three experimental precincts for the first three months of 1981 and compare the aggregate indictment rate with that for the same three months of the base year (1979 in the 43rd Precinct and 1980 in the other two), we find that the indictment rate has risen almost 10%, from 12.4% to 22.2% -- a relative change of 79%.

Figure 7, on the following page, illustrates these effects of the project:

Figure 7

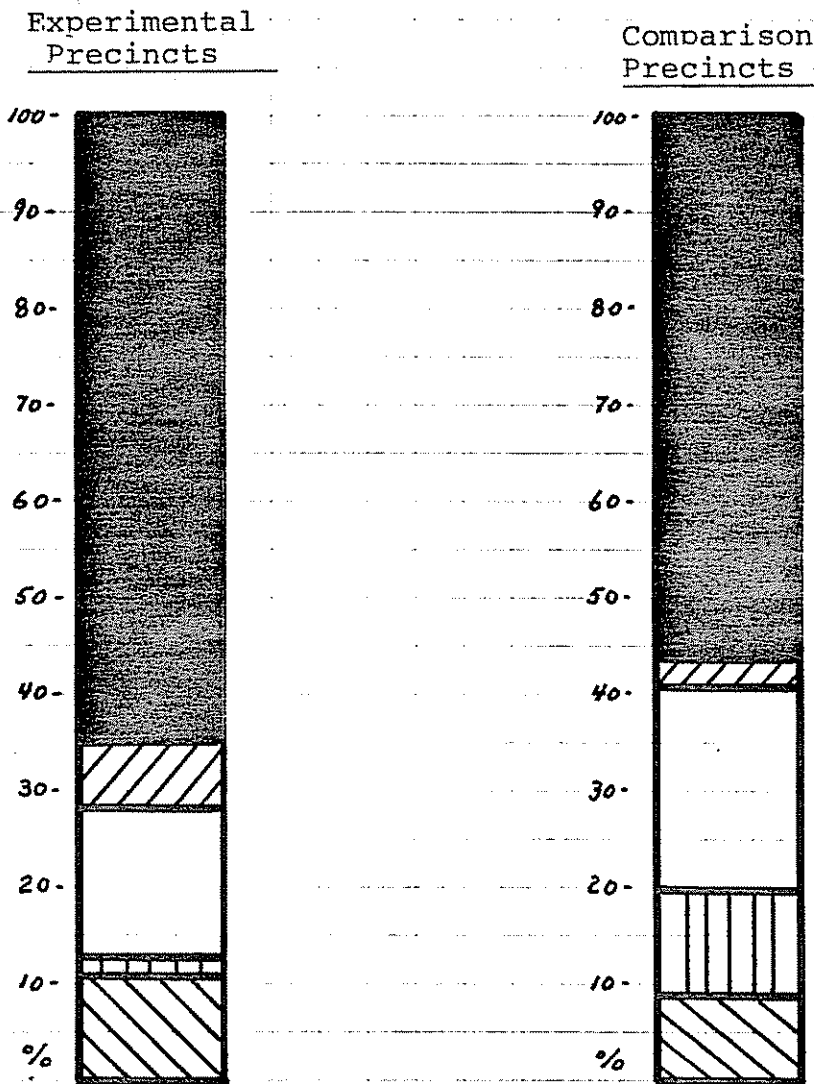
Felony Arrests: Rates of Indictment and Non-Prosecution in All Experimental Precincts (1981 and Base Year)



Once again, it is of special interest to isolate the project's impact on robbery arrests, this time for the current period. But, because there has been such a sharp focus on robbery cases in this city for several months, we are not comfortable making a comparison of the current dispositional pattern with that of a year ago. Instead, we have collected robbery arrest and disposition data, for the current period, from three Bronx precincts which are not operating the Felony Case Preparation Project but which have similar arrest volumes and are located close by the three experimental precincts. Combining the three experimental precincts, we find that 86.5% of the robbery arrests made in January, February and March have been disposed of (at or before Criminal Court) or have been indicted; the rest are pending. The proportion of robbery arrests disposed of in these ways in the three comparison precincts is 86.3%, so the two groups of cases are roughly comparable. To date, in the experimental precincts, 64.7% of these robbery arrests have resulted in indictment and 7.2% of them have reached conviction in Criminal Court, for a combined conviction/indictment rate of 71.9%. This is substantially higher than the 59.4% conviction/indictment rate of the comparison precincts (where 56.2% of the robbery arrests have been indicted and 3.2% have been convicted in Criminal Court). Figure 8, on the following page, illustrates this impact; it tells an encouraging story:

Figure 8

Robbery Arrests: Current Pattern of Indictment, Conviction, Dismissal, and Non-Prosecution in Criminal Court (All Experimental and Comparison Precincts)



Voided



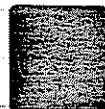
Nolle Prose



Dismissed



Criminal Court Conviction



Indicted

The full text of the Interim Report, with its appendices, presents the results of our evaluative research to date, in much greater detail. At this point, although there is need for more research, it is clear that the Felony Case Preparation Project should hearten those who believe that the performance of the criminal justice system can be improved.

Part I: Evaluating the Felony Case Preparation Project

The Vera Institute has been responsible for evaluating this project since it began. While the evaluation is on-going, this report describes the impact of the program on dispositional patterns associated with project-type felony arrests made in the experimental precinct during the first six months of operations.¹ The rationale for expecting an impact on case disposition and the design of the impact evaluation are set forth in some detail in this first part of the report. In the next part the findings of the evaluation are presented and discussed at length. These findings emerged from the controlled design used to collect and analyze dispositional data regarding the program's first six months.

In January 1981, while the program continued to operate in the 43rd Precinct, it was expanded into the 46th and 50th Precincts. The program managers have assembled statistics describing the voiding, declined prosecution and indictment rates in these three precincts during the period January 1 through March 31, 1981. Those statistics are presented and discussed in Appendix B to this report. For the most part, they suggest that the program effects observed during the first six months of operation persisted over time and were replicated when the program was introduced into new precincts. However, this is not so with respect to the program's initial effect on the voiding rates. According to the more recent data, the sharp increase in the proportion of voided cases observed during the first six months of program operation did not persist in the experimental precinct and was not

¹ "Project-type" felony arrests are all adult arrests made in the precinct, except for homicide arrests and arrests made by special units. Thus, all juveniles (under 16 years of age), except for those arrested for the most serious forms of violent crime ("Juvenile Violent Offenders"), are excluded, as are adults arrested by borough-based detective squads, such as the Organized Crime Control Bureau, the Narcotics Squad, and the Special Sex Crimes Unit. Arrests made by these units typically occur after extensive investigations, which are described at length in their arrest reports.

For the six month period under study, about 30% of all the felony arrests made in the experimental precinct involved juveniles and about 10% were made by the specialized units. Therefore, "project-type" arrests accounted for approximately 60% of all felony arrests made in the precinct, and about 90% of the adult felony arrests.

replicated in the expansion precincts. These late findings are discussed briefly in the text of the report, even though they reflect a different data base and fall outside the parameters of the controlled evaluation design.

A. The Rationale for Expecting an Impact on Case Disposition

The FCPP seeks to improve the efficiency and effectiveness of the felony disposition process by providing more and better information to police and prosecutorial officials as soon after arrest as possible. It is hoped that this information and the process of communicating it to the prosecutors will improve the system's ability to affect: a) the early identification and disposition of those cases which will ultimately result in dismissals or other "non-conviction" dispositions; and b) the early identification of serious prosecutable offenses so that these may get the timely allocation of court and prosecutorial resources that is necessary to insure dispositions commensurate with the nature and circumstances of the offense.

This duality of objectives means that the program's dispositional impact cannot be measured simply by its effect on convictions. While obtaining convictions and indictments in felony cases is a major goal of the police and District Attorney, it cannot be the sole measure of program effectiveness because it is by no means the only justification for an arrest. The suggestion that arrests are justifiable and appropriate police actions only when they result in convictions or indictments seriously oversimplifies the function of the police and the nature of the disposition process.

Vera's Felony Disposition Study² 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 beyond a reasonable doubt. Furthermore, as a burgeoning body of research literature suggests, the pivotal participant

² Vera, Felony Arrests: Their Prosecution and Disposition in New York City Courts, revised edition (New York: Longman, Inc. 1981).

in the system is the victim. This research indicates that a number of potentially successful prosecutions fail because the victims and/or witnesses 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 Felony Case Preparation Project, statistics were gathered, from several large cities, indicating that about 50% of felony arrests result in non-conviction dispositions.

If a large number of felony arrests are destined to end in non-conviction dispositions, the effectiveness of the post-arrest system should be measured in terms of its ability to identify and dispose of such cases quickly as well as in terms of its success in concentrating attention on the cases most likely to end in convictions.

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 (AIR) were designed to enable the District Attorney's office to identify more quickly those arrests that are unlikely to result in convictions, and to promote rapid disposition for these cases. Additionally, the AIR was designed to provide the prosecutor with information required to assess the merits and strength of the evidence in "prosecutable" cases, to determine which cases warrant disposition in Criminal Court as misdemeanors, or disposition in Supreme Court as felonies, and to pursue those dispositions from a solid base of facts.

Specifically, it was thought that intensive investigation conducted immediately after the arrest 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 was expected to be reflected, in turn, in higher conviction and indictment rates.

Given these objectives and expectations, the research presented here focuses on dispositional outcomes at various points from the police charging decision through disposition and sentence in either the Criminal or Supreme Court. Thus, outcome is measured in terms of the percentage of arrests voided by the police without being presented to the ADA; the percentage which the ADA does not accept for prosecution; the percentages disposed of by ACD's (Adjournments in Contemplation of Dismissal) or dismissals; the percentages in which

convictions and indictments are obtained at the Criminal Court level; the percentages receiving various dispositions in the Supreme Court after indictment; and the percentage receiving various types and lengths of sentences imposed in the Criminal and Supreme Courts.

These numerous case outcomes are first grouped into three major categories which describe dispositions at the Criminal Court level. The categories will be referred to as: 1) "pre-arraignment dispositions", under which are grouped arrests that were voided at the precinct 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 dispositions", under which are grouped cases disposed of in Criminal Court through ACDs, dismissals, or transfers to Family Court; and, 3) "conviction or indictment dispositions", under which are grouped convictions obtained in Criminal Court and the indictments that will send felony arrests forward for processing in the Supreme Court. The Supreme Court dispositions and sentences for indicted cases are then reported separately.

The program's major dispositional objectives may be restated in the form of a series of hypotheses about what should be expected to happen to the dispositional pattern of felony arrests in the 43rd precinct after the project is introduced. These hypotheses are as follows:

- 1) The proportion of felony arrests voided at the station house level would increase; this, in turn, would result in a decrease in the proportion of cases that are declined for prosecution by the ADA in the Felony Case Bureau.
- 2) Additionally, and this hypothesis is related to hypothesis (1), the proportion of what may be termed "pre-arraignment dispositions", (i.e., cases dropped from the system before arraignment), would increase.
- 3) The proportion of the felony arrests dismissed or given ACDs in Criminal Court would decrease.
- 4) The proportion of all project-type felony arrests that result in conviction in Criminal Court would increase.
- 5) The proportion of felony arrests that result in grand jury indictment would increase.
- 6) For cases convicted in Criminal Court, the level of the conviction charge would rise. Specifically,

the proportion of pleas to Class A misdemeanors would increase and the proportion of pleas to Class B misdemeanors and violations would decrease.

- 7) The higher level of conviction charges in Criminal Court would lead to an increase in the proportion of defendants sentenced to periods of incarceration.
- 8) The proportion of indicted cases that result in conviction in Supreme Court would increase.
- 9) The overall conviction rate for felony arrests would increase.

In practical terms, implementation of the program was expected to result in some shift in dispositions from the Criminal Court level back to the pre-arraignment decision making points, specifically the station house and the DA's Felony Case Bureau. In addition, among cases that survive this intensified screening, we would expect an increase in the relative frequency of Criminal Court convictions, grand jury indictments and Supreme Court convictions. All of these expectations were based on the assumption that a more accurate appraisal of the nature and circumstances of the offense, and of the quality of the evidence, would produce more dispositions commensurate with the "worth" or "value" of the cases.

It was also expected that the severity of sentences imposed in project cases would increase, if only because the level of charge at conviction was expected to be higher. However, this expectation was tempered by recognition of the fact that the FCPP was designed principally to achieve higher levels of indictment and conviction; many of the factors that affect the likelihood of conviction have no direct impact on sentencing decisions, and vice versa. Therefore, it was certainly possible for the project to succeed in increasing the rate of conviction and even the charge level at conviction, but not produce any change in sentencing pattern.

B. The Nature of the Research Design

The basic design for assessing the FCPP's impact on case dispositions is a "before and after" comparison, with a control precinct. All the hypotheses predict that changes in dispositional patterns will occur after the program goes into effect in the experimental precinct. To test these hypotheses, data have been collected which describe the handling of all project-type arrests in the 43rd Precinct from August 1, 1979 through January 31, 1980 (the "test year"). These data are then compared with data on similar (project-type) ar-

rests made in the 43rd Precinct during the same six months of the year preceding commencement of the program (i.e., the "base year" -- August 1, 1978 - January 31, 1979). Logically, this procedure will determine whether or not the changes which were hypothesized actually occurred.

In addition to measuring change, evaluative research of this kind needs a method to determine whether change in the experimental precinct is a result of the program or a product of factors external to the program. For example, an increase in the indictment rate in the experimental precinct might be produced by changes in the District Attorney's or the Police Department's general policies or procedures, rather than by the program's operations. To determine whether or not the changes can be attributed to the program, it is necessary to compare change in the experimental precinct with change in another precinct where the program is not operating.

In choosing the comparison precinct, certain minimal criteria had to be met. Obviously, the precinct had to be subject to the same general prosecutorial and police management policies. This meant that the precinct had to be within the same borough. The general level of investigative manpower had to be comparable, since this is a factor that could influence the extent to which arrests are prepared for prosecution. In addition, comparable felony complaint rates, felony arrest rates and the age distribution of those arrested were used as selection criteria. Given these criteria, the 46th Precinct was chosen as the control precinct, and data describing the dispositions of project-type arrests originating in that precinct were collected for the two time periods under consideration.

The use of this control precinct solves the logical problem of attributing observed change in the experimental precinct to the program. If the changes observed in the 43rd Precinct are also observed in the 46th, they cannot properly be attributed to the program. On the other, if the observed change in the experimental precinct contrasts with no change, or significantly less change, in the control precinct, we can more confidently attribute the change to the program.

In considering the findings presented in the next part of this report, it is important to remember that the two precincts are being compared with respect to the nature and extent of change in dispositional patterns and not with respect to their actual levels of a particular disposition. For example the research has found that, of all cases disposed of before or at the Criminal Court level, the percentage of cases resulting in indictments rose 6.1% (from 11.5% to 17.6%) in

the experimental precinct and rose 2.7%, (from 13.6% to 16.3%) in the control precinct. Within the logic of this research design, the important point to be made here is that the increase in indictments was about two and a half times as great in the experimental precinct as in the control precinct. While it is true that the 17.6% indictment rate in the 43rd, after the program had been operating for six months, is only slightly higher than that in the 46th (16.3%), there is nothing in the logic of this research design that permits making any inferences from that observation.

The 46th Precinct was chosen as the control precinct for the reasons mentioned above, and not because of any judgment about its dispositional statistics. We have no reason to believe that the 46th Precinct is better or worse than the 43rd, or that either is more typical of Bronx precincts than the other. Neither precinct can serve as a standard against which to measure or judge the other with respect to indictment rate, or any other dispositional rate. Thus, the only type of inference one may reasonably draw from the comparison is that any substantially greater change in a dispositional rate in the experimental precinct is the result of introducing the program there and that the program would produce similar results if adopted elsewhere.

In the following section, except where otherwise indicated, data on dispositions are presented for all arrests that were closed at the time of data collection. Thus, in the major tables, the number of cases (N) used to calculate the percentage distributions of dispositions does not include cases which were still open, pending disposition. In order to make dispositional comparisons across all four samples, these open cases had to be excluded. Since the samples represent different time periods, they differ in the proportion of open cases; the later samples (from the "test year") have a larger proportion of open cases than the earlier samples. Therefore, if open cases were in the base, comparisons across the two years would be distorted. For example, the percentage of non-convictions, convictions and indictments in the test year samples might appear to be lower in the test year than in the base year simply because a larger proportion of test year cases are still open.

Fortunately, the size of the open case category is approximately the same in the two precincts in each of the two years (e.g., 11.1% of all arrests in the experimental precinct in the test year and 12.4% in the control precinct). But a question remains: does the exclusion of open cases from the data base of these tables yield a distorted picture of changes in the dispositional patterns from the base to the test year in each precinct, or a distorted picture of the quite differ-

ent changes in the dispositional patterns observed in the two precincts?

Let us consider the control precinct first. There is no reason to believe that the final dispositional pattern will be significantly different for base year cases that are still open than for test year cases that are still open. Thus, if closure of such cases affects the precinct's dispositional pattern at all, it should affect the pattern in essentially the same way in both years. Hence, the direction and approximate extent of change in the precinct's dispositional pattern should not be seriously affected by the final disposition of cases open at the time of data collection.

The same analysis should apply to the effect of open cases in the experimental precinct. It follows, therefore, that the comparisons made in this report between the experimental and control precincts with respect to the direction and extent of change in their dispositional patterns will stand up over time as the currently open cases reach disposition.

This general assurance does not apply to every dispositional difference noted in this report. In some instances, when we are examining the distribution of some sentences, the number of cases in a particular sentencing category is rather small and the difference between the change in the experimental and the change in the control precincts is modest. In such instances, a shift of a couple of cases could eliminate or substantially increase the difference. These volatile categories could be effected by the final dispositions of open cases; but, as examination of the tables that follow in this report will show, these volatile categories are few in number.

Part II: Findings of the Research

The data describing dispositional outcomes are viewed from a number of different vantage points in the pages that follow. Section A starts by analyzing the distribution of dispositions occurring before or at the Criminal Court level for all project-type arrests. For the purpose of this analysis, an indictment is considered a "disposition" at the Criminal Court level. The total number of arrests considered "closed" is the base upon which the percentage distribution of these dispositions is computed and is the largest base used for such purposes in this report; it is the largest because it includes an indictment as a "disposition" even when the case was still open in the Supreme Court at the time of data collection.

Because we include in this initial analysis the dispositions of all project-type arrests -- even arrests that were voided at the precinct and arrests that were nolle prossed by prosecutors in the Complaint Room -- this initial analysis gives the broadest overview of how project-type arrests are treated. However, it understates the impact of the program on conviction and indictment rates for arrests that are actually prosecuted in Court. This is because cases were dropped by the police and prosecutor before arraignment more often in the experimental precinct than in the control precinct. The appropriate way to assess the impact of the program on the efficiency and productivity of the court process (and prosecutor's office) is to compare the dispositional patterns reached in project-type cases that are actually arraigned. For these reasons, most of the dispositional statistics discussed in Section A are computed, in Section B, using all arraigned arrests as the base.

Because the comparisons of dispositional patterns in Sections A and B seem to reveal considerable program impact on indictment rate, we go on to examine whether the observed effects are simply a consequence of an increase in arrests for "indictment-prone" offenses in the experimental precinct. This possibility is explored by comparing the pre-program and post-program indictment rates for ten selected offenses for both precincts. Then, in Section D, the focus is narrowed even more sharply to analyze the program's impact on the non-conviction, conviction, and indictment rates for four major categories of arrests -- robbery, burglary, assault and grand larceny.

In Section E, Criminal Court and Supreme Court data are combined to permit analysis of the overall dispositional and sentencing patterns. First, program impact is assessed for all project-type arrests, then it is assessed for the bellwether offense of robbery. Finally, in Sections F and G, Criminal and Supreme Court data are examined separately for evi-

dence of program impact on the levels of convictions obtained and on the types and lengths of sentences imposed in each court.

Our hope is that, by analyzing the program's effects from each of these different vantage points, the reader will be better able to assess the potential benefits of the program for the somewhat different interests of the police, the prosecution and the courts.

A. Dispositions Before or At Criminal Court for All Project-Type Arrests

1. 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 level. In the base year, only 3.4% of the 43rd Precinct's project-type felony arrests were voided by the police but, in the test year, 13.2% of the felony arrests were screened out at this point. In contrast, the voided arrest rates for the control precinct remained relatively stable from the base to the test year, increasing slightly from 4.5% in 1978 to 5.1% in 1979.¹

When the FCPP was implemented in the experimental precinct on August 1, 1979, it was anticipated that there would be an initial upsurge in the number and proportion of felony arrests that were voided by the desk sergeants and the PDU investigators. It was believed that the voided arrest rate would decline over time, but that it would stabilize at a level that was higher than the rate before the institution of the project. From the first six months' data, it appears that these expectations were borne out. In the month of August, 1979, 20% of the project-type arrests were voided by the police. That percentage dropped to 15.8% in September and continued to decline over the next four months, leveling off at about 8 to 9% during December, 1979 and January, 1980.

While it is clear that the voiding rate increased significantly in the experimental precinct during the early months of the project, this effect did not persist in the experimen-

¹ The change in the voided arrest rate was statistically significant in the experimental, but not in the control, precinct. Experimental = $\chi^2 = 65.1$, $df = 1$, $p < .001$; Control = $\chi^2 = 0.33$, $df = 1$, n.s. at the .05 level.

Table 1

All Arrests: Percentage of Dispositions of Arrests
Disposed of Before or At the Criminal Court Level *

Experimental Precinct	Voided	Declined Prosecution	Sub-Total Pre-Arr. Disp.	A.C.D.	Dismissed	Sub-Total Court Non-Conv.	Sub-Total Non-Conv.	Conv.	Indicted	Sub-Total Conv./Ind.
Base Yr. (1104)	37 (3.4)	82 (7.4)	119 (10.8)	182 (16.5)	270 (24.4)	452 (40.9)	571 (51.7)	406 (36.8)	127 (11.5)	533 (48.3)
Test Yr. (808)	107 (13.2)	41 (5.1)	148 (18.3)	74 (9.1)	137 (17.0)	211 (26.1)	359 (44.4)	307 (38.0)	142 (17.6)	449 (55.6)
Absolute Change:	+9.8	-2.3	+7.5	-7.4	-7.4	-14.8	-7.3	+1.2	+6.1	7.3
% Change:	+288%	-31.1	+69.4	-44.8	-30.3	-36.2	-14.1	+3.3	+53.0	15.1
Control Precinct Base Yr. (1233)	56 (4.5)	65 (5.6)	125 (10.1)	143 (11.6)	323 (26.2)	466 (37.9)	591 (47.9)	474 (38.5)	168 (13.6)	642 (52.1)
Test Yr. (1182)	60 (5.1)	70 (5.9)	130 (11.0)	137 (11.6)	280 (23.7)	417 (35.3)	547 (46.3)	442 (37.4)	193 (16.3)	635 (53.7)
Absolute Change:	+0.6	+0.3	+0.9	0.0	-2.5	-2.5	-1.6	-1.1	+2.7	+1.6
% Change:	+13.3	+5.4	+8.9	0.0	-9.5	-6.6	-3.3	-2.9	+19.9	+3.1

* The N's for the four samples exclude those cases that were open in Criminal Court at the time of data collection. Experimental: Base year = 87 cases, 7.3%; Test year = 101 cases, 11.1%. Control Precinct: Base year = 136 cases, 9.9%; Test year = 168 cases, 12.4%.

tal precinct, nor has it been evident in the other precincts in which FCPP procedures have recently been adopted. As indicated in Appendix B, the voiding rate for all felony arrests made in the 43rd Precinct fell to 4.7% for the period January through March of 1981. Moreover, the increase in voiding rate that was expected during the first three months of program operation in the 46th and 50th Precincts did not occur. Indeed, the voiding rate declined slightly in the 46th Precinct during this period while it increased very slightly in the 50th Precinct during this period. (See Appendix B for the actual statistics.)

