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Defendants awaiting adjudication of their cases in the criminal court system may commit criminal acts. The likelihood of such recidivism and its relation to recommendations to the court about appropriate custody status for each defendant is of concern to the Pre-Trial Services Agency (PTSA).

A random sample of 400 non-disposed cases arraigned in Brooklyn Criminal Court between March 1 and May 31, 1975 was selected to determine the extent of criminal recidivism occurring between arraignment and disposition of the cases and to examine the role of PTSA in relation to this kind of recidivism.*

I. The extent of predisposition recidivism.

Findings from 277** of the 400 cases indicated that 49 persons (18%) were rearrested prior to disposition of their cases. Of these, 12 offenders (four percent) were arrested more than once prior to disposition.

Half of the recidivists were rearrested within five weeks of their release, by which time 20 percent had received dispositions of their cases. Three quarters of the group were re-arrested within 14 weeks by which time 46 percent had received disposition of their cases.

* Cases were randomly selected from the Pretrial Services Agency's computer listing for Brooklyn Criminal Court which notes each case where a defendant has been detained for appearance at arraignment (thus excluding Desk Appearance Tickets).

** Data analysis did not include 123 cases in the following special categories: defendant not released prior to disposition (n=80); case transferred to Family Court (10); error(s) in data collection (23); records sealed, missing or defendant deceased (10).

II. Relation of PTSA recommendations to recidivism.

For every 100 defendants recommended for release on their own recognizance (ROR), 16 recidivated before the disposition of their case. As Table 1 shows, the recidivism rate for defendants recommended based on verified information was 14% and for those recommended without verification was 21%. The rate of 14% for recommended and verified defendants was half that for defendants not recommended (28% recidivism), a statistically significant difference.* The distribution of felony and misdemeanor arrests was the same for defendants recommended for ROR and not recommended.**

Table 1

	Recidivism Rates According to PTSA Recommendation	
	<u>% recidivating</u>	(n)
Recommended for ROR	16	(215)
Verified information on defendant	14*	(168)
Unverified information on defendant	21	(47)
Not recommended for ROR	28	(43)
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		(258)**

* Difference between defendants recommended with verification and not recommended was statistically significant.

** An additional 19 defendants received other designations, such as "incompletely interviewed".

* Statistically significant findings in this report mean that the result could have occurred by chance no more than once in twenty occasions ($p < .05$).

** This result is based on data from 61 rearrests occurring among 49 recidivating defendants.

III. Court release actions based on PTSA recommendations.

Given recommendations from PTSA for each defendant, the court had the choice of directing ROR release, requiring cash bail or a bond, or remanding the defendant to detention. Table 2 shows predisposition recidivism according to how the court acted on the PTSA recommendation.

Table 2

Recidivism Rates According to PTSA Recommendation
and Court Release Action

	<u>% recidivating (n)</u>	
<u>PTSA recommendation for ROR</u> (verified and unverified info.)		
Court released on ROR	12%*	(139)
Court ordered bail	24	(71)
Court remanded	--	(5)
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		(215)
<u>PTSA recommendation not to ROR</u>		
Court released on ROR	18	(17)
Court ordered bail	36	(25)
Court remanded	--	(1)
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		(43)

* Difference in recidivism rate of defendants recommended and not recommended who were released on ROR was not statistically significant. However, the rate for those who were recommended and ROR'ed was significantly different from rates of defendants bailed - recommended or not.

The lowest rate of recidivism (12%) occurred among those recommended by PTSA for ROR and released on ROR by the court, whereas the highest rate of recidivism (36%) occurred among those not recommended for ROR by PTSA and for whom bail was

set by the court. In general, when the court concurred with the PTSA recommendation, which happened 64% of the time, this maximized the identification of those who could be safely released during the predisposition period. When the court acted inconsistently with the PTSA recommendation, the results were intermediate, with bailed defendants always being more likely to recidivate than those ROR'ed.*