2. Declined Prosecution

We hypothesized that an increase in the proportion of arrests voided at the precinct level would result in a decrease in the proportion that were declined for prosecution by the District Attorney. As expected, the percentage of cases in which prosecution was declined decreased from 7.4% to 5.1% in the experimental precinct -- an absolute decrease of 2.3%, but a relative drop of 31.1%.

In contrast, there was a slight increase in the proportion of control precinct cases that the District Attorney declined to prosecute. For this precinct, the declined prosecution rate increased 0.3%, from 5.6% in the base year to 5.9% in the test year (a relative change of 5.4%). Thus, the experimental precinct registered a drop in the declined prosecution rate during a period in which the control precinct experienced an increase.²

The more recent data describing dispositional patterns in the three precincts now involved in the FCPP expansion suggest that the declined prosecution rate does continue to drop in the experimental precinct and is evident in the early months of program operation in other precincts (See Appendix B for this analysis).

3. Pre-Arrest Dispositions

The "screening out" impact of the project was evidenced during the first six months by the sharp rise in the proportion of arrests in the experimental precinct that were closed before arraignment, through voiding of the arrest or declined

² This change was statistically significant in the experimental precinct, but not in the control precinct. Experimental = $X^2 = 4.31$, $df = 1$; $p < .05$; Control = $X^2 = 0.12$, $df = 1$, n.s. at the .05 level.

prosecution. In the base year, only 10.8% of the project-type arrests in the experimental precinct were screened out before arraignment, compared to 18.3% in the test year. This relative change of 69.4% in the proportion of arrests that never reach arraignment was attributable to the substantial increase in the proportion of arrests that were voided at the precinct level. In contrast, the control precinct remained relatively stable in this respect over time. Specifically, the proportion of its arrests voided or declined for prosecution climbed only from 10.1% in the base year to 11.0% in the test year, a relative change of 8.9%.³

The more recent data, collected during the three months of program expansion, indicate that this increase in the overall rate of pre-arraignment dispositions did not persist in the 43rd Precinct. Moreover, the rate actually fell in the 46th and 50th Precincts during the three months following program commencement. (See Appendix B for these data and analyses.) It is important to note, however, that in all three precincts, the current lower levels of pre-arraignment dispositions is almost entirely the result of a drop in the proportion of arrests that the prosecutors declined to prosecute.

These later findings, contrary to the early research hypotheses, suggest that the voiding rate need not increase significantly immediately after the program is introduced into a precinct. In addition, while the findings confirm our hypothesis regarding the program's effect on the declined prosecution rate, they challenge our early assumptions regarding the mechanism that accounts for a decline in this rate. Our initial hypotheses assumed that the voiding and declined prosecution rates would always vary together, but in opposite directions. Thus, we assumed that if the voiding rate rose as expected, the police would be effecting an earlier screening out of cases that prosecutors would be likely to decline to prosecute at the later Complaint Room stage of the process. If this assumption were valid, a rise in the voiding rate would force the drop in the declined prosecution rate. We now know that the rates can and often do, vary independently of one another and may vary in the same direction. It is clear, therefore, that the persistent drop in the declined prosecu-

³ This change was statistically significant in the experimental precinct, but not in the control precinct. Experimental = $\chi^2 = 21.9$, $df = 1$, $p < .001$; Control = $\chi^2 = 0.43$, $df = 1$, n.s. at the .05 level.

tion rate reflects program effects that are different from those which may influence the voiding rate.

4. Non-Convictions in Criminal Court

As a proportion of all project-type arrests, cases resulting in non-convictions in Criminal Court dropped sharply in the experimental precinct from 40.9% in base year to 26.1% in the test year -- an absolute decline of 14.8% and a relative change of 36.2%. By way of contrast, the Criminal Court non-conviction rate in the control precinct also fell, but by only 2.5%, from 37.8% to 35.3%.⁴

Overall, the proportion of project-type arrests resulting in non-convictions (i.e., the total of voids, nolle prosses, ACDs and dismissals) in the experimental precinct fell from 51.7% in the base year to 44.4% in the test year. This drop of 7.3% is a relative change of 14.1% and contrasts with the general stability of these figures in the control precinct. Specifically, the overall non-conviction rate for control precinct arrests fell by only 1.6%, from 47.9% in the base year to 46.3% in the test year.⁵

Implementation of the FCPP not only reduced the experimental precinct's non-conviction rate, but also shifted the identification and disposition of evidentiarily weak cases from the Criminal Court level to pre-arraignment stages. Specifically, for experimental precinct non-convictions, the proportion obtained at the earlier pre-arraignment processing points rose from 20.8% in the base year to 41.2% in the test year -- a difference of 20.4%. In the control precinct, the comparable percentage remained relatively stable over time (21.1% to 23.8%).

However, it is equally clear that while the proportion of arrests screened out before arraignment increased by 7.5% in the experimental precinct, the total non-conviction rate decreased by 7.3%. Thus, the drop in the overall non-conviction rate actually reflects a sharp decline in the proportion of cases that are dismissed or ACD'd by the Criminal Court.

⁴ These changes in the Court non-conviction rate were significant in the experimental but not in the control, precinct. Experimental = $X^2 = 15.6$, $df = 1$, $p < .001$; Control = $X^2 = 1.98$, $df = 1$, n.s. at .05 level.

⁵ These changes in the total non-conviction rates were significant in the experimental, but not in the control, precinct. Experimental = $X^2 = 9.92$, $df = 1$, $p < .01$; Control = $X^2 = 0.66$, $df = 1$, n.s. at the .05 level.

That decline is reflected in an increase in the Criminal Court conviction rate and a sharp increase in the indictment rate. These findings suggest that the program enabled the police not only to void some weak cases but to strengthen many others, thereby lowering the rate of declined prosecutions and increasing the rates of conviction and indictment.

5. Convictions/Indictments

The FCPP has had an impact on the percentage of project-type arrests that result in conviction in the Criminal Court or indictment by the Grand Jury. This combined "conviction/indictment" rate for the experimental precinct rose from 48.3% in the base year to 55.6% in the test year -- an actual increase of 7.3% and a relative change of 15.1%. In contrast, the conviction/indictment rate for the control precinct cases remained fairly stable, increasing slightly from 52.1% to 53.7% for a relative change of 3.1%.⁶

This positive result is essentially a consequence of the program's impact on indictment rates. Specifically, indictments in the experimental precinct rose sharply from 11.5% of all project type arrests in the base year to 17.6% in the test year. This is an absolute increase of 6.1% and a relative change of 53.0%. This contrasts with the more modest increase in the indictment rate experienced in the control precinct. The indictment rate then rose by 2.7% from 13.6% in the base year to 16.3% in the test year -- a relative change of 19.9%.⁷ The Criminal Court conviction rate increased slightly (1.2%) in the experimental precinct, while it dropped slightly (1.1%) in the control precinct.

In sum, when all project-type arrests are used as a base for examining the distribution of dispositions during the project's first six months, it can be seen that the FCPP increased the proportion of voided arrests and the proportion of pre-arraignment dispositions generally; decreased the declined prosecution rate; decreased the rate at which cases resulted in non-conviction in the Criminal Court; decreased the overall

⁶ These changes in the conviction/indictment rate were statistically significant for the experimental precinct but not for the control precinct. Experimental = $X^2 = 9.9$, $df = 1$, $p < .01$; Control = $X^2 = 0.66$, $df = 1$, n.s. at .05 level.

⁷ These changes in the indictment rate were significant for the experimental, but not for the control, precinct. Experimental = $X^2 = 13.9$, $df = 1$, $p < .001$; Control = $X^2 = 3.29$, $df = 1$, n.s. at .05 level.

proportion of cases ending in non-convictions; increased the proportion of cases resulting in conviction or indictment; and increased substantially the proportion of all arrests resulting in indictments.

Figure 7 provides a graphic view of these program impacts.

B. Criminal Court Dispositions in Arraigned Cases

In this section we focus on the distribution of dispositions for project-type felony arrests that survived screening at both the station house and the Complaint Room levels and were forwarded to arraignment. This examination of arraignment and post-arraignment dispositions provides an indication of the impact of the FCPP on Criminal Court case-processing patterns.

1. Non-Convictions in Criminal Court

Table 2 displays the distribution of Criminal Court dispositions for experimental and control precinct project-type arrests that were forwarded to arraignment and had been closed either through disposition or indictment by the time of data collection. A review of this table reveals that approximately 40 to 45% of the arrests in the three non-program samples resulted in an ACD or dismissal in Criminal Court. For example, the non-conviction rate for control precinct arrests hovered around the 40% mark, declining from 42.0% in the base year to 39.6% in the test year. In marked contrast, the experimental precinct's non-conviction rate dropped substantially from 45.9% to 32.0% - an absolute difference of 13.9% and a relative change of 30.3%.⁸

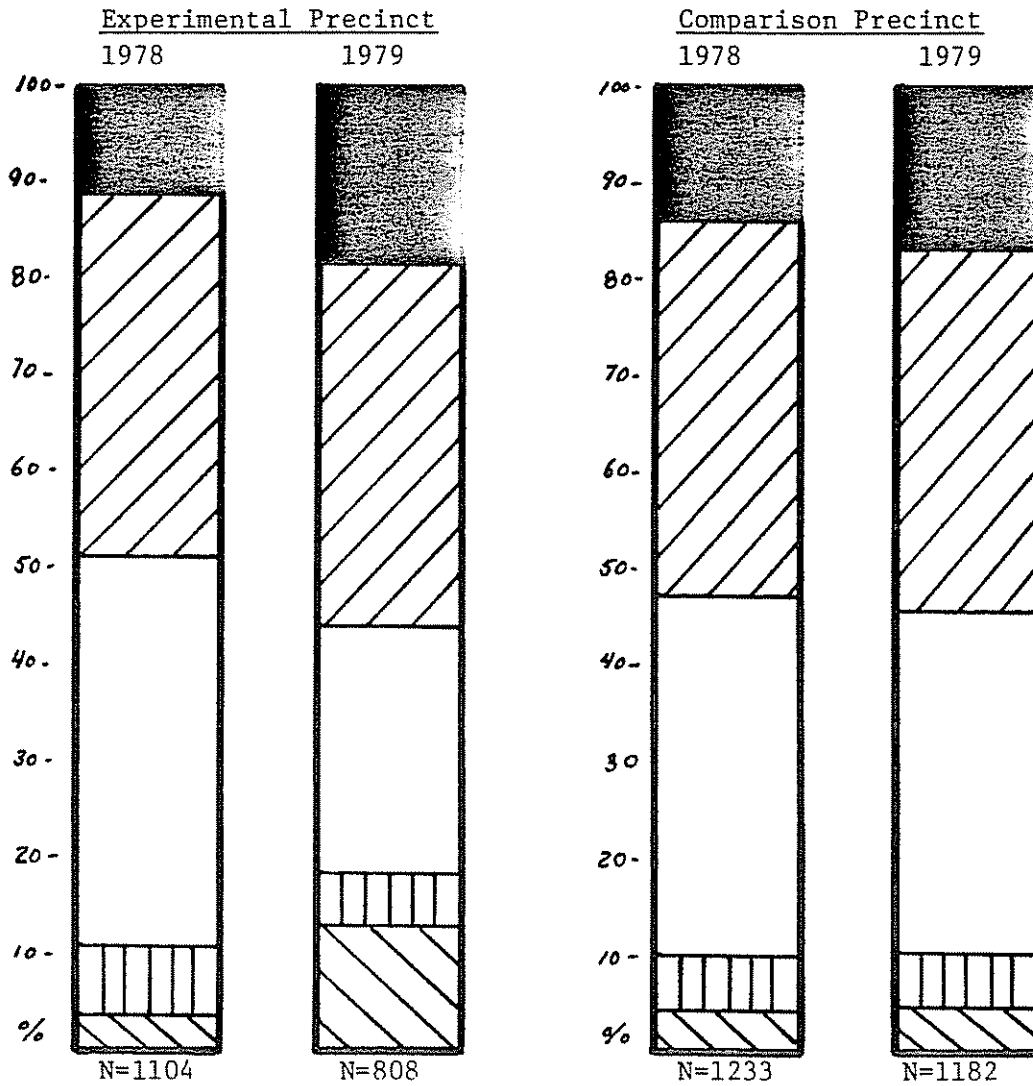
2. Conviction/Indictment Rate

The reduction in the ACD and dismissal rates in Criminal Court for experimental precinct arrests was translated into considerable increases in the overall conviction/indictment rate. That rate rose by 13.9% from 54.1% in the base year to 68.0% in the test year - a relative increase of 25.7%. This contrasts with the rather modest increase in the conviction/indictment rate for the control precinct arrests. There the

⁸ This decrease in the non-conviction rate was significant for the experimental precinct, but not for the control. Experimental = $X^2 = 31.8$; $df = 1$, $p < .001$; Control = $X^2 = 1.29$; $df = 1$, n.s. at .05 level.

Figure 9

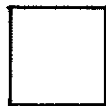
FELONY ARRESTS: DISTRIBUTION OF INDICTMENTS AND CRIMINAL COURT CONVICTIONS, DISMISSALS AND NON-PROSECUTIONS (BASE YEAR AND TEST YEAR)



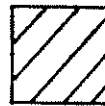
VOIDED



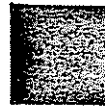
NOLLE PROSSE



NOT-CONVICTED
(ACD -- DISMISSED)



CRIMINAL COURT
CONVICTIONS



INDICTED

Table 2

All Arrests: Percentage Distribution of Dispositions of
Arrested Arrests Disposed of in Criminal Court

<u>Experimental Precinct</u>	<u>ACD</u>	<u>Dismissed</u>	<u>Not-Conv.</u>	<u>Convicted</u>	<u>Indicted</u>	<u>Conv./Indicted</u>
Base Year (985)	182 (18.5)	270 (27.4)	452 (45.9)	406 (41.2)	127 (12.9)	533 (54.1)
Test Year (660)	74 (11.2)	137 (20.8)	211 (32.0)	307 (46.5)	142 (21.5)	449 (68.0)
Absolute Change:	-7.3	-6.6	-13.9	+5.3	+8.6	+13.9
% Change	-39.5	-24.1	-30.3	+12.9	+66.7	+25.7
<u>Control Precinct</u>						
Base Year (1108)	143 (12.9)	323 (29.1)	466 (42.0)	474 (42.8)	168 (15.2)	642 (58.0)
Test Year (1052)	137 (13.0)	280 (26.6)	417 (39.6)	442 (42.0)	193 (18.4)	635 (60.4)
Absolute Change:	+0.1	-2.5	-2.4	-0.8	+3.2	+2.4
% Change:	+0.01	-8.6%	-5.7	-.02	+21.1	+4.1

* The N's for the four samples exclude those cases that were open in Criminal Court at the time of data collection. Experimental Precinct: base year = 87 cases, 8.1% of all arraigned project-type arrests; test year = 101 cases, 13.1%. Control Precinct: base year = 136 cases, 10.9%; test year = 168 cases, 13.8%.

rate rose by 2.4%, from 58.0% in the base year to 60.4% in the test year.⁹

The increase in the overall rate of Criminal Court convictions and Grand Jury indictments in experimental precinct arrests resulted from increases in both the proportion resulting in conviction and the proportion resulting in indictment. In fact, the Criminal Court conviction rate rose by 5.3% in the experimental precinct, from 41.2% in the base year to 46.5% in the test year - a relative increase of 12.9%,¹⁰ while it remained unchanged in the control precinct. At the same time, the surge in the experimental precinct's indictment rate was dramatic. The proportion of arraigned arrests resulting in indictment rose from 12.9% in the base year to 21.5% in the test year - an absolute rise of 8.6% and a relative change of 66.7%. Interestingly, the proportion of arraigned arrests resulting in indictment also rose in the control precinct, from 15.2% in the base year to 18.4% in the test year.¹¹ This absolute increase of 3.2% reflects a relative change of 21.1% and was found to be statistically significant, but does not compare in magnitude to the change in the experimental precinct.

These findings suggest that factors outside the project, such as changes in the general policies or procedures of the police or prosecutor may have produced some increase in the felony indictment rate for the time period studied. However, the substantially greater increase and the higher level of statistical significance attained by that increase in the experimental precinct indicates that the program itself produced a meaningful increase in felony indictments.

It would appear, therefore, that the FCPP, by improving the quality of the evidence provided for prosecution, enabled the prosecutor to obtain convictions in cases which might

⁹ The changes in the overall rate of convictions and indictments were significant in the experimental, but not in the control, precinct. Experimental = $X^2 = 31.8$; $df = 1$, $p < .001$; Control = $X^2 = 1.29$; $df = 1$; n.s. at the .05 level.

¹⁰ This increase in the conviction rate for the experimental precinct was significant. $X^2 = 4.54$, $df = 1$, $p < .05$.

¹¹ These increases in the indictment rates were statistically significant in both precincts. Experimental = $X^2 = 21.4$; $df = 1$, $p < .001$; Control = $X^2 = 3.84$; $df = 1$; $p = .05$.

otherwise have been disposed in Criminal Court as dismissals or ACD's. Furthermore, and perhaps of greater consequence, the post-arrest investigation and report facilitated the identification of serious, prosecutable cases and strengthened the quality of the evidence to the degree that prosecutors were able to obtain indictments in cases that would under normal circumstances have resulted in pleas to misdemeanors or violations.

C. Pre- and Post-Program Indictment Rates for Ten Selected Offense Categories

We considered the possibility that the indictment rate changes reported in the preceding sections might be attributable to changes in the proportion of "indictment-prone" arrests in the two precincts and over time. Thus, an upsurge in the proportion of a precinct's arrests for which robbery is the charge (a charge for which indictments are relatively more frequent than other charges) might itself account for an increase in the overall proportion of arrests resulting in indictments.

To explore this possibility, we determined the indictment rates for ten separate offense classifications and examined the distribution of these offenses in the four samples under study. In this analysis, all arraigned cases, including those that were open at the time of data collection, constituted the base.

Table 3 shows the distribution of all arraigned cases in each sample by category of arrest charge. This table presents, for each offense category, the number of arraigned cases, the percent of the sample each offense category represents, the number of indictments, the indictment rates, and the proportion of the indictments accounted for by that offense category. For example, this table indicates that 43 persons arrested in the experimental precinct in the base year were charged with attempted murder. This offense category comprised 4% of the experimental precinct's caseload. Twenty-four of these defendants were indicted, producing an indictment rate of 55.8%. This is an extremely high indictment rate; therefore, while attempted murder arrests accounted for only 4.0% of all arraigned cases, they comprised 18.9% of the experimental precinct's base year indictments.

Table 3 also describes the direction and magnitude of the changes from the base year to the test year in the indictment rates for each offense category and in the proportion of the arraignment caseload accounted for by these categories. For example, the three columns at the right of the table indicate

Table 3: Distribution of Arrest Charges and Indictment Rates for Arraigned Cases in the Experimental Precinct*

	BASE YEAR						TEST YEAR						DIFFERENCES BETWEEN BASE AND TEST YEARS		
	N Arraigned Cases	% of Sample	Number Indicted	Indictment Rate	% of All Indictments	N Arraigned Cases	% of Sample	Number Indicted	Indictment Rate	% of All Indictments	Change in Percentage of Sample	Change in Indictment Rate	Change in % of All Indictments		
ATTEMPTED MURDER	43	4.0%	24	55.8%	18.9%	21	2.7%	15	71.4%	10.6%	+15.6%	-1.3%	- 8.3%		
ASSAULT	179	16.7%	9	5.0%	7.1%	134	17.6%	9	6.7%	6.3%	+ 1.7%	+0.9%	- 0.8%		
SEX OFFENSES	11	1.0%	2	18.2%	1.6%	9	1.2%	2	22.2%	1.4%	+ 4.0%	+0.2%	- 0.2%		
BURGLARY	185	17.3%	17	9.2%	13.4%	165	21.7%	35	21.2%	24.7%	+12.0%	+4.4%	+11.3%		
ROBBERY	174	16.2%	61	35.1%	48.0%	107	14.1%	60	56.1%	42.3%	+21.0%	-2.1%	- 5.7%		
GRAND LARCENY	193	18.0%	0	0.0%	0.0%	167	21.9%	6	3.6%	4.2%	+ 3.6%	3.9%	+ 4.2%		
FORGERY/FRAUD	66	6.2%	0	0.0%	0.0%	16	2.1%	0	0.0%	0.0%	0.0%	-4.1%	0.0%		
DRUGS	76	7.1%	4	5.3%	3.1%	19	2.5%	4	21.1%	2.8%	+15.8%	-4.6%	- 0.3%		
WEAPONS	56	5.2%	3	5.4%	2.4%	79	10.4%	11	13.9%	7.7%	+ 8.5%	+5.2%	+ 5.3%		
OTHER	89	8.3%	7	7.9%	5.5%	44	5.8%	0	0%	0%	-7.9%	-2.5%	- 5.5%		
	1072	100.0%	127	11.8%	100.0%	761	100.0%	142	18.7%	100.0%	6.9%	0	0		

* The N's in this table include arraigned cases that were open in Criminal Court at the time of data collection.

Table 3: Distribution of Arrest Charges and Indictment Rates for Arraigned Cases in the Control Precinct*

	BASE YEAR						TEST YEAR						DIFFERENCES BETWEEN BASE AND TEST YEARS		
	N Arraigned Cases	% of Sample	Number Indicted	Indictment Rate	% of All Indictments	N Arraigned Cases	% of Sample	Number Indicted	Indictment Rate	% of All Indictments	Change in Per-centage of Sample	Change in In-dictment Rate	Change in % of All Indict-ments		
ATTEMPTED MURDER	26	2.1%	8	30.8%	4.8%	34	2.8%	23	67.6%	11.9%	+36.8%	+0.7%	+7.1%		
ASSAULT	229	10.4%	14	6.1%	8.3%	238	19.5%	8	3.4%	4.1%	- 2.7%	+1.1%	-4.2%		
SEX OFFENSES	26	2.1%	13	50.0%	7.7%	25	2.1%	9	36.0%	4.7%	-14.0%	0.0%	-3.0%		
BURGLARY	290	23.3%	21	7.2%	12.5%	267	21.9%	29	10.9%	15.0%	+ 3.7%	-1.4%	+2.5%		
ROBBERY	218	17.5%	87	39.9%	51.7%	209	17.1%	87	41.6%	45.2%	+ 1.7%	-0.4%	-6.5%		
GRAND LARCENY	166	13.4%	2	1.2%	1.2%	153	12.5%	2	1.3%	1.0%	+ 0.1%	-0.9%	-0.2%		
FORGERY/FRAUD	51	4.1%	0	0.0%	0.0%	14	1.1%	0	0.0%	0.0%	0.0%	-3.0%	0.0%		
DRUGS	83	6.7%	7	8.4%	4.2%	55	4.5%	6	10.9%	3.1%	+ 2.5%	-2.2%	-1.1%		
WEAPONS	81	6.5%	8	9.9%	4.8%	113	9.3%	28	24.8%	14.5%	+14.9%	+2.8%	+9.7%		
OTHER	74	5.9%	8	10.8%	4.8%	112	9.2%	1	0.9%	0.5%	- 9.9%	+3.3%	-4.3%		
	1244	100.0%	168	13.5%	100.0%	1220	100.0%	193	15.8%	100.0%	2.3%	0	0		

* The N's in this table include arraigned cases that were open in Criminal Court at the time of data collection.

that the proportion of the experimental precinct's arraignment caseload accounted for by attempted murder arrests declined by 1.3% from 4.0% in the base year to 2.7% in the test year. The indictment rate for these cases rose by 15.6% from 55.8% to 71.4%. Nevertheless, the percentage of indictments accounted for by this offense category dropped from 18.9% to 10.6% -- a difference of 8.3%.

A review of the indictment rates indicates that there was considerable variation across offense categories. The indictment rates were consistently low for grand larceny, forgery/fraud, and assault arrests -- offenses for which the indictment rate rarely exceeded 5%. In contrast, the indictment rates for attempted murder, sex offenses (rape, sodomy), and robbery were uniformly high, and never fell below 15%. Therefore, we considered the latter to be indictment-prone charges. These three offense categories collectively account for between 54% and 65% of the indictments in each precinct in each year. Therefore, a precinct's overall indictment rate would be sensitive to even slight changes in the proportion of the arraignment caseload accounted for by these three indictment-prone categories.

Table 3 reveals that there were some differences in the proportion of indictment-prone arrests in each of the four samples. For experimental precinct cases, the proportion of all arraignments accounted for by the three indictment-prone offense categories dropped from 21.2% in the base year to 18.9% in the test year. Thus, if change in the overall indictment rate were merely a product of a shift in the proportion of arraignments for indictment-prone offenses, one would expect the experimental precinct's indictment rate to have dropped in the test year. However, quite to the contrary, the indictment rate for the experimental precinct arrests rose sharply over that time from 11.8% to 18.7%.¹²

In contrast, the proportion of indictment-prone cases for the control precinct remained virtually unchanged, rising only from 21.7% in the base year to 22.0% in the test year. Despite this stability in the proportion of indictment-prone arrests, there was only a modest increase (2.3%) in the overall indictment rate in the control precinct, which rose from 13.5% in the base year to 15.8% in the test year.

¹² These figures differ from those presented in Table 2 because these were computed using the base of all arraigned cases (including cases still open at the time of data collection), while Table 2 uses all closed arraigned cases as the base. The latter base is smaller and therefore the indictment percentages are larger -- 12.9% and 21.5% respectively.

These data indicate that the increase in the experimental precinct's indictment rate is not attributable to an increase in the proportion of indictment-prone arrests. A closer examination of the data indicates that the increase in the indictment rate is primarily due to the sharp rise in the experimental precinct's burglary indictment rate, which rose from 9.2% in the base year to 21.2% in the test year -- an absolute change of 12.0%. Because of that substantial increase, burglaries accounted for 24.7% of all experimental precinct indictments in the test year compared with 13.4% in the base year -- an increase of 11.3%.

In comparison, the control precinct experienced a modest 3.7% increase in its burglary indictment rate, which rose from 7.2% to 10.9%. Thus, although some increase in the burglary indictment rates may be attributable to changes in general police or prosecutorial policies, such changes cannot fully account for the substantial increase in the indictment rate for burglary arrests in the experimental precinct. In fact, burglary did not meet our criterion for an indictment-prone offense (15% or more of the arrests result in indictments) in either precinct in the base year or in the control precinct in the test year. Yet, the indictment rate (21.2%) far exceeded our criterion in the experimental precinct in the test year. This phenomenon must be attributed to the impact of the FCPP.

D. Dispositions at the Criminal Court Level
for Four Major Offense Categories

In the preceding section we were concerned with the question whether the observed increase in the indictment rate for cases originating in the experimental precinct was simply a consequence of a proportionate increase in arrests for indictment-prone offenses. In answering that question, we collected indictment data for ten different offense categories, identified those offenses for which indictments are frequent, and determined that these offense categories were proportionately no more numerous among experimental precinct arrests in the test year than in the base year. Open cases were included in this analysis since they were all past the indictment stage of the process. From that analysis we concluded that the increase in the indictment rate was not a consequence of an increase in arrests for indictment-prone offenses.

In this section we are concerned with the question of whether the improved dispositional patterns at the Criminal Court level which is evident when all offense categories are considered together, is still evident when attention is fo-

cused on four major offenses -- robbery, burglary, assault and grand larceny. To address this concern, we looked at the rates of non-conviction, conviction, indictment and the combined rate of "conviction/indictment" for each offense (Table 4). Open cases are excluded in this analysis because they are proportionately greater, for both precincts, in the test year than in the base year. Therefore, their inclusion would distort the percentage comparison of dispositional categories from one year to the next.

1) Robbery: The non-conviction rate for robbery arrests in the experimental precinct plummeted by 25.5%, from 43.1% in the base year to 17.6% in the test year -- a relative change of 59.2%. At the same time the proportion of robbery arrests resulting in indictments soared by 27.3%, from 38.6% in 1978 to 65.9% in 1979 -- a relative change of 70.7%.

Thus, the FCPP produced a marked drop in the likelihood of non-conviction and a marked increase in the rate of indictment for robbery arrests in the experimental precinct. In the base year, two out of every five arraigned defendants who had been arrested for robbery in the experimental precinct had their case disposed of through an ACD or a dismissal in Criminal Court. With the implementation of the FCPP fewer than one out of five such cases resulted in non-convictions. The probability of non-conviction dropped from 2:5 to 1:5. Similarly, the likelihood of indictment increased dramatically. While only four out of every ten defendants were indicted in the base year, this rate shifted to two out of every three in the test year.

While the dispositional patterns for the experimental precinct's robbery arrests changed dramatically, the control precinct's rates remained quite stable. Although the Criminal Court non-conviction rate in that precinct declined 6.0%, from 35.7% in the base year to 29.7% in the test year (a relative change of 16.8%), the conviction rate remained constant at 20.6%. The reduction in the non-conviction rate was reflected in a 6.0% increase in the robbery indictment rate which climbed from 43.7% to 49.7% -- a relative change of 13.7%.

2) Burglary: The non-conviction rate for the experimental precinct's burglary arrests plummeted by 14.1% from 44.0% in the base year to 29.9% in the test year -- a relative change of 32.0%. Virtually all of the decrease in the non-conviction rate was made up by a dramatic increase in burglary indictments. The precinct's Criminal Court conviction rate remained virtually unchanged from the base year to the test year, rising from 45.8% to 46.3%, while the burglary indict-

TABLE 4: Distribution of Dispositions of Arraigned Cases
in Four Major Offense Categories*

Offense Category	Pct./Yr.	Total N		Non-Convictions		Convictions		Indictments		Conviction/Indictments	
		N	%	N	%	N	%	N	%	N	%
<u>ROBBERY</u>	EXP-Base yr.	158		68	43.1%	29	18.3%	61	38.6%	90	56.9%
	EXP-Test yr.	91		16	17.6%	15	16.5%	60	65.9%	75	82.4%
Absolute Change % Change					25.5%		-1.8%		+27.3%		+25.5%
					-59.2%		-9.8%		+70.7%		-----
Absolute Change	CONT-Base yr.	199		71	35.7%	41	20.6%	87	43.7%	128	64.3%
	CONT-Test yr.	175		52	29.7%	36	20.6%	87	49.7%	123	70.3%
Absolute Change					-6.0%		-----		+6.0%		-----
					-16.8%		-----		+13.7%		-----
<u>BURGLARY</u>	EXP-Base yr.	166		73	44.0%	76	45.8%	17	10.2%	93	56.0%
	EXP-Test yr.	147		44	29.9%	68	46.3%	35	23.8%	103	70.1%
Absolute Change % Change					-14.1%		+0.5%		+13.6%		+14.1%
					-32.0%		+1.1%		-----		-----
Absolute Change % Change	CONT-Base yr.	259		101	39.0%	137	52.9%	21	8.1%	158	61.0%
	CONT-Test yr.	240		90	37.5%	121	50.4%	29	12.1%	150	62.5%
Absolute Change % Change					-1.5%		-2.5%		+4.0%		+1.5%
					-3.8%		-4.7%		-----		-----

* The cases are categorized according to the charge at arrest. The total N's in this table are slightly lower than those in Table 3 because these N's do not include cases that were open in Criminal Court at the time of data collection.

TABLE 4: (Cont'd)

Offense Category	Pct./Yr.	Total N	Non-Convictions		Convictions		Indictments		Conviction/Indictments	
			N	%	N	%	N	%	N	%
<u>ASSAULT</u>	EXP-Base yr.	164	87	53.0%	68	41.5%	9	5.5%	77	47.0%
	EXP-Test yr.	110	60	54.5%	41	37.3%	9	8.2%	50	45.5%
Absolute Change				+1.5%		-4.2%		+2.7%		-1.5%
% Change				+2.8%		-10.1%		-----		-----
	CONT-Base yr.	194	119	61.4%	61	31.4%	14	7.2%	75	38.6%
	CONT-Test yr.	206	139	67.5%	59	28.6%	8	3.9%	67	32.5%
Absolute Change				+6.1%		-2.8%		-3.3%		-6.1%
% Change				+9.9%		-8.9%		-----		-----
<u>GRAND LARCENY</u>	EXT-Base yr.	180	91	50.6%	89	49.4%	0	0.0%	89	49.4%
	EXT-Test yr.	144	43	29.8%	95	66.0%	6	4.2%	101	70.2%
Absolute Change				-20.8%		+16.6%		+4.2%		+20.8%
% Change				-41.1%		+33.6%		-----		-----
	CONT-Base yr.	149	49	32.9%	98	65.8%	2	1.3%	100	67.1%
	CONT-Test yr.	124	26	21.0%	96	77.4%	2	1.6%	98	79.0%
Absolute Change				-11.9%		+11.6%		+0.3%		+11.9%
% Change				-36.2%		+17.6%		-----		-----

ment rate more than doubled, rising from 10.2% in the base year to 23.8% in the test year -- a difference of 13.6%.

During the same period, changes in the dispositional patterns in the control precinct were rather modest. While the non-conviction and conviction rates for that precinct declined slightly from the base to the test year (1.5% and 2.5%, respectively), the indictment rate climbed from 8.1% to 12.1% -- a difference of 4.0%.

These data suggest that some of the increase in the rate of indictment for burglary arrests is probably attributable to factors external to the FCPP. However, the fact that the magnitude of the change in the experimental precinct was so much greater than that in the control precinct suggests that the program exerted a strong independent effect on the indictment rate.

The impact of the FCPP on burglary dispositions can also be seen in the changes wrought in the probabilities of a burglary arraignment resulting in a non-conviction disposition or an indictment. In the experimental precinct, the chances of a non-conviction disposition fell from almost 1 in 2 to approximately 1 in 3.5. At the same time, the chances of indictment rose from about 1 in 10 to almost 1 in 4. Of course, non-conviction remained substantially more likely and indictment substantially less likely for burglary than for robbery.

3) Assault: Each precinct experienced an increase in the non-conviction rate for assaults, although the increase was not as great for the experimental as it was for the control precinct (i.e., 1.5% and 6.1%, respectively). Both precincts also experienced a drop in the Criminal Court conviction rate, and the decline was slightly greater in the experimental than in the control precinct (i.e., -4.2% and -2.8%, respectively). However, in the experimental precinct, this drop in the Criminal Court conviction rate was partially made up by an increase in the indictment rate. That rate rose from 5.5% to 8.2% -- an absolute increase of 2.7%. In the control precinct, on the other hand, the indictment rate fell by 3.3%, from 7.2% in the base year to 3.9% in the test year.

As previously mentioned, assault is not an indictment-prone arrest category; indictments are rarely obtained for this charge. Nevertheless, while the likelihood of indictment remained low, the rate increased in the experimental precinct during a period in which it fell even lower in the comparison precinct.

4) Grand Larceny: The dispositional patterns for grand larceny arrests in both precincts changed from the base to the test year. In each precinct the non-conviction rate decreased considerably, the Criminal Court conviction rate increased substantially, and the indictment rate increased very slightly. Despite the fact that the trends in each precinct were the same, the shifts in the distribution of dispositions were more pronounced for experimental precinct cases. Specifically, while the non-conviction rate for control precinct grand larceny arrests declined by 11.9%, from 32.9% to 21.0%, the rate for experimental precinct cases dropped by 20.8%, from 50.6% in the base year to 29.8% in the test year. The reductions in the non-conviction rates for each precinct were translated into sizable increases in the Criminal Court conviction rates, which increased by 16.6% in the experimental precinct cases and 11.6% for control precinct arrests.

Like assault, grand larceny is not an indictment-prone arrest category. In fact, indictments for this offense are rarely, if ever, obtained. Within this context, the very modest increase in the experimental precinct's indictment rate is encouraging. In the base year, not one of the 180 arraigned grand larceny arrests resulted in an indictment. In the test year, six or 4.2% of the 144 grand larceny arrests were indicted. In comparison, the control precinct registered a very marginal increase in its indictment rate which inched from 1.3% to 1.6%.

The data in this section of the report indicate that the Felony Case Preparation Project tends to reduce the proportion of cases resulting in non-convictions and to increase the proportion resulting in indictments, regardless of the offense category involved. Indeed, those patterns are evident even with respect to types of charges which almost never result in indictments.

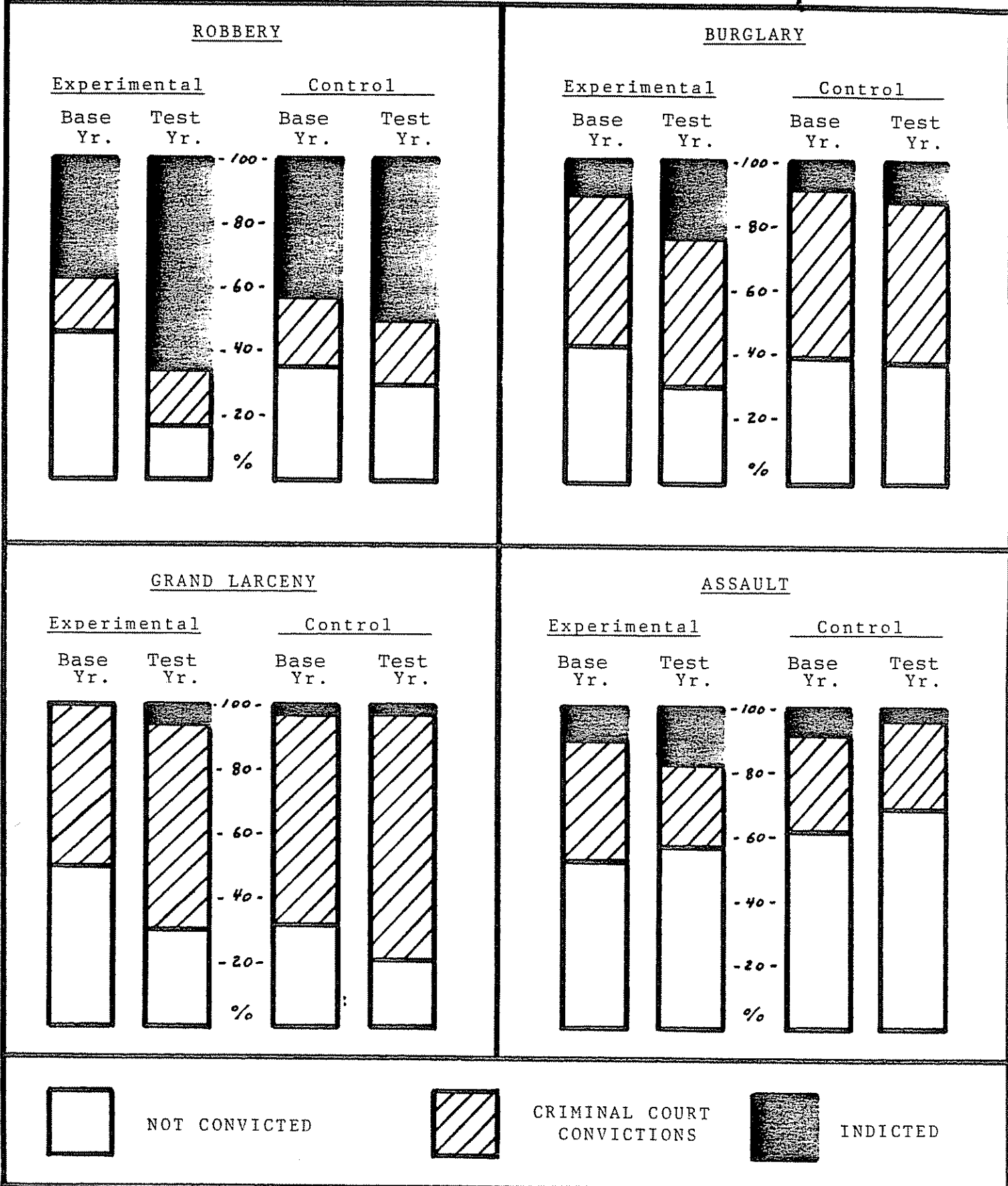
Figure 10 graphically summarizes the changes affected by the program in each of the major offense categories.

E. The Distribution of Dispositions and Sentences
Across Both the Criminal and Supreme Courts

In this section Criminal and Supreme Court data are combined to permit analysis of the overall disposition and sentencing patterns, first for all project-type arrests and then for the specific charge of robbery. From the vantage point of this combined base, indictments are not treated as "dispositions" and do not appear in our tables. Instead, the final dispositions and sentences reached by the Supreme Court in indicted cases are presented as functions of both total arrests and total cases arraigned.

Figure 10

PATTERN OF DISPOSITIONS OF DEFENDANTS
ARRAIGNED ON SELECTED CHARGES



The police are concerned about what happens to the felony arrests that they make and about what they can do to increase the rate of conviction and incarceration. They are aware, of course, that both conviction and incarceration are much more likely if a case is strong enough to reach Supreme Court. It is for that reason that the Department considers case-strengthening programs, such as the FCPP, to be important. However, the majority of convictions obtained for felony arrests occur in the Criminal Court and it is important, therefore, to describe the dispositional and sentencing outcomes of all arrests, regardless of the court in which they ultimately reach disposition.

The prosecutor is also interested in a summary review of convictions and dispositions across courts. For the prosecutor, however, the totality of arraigned cases is the most useful base against which to view these outcomes. This is also the most relevant base for judicial and court administrative personnel who are concerned with the program's implications for the use of the limited resources of the courts.

With these interests in mind, this section combines the Criminal and Supreme Court cases and describes the distribution of final dispositions and sentences for all categories of project-type arrests, first against the base of all closed arrests (Table 5) and then against the base of all closed arraignments (Table 7). In addition, Tables 6 and 8 focus on the dispositions of robbery arrests, first using the base of all robbery arrests and then using the base of all arraigned robbery arrests.

Table 5 indicates that while the rate of pre-arraignment dispositions (voided and declined prosecutions) rose by 8.8% in the experimental precinct, the overall non-conviction rate fell 5.2% to 49.8% of all closed arrests. In contrast, in the control precinct the total proportion of cases resulting in non-convictions rose 1.8% to 52.2% of all closed arrests, and the pre-arraignment disposition rate increased there only 1.6%.

Table 5 also shows that the desirable pattern in the experimental precinct was created by the sharp decline (14.0%) in the proportion of cases that were dismissed. Hence, while the program enabled the police to identify and void more of their weak cases, it also enabled the police to strengthen others. Proportionately fewer cases were declined prosecution and a far lower proportion were dismissed in the courts. In the end, the economies of an increased voiding rate were realized even while the overall proportion of non-convictions was lowered.

Table 5. All Arrests: Percentage Distribution of Dispositions and Sentences of Arrests (Closed Cases)--
Criminal and Supreme Courts Combined

	<u>Voided</u>	<u>Declined Prosecution</u>	<u>Dismissed</u>	<u>Subtotal Non-Convictions</u>	<u>Subtotal Convictions</u>	<u>Not Incarcerated</u>	<u>Incarcerated</u>	<u>1 Year Or Less</u>	<u>Between 1 & 5 Years</u>	<u>5 Years Or More</u>
<u>Experimental Precinct</u>										
Base Year (1084)	37 (3.4%)	82 (7.6%)	477 (44.0%)	596 (55.0%)	488 (45.0%)	332 (30.6%)	156 (14.4%)	113 (10.4%)	26 (2.4%)	17 (1.6%)
Test Year (748)	107 (14.3)	41 (5.5)	225 (30.0)	373 (49.8)	375 (50.2)	247 (33.0)	128 (17.2)	85 (11.4)	14 (1.9)	29 (3.9)
Change	+10.9%	-2.1%	-14.0%	-5.2%	+5.2%	+2.4%	+2.8%	+1.0%	-0.5%	+2.3%
<u>Control Precinct</u>										
Base Year (1207)	56 (4.6)	69 (5.7)	484 (40.1)	609 (50.4)	598 (49.6)	349 (28.9)	249 (20.7)	157 (13.1)	37 (3.0)	55 (4.5)
Test Year (1098)	60 (5.5)	70 (6.4)	443 (40.3)	573 (52.2)	525 (47.8)	338 (30.8)	187 (17.0)	120 (10.9)	29 (2.6)	38 (3.5)
Change	+0.9%	+0.7%	+0.2%	+1.8%	-1.8%	+1.9%	-3.7%	-2.2%	-0.4%	-0.9%

* The total N's in this table exclude arrests that were open in either Criminal or Supreme Court with respect to either disposition or sentence. The numbers of such open cases were as follows: Exp. - base year = 107 cases, 9.0% of all arrests; Exp. - test year = 161 cases, 17.7%; Control - base year = 162, 11.8%; Control - test year = 252, 18.7%.