IV. Time at risk.

Those recidivists who were recommended, verified, and released on ROR were "at risk" a longer time (171 days) than those for whom ROR was neither recommended nor implemented (142 days). If the likelihood of recidivism is assumed to increase in a linear fashion for each additional day at risk, then the recidivism rate among the ROR'ed was especially low in comparison to the non-recommended group. Based on the "time at risk" difference, the frequency of recidivism that would be expected to occur in three months is .19 for those for whom bail was set by the court. This is two-and-one-half times the expected recidivism per three months (.08) of those recommended for and released on ROR.**

* Research of a different nature could investigate the basis for non-concurring judicial decisions and whether the degree of trust implied by the nature of release itself affects recidivism.

** A puzzling statistic occurred in the group for whom ROR was recommended but not verified; this group had the lowest mean number of days at risk and, consequently, the highest recidivism per three months (.44). It is thought that this effect was attributable to random variation within this group of 47 defendants.

V. Characteristics of recidivists.

The 49 offenders who constituted the recidivist group in this study were compared to the non-recidivists on demographic characteristics, arrest record, and type of charge(s) brought at arraignment. Recidivists were distinguished by being male, young and likely to have been charged at arraignment with robbery and burglary; otherwise they were similar to non-recidivists. Tables 3 and 4 summarize the results.

A. Sex: Only 11% of all offenders arraigned during the study period were women. Further, these women were significantly less likely than male offenders to recidivate prior to disposition.

B. Age: The mean age of offenders in the sample was 25.7 years. Recidivists were younger, averaging 21.8 years, while non-recidivists averaged 26.5 years.

C. Ethnicity: The sample reflected the ethnic composition of lower income New York City residents, with 77% being Black and Spanish-speaking. While recidivists were slightly more likely to be non-white, this difference was not significant.

D. Prior arrest record: There was a slight but non-significant tendency for recidivists to have had prior felony arrests while non-recidivists were less likely to have had such arrests.

Table 3

Demographic Characteristics and Previous Criminal Involvement
of Recidivist and Non-recidivist Defendants

	<u>Recidivists*</u>	<u>Non-recidivists</u>
Sex	98% male	87% male
Age	22 years	27 years
Ethnicity	85% Black and Spanish-speaking	76% Black and Spanish-speaking
Prior arrests	43% no prior felonies	55% no prior felonies

* Difference between recidivists and non-recidivists was statistically significant for sex and age.

E. Charge(s) brought at arraignment: It can be seen from Table 4 that recidivists were more likely to have been arrested for robbery or burglary, while non-recidivists were more likely to have been charged with assault.

Table 4

Original Arraignment Charges
of Recidivists and Non-recidivists

	<u>Recidivists*</u>	<u>Non-recidivists</u>
	<u>% (n)</u>	<u>% (n)</u>
Homicide	2 (1)	3 (6)
Assault	10 (5)	21 (46)
Rape	6 (3)	2 (4)
Robbery**	21 (10)	14 (30)
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Burglary	21 (10)	15 (33)
Larceny	15 (7)	13 (29)
Weapons	8 (4)	9 (20)
Drugs	10 (5)	6 (14)
Other	6 (3)	17 (36)
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	100 (48)	100 (218)

* None of the differences between recidivists and non-recidivists were statistically significant.

** Violent crimes (homicide, assault, rape, robbery) represent 39% of the arraignment charges for recidivists and 40% for non-recidivists

The type of crime charged against PTSA-recommended defendants most frequently during the predisposition period was robbery (35%) with larceny and burglary next in frequency (25%).*

* Based on analysis of 40 cases for which type of rearrest was known.

This is consistent with the predominance of robbery and burglary among arraignment offenses.

V. Summary.

This study of a sample of 277 defendants arraigned in Brooklyn Criminal Court, suggests that predisposition recidivism is less in cases where the Pre-Trial Services Agency has recommended non-bail release. Supporting this data was the greater predisposition time spent at risk by this group of defendants, who nevertheless exhibited the lowest rate of predisposition recidivism. Recidivists were generally charged with the crimes of robbery and burglary and were typically young males.