If the non-conviction rate goes down, then the conviction rate must go up. Thus, that rate rose by 5.2% in the experimental precinct (from 45.0% to 50.2%), while it fell by 1.8% in the control precinct (from 49.6% to 47.8%). The experimental precinct also experienced an increase (2.8%) in the proportion of convicted defendants who were incarcerated (14.4% to 17.2%), while that proportion fell 3.7% in the control precinct (20.7% to 17.0%). The rate at which felony prison sentences (1 yr. or more) were imposed increased 1.8%, from 4.0% to 5.8%, in the experimental precinct, while it declined by 1.5%, from 7.6% to 6.1%, in the control precinct. In this regard, it is notable that the actual number of defendants given felony-time sentences remained the same (43) in the experimental precinct despite a decline in the actual number of arrests.¹³ It is also worth noting that in the experimental precinct most of the increase in the incarceration rate was attributable to the 2.3% increase in the long sentence category (5 years or more), while the control precinct experienced proportionate declines in each of the incarceration categories.

The increase in the incarceration rate is a consequence of the fact that the program changed the mix of Criminal and Supreme Court convictions in the experimental precinct. In the base year, 19.3% of the experimental precinct convictions occurred in the Supreme Court and 80.7% in the Criminal Court. In the test year, however, this split changed to 25.5% and 74.5% respectively. Thus, the proportion of convictions occurring in the Supreme Court increased by 6.2% in the experimental precinct, but by only 0.6% in the control precinct.

As indicated in the following sections of this report, the likelihood of incarceration following conviction is considerably greater in the Supreme Court than in the Criminal Court. Thus, by increasing the proportion of cases disposed of in the Supreme Court, the program increased the likelihood of incarceration.

Table 6 shows the distribution of dispositions and sentences for robbery against the base of all closed robbery arrests.

¹³ We have learned that, since the close of our data collection effort for this Interim Report, several of the open cases in the experimental precinct have been closed by felony-time sentences. Thus, the actual number of such sentences will be greater in the test year than in the base year, despite the decline in felony arrests in that precinct.

Table 6. Robbery: Percentage Distribution of Dispositions and Sentences of All Robbery Arrests (Closed Cases)---
Criminal and Supreme Courts Combined

Experimental- Precinct	Voided	Declined Prosecution	Dismissed	Subtotal Non-Convictions	Subtotal Convictions	Not Incarcerated	Incarcerated	1 Year Or Less	Between 1 & 5 Years	5 Years Or More
Base Year (179)	10 (5.6%)	12 (6.7%)	77 (43.0%)	99 (55.3%)	80 (44.7%)	33 (18.4%)	47 (26.3%)	14 (7.8%)	20 (11.2%)	13 (7.3%)
Test Year (106)	23 (21.7)	10 (9.4)	19 (17.9)	52 (49.0)	54 (51.0)	22 (20.8)	32 (30.2)	6 (5.6)	4 (3.8)	22 (20.8)
Change	+16.1%	+2.7%	-25.1%	-6.3%	+6.3%	+2.4%	+3.9%	-2.2%	-7.4%	+13.5%
Control Precinct										
Base Year (216)	8 (3.7)	15 (6.9)	77 (35.6)	100 (46.2)	116 (53.8)	31 (14.4)	85 (39.4)	28 (13.0)	21 (9.7)	36 (16.7)
Test Year (171)	14 (8.2)	17 (9.9)	61 (35.7)	92 (53.8)	79 (46.2)	32 (18.7)	47 (27.5)	15 (8.8)	12 (7.0)	20 (11.7)
Change	+4.5%	+3.0%	+0.1%	+7.6%	-7.6%	+4.3%	-11.9%	-4.2%	-2.7%	-5.0%

* The N's in this table exclude all robber arrests that were open in either Criminal or Supreme Court with respect to either disposition or sentence. The numbers of such open robbery cases were as follows: Exp. - base year = 17 cases, 8.7% of all such robbery arrests; Exp. - test year = 34 cases, 24.3%; Control - base year = 25 cases, 11.5%; Control - test year = 69 cases, 28.8%.

Although the rate of pre-arraignment dispositions for experimental precinct robbery arrests rose sharply, 18.8%, from 12.3% to 31.1%, the overall non-conviction rate dropped by 6.3%. This reduction in the overall non-conviction rate is attributable to the substantial decline in the dismissal rate, which fell 25.1%, from 43.0% to 17.9%.

In contrast, the overall non-conviction rate for control precinct cases rose 7.6%. This increase is entirely attributable to the 7.5% increase in the pre-arraignment disposition rate coupled with virtually no change in the court dismissal rate (0.1%).

The marked reduction in the experimental precinct's dismissal rate reflects, in part, the screening out of weaker cases. However, it is important to observe the fact that the decline in the dismissal rate appreciably exceeds the increase in pre-arraignment disposition rate. This evidence strongly supports the view that, in addition to screening out some weaker cases that would have resulted in dismissals in Criminal Court, the project strengthens many others thereby increasing the rate of conviction.

It is also interesting to note that the rate of declined prosecutions increased in both precincts but by a slightly larger amount in the control than in the experimental precinct. In every other table we have considered, the declined prosecution rate dropped more sharply in the experimental precinct. The fact that the drop in this rate has been of approximately the same magnitude in both precincts suggests that it is probably attributable to some change in police or prosecutorial policy or procedure pertaining to robbery cases.

The increase in the robbery conviction rate (6.3%) in the experimental precinct was accompanied by an increase in the incarceration rate (3.9%). However, in the control precinct, both the conviction rate and the incarceration rate fell rather sharply (by 7.6% and 11.9%, respectively).

The felony prison sentence rate (1 yr. or more) in the experimental precinct rose 6.1% for robbery arrests (from 18.5% to 24.6%) and the increase was attributable to a 13.5% increase in the long sentence category (5 yrs. or more). In contrast, the felony prison sentence rate for robbery arrests fell 7.7% in the control precinct (from 26.4% to 18.7%), and the long-term felony sentence rate fell 5.0%.

Tables 7 and 8 present essentially the same pictures as did Tables 5 and 6 but the magnitude of the changes in the experimental precinct tend to be larger because the pre-arraign-

Table 7. All Arrests: Percentage Distribution of Dispositions and Sentences of Arraigned Arrests (Closed Cases) --
Criminal and Supreme Courts Combined

	Nonconvictions	Convictions	Not Incarcerated	Incarcerated	1 Year Or Less	Between 1 & 5 Years	5 Years Or More
<u>Experimental Precinct</u>							
Base Year (965)	477 (49.4%)	488 (50.6%)	332 (34.4%)	156 (16.2%)	113 (11.7%)	26 (2.7%)	17 (1.8%)
Test Year (600)	225 (37.5)	375 (62.5)	247 (41.2)	128 (21.3)	85 (14.2)	14 (2.3)	29 (4.8)
Change	-11.9%	+11.9%	+6.8%	+5.1%	+2.5%	-0.4%	+3.0%
<u>Control Precinct</u>							
Base Year (1082)	484 (44.7)	598 (55.3)	349 (32.3)	249 (23.0)	157 (14.5)	37 (3.4)	55 (5.1)
Test Year (968)	443 (45.8)	525 (54.2)	338 (34.9)	187 (19.3)	120 (12.4)	29 (3.0)	38 (3.9)
Change	+1.1%	-1.1%	+2.6%	-3.7%	-2.1%	-0.4%	-1.2%

* The N's in this table exclude all arraigned cases that were open in either Criminal or Supreme Court with respect to either disposition or sentence. The numbers of such open cases were as follows: Exp. - base year = 107 cases, 10.0% of all arraigned cases; Exp. - test year = 161, 21.2%; Control - base year = 162, 13.0%; Control - test year = 252, 20.7%.

TABLE 8. Robbery: Percentage Distribution of Dispositions and Sentences of Arraigned Robbery Arrests (Closed Cases)--Criminal and Supreme Courts Combined

	<u>Nonconvictions</u>	<u>Convictions</u>	<u>Not Incarcerated</u>	<u>Incarcerated</u>	<u>1 Year Or Less</u>	<u>Between 1 & 5 Years</u>	<u>5 Years Or More</u>
<u>Experimental Precinct</u>							
Base Year (157)*	77 (49.0)	80 (51.0)	33 (21.0)	47 (30.0)	14 (9.0)	20 (12.7)	13 (8.3)
Test Year (73)	19 (26.0)	54 (74.0)	22 (30.1)	32 (43.9)	6 (8.2)	4 (5.6)	22 (30.1)
Change	-23.0	+23.0	+9.1	+13.9	-0.8	-7.1	+21.8
<u>Control Precinct</u>							
Base Year (193)	77 (39.9)	116 (60.1)	31 (16.1)	85 (44.1)	28 (14.5)	21 (10.9)	36 (18.7)
Test Year (140)	61 (43.6)	79 (56.4)	32 (22.9)	47 (33.5)	15 (10.7)	12 (8.6)	20 (14.2)
Change	+3.7	-3.7	+6.8	-10.6	-3.8	-2.3	-4.5

* The N's in this table exclude all arraigned cases that were open in either Criminal or Supreme Court with respect to either disposition or sentence. The numbers of such open cases were as follows:
 Exp -Base year = 17 cases; 9.8% of all arraigned cases; Exp - Test year = 34 cases; 31.8%; Control - Base year =25, 11.5%; Control - Test year = 69, 34.0 %.

ment dispositions are excluded here. Against the base of all closed arraigned cases, we can see that the conviction rate was up sharply in the experimental precinct (11.9%), but down in the control (1.1%), and the incarceration rate and felony incarceration rate were up in the experimental precinct (5.1% and 2.6%, respectively), while they both declined in the control precinct (3.7% and 1.6%, respectively).

The effects of the program on robbery cases are even more visible in Table 8. The conviction rate rose a full 23.0% in the experimental precinct, while falling 3.7% in the control; the incarceration rate rose 13.9% in the experimental, while falling 10.6% in the control precinct. The felony prison sentence rate rose by 14.7% in the experimental precinct, while it dropped 6.8% in the control precinct; and the rate at which convicted defendants were incarcerated for maximum terms of 5 years or more increased 21.8% in the experimental precinct, while it fell 4.5% in the control precinct.

F. Criminal Court Convictions -
Charge Level and Sentencing Patterns

In this and the following section, we consider separately the effects of the program on convictions and sentences in the Criminal and Supreme Courts. We have already seen that the program produced an increase in the indictment rate without reducing the conviction rate for the (presumably weaker) arrests prosecuted in Criminal Court. This indicates that the program produced convictions in cases that would otherwise have been dismissed. At the beginning of the project we hypothesized that this case-strengthening effect would be evident also in the level of 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 expected that this change in the conviction level would translate into an increase in the proportion of Criminal Court defendants sentenced to jail. As the following material indicates, the results in these areas have been mixed. Although the data reflect the expected increase in the proportion of Criminal Court convictions that fell into the Class A misdemeanor category, the data do not show the anticipated increase in the jail sentence rate for cases that reach disposition in Criminal Court.

A review of Table 9 shows that there has been a substantial shift in the level of charge at conviction for cases coming from both precincts. The experimental precinct's Class A misdemeanor conviction rate rose 8.6%, from 48.8% of all Criminal Court convictions in the base year to 57.4% in the

Table 9

Conviction Charge Level of Cases
Disposed of in The Criminal Court*

Experimental
Precinct

<u>Charge level</u>	<u>Base</u> <u>Year</u>	<u>%</u>	<u>Test</u> <u>Year</u>	<u>%</u>	<u>Absolute</u> <u>Difference</u>	<u>Relative</u> <u>Change</u>
A Misdemeanor	197	48.8%	171	57.4%	+8.6%	+17.6%
B Misdemeanor	74	18.3%	51	17.1%	-1.2%	-6.6%
Violation	<u>133</u>	32.9%	<u>76</u>	25.5%	-7.4%	-22.5%
	404		298			

Control
Precinct

<u>Charge Level</u>	<u>Base</u> <u>Year</u>	<u>%</u>	<u>Test</u> <u>Year</u>	<u>%</u>	<u>Absolute</u> <u>Difference</u>	<u>Relative</u> <u>Change</u>
A Misdemeanor	205	43.4%	231	53.1%	+9.7	+22.4
B Misdemeanor	125	26.5%	80	18.4%	-8.1	-30.6
Violation	<u>142</u>	30.1%	<u>124</u>	28.5%	-1.6	-5.3
	472		435			

* The total N's in this table differ slightly from the totals for Criminal Court convictions presented in Tables 1 and 2 because in each sample there were a few cases which could not be classified with respect to charge level at conviction. That piece of information was unreadable in these case records.

test year, and the control precinct's increased 9.7%, climbing from 43.4% to 53.1%. The control precinct actually registered a larger relative change toward A misdemeanor convictions than did the experimental precinct (22.4% and 17.6%, respectively). These findings suggest that the shift toward Class A misdemeanor convictions may be attributable in part to factors external to the program, such as prosecutorial policies on plea-bargaining. However, the data also reflect the capacity of the project to strengthen otherwise weaker cases. For example, the increase in A misdemeanors in the control precinct is almost solely the result of a drop in the proportion of B misdemeanor convictions; i.e., an increase of 9.7% in A misdemeanors was accomplished by a decrease of 8.1% in B misdemeanors. In the experimental precinct on the other hand, the 8.6% increase in A misdemeanors results largely from a 7.4% decrease in violation convictions.

This across-the-board case-strengthening effect of the program is evident also in the fact that the rate and level of Criminal Court convictions were maintained in the experimental precinct even though there was a substantial increase in the proportion of its stronger cases that were selected out for indictment and disposition in the Supreme Court. That is, the program resulted in removal to Supreme Court of a substantial proportion of the cases that, in the base year, would have reached disposition in the Criminal Court; nevertheless, the Criminal Court dispositional pattern did not weaken when these stronger cases were removed by indictment.

Table 10 presents the distribution of sentences imposed on those convicted in Criminal Court. The table indicates that about one-quarter of the cases result in jail sentences. In the experimental precinct, that proportion remained unchanged at 22.6%, while it declined from 28.9% to 23.0% in the control precinct. Thus, the hypothesized increase in incarcerative sentences in the Criminal Court was not evident, almost certainly because the program moved the stronger cases up to the Supreme Court where incarceration upon conviction is substantially more likely. Despite this fact, the program maintained the incarceration rate in the Criminal Court by enabling prosecutors to obtain convictions in cases that would otherwise have been dismissed.

While there were proportionate increases in the use of conditional discharge and probation sentences in the experimental precinct (5.6% and 3.7%, respectively), the rate at which fines were imposed fell 9.3%. In the control precinct, on the other hand, the use of conditional discharges and fines increased proportionately (6.8% and 1.3%, respectively), while probation and jail sentences declined 2.2% and 5.9%, respectively.

Table 10

Distribution of Sentences Imposed on Defendants Convicted in the Criminal Court*

<u>Experimental Precinct</u>	<u>Conditional Discharge</u>	<u>Probation</u>	<u>Fine</u>	<u>Jail</u>
Base yr. (394)	63 (16.0%)	55 (14.0%)	187 (47.4%)	89 (22.6%)
Test yr. (283)	61 (21.6%)	50 (17.7%)	108 (38.1%)	54 (22.6%)
Difference	+5.6%	+3.7%	-9.3%	0.0%
<hr/>				
% Change	+35.0%	+26.4%	-19.6%	0.0%
<hr/>				
<u>Control Precinct</u>				
Base yr. (461)	76 (16.4%)	69 (15.0%)	183 (39.7%)	133 (28.9%)
Test yr. (413)	96 (23.2%)	53 (12.8%)	169 (41.0%)	95 (23.0%)
Difference	+6.8%	-2.2%	+1.3%	-5.9%
<hr/>				
% Change	+41.5%	-14.7%	+3.3%	-20.4%

* The N's in this table exclude convictions in which sentences had not been imposed at the time of data collection. They are, therefore, lower than N's in Table 5.

G. Conviction and Sentencing in the Supreme Court

Earlier in this report, we hypothesized that the FCPP, by preserving evidence and strengthening the prosecution's case, would increase the conviction rate in Supreme Court. The data presented in Table 11 support this hypothesis. The experimental precinct experienced a substantial increase in its conviction rate; it rose 8.7%, from 79.5% in the base year to 88.2% in the test year. In contrast, the conviction rate for the control precinct dropped by 4.9%, from 88.5% to 83.6%.

Table 11: Distribution of Dispositions in Supreme Court*

<u>Experimental Precinct</u>	<u>N</u>	<u>Non-Convicted</u>	<u>Convicted</u>
Base Year	122	25 (20.5%)	97 (79.5%)
Test Year	119	14 (11.8%)	105 (88.2%)
<u>Control Precinct</u>			
Base Year	156	18 (11.5%)	138 (88.5%)
Test Year	159	26 (16.4%)	133 (83.6%)

* The N's in this table exclude cases that were open at the time of data collection. The numbers of such cases in each of the samples were as follows: Experimental, base year = 5 cases, (3.9% of all indictments); Experimental, test year = 23 cases, (16.2%); Control, base year = 12 cases, (7.1%); Control, test year = 34 cases (17.6%).

Additional data were analyzed to determine whether there was any shift in the level of the charge at conviction in these Supreme Court cases. The proportion of cases resulting in misdemeanor convictions remained stable and very low (approximately 2 to 4% in all four samples). However, in the experimental precinct the proportion of Class B felony convictions rose sharply from approximately 5% in the base year to approximately 21% in the test year, while the proportion of Class C convictions fell by almost the same amount. In the control precinct, the proportion of both Class B and Class C convictions declined.

This increase in Class B felony convictions in the experimental precinct is important for two reasons. In the first place, it suggests that the program does strengthen the prosecutor's hand in bringing cases to disposition in the Supreme

Court. Moreover, such an increase in the level of charge at conviction would produce an increase in the length of incarcerative sentences imposed by the court, since a B felony conviction requires the court to impose a maximum prison sentence of at least six years.

As the data presented in Table 12 indicate, the FCPP did not have an impact on the incarceration rate for cases reaching final disposition in the Supreme Court. In the base year, 28.7% of the experimental precinct's cases reaching disposition in the Supreme Court were sentenced to probation or some other non-incarcerative sanction, 25.5% were sentenced to jail terms with maximum sentences of one year or less, and 45.8% were sentenced to state prison terms. The distribution of sentences for the test year was very similar to that for the base year: 30.4% received non-incarcerative sanctions, 22.8% were sentenced to jail, and 46.8% were sentenced to state prison terms. As a result of the slight drop in the jail term rate, the Supreme Court incarceration rate for the experimental precinct dropped slightly from 71.3% to 69.6%.

Table 12: Distribution of Sentences in Supreme Court*

<u>Experimental Precinct</u>	<u>N</u>	<u>Non-Incarceration</u>	<u>Jail</u>	<u>Prison</u>	<u>Incarcerated</u>
Base Year	94	27 (28.7%)	24 (25.5%)	43 (45.8%)	67 (71.3%)
Test Year	92	28 (30.4%)	21 (22.8%)	43 (46.8%)	64 (69.6%)
<u>Control Precinct</u>					
Base Year	137	21 (15.3%)	24 (17.5%)	92 (67.2%)	116 (84.7%)
Test Year	112	20 (17.9%)	25 (22.3%)	67 (59.8%)	92 (82.1%)

* The N's in this table are slightly lower than the convictions listed in Table 11 because some of the cases in the various samples had been convicted, but not sentenced at the time of data collection. These cases appeared as follows in the four samples: Experimental, base year = 3 cases (3.1% of convictions); Experimental, test year = 13 cases (12.3%); Control, base year = 1 case (0.7%); Control, test year = 21 cases (15.8%).

The distribution of sentences for the control precinct also changed somewhat from the base to the test year. While the non-incarceration rate rose from 15.3% to 17.9%, the jail rate increased from 17.5% to 22.3%. The proportionate

increase in the use of non-incarcerative sanctions coupled with the rise in the jail term rate resulted in a sharp decline in the prison rate. The control precinct's prison rate fell 7.4%, from 67.2% in the base year to 59.8% in the test year, while it rose 1.0% in the experimental precinct. With the decline in the rate of prison sentences, the overall incarceration rate for the control precinct cases dropped by 2.6% from 84.7% to 82.1%.

At first, it appears from the data in Table 12 that the program does not affect the type of sentence imposed in Supreme Court. But the data presented in Table 13 suggest that the project has had a profound impact on the length of sentence imposed. The data show dramatic shift toward longer maximum terms in experimental precinct cases. The shift is toward the imposition of sentences with maximum terms of five years or more. Specifically, in the base year, only 25.4% of convicted cases in the experimental precinct were sentenced to prison for maximum terms of five years or more compared to 45.3% in the test year. In other words, while only 1 out of every 4 defendants convicted in Supreme Court received a relatively long sentence in the base year, nearly 1 out of every 2 such people received a lengthy prison term in the test year.

A closer examination of the data reveals that the shift in sentence length is primarily attributable to the sharp reduction in the use of shorter prison terms (between 1 and 5 years). Thus, where imprisonment was imposed in experimental precinct cases, the term was likely to be a long one. This fact reflects the previously mentioned sharp increase in the proportion of experimental precinct arrests that reached conviction at the B felony level, where conviction mandates a maximum term of at least 6 years.

The results obtained in experimental precinct cases were markedly different from those in the control precinct cases. Specifically, while the experimental precinct experienced an upsurge in the proportion of defendants sentenced to relatively long terms, the control precinct witnessed a decline. The proportion of control precinct cases resulting in such terms fell by 6.1%, from 47.4% to 41.3%. This reduction is attributable to the increased use of jail terms, which rose 6.5%, from 20.7% to 27.2%; the rate of relatively short prison terms remained constant from the base to the test year (31.9% and 31.5%, respectively).

Supreme Court Processing of Robbery Arrests

Robbery arrests constitute the largest offense category among project-type cases disposed of in the Supreme Court.

TABLE 13: Distribution of the Lengths of Maximum Terms for Incarcerated Supreme Court Cases

	N	1 yr. or less (jail)	More than 1 yr. up to 5 yrs.	Subtotal less than 5 yrs.	5 yrs. up to 10 yrs.	10 yrs & more	Subtotal 5 yrs or more
Experimental Precinct							
Base yr.	67	24 (35.8%)	26 (38.8%)	50 (74.6%)	13 (19.4%)	4 (6.0%)	17 (25.4%)
Test yr.	64	21 (32.8%)	14 (21.9%)	35 (54.7%)	19 (29.7%)	10 (15.6%)	29 (45.3%)
Control Precinct							
Base yr.	116	24 (20.7%)	37 (31.9%)	61 (52.6%)	35 (30.2%)	20 (17.2%)	55 (47.4%)
Test yr.	92	25 (27.2%)	29 (31.5%)	54 (58.7%)	27 (29.3%)	11 (12.0%)	38 (41.3%)

The number of robbery arrests is sufficiently large to permit us to examine the impact of the program on the Supreme Court processing of this specific offense.

As Table 14 indicates, the Supreme Court conviction rate for experimental precinct robbery arrests rose 9.2%, from 85.0% in the base year to 94.2% in the test year. In contrast, the Supreme Court conviction rate for control precinct robbery arrests fell 5.7%, from 92.7% to 87.0%. Since we know that there was a sharp increase in the proportion of Class B felony convictions in experimental precinct cases, it seems likely that this increase in the robbery conviction rate also reflects an increase in the proportion of convictions for robbery in the first degree -- a Class B felony.

Table 14: Distribution of Supreme Court Dispositions for Robbery Arrest*

	<u>N</u>	<u>Non-Convictions</u>	<u>Convictions</u>
<u>Experimental Precinct</u>			
Base Year	60	9 (15.0%)	51 (85.0%)
Test Year	52	3 (5.8%)	49 (94.2%)
<u>Control Precinct</u>			
Base Year	82	6 (7.3%)	76 (92.7%)
Test Year	69	9 (13.0%)	60 (87.0%)

* The number of cases open in each sample at the time of data collection were as follows: Exp. - Base year = 1 case; 1.6% of indictments; Exp. - test year = 8 cases; 13.3%; Control - base year = 5 cases, 5.7%; Control - test year = 18 cases, 20.7%.

Table 15, below, shows the distribution of sentences for those convicted of robbery in the Supreme Court. While the percentage of experimental precinct cases sentenced to probation or some other form of non-incarcerative sanction rose from 23.5% in the base year to 25.6% in the test year, the jail term rate dropped from 11.8% to 7.7%. This 4.1% drop was somewhat off set by the 2.0% increase in the prison term rate. State prison terms rose from 64.7% to 66.7%, but the total Supreme Court incarceration rate for the experimental precinct slipped 2.1%, from 76.5% in the base year to 74.4% in the test year.

Table 15: Distribution of Sentences for Robbery Arrests*

<u>Experimental Precinct</u>	<u>N</u>	<u>Non-Incarcerations</u>	<u>Jail</u>	<u>Prison</u>	<u>Total Incar.</u>
Base Year	51	12 (23.5%)	6 (11.8%)	33 (64.7%)	39 (76.5%)
Test Year	39	10 (25.6%)	3 (7.7%)	26 (66.7%)	29 (74.4%)
<u>Control Precinct</u>					
Base Year	75	8 (10.7%)	10 (13.3%)	57 (76.0%)	67 (89.3%)
Test Year	47	7 (14.9%)	8 (17.0%)	32 (68.1%)	40 (85.1%)

* The N's here differ slightly from the conviction figures in the preceding table because some cases were convicted but not sentenced at the time of data collection. The numbers of cases are as follows: Exp - base year = 0; Exp - test year = 10 cases, 20.4% of convictions; Control - base year = 1 case, 1.3%; Control - test year = 13 cases, 21.7%.

The control precinct also experienced an increase in the non-incarcerative sanction rate, which rose 4.2%, from 10.7% to 14.9%. The jail term rate also rose 3.7%, from 13.3% to 17.0%. The proportionate increase in non-incarcerative sanctions coupled with the rise in the jail term rate produced a marked decline in the prison term rate, which fell 7.9%, from 76.0% in the base year to 68.1% in the test year. As a result of the reduction in prison terms, the overall incarceration rate for the control precinct fell 4.2%, from 89.3% to 85.1%.

The experimental precinct experienced a dramatic shift in the lengths of incarcerative terms. Table 16 indicates that in the base year, 66.7% of those convicted of robbery in the experimental precincts were sentenced to incarcerative terms with maximum lengths of less than five years. Thus, only 33.3% received relatively long prison terms. In the test year, this situation was reversed. The short term sentence rate was drastically reduced from 66.7% to 24.1% -- a difference of 42.6%. At the same time, the percentage of sentences with maximum terms of 5 years or over increased from 33.3% to 75.9%. The magnitude of this shift is particularly noticeable in the very long sentence category -- sentences of 10 years or

TABLE 16. Distribution of the Lengths of Maximum Terms for Robbery Cases Sentenced in Supreme Court

	<u>N</u>	<u>1 yr. or less (jail)</u>	<u>More than 1 yr. up to 5 yrs.</u>	<u>Subtotal less than 5 yrs.</u>	<u>5 yrs. up to 10 yrs.</u>	<u>10 yrs & more</u>	<u>Subtotal 5 yrs or more</u>
<u>Experimental Precinct</u>							
Base yr.	39	6 (15.4%)	20 (51.3%)	26 (66.7%)	10 (25.6%)	3 (7.7%)	13 (33.3%)
Test yr.	29	3 (10.3%)	4 (13.8%)	7 (24.1%)	14 (48.3%)	8 (27.6%)	22 (75.9%)
<u>Control Precinct</u>							
Base yr.	67	10 (14.9%)	21 (31.4%)	31 (46.3%)	23 (34.3%)	13 (19.4%)	36 (53.7%)
Test yr.	40	8 (20.0%)	12 (30.0%)	20 (50.0%)	14 (35.0%)	6 (15.0%)	20 (50.0%)

..

longer. In the base year, only 7.7% of the convicted defendants received terms of this length. In the test year, 27.6% were sentenced to very lengthy terms -- a difference of 19.9%.

In the control precinct, the distribution of sentence lengths was remarkably stable. The short imprisonment rate rose slightly from 46.3% to 50.0%, while the long term imprisonment rate dropped from 53.7% to 50.0%. Moreover, the control precinct experienced a 4.4% decrease in the percentage of convicted defendants sentenced to maximum terms of 10 years or more. Thus, the substantial increases in the length of sentences imposed in cases from the experimental precinct does not appear to be attributable to a general shift in judicial sentencing patterns toward "stiff" sentences.

H. Summary of Program Effects

The data and analyses presented in this report indicate that the Felony Case Preparation Project assists the police in preparing felony arrest cases for prosecution in two distinct ways. Specifically, the project enhances the ability of the police to identify early on cases which are unprosecutable, and it enables them to strengthen the presentation of all of their cases for prosecution.

The first effect of the project permits the police to screen out unprosecutable cases before they are sent over to the prosecutor. This improved screening ability is reflected in part, in the substantial increase in the rate of voided arrests in the experimental precinct during the early months of the project. However, the improved screening ability need not result in sharp increases in the voiding rate, nor in the persistence of higher levels of voiding after the first few months of program operation (see Appendix B). The more recent data describing the effects of the program in the expansion precincts suggest that changes in the voiding rate are a product of the interaction between the program's screening effect and various procedures and practices of the police that are external to the program itself.

The second effect of the program -- its case-strengthening effect -- is more consistently evident at the variety of decision points that constitute the case disposition process. The declined prosecution rate fell independently of changes in the voiding rate. This suggests that the program presents the prosecutor with proportionately more strong cases irrespective of change, or lack of change, in voiding practices.

The court dismissal rate was down substantially and this change was greater in magnitude than any increase in voiding rates. This indicates that Criminal Court convictions were

being obtained in cases which previously would have been dismissed.

The case-strengthening effect of the project is evident also from the increase in the proportion of cases convicted in the Criminal Court and the proportion convicted there that are convicted on the Class A misdemeanor level. These increases occurred despite the fact that there was a considerable increase in the indictment rate for cases originating in the experimental precinct. Thus, some of the stronger cases which would have resulted in Criminal Court convictions before the program, were being indicted and sent to Supreme Court for disposition after the program went into effect. Despite the "loss" of these stronger cases, the experimental precinct still experienced an increase in the rates of Criminal Court conviction and a rise in the charge level of the convictions.

The case-strengthening effect of the program continued to be evident in the Supreme Court. For cases originating in the experimental precinct, there was a significant increase in the conviction rate (during a period when the conviction rate declined in the control precinct), and there was a sharp increase in the proportion of convictions at the Class B felony level in the experimental precinct (while the comparable rate decreased in the control precinct).

Finally, the case-strengthening effect of the program produced an increase in the overall rate of incarceration and the rate of felony sentences imposed, and it produced an especially sharp increase in the proportion of cases being sentenced to relatively long (5 years or more) periods of imprisonment. These sentencing effects arose from the fact that the program's case preparation techniques produced proportionately more indictments and thus increased the rate at which felony arrests reached disposition and sentencing in Supreme Court. Both conviction and incarceration are considerably more likely in that Court than they are in Criminal Court.

APPENDIX A

Design and Operations of the Felony
Case Preparation Program

A. Developing the Program Design

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 that reached arraignment resulted in no conviction of any kind, and that, while the remaining 56 percent did end in conviction, 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.

Well 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-1970's, as were Major Offense Bureaus and specialized prosecution units of various kinds (e.g., sex crimes units, consumer frauds units). While several of the Major Offense Bureaus (MOB's) showed impressive improvements in the conviction levels and sentences obtained in the cases referred to them, the evidence suggests that the overall pattern of felony arrest dispositions has not changed very much in the last several years.

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) in prosecutor's offices. 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 reflected the inadequacy of the information presented to them by the police at the time the complaint was 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 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 proposal pointed out that:

"In New York, at the time, the police did little to document a case after the initial arrest. Uniformed personnel, who made the majority of felony arrests, were required only to prepare basic booking documents which, in effect, spelled out the probable cause for the arrest. While detectives sometimes prepared other investigatory documents, these were not routinely transmitted to the prosecutors. When a police officer appeared in the court complaint room, the only forms he gave to the A.D.A. were a copy of the booking report and the defendant's rap sheet. All other facts were presented verbally by the officer. In victim-related cases, while the police were required to notify the complainant to appear in the complaint room, the vast majority of complainants did not. As a result, the Assistant District Attorney reviewing the case was limited to the police officer's recollections and presentation of facts in making his prosecutorial decisions."¹

¹ While this was substantially true at the time of the original proposal, 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.

Case preparation, in the sense of the orderly assembly and verification of facts concerning a prosecution, began after arraignment. In those cases that were disposed of at the Criminal Court level, the process was less formalized, consisting of the notes of the A.D.A.'s for Grand Jury and trial preparation. It was at this point that written statements were secured from witnesses and officers and all of the other documentary supporting material was assembled in one file. At any point in this process, the case might fail. Reluctant witnesses might refuse to appear, promised evidence might fail to materialize and witnesses' memories might fade.

Noting that case preparation and screening in some other jurisdictions is quite different from the process in New York, the Vera proposal suggested that such differences might help explain the higher rate at which cases are screened out before arraignment, and the higher rate at which cases result in conviction, in Los Angeles, Detroit and several other jurisdictions. In these two cities, the police conduct a follow-up investigation immediately after the arrest and prepare a police prosecution report. This report, which contains all of the facts of the case, statements of all witnesses, descriptions 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 was 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 has to be done on the case by the prosecutor.

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

In 1978, at the time of Vera's proposal to the Police Department, there were subtle differences between California and Michigan. In California, the follow-up investigator acted

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 was then responsible for delivering the report to an assistant prosecutor and reviewing the facts of the case with him. It was at this review that the prosecutor might decline to prosecute the case, after which arrangements were made to free the defendant. It is important to note that California law provided for a 48-hour period between arrest and arraignment and it was during that time that the follow-up investigation was conducted.

Detroit, on the other hand, operated under an arraignment system very similar to New York's, with most arraignments taking place within 12 to 24 hours of the arrest. In Detroit, the follow-up investigator operated more independently than did his counterpart in California, and his investigation report represented an independent investigative effort. The typical investigation report in Detroit began with a brief description of the facts of the alleged crime, and then followed with a summary of the statement of each officer and witness involved. When the investigation was completed, it was reviewed by a superior officer responsible for making the final decision whether the case should be presented for prosecution or the defendant should be released. Detroit Police Department arrest policy dictated that the department not present a case to the prosecutor unless the department had secured sufficient evidence to prove every element of the crime charged, and the complainant indicated that he wished to prosecute.

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

The Vera proposal recognized that the post-arrest investigation and report preparation procedures in Detroit and Los Angeles probably required the expenditure of greater amounts of police resources at the front end of the system than in New York. Nevertheless, Vera suggested that there were several benefits to be gained (perhaps offsetting those costs) from adopting similar procedures in New York. The advantages, as they were perceived at that time, included:

- 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 granted approval 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. These studies included 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 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 police manpower which it was thought would be required to insure effective operations without disturbing existing functions.

The grant request was subsequently approved by the New York City Criminal Justice Coordinating Council and the New York 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 crime complaints. 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 unformed 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.

B) The 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 unprosecutable cases in a more timely and efficient 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 90% of the adult felony 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. All juvenile arrests are excluded from project treatment, since the post-arrest processing of juveniles is radically different from that of adults. 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 processing prior to central booking. 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 who is not part of a specialized investigating unit, 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 (PDU). The PDU supervisor briefly reviews the facts of the case with the arresting officer and assigns the arrest to 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 lineups 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 PDU 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 as 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 prosecutor 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 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 defendant 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.

APPENDIX B

Current Experience

On January 1, 1981, the Felony Case Preparation Project was extended to the 46th and 50th Precincts, and continued in the 43rd. Since that time, program personnel have kept dispositional data on the cases handled by the project in all three precincts. The data are sufficient to describe the arrest voiding, declined prosecution and indictment rates in all three precincts during the months of January through March, 1981.

There has not been sufficient time for very many of these cases to come to disposition. Nevertheless, despite the absence of data on rate of conviction, charge level at conviction, and sentencing, this information permits us to see whether the increase in the pre-arraignment disposition and indictment rates observed during the first six months of FCPP operations in the 43rd Precinct persisted a year later, and whether they were replicated when the program was introduced into two new precincts.

Since the 43rd Precinct was the original experimental precinct and the 46th Precinct served as the control precinct for the purposes of the formal evaluation, we have historical data on both. Program personnel collected similar data for the 50th Precinct. Thus, the materials that follow compare the changes that occurred in the 46th and 50th Precincts in voiding, declined prosecution and indictment rates between January through March, 1980 and January through March, 1981. The experience in the 43rd Precinct is also compared for the same two periods. However, since the FCPP was operating in the 43rd Precinct during the first three months of 1980, we have presented data on that precinct for the same three months in 1979. Thus, for that precinct, these data on early case outcomes are looked at for a three month period prior to program commencement, a three month period which began 5 months after the program went into effect and finally, for a three month period which began 17 months after the FCPP was started in the Precinct.

The indictment data presented here are of two kinds. The historical data reflect actual indictments returned for arrests made in the earlier period (1979/1980). The current data (Jan-Mar'81) reflect indictments returned as of mid-April on cases tracked for indictment by the Assistant District Attorney. These figures understate the current level of indictments because some of the indictment-tracked cases were still open at the point of data collection, and because some cases

which are not tracked for indictment in the Felony Case Bureau are sent for indictment after a preliminary hearing. Thus, the indictment figures presented for the current period are likely to go up in the next couple of months. *

Table B-1 presents data describing the voided, declined prosecution and indictment rates for the three experimental precincts in which the project is currently operating. The data are presented separately for each precinct and time period involved. The total number of project-type arrests made in the precinct during each period is the base against which the proportionate distribution of dispositions is computed. Of course, if all arraigned cases were used as the base, the voided and declined prosecution cases would be excluded and the indictment rates would be somewhat higher.

Voiding Rates - The table indicates that the voiding rates were rather stable in all three precincts. In the 46th, the rate actually dropped from 7.2% to 7.1% while it rose somewhat, from 1.9% to 3.6%, in the 50th Precinct. The 1981 rate for the 43rd Precinct is slightly lower than it was in 1980 and 2.0% lower than it was in 1979, before the program began. When the precincts are combined using the 43rd Precinct's pre-FCPP rate in the base year figure, the total voiding rate fell by 0.8%, from 6.5% to 5.7%.

These are not the findings we would have expected based on the results of the project's first six months of operation in the 43rd Precinct. The research on that period indicated that the voiding rate rose by 9.8%, from 3.4% in the base year to 13.2% in the test year while it was rising only 0.6%, from 4.5% to 5.1%, in the control precinct. Moreover, that finding was consistent with our early research hypothesis which anticipated that an increase in voiding would result from improved case screening.

In an effort to better understand these new data, we broke down the voided cases into those which were voided by the Precinct Desk Officer (40) and those which were voided by the Precinct Detective Unit (PDU) after the post-arrest investigation (18). The latter are a direct consequence of FCPP's operation and presumably would not have occurred if the project had not been introduced into these precincts. This suggests that the voided arrest rates would have been lower in the absence of the project.

We also took a closer look at the monthly arrest voiding rates for the 43rd Precinct following project commencement. Table B-2 presents the number of desk voids, PDU voids and total voids in the original experimental precinct for the 17

(Appendix B)

Table B-1

Preliminary Comparison of Voids, Declined Prosecutions and
Indictments for Arrests made in Project Precincts from
January 1, 1981 - March 31, 1981

<u>Precinct</u>	<u>No. of Project Type Arrests</u>	<u>Voided</u>	<u>Declined Prosecution</u>	<u>Indictments</u>
46-80	626	45 (7.2%)	33 (5.3%)	97 (15.5%)
46-81	491	35 (7.1%)	5 (1.0%)	121 (24.6%)
% Change		-0.1%	-4.3%	+9.1%
50-80	108	2 (1.9%)	11 (10.2%)	10 (9.3%)
50-81	140	5 (3.6%)	5 (3.6%)	33 (23.6%)
% Change		+1.7%	-6.6%	+14.3%
43-79	571	38 (6.7%)	52 (9.1%)	55 (9.6%)
43-80	332	20 (6.0%)	10 (3.0%)	57 (17.2%)
43-81	386	18 (4.7%)	7 (1.8%)	72 (18.7%)
% Change 79/80		-0.7%	-6.1%	+7.6%
% Change 80/81		-1.3%	-1.2%	+1.5%
% Change 79/81		-2.0%	-7.3%	+9.1%
<u>All Precincts Base Year Total</u>				
(43/79, 46/80, 50/80)	1305	85 (6.5%)	96 (7.4%)	162 (12.4%)
<u>All Precincts Test Year Total</u>				
(43/81, 46/81, 50/81)	1017	58 (5.7%)	17 (1.7%)	226 (22.2%)
% Change		-0.8%	-5.7%	+9.8%

Table B-2

43rd Precinct Arrest Voiding Activity - August, 1979 - December, 1980

<u>Yr./Mo.</u>	<u>Total Proj. Arr.</u>	<u>Desk Voids %</u>	<u>PDU Voids %</u>	<u>Total Voids %</u>
<u>1979</u>				
Aug	176	13 (7.4)	18 (10.2)	31 (17.6)
Sept	169	19 (11.2)	6 (3.6)	25 (14.8)
Oct	155	10 (6.5)	5 (3.2)	15 (9.7)
Nov	141	9 (6.4)	7 (5.0)	16 (11.3)
Dec	127	5 (3.9)	4 (3.1)	9 (7.1)
Total	768	56 (7.3)	40 (5.2)	96 (12.5)
<u>1980</u>				
Jan	119	5 (4.2)	4 (3.4)	9 (7.6)
Feb	100	3 (3.0)	1 (1.0)	4 (4.0)
Mar	113	4 (3.5)	3 (2.7)	7 (6.2)
Apr	109	1 (0.9)	6 (5.5)	7 (6.4)
May	126	5 (4.0)	3 (2.4)	8 (6.3)
June	142	8 (5.6)	5 (3.5)	13 (9.2)
July	120	4 (3.3)	8 (6.6)	12 (10.0)
Aug	147	7 (4.8)	2 (1.4)	9 (6.1)
Sept	172	3 (1.7)	5 (2.9)	8 (4.7)
Oct	133	10 (7.5)	1 (0.8)	11 (8.3)
Nov	109	5 (4.6)	2 (1.8)	7 (6.4)
Dec	148	7 (4.7)	5 (3.4)	12 (8.0)
Total	1538	62 (4.0)	45 (2.9)	107 (7.0)

months of project operation from August, 1979 through December, 1980. It is evident that the total voiding rates for the first four months of project operation were unusually high. After the fourth month, the rate reached 10% in only one month and averaged only 7.0% for the succeeding 13 months.

These data indicate clearly that the project can be introduced into a precinct without producing a significant change in the voiding rate, and that a change in that rate is a consequence of many factors in addition to the project's screening effect.

Declined Prosecution Rates

The findings presented in Table B-1 with respect to the current period declined prosecution rates are consistent with the findings from the six months' research on the 43rd Precinct. The rate fell, and fell rather sharply, in all three precincts -- 46th, down 4.3%; 50th, down 6.6%; 43rd, down 7.3% from the pre-project base. For all precincts combined, the rate declined by 5.7% -- a relative decrease of 77.0%.

This rate also declined during the first six months in the 43rd Precinct. However, during that period, the drop in the declined prosecution rate was accompanied by an increase in the voiding rate and the researchers saw the two rates as varying together. (Indeed, until this more recent data became available, the researchers saw the increased voiding rate as causing the fall in the percentage of declined prosecutions.)

These new data are interesting because they indicate that the rate of declined prosecutions varies quite independently from the voiding rate. Even when the latter remained unchanged, the declined prosecution rate fell steadily following introduction of the FCPP.

Indictment Rates

The new data are also consistent with the early research findings regarding impact of the FCPP on indictment rates. These rates rose immediately and sharply after the program was introduced to the 46th Precinct (9.1%, from 15.5% to 24.6%), and the 50th Precinct (14.3%, from 9.3% to 23.6%). In the 43rd Precinct, the rate rose 9.1% from the pre-project level (from 9.6% in 1979 to 18.7% in 1981). When the experimental precincts were combined, the indictment rate rose from 12.4% in the base year to 22.2% in the test - an absolute increase of 9.8% and a relative change of 44.1%. Even more encouraging is the fact that the 43rd Precinct's indictment rate for January-March 1981 was 1.5% higher than the level achieved over the first six months of program operation. This indi-

cates that the elevation in the indictment rate that occurs after the program begins is real and persists long after the novelty of the program has worn off.

Robbery Arrests

The six month research report focuses on the program's effects on the dispositional pattern of robbery arrests. At the Criminal Court level, we found that non-convictions fell 25.5%, convictions fell 1.8% and indictments rose 27.3% (a relative change of 70.7% over the base year). Since it is so important an offense, we sought to determine whether or not the program's impact persisted. However, the historical data on the disposition of robbery arrests in these three precincts were not readily available, nor could they be easily assembled at this time. Moreover, because the whole system has been focused on aggressive prosecution of this offense in the last several months, we felt it would be more instructive to compare the current dispositional pattern in the three experimental precincts with that of three precincts which do not use FCPP procedures.

This section, then, compares the dispositional outcomes of the experimental precincts' robbery arrests at or before the Criminal Court level with those for three comparison precincts. These latter precincts (the 44th, 47th and 48th) were selected because of their arrest volume and their proximity to the experimental precincts. Robbery arrests for the three experimental precincts totalled 193, of which 167 (86.5%) had been disposed of as of April 21, 1981, the last day of data collection. The comparison precincts had a total of 291 robbery arrests during that time, of which 251 (86.3%) had been disposed of by the close of data collection. In this study, as in the six months research study, indictments are treated as dispositions at the Criminal Court level. However, very few of those indictments had reached disposition in the Supreme Court as of this writing.

In the six month research study, the experimental and control precincts were compared with respect to the extent and direction of change in the various dispositional categories. Here, however, we are comparing the experimental and control precincts with respect to their actual dispositional rates during the same three month period. The historical data we would need for computing the rates of change are not available. Moreover, since we are using three precincts as experimentals and three as comparisons, we are somewhat less concerned that the comparison would be distorted by important pre-program differences between the precincts being compared.

Table B-3 presents the dispositional outcome data for the experimental and comparison precincts. The highlights are as follows:

Table B-3

Experimental vs. Comparison Precincts -- The Distribution of Dispositions of Robbery Arrests Disposed of Before or at the Criminal Court Level (Period: January - March, 1981)*

Precinct	N	Voided	Declined Prosecution	Tot. Pre-Arr. Dispositions	Dismissed	Crim. Ct. Conviction	Indicted **
43-81	61	11 (18.0)	0	11 (18.0)	10 (16.4)	5 (8.2)	35 (57.4)
46-81	78	6 (7.7)	0	6 (7.7)	14 (18.0)	4 (5.1)	54 (69.2)
50-81	28	2 (7.1)	2 (7.1)	4 (14.3)	2 (7.1)	3 (10.7)	19 (67.9)
Combined	167	19 (11.4)	2 (1.2)	21 (12.6)	26 (15.6)	12 (7.2)	108 (64.7)
44-81	145	17 (11.7)	17 (11.7)	34 (23.4)	28 (19.3)	1 (0.7)	82 (56.6)
47-81	42	3 (7.2)	3 (7.2)	6 (14.4)	12 (28.4)	3 (7.2)	21 (50.0)
48-81	64	2 (3.1)	7 (10.9)	9 (14.0)	13 (20.3)	4 (6.3)	38 (59.4)
Combined	251	22 (8.8)	27 (10.8)	49 (19.5)	53 (21.1)	8 (3.2)	141 (56.2)

% Difference Exp./Cont. +2.6% - 9.6% - 6.9% - 5.5% + 4.0% + 8.5%

* Closed Arrests. (Open Cases -- 43 - 15; 46 - 6; 50 - 5; Total - 26 or 13.5% of total arrests. 44 - 11; 47 - 13; 48 - 16; Total - 40 or 13.7% of total arrests.)

** Indictments returned as of 4/21/81.

- Arrest Voiding: 11.4% of the robbery arrests made in the experimental precincts were voided as compared to 8.8% in the comparison precincts -- a difference of 2.6%.
- Declined Prosecution: The District Attorney declined prosecution in only 1.2% of the robbery arrests in the experimental precincts, compared to 10.8% of those originating in the comparison precincts -- a difference of 9.6%.
- Pre-Arrest Dispositions: Combining voiding and declined prosecution rates, 12.6% of the robbery arrests in the experimental precincts were screened out prior to arraignment, while 19.5% of the arrests made in the comparison precincts were closed in a similar manner. Thus, the rate at which robbery arrests were screened out before arraignment was 6.9% higher in the comparison precincts.
- Dismissals: 15.6% of the robbery arrests made in the experimental precincts were dismissed in the Criminal Court, while 21.1% of the arrests made in the comparison precincts were dismissed, a difference of 5.5%
- Non-Convictions: Combining pre-arrest dispositions with Criminal Court dismissals, 28.2% of the robbery arrests made in the experimental precincts resulted in non-convictions compared with 40.6% of the arrests made in the comparison precincts -- a difference of 12.4%.
- Criminal Court Convictions: 7.2% of the closed robbery arrests made in the experimental precincts resulted in Criminal Court convictions, while only 3.2% of the robbery arrests made in the comparison precincts ended in conviction in that court -- a difference of 4.0%.

Indictments: 64.7% of the robbery arrests made in the experimental precincts resulted in indictments, while only 56.2% of the arrests made in the comparison precincts were indicted -- a difference of 8.5%.
- Convictions/Indictments: Combining Criminal Court convictions and indictments, 71.9% of the closed robbery arrests in the experimental precincts ended in a Criminal Court conviction or an indictment, while only 59.4% of the arrests in the comparison precincts were either convicted or indicted -- a difference of 12.5%.

In summary, when the robbery arrests originating in the experimental precincts are compared to those originating in the control precincts, the program is shown to have produced a slightly higher voiding rate; a far lower rate of declined prosecution; a lower rate of pre-arraignment dispositions and Criminal Court dismissals; a higher rate of Criminal Court convictions; and a higher rate of indictments. Thus, the positive impact of the FCPP observed during its first six months of operation in the original experimental precinct appears to persist in that precinct and has been replicated in the new precincts into which the program has been introduced.

The Executive Summary contains on page 24 a visual representation of the distribution of voided arrests, declined prosecutions and indictments resulting from arrests made in the three experimental precincts during the 3 month period, January through March, 1981, and compares this distribution to that for arrests made during the same three months in the base year. On page 26, the Executive Summary presents a visual representation of the dispositional pattern for robbery arrests made in the three experimental precincts during the three month period, January through March 1981, and compares it to that for robbery arrests made in three comparison precincts during the same period.

APPENDIX C

Operational Findings

The main body of this Interim Report is a formal evaluation, grounded in a research design of some rigor; the research methodology permits an analysis of differences observed in the dispositions of project-type arrests made in the experimental and in the control precinct during the first six months of project operations, and compares these differences with the pattern of dispositions in similar arrests made during the same six months in the preceeding year. The results of these analyses address the questions of project impact that were deemed to be most important. But there are a host of other questions too; some can be addressed by analysis of the operational data gathered from the project's day-to-day operations. These data are analyzed here, in an attempt to shed light on several issues that were unresolved at the time the project was launched.

When the Felony Case Preparation Project was in its planning phase, some issues -- including some relating to manpower requirements -- could not really be nailed down prior to an assessment of actual project operations. For example, without experience of the new procedures for investigation and for preparation and presentation of the Arrest Investigation Reports, it was impossible to estimate how long the average investigation would take, how many investigations would be conducted each year, what impact this additional workload would have on regular Precinct Detective Unit operations, and how operations, and how project operations would effect other cost items (e.g., overtime, court time). But now, with a year's data from field experience, it is possible to address these issues.

In addition, a year's experience is an adequate basis from which to examine the nature of the follow-up investigative process. The bulk of pre-project planning centered on the mechanical aspects of project operations -- who would do what, when and where. The research to date focuses on impact measures. But little has been written on the possible reasons why the project produces the favorable results observed. Thus, in a later section of this appendix, an initial attempt is made to use field observations to explain the program's impact.

During the planning phase, several operational issues were identified which would, in large measure, affect the future course of project development. Even if the program met the goals for which it was designed, the ability of the Police Department to extend operations beyond the pilot phase would depend upon the fiscal implications. Given the diminished resources of the Department and the unlikely prospect of increasing these in the near future, project operations would

not only have to affect the dispositional patterns positively, but would also have to be cost-effective. Further, the impact of the program on other long-established New York City criminal justice system goals would have to be carefully considered. These considerations, and issues going to cost-effectiveness, may be framed by posing the following questions:

With respect to Police Department operations:

How many additional investigators are required in a Precinct Detective Unit to absorb the workload created by the case preparation process?

What would happen to Unit productivity if a Precinct Detective Unit were required to absorb the new workload without an increase in investigative manpower?

Does the involvement of the detective in arrests which he does not initiate result in his being required to make court appearances on the cases?

Does the program require additional supervisory personnel in the Precinct Detective Units?

What is the impact of the program on arresting officer personnel:

- 1) Is precinct arrest processing time increased?
- 2) Are new-arrest overtime costs increased?
- 3) How does the program affect arresting officer court appearance time?

With respect to District Attorney operations:

How does the introduction of the Arrest Investigation Report impact on District Attorney's operations:

- 1) Is initial case screening time increased?
- 2) Does the report assist in expediting case disposition?
- 3) Does the report assist in prosecuting the case?

How does the demonstrated increase in indictments affect the District Attorney's ability to function at the Supreme Court level?

With respect to system goals:

Does implementation of the program negatively affect the arrest-to-arraignment time for the defendants?

While these questions cannot be answered in full at this time, the experience gained during the first year of project operations in the experimental precinct provides some information which may be useful to the Police Department and which may serve as a foundation for future research and analysis.

1. POLICE DEPARTMENT OPERATIONS

A. Detective Manpower Requirements

During the planning phase, it was estimated by operational personnel that 10 additional detectives would be required to absorb the expected FCPP workload, if existing PDU personnel were not to be asked to increase productivity. This projection was based upon the best estimates available at that time as to the number of arrests to be investigated and the probable length of such investigations. It was decided to begin operations with 6 additional detectives -- two in each of the PDU's 3 working teams -- and, if experience indicated the need for more, more would be added. (As the need for more detective manpower was not demonstrated, the additional 4 detectives were never added.)

While the assignment of 6 additional detectives to the 43rd Precinct Detective Unit satisfied operational needs there, questions remained: what was the actual new workload generated by the project, and how many additional investigators would actually have been required to absorb it without infringing on PDU productivity in other areas? Therefore, during the first year, records were maintained on every aspect of the project's operation. Analysis of these records provides some answers. While the indicators reported below relate only to experience in the 43rd Precinct, they provide a base from which projections may be made regarding other commands.

1. Caseload: Not all felony arrests made in the precinct are subjected to the project's procedures. Exceptions are made for arrests by members of specialized investigating units (e.g., Arson Task Force, Public Morals Division, Sex Crimes Unit), and for children taken into custody on juvenile delinquency charges. The remaining felony arrests -- primarily those made by the uniformed force and the Precinct Detective Unit itself -- constitute the bulk of project cases. During the full year of operation (August 1979 through July 1980), project arrests constituted 60% of total felony arrests in the command (1,374 of 2,290 arrests). This percentage remained fairly constant over the twelve months, rarely varying by more than 3% in any given month.

The unit of project workload measurement is the "case," not the "arrest," regardless of the number of defendants arrested in the incident giving rise to the case. During the

year, there was a total of 980 project cases recorded; thus, each project case involved an average of 1.4 defendants.

2. Processing Time: Different measures of processing time were used for cases in which the investigating detective was not the arresting officer, and for those in which he was. In the first group of cases, the detective was required to perform all the investigative steps after the arrest was presented to him; in these cases, the measure of processing time begins when the arresting officer arrives at the PDU office and it ends when he is released to go to court. In the second group of cases, as the detective will have completed his interviews during his investigation, only the additional processing time is measured -- that is, the time required for the detective to prepare the Arrest Investigation Report.

Project records indicate, for cases in which the detective was not the arresting officer, total project processing time was approximately 3 hours per investigation. For cases in which the detective was the arresting officer, approximately 1 hour was added to the processing time of the case.

These measures of "project processing time" should not, of course, be added to normal case processing times to produce a total precinct processing time. While project processing of some arrests does add to the total time from arrest to arraignment and does result in the expenditure of overtime for the arresting officer in such cases, the majority of project cases are processed in what may be termed the normal time for arrest-to-arraignment processing in the borough. (See sections on Overtime and Arrest-to-Arraignment, which follow.)

3. Detective Availability: The workload increase for the Precinct Detective Unit is computed by dividing the total number of hours required for project operations by the total available man-hours for the personnel assigned to the Unit. In determining available man-hours, one should not simply multiply the number of men assigned to the Unit by the number of scheduled hours for the period: to do so would seriously overstate available man-hours (and understate the workload increase resulting from project operations), because assigned personnel are frequently unavailable for project case assignment due to vacation, sickness, court-time, etc. A more realistic approach is to determine the number of investigative man-hours actually available for this type of assignment, and to divide that into the number of hours required for project operations.

To do this in the 43rd P.D.U., unit roll calls were reviewed for the first 12 months of project operations. This showed that, on average, each detective is unavailable for this type of case assignment on 25% of his scheduled tours.

4. Workload Increase in the 43rd P.D.U.: Applying the workload indicators developed above shows that the Felony Case Preparation Project would have increased the workload of the 43rd P.D.U. by 9.2% for the year, if additional investigative personnel had not been assigned to the unit. When the additional personnel are included, project operations consumed only 7.2% of the available detective man-hours.

B. Detective Overtime and Court Appearances

The preceding section dealt with the degree to which the basic FCPP operation (follow-up investigation and report preparation) increased the workload of the Precinct Detective Unit. The project could negatively impact PDU operations in at least two other areas: detective overtime and court appearance time. Any substantial increase in either of these factors as a result of project operations would increase police operational costs accordingly.

During the planning stage, it was thought that project operations might increase detective overtime: due to the nature of the investigative process, it might prove difficult for a detective who has begun a follow-up investigation to turn over that investigation to another detective at the end of his tour. Additionally, it was believed that a detective's involvement in arrest cases which he did not initiate might result in additional court appearances for him. For example, it was felt that he might be required to testify in regard to statements obtained during interrogations. Both issues were carefully monitored in the Experimental Precinct during the first year of operations.

Project management was designed so that detective case assignment could be carefully controlled to avoid unnecessary overtime. Arrests arriving in the PDU at the end of a detective tour were reviewed by the unit supervisor and a decision was made whether to assign it to a detective working that tour or to hold it until the detectives assigned to the next tour arrived. This decision was based on a consideration of the following factors:

- a. The nature of the crime charged.
- b. The degree of injury sustained by the complainant, if any.
- c. The number and availability of witnesses.
- d. The degree to which delay of the follow-up investigation might jeopardize its successful outcome.

In very few instances was it found necessary to assign a detective to an investigation which would result in expending extensive overtime. As a result, for the 980 investigations conducted during the first year of project operations, detective over-time attributable to FCPP operations amounted to only 114 hours, or an average of 7 minutes per case.

Similarly, the number of instances in which a detective was required to make a court appearance on a case in which he was not the arresting officer were extremely few. Through December, 1980, only 5 detective court appearances have been required out of the 980 investigations conducted between August 1979 and July 1980. One reason for this small number may be that the arresting officer assists the detective in the investigation, sitting in on any interrogations conducted, and he is therefore able to testify to the same facts as the investigating officer.

C. Detective Unit Supervisory Personnel

Under the terms of the Bronx Detective reorganization, the 43rd PDU was authorized 1 Lieutenant Commanding Officer and 2 Sergeant Squad Supervisors. DCJS grant funds were utilized to increase the number of sergeants to four, providing a working supervisor for each detective team. Despite this, there were many occasions when, because of sickness, details, night watch, homicide investigations, vacations, etc., there was no supervisory officer present during a given tour. Nevertheless, it is doubtful if the project could have been implemented and the positive results obtained without the assignment of additional supervisors. The initial months of project operations involved continuous interaction between the detective-investigators and the supervising sergeants, both setting out the investigative goals on a case-by-case basis and reviewing the case reports upon completion. In addition, a supervisory presence was necessary to establish sound working relationships between the PDU and the various groups of arresting officers: e.g., uniformed force, anti-crime, neighborhood stabilization. There was an initial resentment on the part of arresting officers when they found their arrests being reviewed by detectives, despite the positive purposes of the review. The squad supervisors, working with the precinct supervisory personnel, were largely responsible for eliminating the potential for friction between the PDU and the arresting officers. At present, the procedure has become so routinized and the gains for the arresting officers so apparent, that supervisory input is no longer required for that purpose.

While it would always be advisable and very often productive to have more supervision in any unit, we believe that

this is not essential for effective introduction of the project procedures, beyond the initial training period and start-up of operations.

D. Impact on Arresting Officer Personnel

Prior to implementation of the project, there was speculation that project operations would contribute to an increase in new arrest overtime. This seemed a reasonable assumption simply because the post-arrest investigation was expected to take several hours to conduct.

To determine the impact of the Felony Case Preparation Project on new arrest overtime, precinct payroll records for the first 12 months of project operations were reviewed. These records segregate new arrest overtime from other overtime and permit a direct comparison between the year of project operation and the preceding year. New arrest overtime is recorded in two categories: overtime for which the arresting officer elects to receive cash payment, and overtime for which the arresting officer elects to receive compensatory time off. To facilitate comparison, the compensatory time taken was converted to cash amounts and added to the monetary overtime recorded.

In the 43rd Precinct, new arrest overtime did not increase as a result of project operations. During the period between August 1, 1978 and July 31, 1979, the average cost of new arrest overtime was \$23.12 per arrest. During the test year, August 1, 1979 through July 31, 1980, the average cost of new arrest overtime was \$22.99 per arrest. New arrest overtime in the comparison precinct was also relatively stable between the two years. In the 12 month period in 1978-79, average new arrest overtime was \$15.25 per arrest while in the 12 month period in 1979-80, new arrest overtime averaged \$16.00 per arrest. The difference in cost between the two precincts is believed to be attributable to the lengthier travel time from the 43rd Precinct to the Bronx Criminal Court Building.

A review of individual case records indicates that, in some instances, a follow-up investigation does increase the precinct arrest processing time and increases overtime costs for the individual officer, with the length of the investigation corresponding roughly to the severity of the crime charged. For example, the follow-up investigation of an armed robbery arrest may take several hours to complete, particularly when line-ups are required. The absence of an increase in new arrest overtime in the aggregate is probably accounted for by the following:

The increase in the number of arrests voided at the precinct, which reduces aggregate overtime expenditure.

In a large proportion of the cases, the follow-up investigation is completed and the AIR is prepared before the arresting officer has completed his normal precinct processing of the arrest, and no additional processing time is added.

The follow-up investigation process appears to improve complainant punctuality in the court complaint room, reducing overall arrest-to-arraignment processing time for the arresting officer.

E. Arresting Officer Court Appearances

Prior to project implementation, it was thought that the program might affect the number of post-arraignment court appearances required prior to the disposition of a case in the Criminal Court. On the one hand, some persons thought that because cases would be presented with greater factual documentation pre-disposition motions by defense counsel would be more frequent and would lead to an increase in the number of post-arraignment court appearances. On the other hand, some thought that the completeness of the FCPP case presentation would facilitate disposition, as there would be a clearer perception on both sides as to the strength of the People's case. Based on the research conducted for the six-month evaluation, neither group was right. Criminal Court records indicate that in both the experimental and control precincts, the number of court appearances required prior to disposition was unchanged over the two year period. Thus, the FCPP has neither increased nor decreased post-arraignment court appearances.

F. Summary of Operational Findings -- Police Operations

Reviewing the operational findings, we can begin to answer the questions raised in the beginning of this section.

1. How many additional investigators are required in a precinct to absorb the new workload created by the case preparation process?

If it were desired to implement the program without requiring existing personnel to increase the current productivity, sufficient investigative personnel would have to be added to the unit to absorb the workload created by project operations. In the 43rd Precinct, it was determined that the workload increase was approximately 9.2%. This was determined by an analysis of the caseload during the first year of operations which produced the following workload indicators:

- a. Arrests subjected to project procedures were 60% of all of the felony arrests in the precinct.
- b. Each "project case" involved an average of 1.4 defendants. Thus, the number of project cases was 74% of the number of "project arrests".
- c. Follow-up investigation, in cases for which the arrests were not made by the investigating officer, averaged 3 hours.
- d. Arrest Investigation Report preparation by an investigator in a case for which he made the arrest averaged 1 hour.
- e. Real-time availability of PDU investigators was found to be 75% of their scheduled tours.

As indicated, applying these work-load indicators to the total of felony arrests made in the 43rd Precinct shows that the PDU work-load increased about 9.2%, or the equivalent of 3 additional detectives.

While it would require additional experimentation and research to determine if the workload indicators developed in the 43rd Precinct apply to other commands, they present a starting point for such work. For example, applying the workload indicators to the arrest experience in another Bronx Precinct, the 50th, indicated that implementation of an FCPP in that command would increase the workload by only 5% (or 1 additional detective).

2. What would happen to unit productivity if a precinct detective unit were required to absorb the new workload without an increase in investigative manpower?

As additional personnel were assigned to the 43rd PDU, there is nothing in the experience gained over the past year which may be used to answer this question directly. However, the experience would be valuable in setting up an experiment in which the program was implemented in a precinct without the assignment of additional investigators.

3. Does the involvement of the detective in arrests which he does not initiate result in his being required to make court appearances on such cases?

As indicated above, detective court appearances on arrest follow-up investigation cases were minimal during the first year of program operations (a total of 5 appearances out of

980 cases). Additionally, detective overtime also was minimal, averaging 7 minutes per case.

4. Does the program require additional supervisory personnel in the Precinct Detective Units?

While additional supervision appears necessary during the initial training period and start-up of operations, it appears that once the program operations have become routinized in the command, the additional supervisors may be withdrawn.

5. What is the impact on arresting officer personnel?
Is precinct arrest processing time increased?
Are new arrest overtime costs increased?
How does the program affect arresting officer court appearance time?

While project records indicate that, in some cases, lengthy post-arrest investigations did increase precinct arrest processing time, in the aggregate neither the processing time nor new arrest overtime costs were increased. In some instances, the operations of the project appear to have expedited the processing of the case. With respect to post-arraignment court appearances, the project does not appear either to have increased or to have decreased the number of post-arraignment appearances prior to disposition.

2. DISTRICT ATTORNEY OPERATIONS

Earlier in this Appendix, the following questions were posed with respect to the impact of the FCPP on District Attorney operations in the Bronx:

How does the introduction of the Arrest Investigation Report impact on District Attorney operations?

Is initial case screening time increased?
Does the report assist in expediting case disposition?
Does the report assist in prosecuting the case?
How does the demonstrated increase in indictments affect the District Attorney's ability to function at the Supreme Court level?

Definitive answers to these questions cannot be provided at this time. As indicated earlier, Vera intends to pursue these matters with the District Attorney's Office, but has not yet done so in a systematic empirical fashion. For the time being, we must rely on observation and interviews with Assistant District Attorneys involved in the operation of the program.

Initial case submissions are made to Assistant District Attorneys assigned to the Felony Case Bureau of the Bronx District Attorney's Office. As indicated in Appendix A, these ADAs are responsible for evaluating the merits of cases presented to them and determining how such cases should be handled by the District Attorney's Office. The normal procedure followed in evaluating a case is for the ADA to interview the arresting officer and the civilian complainant. (Rarely are the police able to encourage the attendance of any other existing witnesses at this stage of the proceedings.) Based on the statements received from the officer and complainant, the ADA makes his initial determinations. If the case is to be processed as a felony, that ADA (in the case of "A" or "B" tracked cases) or an ADA assigned to the Criminal Court Bureau (in the case of "C" and "D" tracked cases) prepares the District Attorney's case folder. In that folder, the ADA summarizes the important facts of the case, identifying the prospective testimony or physical evidence that may be used to prove the elements of the crime charged.

Introduction of this project has not substantially altered initial DA case screening procedures. It has, however, provided the ADA with an Arrest Investigation Report which s/he now reads prior to interviewing the officer and complainant. In addition, it provides the ADA with a summary of the prospective testimony of any police witnesses who could not be brought to court at that time. While the report may take a few minutes, it is believed that it facilitates screening of the case. In practice, the ADAs still interview the officer and complainant, and in some instances may receive information not contained in the report. The interview of the complainant also provides the ADA with the opportunity of forming judgments about the veracity of the witness and his willingness to cooperate in the prosecution.

Having the case presented in written detail affords the District Attorney's Office an opportunity to reduce the amount of detail which the screening ADA must include in his case summary in the DA's case folder. ADAs have been observed not to make written summaries, but merely to reference the Arrest Investigation Report which was affixed to the case folder. However, because the program was experimental and existed in only 1 of the 11 Police Precincts in the Bronx, the District Attorney's Office discouraged this practice to insure uniformity of case files.

In summary, observation indicates that the introduction of the Arrest Investigation Report does not delay District Attorney case screening, may in some instances expedite it, and could (if the practice was uniform across the borough) expedite it more.

As indicated in the main body of this report, the percentage of felony arrests that result in indictment increased significantly in the experimental precinct. It appears that the percentage of felony arrests that result in indictment has increased throughout the borough, although not to nearly as great an extent as in the experimental precinct. At this point, it is the opinion of senior Assistant District Attorneys that the increased indictment activity has not interfered with the Office's ability to obtain, in the Supreme Court, results of sufficient quality to satisfy the Office.

3. SYSTEM GOALS

Prior to implementation of the program, it was feared that the Felony Case Preparation Project might have a negative impact on the criminal justice system's ability to arraign defendants expeditiously. During the past several years, diligent efforts have been made by all of the criminal justice agencies to expedite the arraignment of criminal defendants. The Office of the Criminal Justice Coordinator has assisted agency staffs in all boroughs to coordinate activities so that the overall arrest-to-arraignment time might be reduced; those times are closely monitored by the Criminal Justice Agency which reports on them monthly to the Office of the Criminal Justice Coordinator. Because the project's follow-up investigation and its preparation of an investigation report was expected to take several hours, it was feared that the project procedures might delay arraignment. There are reasons to believe that they have not.

During the past year, sampling techniques were employed to measure the arrest-to-arraignment time for project cases, and the results were compared to the borough average as published by the Criminal Justice Agency. For example, all project cases processed during the month of February, 1980, were tracked to arraignment and the average arrest-to-arraignment time was calculated. It compares favorably to the borough average for that month. Comparing arrest-to-arraignment time in four hour blocks, project cases lagged behind the borough average by several percentage points up until the 20th hour, when the cumulative percentage of project cases arraigned exceeded the percentage of borough cases arraigned; from that point, the project cases continued to do better through the balance of the measured periods. It was also noted at that time that the CJA-reported arrest-to-arraignment times are calculated on a base that includes all cases -- felonies, misdemeanors and violations -- but project cases are all felonies. In the system, case processing practices are such that misdemeanor and violation cases generally reach arraignment faster than felonies. (Police processing of misdemeanors and violations at the precinct level rarely takes as

long as felony processing, and when those cases reach the court they by pass the Felony Complaint Bureau and proceed directly to the Complaint Room.) Thus, that a higher percentage of total Bronx arraignments than project arraignments are completed within the first 20 hours after arrest is probably attributable to the inclusion of misdemeanor and violation cases in the borough-wide base.

A further indication that the project has not negatively impacted arrest-to-arraignment time is the absence of an increase in arresting officer overtime for project cases. Nothing in the project affects defendant processing after the arresting officer finishes with the preparation of the court complaint, when he is excused and his overtime for that tour terminates. As new arrest overtime has not increased, officer processing time has remained stable. Again, while some individual cases do take longer to process, others are expedited and others are eliminated prior to arraignment.

4. THE NATURE OF THE POST-ARREST INVESTIGATIVE PROCESS

As indicated in the beginning of this Appendix, there has been sufficient field experience to begin to look beyond the mechanics of the project to explore reasons why the case preparation process seems to improve the dispositional pattern for the felony arrests subjected to it. It appears that the Felony Case Preparation Project involves three distinct elements, each of which has a potential for improving dispositions. These elements are: case analysis, augmentation, and documentation.

Case analysis may be described as a careful review of the facts of the alleged crime, the identification of the suspect, and the subsequent arrest. It occurs at least three times in the FCPP process and may produce similar or different results at each stage.

The first analysis takes place during the initial interview of the arresting officer by the assigned detective. It affords the detective the opportunity of determining the basic facts of the case and permits him to make a tentative judgment as to appropriate charging. Further, it permits him to establish an investigative plan designed to insure the proper development of the case. This initial case analysis may result in a determination that, as a matter of law, misdemeanor rather than felony charges should be lodged against the defendant or that the arrest should be voided (because there is insufficient information to establish that a crime was committed or to establish reasonable grounds to believe that the defendant committed it). These results -- voiding or misdemeanor charging -- resulted in approximately 12% of all of the felony

arrests subjected to project procedures during the first year of FCPP operations in the experimental precinct.

The second analysis takes place at the point when the detective has completed his initial investigation, including his interviews of the victim, witnesses and police personnel. From this analysis, he may decide that sufficient evidence has been developed to charge the defendant, in which case he will proceed to interrogate him and to complete documentation of the case. On the other hand, he may decide that additional evidence will be required, in which case he will initiate an independent investigation to augment the existing evidence before proceeding further.

The third and final case analysis takes place when the detective has completed the investigation. This review of the facts results in the detective making a final determination as to how the case should be treated by the Police Department. Possible treatments are: selection of appropriate felony charges to levy against the defendant; selection of appropriate misdemeanor charges to be placed; voiding the arrest.

Augmentation is the obtaining of evidence against the defendant beyond that initially obtained by the arresting officer. It may result from identifying and interviewing additional witnesses, locating additional physical evidence, conducting line-ups, or merely recording inculpatory statements from the defendant. Augmentation may be a result of the detective's independent investigative efforts, or may result from a collaboration between the detective and the arresting officer or other members of the department.

While augmentation may take many forms, the most prevalent form encountered during the first year of operations centers on the inculpatory statements made by defendants. Such statements were recorded in about 40% of project cases. For example, in January, 1981, a uniformed member of an experimental precinct arrested one John Doe on a charge of burglary (AIR 50-003-81). The arresting officer and his partner had responded to an apartment building in response to a radio run -- "burglary-in-process, see witness". Upon arriving at the scene, they encountered the witness who told them that he had seen a man enter an apartment in the building from a fire escape and provided the officers with a description of the clothing worn by the suspect. The officers encountered the suspect in the hallway of the building and brought him to the witness for a show-up. The witness identified the defendant with the words: "It looks like him, but I can't identify him by his face, but it's him." After arresting the defendant, the officers brought him to the PDU for the follow-up investigation. After proper warnings, the defendant responded to the

detective's interrogation with a complete admission. The case was presented to the Grand Jury and an indictment was returned. (AIR 50-003-81 is attached as Appendix C-I.)

Documentation, the final element in the Felony Case Preparation Project process, occurs when the investigator has completed his investigation and prepares the Arrest Investigation Report. This report represents the Police Department's case submission to the District Attorney and is designed to present the People's case against the defendant in as complete a fashion as is possible at that stage of the proceedings.

At this time, lacking formal research on the questions, we can only speculate on what contribution the case analysis and the case documentation elements make to the improved dispositional patterns observed. Two hypotheses emerge from the field experience:

First, case analysis seems to result in better police and prosecutorial charging decisions -- decisions based on provable fact. While this does not insure convictions, in and of itself, it does insure a better track record in any category of arraigned arrests, if for no other reason that it excludes marginal cases from felony processing (or from court processing).

Second, case documentation, in and of itself, seems to have a direct effect on case disposition. This is, of course, impossible to prove empirically at this time. However, field observations and feedback from arresting officers and Assistant District Attorneys support this view.

Felony arrests are normally booked and presented to the District Attorney's Office on a probable cause basis. That is, the arresting officer has satisfied department reviewers that, at the time of arrest, he had probable cause to believe that a crime was committed and that the defendant committed it. Normal case submission to the District Attorney's Office consists of the arresting officer presenting copies of the defendant's arrest report and telling the ADA the facts of the case. While civilian complainants are required to be present in the complaint room and are interviewed by the ADA, other witnesses are not. Under these circumstances, case analysis and documentation become the function of the reviewing ADA and his decisions are based upon what he identifies as important fact, and on what he elects to record in the defendant's case folder. The contents of that folder then dictate the manner in which the case will be handled by the D.A.'s office and limit the amount of information known to any subsequent ADA handling the case.

Submission of the Arrest Investigation Report in FCPP cases changes the process significantly. In addition to the arrest reports and the verbal statements of the officer and complainant, the screening ADA is provided with a complete written account of all of the known facts of the case. Detailed information is made available regarding the manner in which the crime was committed, how the defendant was identified as the perpetrator, how the arrest was effected, prospective testimony of all witnesses, and the results of the interrogation of the defendant. It expands the Police Department's case submission beyond probable cause to provable fact. It provides a permanent record in the D.A.'s case folder to which other ADAs may refer in handling the case in the post-arraignment parts of the court.

To illustrate the differences between normal case submission and the FCPP, Appendix C-II presents an AIR prepared in an experimental precinct together with the original Arrest Report prepared by the arresting officer on the first defendant in that case. (The "details" section of the Arrest Report on each of the 3 defendants is identical to that in this one.) Comparison of these two modes of case presentation illustrates the greater amount of information FCPP documentation makes available to the District Attorney, in a form which may be made a permanent part of the D.A.'s case file.

Discussions with police and prosecutorial personnel in the Bronx about the FCPP, and about particular FCPP cases, provide some further insights into the way the AIR documentation makes an impact. ADAs report that the AIR provides them with a more complete record of the facts than the normal case folder and that defense counsel are more likely to accept a negotiated plea when confronted with a copy of a well documented case against their clients (in the form of the AIR).

The following case illustrates this point. An arresting officer in an experimental precinct had brought a defendant in on charges of attempted robbery (50th Pct. AIR #4). Upon his return to the precinct from a Grand Jury hearing, he reported that he had witnessed the attorney for the defendant approach the ADA to discuss the case and that the ADA had shown the attorney a copy of the AIR. The officer was delighted that, after looking at the AIR, the defense counsel immediately sought a negotiated plea and that the ADA responded with an offer of 18 to 24 months as a recommended sentence. (AIR 50-004-81 attached as Appendix C-III.)

The FCPP Court Liaison Officers report that the ADAs assigned to the Criminal Court Bureau are regularly expressing their pleasure with the AIRs as aids during plea bargaining.

Of the three basic elements of the FCPP, it seems easiest to link the second -- case augmentation -- to the improved dispositional patterns observed; this is because of the direct impact that effective interrogation, systematically pursued, seems to have. But, in addition, there appear to be substantial benefits from this element of the project beyond the admissions and confessions obtained. In one recent case, interrogation of a defendant charged with possession of a forged driver's license led to the arrest of a robbery team responsible for a substantial number of bank robberies. In this case, the defendant, in an attempt to induce lenient treatment in his own case, indicated to the PDU detective assigned to the case that he was the wheel-man for two separate robbery teams, one of which specialized in bank robberies and the other in gas station robberies. Based on the information provided, the detective was able to verify that the persons named had probably been responsible for a bank robbery in the 47th Precinct on the previous day. The detective notified the PD/FBI Joint Task Force which responded to the precinct. Based on the information provided, the JTF arrested a 2-man team they believe responsible for at least 9 bank robberies in the NY area. The information provided on the second alleged stick-up team is being followed-up by the Bronx Detective Area Task Force and the 43rd Precinct Detective Unit.

Systematic interrogation can have still other benefits. Over the year, there were numerous instances in which the defendant offered differing exculpatory statements to the arresting officer and to the investigating detective, both of which were recorded in the FCPP process and furnished through the AIR to the District Attorney's Office. The ADAs report that such statements are useful in their prosecutions.

When intelligence regarding prior crimes or crimes committed by other persons is obtained, it is not recorded on the AIR covering the instant case. Such information, if useful to the PDU that obtains it, is used in the investigation of the alleged crime. If it is useful in the investigation of crimes committed in other precincts or other jurisdictions, it is passed on to the unit or department concerned. For example, during the early months of project operation, information furnished by an adolescent female arrested on a robbery charge (which was reduced to petit larceny after investigation) led to the solution of the murder of a 74 year old female in Parkchester. In attempting to extricate herself from the larceny arrest, the girl provided information on a group of youth specializing in push-in robberies in Parkchester. As the modus operandi described by her for the robberies matched that used in the homicide, she was interrogated at length and provided the identity of a youth alleged to be involved. Follow-up investigation by precinct detectives resulted in arrest of the alleged perpetrator.

This facet of operations gives rise to some potentially constructive thoughts. Over the years, the Police Department has made several attempts to provide for systematic interrogation of defendants. These attempts normally follow along the lines of requiring precinct detectives to interrogate persons arrested for specified serious crimes, and providing standard guidelines for such interrogation. These attempts have not generally been productive and have normally given way to expeditious processing of persons arrested. Although the reasons why results obtained in FCPP interrogations appear to be more productive probably lie within the province of behavioral scientists, field observations by project staff suggests at least three theories:

First, the more people you ask, the more will answer. Previous department efforts (including the current official department procedures) have not provoked systematic questioning of suspects. FCPP provides for interrogation of all defendants in project cases. The result should be more inculpatory statements and more intelligence.

Second, as detectives are actually required to interrogate more defendants, their skills in this area improve. We have noted significant improvements in the results obtained by various detectives during the life of the program.

The third theory is more complex. It may be that the follow-up investigation provides the detective with more information to guide him in questioning the defendant, and it may be that the FCPP procedures create a psychological climate which is conducive to productive interrogations.

If normal Department procedures were followed, and were applied to all cases, defendants would be brought to PDU offices and they would be interrogated by detectives following the list of questions provided by current procedure. For example:

"Do you have any information or knowledge of:

1. Anyone who has killed someone
2. Anyone pulling stickups
3. Anyone pulling burglaries"...etc. through 12.
(Operations Order 41-4, s.1978)

There is a general consensus among field personnel that when these procedures are followed, they are not generally successful.

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In contrast, FCPP procedures for interrogation begin with questions regarding the immediate crime. Only after these have been posed does the detective attempt to elicit possibly more important intelligence information. The FCPP offers two advantages to a detective desiring a useful interrogation. First, having conducted a thorough investigation of the immediate crime and the involvement of the defendant in it, the detective is better prepared to carry out a meaningful interrogation. (Under normal procedures, unless the detective has effected the arrest himself, he knows little about the facts of the case and is generally less well-prepared to confront the defendant.) Second, the FCPP procedures may create a different psychological climate for the defendant. Under normal processing, a defendant is placed in a secure room in the station house while the arresting officer completes his paper work; only then is he walked up to the PDU where the interrogation takes place. He has probably not seen the complainant at the station house, nor will he have seen other witnesses there. In FCPP processing, the defendant sits in the PDU holding pen and watches as the detective interviews officers, complainants and witnesses. If he has been through the process before, he knows that something different is taking place. If he has not previously been arrested, he may view the scene as what he has been led to expect by the common TV portrayal of police procedures. In either event, the defendant's knowledge of what is going into the investigative process seems to create a psychological climate conducive to productive interrogations.

APPENDIX C-I

ARREST INVESTIGATION REPORT

Misc. 838F (9-80)

Date of Arrest 1/6/81	Time of Arrest 1400	Pct. of Arrest 50	P.I.U. Rep No. 003
DEFENDANT'S LAST NAME, FIRST, M.I. DOE, JOHN		ADDRESS, ZIP CODE Crescent Ave, Bronx 10467	
1	AGE 17	SEX M	RACE H
2			DATE OF BIRTH 6/6/63
3			
4			
5			

Time of Offense 1340	Date of Offense 1/6/81	Location of Offense Kingsbridge Terrace, Bronx	Pct. Complaint No. 129
PRINCIPAL CHARGE 140.20	Penal Law Section 140.20	Title of Offense BURGLARY 3rd	
Complainant's Name JANE SMITH		Address: Zip Code Kingsbridge Terrace, Bx 10467	
Age 28	Date of Birth 12/11/52	Sex F	Race H
Home Telephone No.	Relationship to Defendant(s) None		
Occupation Draper	Bus. Telephone No. 777-	Business Address, Zip Code Bleeker St. NYC	

REPORT OF INVESTIGATION

Description of Offense and Arrest. Include full circumstances of commission of offense, details of arrest and follow-up investigation. Continue on Supplementary Report if necessary.

OFFENSE: BURGLARY 3RD On 1/6/81 at about 1340 hours the defendant was observed by a witness on the fire escape outside the complainant's apartment. The defendant was then observed breaking the storm window to complainant's apartment and enter through break. Officers responded to the witnesses address furnished by C.U. radio. A description was furnished of a male, hispanic, young guy, wearing dark clothing, brown pants, white sneakers. Officers then responded to the 5th floor at place of occurrence and then to the 6th floor where defendant was knocking on one of the apartment doors. Suspect was then taken to where witness was, on a show-up, and identified by him as the perpetrator. ^{1A/O} ~~ABE LINCOLN~~

INTERVIEW OF ARRESTING OFFICER At about 1340 on 1/6/81 I received a radio run - burglary in progress. I was told to see a witness in front of Heath Ave. I arrived at about 1345 hours and spoke to the witness George ~~Heath~~ of Heath Ave. The witness told me that he had seen an unknown male, hispanic, young guy, wearing dark clothing, brown pants and white sneakers break window of complainant's apartment and enter. I then went to the place of occurrence Kingsbridge Terrace and used the elevator - we went to the 4th floor where P/O ~~Heath~~ got off - I then went to the 6th floor got off and proceeded to the roof where I then went down the fire escape to the 5th floor and entered through the break in the window. The apartment was in disarray and I went to the door and let my partner ~~Heath~~ in. He had a male, hispanic with him. We then went back to our RMP with the male hispanic and then drove to Bailey Ave and Kingsbridge Road where I went and got the witness and told him to look at the person who was with us to see if he could recognize him. Witness then walked by and identified the male hispanic with us as the burglar.

INTERVIEW OF APPREHENDING OFFICER - P/O ~~Heath~~ SAM SPADE

At about 1340 hours 1/6/81 we received a radio run-burglary in progress over the radio. We were directed to see a witness in front of Heath Ave and arrived there at about 1345 or 1350. We spoke to the witness George ~~Heath~~ and then went to Kingsbridge Terrace where we took the elevator up. I got off on the 4th floor and went up the stairs. The witness had previously told us that the perpetrator was a young male, hispanic wearing brown clothing and white sneakers. When I got to the 6th floor I saw the defendant speaking to the people in apt A-64. Occupant then closed the door on the defendant and he stood there. I asked him if he lived there he replied "no" I then asked him what he was doing there he said "looking for my girlfriend" I then asked him where she lived he

INVESTIGATING OFFICER Det	Rank	Name	Shield	Comd.	Date	Time
					509DU 1/6/81	1520

1st COPY D.A. - 2nd COPY P.I.U. FILE - 3rd COPY ARREST. OFF. - 4th COPY PROJ. COORDIN.

page 1 of 3 pages

John Doe

003

told me Kingsbridge Terrace not the building we were in. I then took the suspect back down to the 5th floor and together with my partner P/O we went back to the car and drove to Bailey Ave and Kingsbridge Road where got out of the car. The witness then appeared and saw the suspect and identified him as the person who broke and entered the apartment of the 5th floor from the fire-escape.

INTERVIEW OF COMPLAINANT-WITNESS - GEORGE

I was in my house at about 1530 on 1/5/81 when I happened to look out and see this man on the fire escape. He was Male, hispanic with an afro and wearing dark clothing and brown pants, white sneakers. I saw him go through the window and I called 911 and told them that I had seen a man go into an apartment from a fire escape. They asked me the address but I told them I didn't know. They asked me for my name and address and I gave it to them. I told them to send the police to my house and that I would point out the building to them. The police came and I gave them the description of the man who went into the apartment. Then the police went away after I showed them the building that the man was on. They came back a little while later and told me that they wanted me to look at someone. I looked at somebody and I said that looks like him, but I can't identify him by his face - but it's him.

INTERVIEW OF COMPLAINANT - JANE SMITH

I left my apartment at 0700 hours 1/5/81 and locked the door I gave the keys to my babysitter and went to work. My sister called me at about 1500 hours and told me that someone had broken into the apartment. When I got home I saw that someone had broken the storm window and that someone had ransacked the apartment.

INTERVIEW OF DEFENDANT

Upon being apprehended and after being notified of his rights - defendant asked what he had stolen from apartment replied "they got nothing"

At about 1800 hours 1/6/81 and after being again notified of his rights the defendant stated that he broke into complainant's apartment by breaking window pane from fire escape and that he unwound a screw type window lock entered the apartment to take property found inside. Defendant opened the window to enter said apartment.

SUMMARY OF CHARGES: Additional charges of 145.00, Criminal Mischief and 140.3 Criminal Possession of Burglar's Tools in that he had a screwdriver in his possession used to facilitate burglary and Criminal Poss of Stolen Property 165.40.

B.C.I. Check

Subject is unknown to this department under name and date of birth.

**SUPPLEMENTARY ARREST INVESTIGATION REPORT
WITNESS LIST**

P.I.U. Report No. **003**

Misc. 838E (9-80)

Police Officers	Shield	Com'd.	Sqd	Involvement
██████████	██████	50	6	Arresting officer
██████████	██████	50	3	Apprehending officer

Complainant's Name ~~██████████~~ Criminal Record ~~██████████~~

Statement States she locked her apartment at 0700 hours 1/6/31 and that she was later informed that someone had broken into her apartment and ransacked it. She returned to her home at 1:00 and found the kitchen window had been broken and apartment ransacked.

OTHER WITNESSES

Name	Address	Telephone No
George Mannusson	██████ Heath Ave, Bronx	796- ██████
Age	Sex	Race
27	M	W
Relationship to Complainant or Defendant(s)	Business Address	Telephone No
None		655- ██████

Statement saw dirt on fire escape and when saw dirt enter through window, he called 911 and had the police respond to his home where he pointed out to the police the place of occurrence and upon the police returning with a suspect, identified him as the burglar.

Name	Address	Telephone No
Age	Sex	Race
Relationship to Complainant or Defendant(s)	Business Address	Telephone No

Statement

Name	Address	Telephone No
Age	Sex	Race
Relationship to Complainant or Defendant(s)	Business Address	Telephone No

Statement

Name	Address	Telephone No
Age	Sex	Race
Relationship to Complainant or Defendant(s)	Business Address	Telephone No

Statement

PHYSICAL EVIDENCE

Property Clerk No	Description	Relationship to Case
A-352792	Phillips's head screwdriver 1" probe	Burglar's Tools Criminal Poss Stolen Property

INVESTIGATING OFFICER	Rank Det	Name ██████████	Shield ██████	Com'd 502PM	Date 1/6/31	Time 1949
REVIEWING OFFICER	Rank 	Name 	Shield 	Com'd 	Date 	Time

APPENDIX C-II

AKA ~~DOE~~ JOHN #1
 PCT OF ARREST 46th ADDRESS (Include City & State) PHONE NO
 APT NO

FINGERPRINTED YES NO PHOTOGRAPHED YES NO FAX CONTROL NO

EXACT LOCATION OF ARREST On X-Bx at Jerome

RANK PO

ARRESTING/ASSIGNED OFFICER BXTTF

COMMAND BXTTF

LOCATION OF OCCURRENCE (Following Info. from Complaint Report Only)
 On Jerome at XBX

DATE AND TIME OF OCCURRENCE 1/16/81 2355 street

AGENCY OF JURISDICTION CODE PCT. OF OCCUR. COMPLAINT NO. YEAR
 00 46 731 81

PRISONER/COMPLAINANT RELATIONSHIP
 NONE OTHER

COMPLAINANT'S RESIDENCE BUSINESS PHONE NO'S

WARRANT CHECK (Number) YES NO
 unable

PRISONER SEARCHED BY AO PRISONER'S MAIDEN NAME

PRISONER INTERVIEWED YES NO DETS NAME

ADVISED OF RIGHTS BY ADDRESS VERIFIED BY

RELATIVE NOTIFIED - NAME & TIME

JUVENILE YES NO
 YOUTH RECORDS CHECK IF YES NO OF INCIDENTS
 PREVIOUS HISTORY YES NO
 MEMBER OF YOUTH GANG (NAME)

SUPERVISOR CONFERRED WITH CMD. ON SCENE
 Sgt ~~XXXX~~ BXTTF YES NO

AMOUNT OF FUNDS 00 RETURNED YES NO

DATE SERIAL NO. RETURN DATE

TIME DISPOSITION OF PRISONER

ARREST REPORT PD244 130A REV 9 78J
 400M 330071

TIME OF ARREST 2355 DATE OF ARREST 1/16/81 DATE OF BIRTH 30 AGE SEX M RACE 2

HEIGHT 5 FT 9 IN. WEIGHT 170 HAIR BK PLACE OF BIRTH (City & State or Country)

DBUG USED (Type) DAILY AMT. \$ ADDICTION PROGRAM

OCCUPATION AND WHERE EMPLOYED (Company and Address)

SOC. SEC. NO. LICENSES/PERMITS/IDENTIFICATION CARDS (Type and Serial Number)

PECULIARITIES, DEFORMITIES, SCARS, TATTOOS (Describe Fully & Give Location)

UNIQUE M.O. AND/OR STATEMENTS USED

NICKNAME HAND GUN INVOLVED PRISONER'S AUTO (Color, Year, Make, Plate)
 REV AUTO SILVER BK Tan Cadillac

LAW SECTION CLASS SPECIFIC OFFENSE (Use Highest Charge First)
 C PL 265.02 DF cp loaded firearm

ASSOCIATES (Number) Does 2, 3 & 4

ARREST NO B. NO./D.C.J.S. NO

PRISONER'S TELEPHONE CALL (Time, Name and Number Called)

COMPLAINANT'S NAME PSNY

COMPLAINANT'S ADDRESS

PRISONER'S TELEPHONE CALL (Time, Name and Number Called)

DETAILS

A/C at TPO in that Deft. above while operating a 1977 cadillac, So. Carolina Reg ~~XXXX~~ did have a loaded 22 cal. pistol and a .357 Dan Wesson loaded pistol in Veh. Def. above was operator of veh and made a left turn from Jerome Ave onto entranceway of Cross Bronx Expressway without signaling turn, passing through a steady red light.

PHYSICAL CONDITION APPARENTLY OTHER NORMAL (Describe)

TREATED AT

DATE AND TIME RECORDED

TIME OUT RETURNED

DOCTOR

RANK

SIGNATURE OF BOOKING SUPERVISOR

1. IF PRISONER IS TO BE PHOTOGRAPHED - DELIVER THIS COPY TO AREA PHOTO UNIT WITH PRISONER.

2. IF JUVENILE: a) GOING TO DETENTION CENTER-COMplete REAR OF THIS COPY AND DELIVER WITH CHILD.
 b) BEING RELEASED ON PERSONAL RECOGNIZANCE-FWD. THIS COPY TO FAMILY COURT WITH OTHER PAPERS.

3. IF OTHER THAN ABOVE-DISCARD THIS COPY.

ARREST INVESTIGATION REPORT

Misc. 838F (9-80)

Date of Arrest 1.16.81	Time of Arrest 2355	Pct. of Arrest 046	P.I.U. Rep. No. 46-43-81					
DEFENDANT'S LAST NAME, FIRST, M.I.				ADDRESS, ZIP CODE	AGE	SEX	RACE	DATE OF BIRTH
1 Johnny ██████ So 7th Ave, Mt Vernon, New York					30	M	B	2.21.50
2 James ██████ University Ave Bx NY					20	M	B	2.2.55
3 Anthony ██████					19	M	HB	2.4.55
4 Hassan ██████					22	M	B	3.20.54
5								

Time of Offense 2330	Date of Offense 1.16.81	Location of Offense Jerome Avenue Bronx, New York		Pct. Complaint No. 715
PRINCIPAL CHARGE	Penal Law Section 160.15	Title of Offense ROBBERY 1 ^o		
Complainant's Name Restaurant (Ann ██████)		Address, Zip Code Jerome Ave Bronx New York		
Age 35	Date of Birth	Sex F	Race W	Home Telephone No. None
Relationship to Defendant(s) None		Business Address, Zip Code Home address ██████ Walton Avenue		
Occupation Cashier	Bus. Telephone No. 295 ██████	Business Address, Zip Code		

REPORT OF INVESTIGATION

Description of Offense and Arrest. Include full circumstances of commission of offense, details of arrest and follow-up investigation. Continue on Supplementary Report if necessary.

OFFENSE: ROBBERY OF RESTAURANT (ARMED)

On January 16, 1981 at about 2330 the ██████ Restaurant located at ██████ Jerome Ave was held up by two Males armed with guns. Uniformed Officers while on patrol stopped an auto with 4 Males for passing a red light. The officers discovered the occupants to be armed and arrested them. Subsequent investigation disclosed that the defendants answered the description of the suspects in the restaurant robbery. Lineups were held and witnesses identified the suspects.

INTERVIEW OF COMPLAINANT (Ann ██████)

At 0900 hours on January 17, 1981 I interviewed Ann ██████ at her residence. She resides at ██████ Walton Ave, Bronx Apt ██████. She states that she was working as the Cashier at about 2330 hours on January 16, 1981 at the ██████ Restaurant, ██████ Jerome Ave Bronx. At about that time 2 Male Blacks entered one approached her at her register produced a gun and announced a holdup. The other male approached the counter, produced a gun and held it on the patrons and other employees. She states that the suspect at the register removed the money from the register and placed it a paper bag. Both suspects then left the restaurant and fled in an unknown manner.

INTERVIEW OF WITNESS (Wanda ██████)

At 0930 on January 17, 1981 I telephoned Wanda ██████, ██████ University Ave, Bronx Tel# 299 ██████. She states that she was working in the Restaurant as a waitress when the suspects entered. She states that she observed both the suspects with guns in their hands, One was standing near the counter, while the other was at the register.

INTERVIEW OF WITNESS (Marge ██████)

At 0945 on January 17, 1981 I telephoned Marge ██████, ██████ Loring Pl, Bronx, Apt#3, Tel# 298-█████. She states that she was working as a waitress in the restaurant when the suspects entered and she also observed the suspects, one standing by the register and another standing near the counter holding a gun on the employees and customers.

INTERVIEW OF WITNESS (Phillip ██████)

At 1015 on January 17, 1981 I telephoned Phillip ██████, a customer in the restaurant, but was unable to reach him at this time. ██████

INVESTIGATING OFFICER	Rank PO	Name ████████████████████	Shield ████████████████████	Com'd 46PDU	Date 1/17/81	Time 1815
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1st COPY D.A. — 2nd COPY P.I.U. FILE — 3rd COPY ARREST. OFF. — 4th COPY PROJ. COORDIN.

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Name of Defendant No. 1

P.I.U. No.

 , JohnnyINTERVIEW OF WITNESS (Con't)XXXXXXXXXX resides at Arden Street, Bronx New York, Apt F, Tel 942- .INTERVIEW OF ARRESTING OFFICER ()

At 1300 hours on January 17, 1981 I interviewed Police Officer , Shield # , BXTF at the 46 PDU office. states that he was performing 1800x0200 tour in Uniform in Dept marked auto assigned to patrol the areas of the 46 and 52 Precincts with Police Officer , Shield , BXTF and Police Officer , Shield , BXTF.

 states that at about 2350 hours while on patrol he observed Vehicle 1977 light colored Cadillac Seville southbound on Jerome Ave make ~~at~~ a left turn through a red signal light. He pursued the vehicle and pulled it to a stop on the Cross Bronx Expressway (Westbound). He approached vehicle and flashed his light in the vehicle and observed the handle of a revolver on the rear seat between the two rear seat occupants. He ordered the occupants, two front seat and two rear seat, to raise their hands. The suspects were then ordered from the vehicle, frisked handcuffed and secured. He states he radioed for assistance and additional units arrived on the scene. At this time the responding units alerted him to the past robbery of the restaurant and that the description matched two of the currently held suspects.

 further states that no showup was conducted and that he was advised by me at 0830 hours on January 17, 1981 to conduct a lineup regarding the restaurant robbery.

INTERVIEW OF ARRESTING OFFICER ()

At 1500 hours on January 17, 1981 I interviewed PO , , BXTF at the 46 PDU office. He relates the same fact pattern as with the following additions: he states that as the suspects were brought out of the auto he recovered .22 Cal revolver from front seat area passanger side.

INTERVIEW OF ARRESTING OFFICER ()

At 1525 hours on January 17, 1981 I interviewed PO , # , BXTF at the PDU office. He relates the same fact pattern as with the following addition: he states that as the suspects were brought from the auto he recovered a brown paper bag containing USC from the front seat driver side.

RESULTS OF LINEUP

At 1330 hours on January 17, 1981 lineups were held at the Bronx Detective Boro under the supervision of Det # , EX Det Task Force with the following results:

Defendant was identified by Complainant ANN , witness MARGARET , and witness WANDA . Witness Philip failed to identify the suspect.

Defendant was identified by Complainant ANN , and witness MARGARET . Witness could not make a positive identification nor could witness .

Only two suspects were exhibited in lineup since only two were in rest.

BCI CHECK

A telephone check was conducted at BCI on the suspects with the following results:

<u> </u> :	11.29.70	GLA-48Pct	<u> </u> :	4.2.80	CPDW (gun) 28 Pct
	2.27.70	GLA 24		5.19.78	Sale Drugs 9
	3.29.69	GLA 30		4.26.78	Poss Drugs
	2.9.69	GLA 40		10.30.77.	Sale Drugs
				11.1.76	Cale Drugs

INTERVIEW OF DEFENDANT: ()

At 1240. hours on January 17, 1981 in the presence of PO , the

Page of pages

Name of Defendant No. 1

P.I.U. No.

██████████, JolanyINTERVIEW OF DEFENDANT (██████████) (con't)

██████████ was advised of his rights. He stated that he has no knowledge of this incident that he is only a driver for a private car service and has no other relationship with the others. He stated that he responded to a radio dispatch informing him of an hour rental to be picked up at ██████ St & Lenox Ave in Manhattan. When he arrived the three others entered his cab, one in the front and two in the rear. They paid him \$25 and directed to drive aimlessly through Manhattan. They directed him to stop between 131 & 132 St in Fifth Ave, at which time two suspects exited the car and returned about 10 minutes later. ██████████ states he does not know what the suspects did during this time. He was then directed to respond to the Bronx and again he was told to stop along Jerome Ave at which time two suspects exited and returned in about 10 minutes. He states that he does not know what they did during that time. He states that he did not overhear any conversations since "it wasn't none of my business". He states that he did not know the suspects were armed. He further states that he did not think the actions of the suspects were unusual since "people who pay the fare can do what ever they want."

At this point in the investigation the Felony DA was notified and steno and video tape statements were taken from all suspects.

INTERVIEW OF DEFENDANT: (██████████) 3

Defendant ██████████ was interviewed by ADA ██████████ on videotape and steno during which he admitted participation in the robbery and implicated the other persons.

INTERVIEW OF DEFENDANT (██████████) 1

Defendant ██████████ was interviewed by ADA ██████████ on steno and videotape and declined to answer questions without an attorney.

INTERVIEW OF DEFENDANT: (██████████) 2

Defendant WILSON was interviewed by ADA Milano and made statements of an exculpatory nature.

NOTES: A telephone check was made with ██████████ Car service at ██████████ and the female dispatcher who answered the telephone refused to reveal any information (1730 hrs).

CHARGES: Robbery 1st
Poss Dang Weapon Gun

INTERVIEW OF DEFENDANT (██████████) 4

Interview of defendant ██████████ was conducted by ADA ██████████ and he stated that he remained in auto while ██████████ and ██████████ held up the restaurant he also stated that he saw ██████████ holding a gun on the girl in the restaurant.

Shield	Co	Sqd.	Involvement
PO ██████████	██████████	BXTP	Arresting Officer
PO ██████████	██████████	BXTP	Arresting Officer
PO ██████████	██████████	BXTP	Arresting Officer
PO ██████████	██████████	46PDU	Investigating Officer

Complainant's Name Ann ~~██████████~~ ~~██████████~~ Walton Ave Bronx 3G Criminal Record None

Statement Was cashier in restaurant and can identify suspects.

OTHER WITNESSES

Name Wanda ~~██████████~~ Address ~~██████████~~ University Ave BX Telephone No 299-~~██████████~~
 Age Sex Race Relationship to Complainant or Defendant(s) Business Address Telephone No.
11 | F | H | None | ~~██████████~~ Jerome Ave | 295-~~██████████~~

Statement Was waitress in restaurant at time of robbery and saw the suspects.

Name Marge ~~██████████~~ Address ~~██████████~~ Loring Place Bx #3 Telephone No 298-~~██████████~~
 Age Sex Race Relationship to Complainant or Defendant(s) Business Address Telephone No.
17 | F | W | None | ~~██████████~~ LARKIN Jerome Ave | 295-~~██████████~~

Statement Was waitress in restaurant at time of robbery and ~~she~~ saw suspects.

Name Philip ~~██████████~~ Address ~~██████████~~ Arden Street #7 Bronx Telephone No 942-~~██████████~~
 Age Sex Race Relationship to Complainant or Defendant(s) Business Address Telephone No.
21 | M | W | None | ~~██████████~~ | ~~██████████~~

Statement Was customer in restaurant at time of robbery and saw suspects.

Name _____ Address _____ Telephone No _____
 Age Sex Race Relationship to Complainant or Defendant(s) Business Address Telephone No.
 _____ | _____ | _____ | _____ | _____ | _____

Statement _____

Property Clerk No.	Description	Relationship to Case
A858719	.357 Revolver w/ six rounds	Gun
do	.22 Revolver w/ four rounds	Gun
A858720	USC \$159.11	proceeds of robbery
A858721	3 jackets and two caps	clothing of suspects
X 017	77 Caddy	getaway vehicle

INVESTIGATING OFFICER: Rank PO Name ~~██████████~~ Shield ~~██████████~~ Comd 46PDU Date 1/17/81 Time _____
 REVIEWING OFFICER: Rank _____ Name ~~██████████~~ Shield ~~██████████~~ Comd ~~██████████~~ Date ~~██████████~~ Time _____

APPENDIX C-III

ARREST INVESTIGATION REPORT

Misc. 838F (9-60)

Date of Arrest	Time of Arrest	Pct. of Arrest	P.I.U. Rep. No.				
1/6/61	1045	50	5044				
DEFENDANT'S LAST NAME FIRST, M.I.				AGE	SEX	RACE	DATE OF BIRTH
1 Smith, [REDACTED] Webster Ave Apt [REDACTED] Bx NY				16	M	H	3/24/54
2							
3							
4							
5							
Time of Offense	Date of Offense	Location of Offense		Pct. Complaint No.			
1920	1/6/61	IRT, 7th Ave Train, between 238St-242St NorthBound		138			
PRINCIPAL CHARGE	Penal Law Section	Title of Offense					
77A	160.00 & 265.00	Attempt Robbery & Possession Dangerous Weapon (Knife)					
Complainant's Name			Address Zip Code				
John J [REDACTED]			[REDACTED] 158th St 4B NYC NY				
Age	Date of Birth	Sex	Race	Home Telephone No.	Relationship to Defendant(s)		
43	7/29/37	M	W	942 [REDACTED]	none		
Occupation		Bus. Telephone No.		Business Address, Zip Code			
Brotherhood [REDACTED]		[REDACTED]		[REDACTED] Broadway NYC NY 10005			

REPORT OF INVESTIGATION

Description of Offense and Arrest include full circumstances of commission of offense, details of arrest and follow-up investigation. Continue on Supplementary Report if necessary.

OFFENSE: ATTEMPTED ROBBERY & POSSESSION DANGEROUS WEAPON. On 1/6/61 at about 1920 hours the complainant was enroute to school, and was seated in the second car of the IRT 7th Ave heading North Bound. He was approached by an unknown male black, and was asked for the time. The complainant responded I do not have a watch, I think its about 7:30 AM. At this point the suspect produced a knife, and stated I want your wallet and your money. At this point the complainant stood up and started sawing his newspaper at the suspect. The suspect then stepped back and then tried to come again at the complainant the complainant stood his ground and the suspect then said to him, "dont want any more trouble. The train then pulled into 242St, and the complainant exited the train, the suspect walked into the next car. The complainant went to the token booth and reported the incident.

INTERVIEW OF COMPLAINANT: At the time of this report the complainant was interviewed by the assigned Detective in the 509th office. He stated that he was on the train IRT North Bound heading for Manhattan College, when he was approached by the unknown male taken into custody, he was asked for the time, he stated he had no watch, at this point suspect produced a knife and demanded complainants wallet and money. At this point I started defending myself with my newspaper which I rolled up, the guy stepped back and then he started coming at me again, I said suspect "got a wife and six daughters and you aint getting me." With that he said I dont want no more trouble, and he walked to a forward car. The train had pulled into the 242nd Station and I went to tell the token booth what had happened.

INVESTIGATING OFFICER	Rank	Name	Shrine	Com'd	Date	Time
Det [REDACTED]		[REDACTED]	[REDACTED]	509th	1/6/61	1213

1st COPY D.A. - 2nd COPY P.I.U. FILE - 3rd COPY ARREST. OFF. - 4th COPY PROJ. COORDIN.

page 1 of 3 pages

INTERVIEW OF ARRESTING OFFICER: P.O. [REDACTED], Sh # [REDACTED] 50 Pct. present at the 50 P.D.U. and interviewed by the investigating officer at 2015 hrs. Jan. 6, 1981

P.O. [REDACTED] states that on Jan 6, 1981 he and P.O. [REDACTED] Sh # [REDACTED], 50 Pct. were assigned in civilian clothes to Anti Crime Duty Unit [REDACTED], Auto [REDACTED] performing tour 1515 hrs. to 2350 hrs. when at about 1935 hrs. they responded to a Radio Run at 242 St. and Broadway. Run was "complainant holding a perp for a past robbery". Upon arriving thereat they observed the complainant who notified him that someone attempted to rob him and that he was on the southbound train which doors were closed. A more detailed description could not be obtained at this time as train was ready to pull out. As officers approached this train it pulled out of station. [REDACTED] stated that P.O. [REDACTED] notified C.U. to stop the train at the next possible station heading south on the Broadway line. Both officers in the company of the victim entered the department vehicle and proceeded southbound underneath the Broadway subway line's elevated structure. Officers again transmitted to C.U. to notify Transit to stop the train at the next possible station and notify them which one.

He and [REDACTED] proceeded to Southbound platform of 225 St. and Broadway. When arriving at station there was a train stopped and doors closed. The conductor was requested to open doors and in the company of the complainant [REDACTED] and [REDACTED] began a search of the cars from the front to rear. As officers approached the last car in the last seat was perp. seated alone. He was pointed out by the complainant who stated he had on the same clothes and ID'd him physically as being the one who attempted to rob him. [REDACTED] stated during the subsequent frisk a knife was felt in suspects right hand jacket pocket. Knife was removed from suspects pocket by [REDACTED]. Prisoner was taken down from the train platform and transported to the 50 P.D.U.

Prisoner was advised of his rights by the investigating officer in the presence of P.O. [REDACTED] who had also advised the prisoner of his rights prior from a typed card removed from [REDACTED] wallet.

INTERVIEW OF ASSISTING OFFICER: At 2130 hrs., Jan. 6, 1981 P.O. [REDACTED], Sh # [REDACTED], 50 Pct. present in the 50 P.D.U. and interviewed by the investigating officer.

P.O. [REDACTED] concurred with facts as related by P.O. [REDACTED]. In addition, he reports that he searched the prisoner in the 50 Pct. and in [REDACTED]'s wallet were cards i.e. SS Card # [REDACTED], Bronx Leb anon # [REDACTED] Fed.

INTERVIEW OF DEFENDANT: The defendant, [REDACTED] Smith was interrogated by the investigating officer at 2030 hrs. 1/6/80 he stated as follows:

"I was just walking around the subway because a lot of my friends do it and I needed some money. I was coming through the front and saw this guy and I pulled out my knife and said give up your money and he said "leave me alone I got six kids". He jumped up and got ready to fight me and I went to the next car. When he jumped up again I put my knife out again. I put the knife away. I was just riding the train from 42nd St. and stayed on the train just for the ride because I had nothing to do. As soon as I was near the bridge I saw this guy and just pulled knife out in front of him. When I reached the end of the line I switched to another train going downtown then somewhere downtown they caught me."

B.C.I. CHECK: B.C.I. Records Check conducted on defendant [REDACTED] reveals that he is known to this Dept. under [REDACTED]

Police Officers	Shield	Com'd	Sgd	Involvement
[REDACTED]	[REDACTED]	50102 4		A/O
[REDACTED]	[REDACTED]	50102 4		Asst A/O

Complainant's Name: [REDACTED] Criminal Record: [REDACTED]

Statement: I was on the train when this guy asked me for the time, he then took out a knife and wanted my money and my wallet.

OTHER WITNESSES

Name	Address	Telephone No
Age Sex Race Relationship to Complainant or Defendant(s)	Business Address	Telephone No

Statement: [REDACTED]

Name	Address	Telephone No
Age Sex Race Relationship to Complainant or Defendant(s)	Business Address	Telephone No

Statement: [REDACTED]

Name	Address	Telephone No
Age Sex Race Relationship to Complainant or Defendant(s)	Business Address	Telephone No

Statement: [REDACTED]

Name	Address	Telephone No
Age Sex Race Relationship to Complainant or Defendant(s)	Business Address	Telephone No

Statement: [REDACTED]

Property Clerk No.	Description	Relationship to Case
A852796	knife,	used by suspect.

INVESTIGATING OFFICER	Rank: Det	Name: [REDACTED]	Shield: [REDACTED]	Com'd: 50102	Date: 1/6/81	Time: 12:50
REVIEWING OFFICER	Rank:	Name:	Shield:	Com'd:	Date:	Time: