

CRIMINAL JUSTICE INDICATOR REPORT

WINTER 2013



NYC

OFFICE OF THE MAYOR
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OFFICE OF THE CRIMINAL JUSTICE COORDINATOR
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Introduction

The New York City criminal justice system is made up of many different agencies and organizations. These include the independent judiciary, the five elected District Attorneys and the Special Narcotics Prosecutor, criminal defense providers, the Police Department, the Department of Correction and organizations that provide services and supervision to convicted offenders and the accused. The Criminal Justice Indicator Report assembles data¹ from across the system to provide insight into the functioning of the system and ways in which it is changing.

This is the third Indicator Report issued by the Criminal Justice Coordinator. The first was released in January 2013 and the second was released during the summer of 2013. They can be found [here](#) and [here](#).

This report contains two types of data: (1) new indicators; and (2) updates from previous Criminal Justice Indicator Reports. Changes of more than 5% from previous indicator reports are noted in red. The new indicators measure: conviction rates for Supreme Court cases; outcomes for misdemeanor arrests; and numbers of juveniles in residential placement facilities.

Key changes since previous Indicator Reports include:

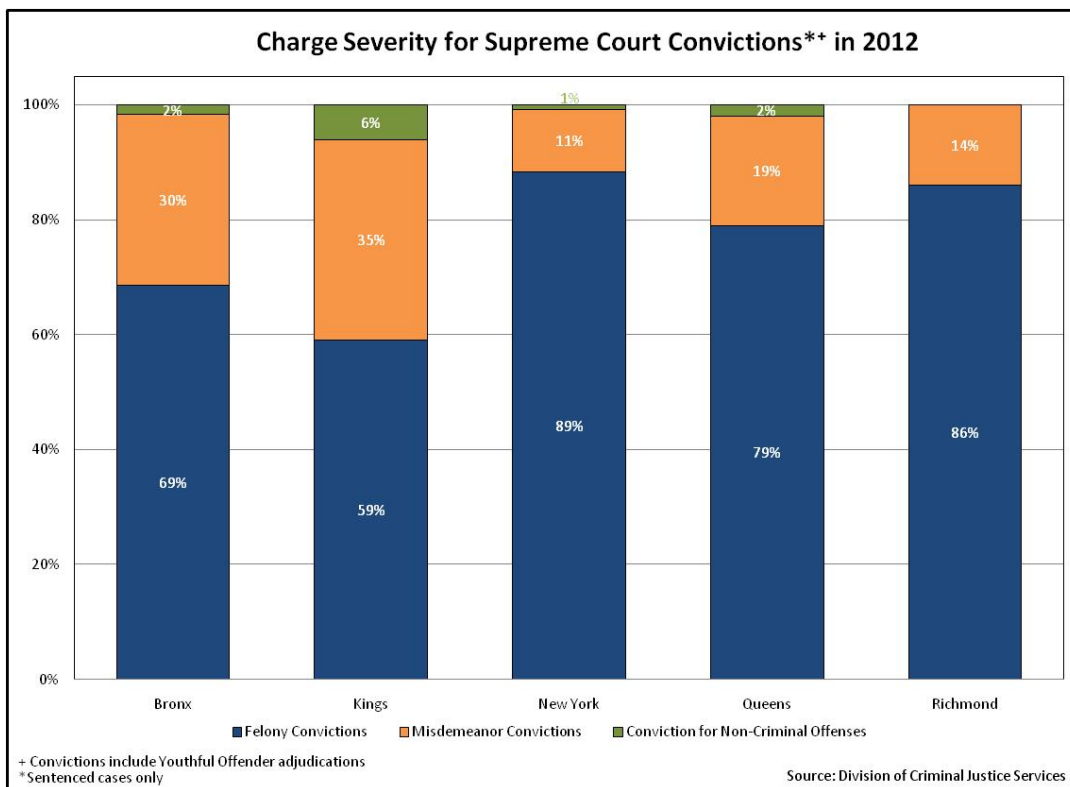
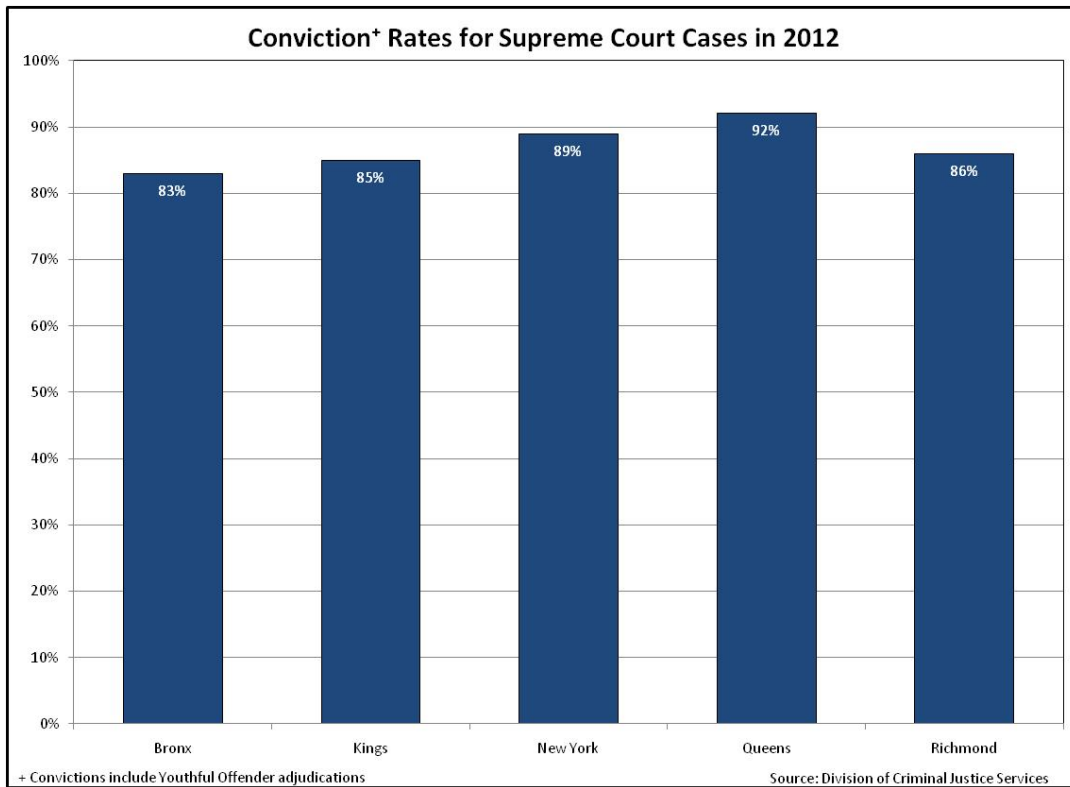
- The City's average arrest-to-arraignment time for January through November 2013 was 21.55 hours, 11% lower than the same period in 2012.
- As of November 3, 2013, the number of felony cases pending over 180 days in the City's Supreme Courts was down 8% from the same period last year. However, this was driven by a 24% decrease in the Bronx.
- In the 2012-2013 school year, major crime dropped 14%, violent crime dropped 28% and total crime dropped 17%, compared to the prior school year.

This report also includes a glossary of common criminal justice terms at page 16.

¹ All numbers in this report are rounded. Therefore, some totals may be less than or greater than 100%.

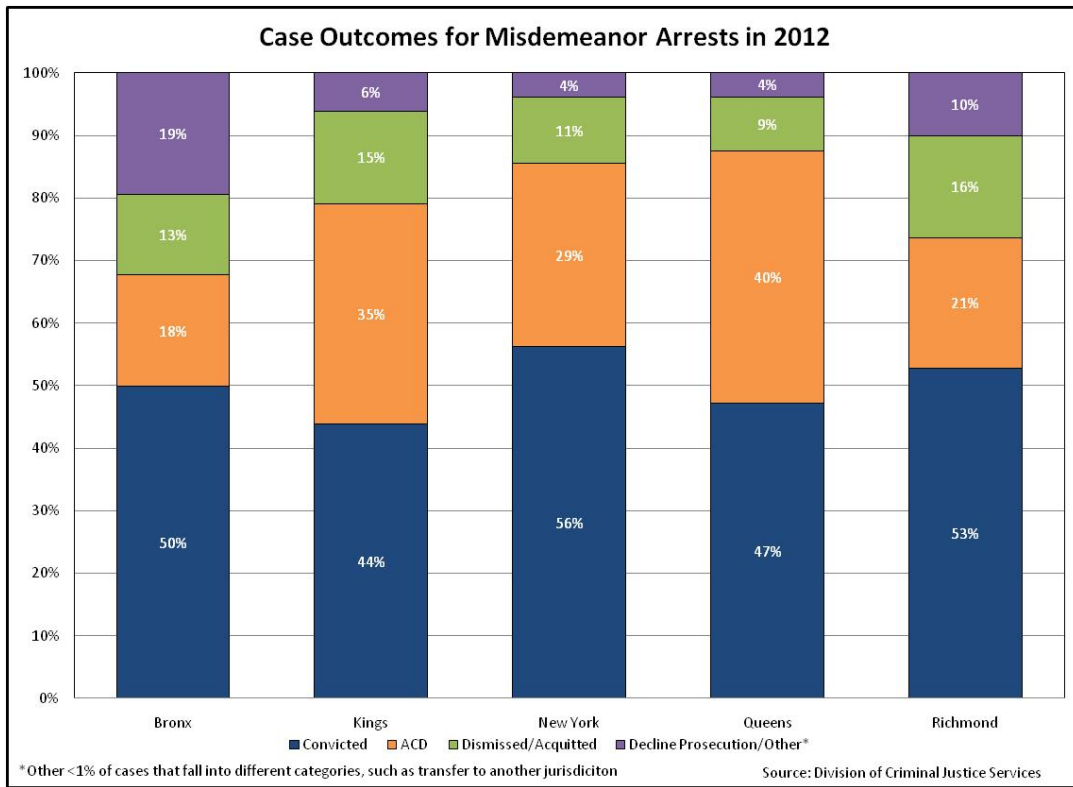
Supreme Court Convictions - New Indicators

The first chart below shows the percent of Supreme Court cases disposed in 2012 that ended in a conviction of any kind, broken down by borough. The second chart shows the breakdown of conviction charge severity among convicted cases.



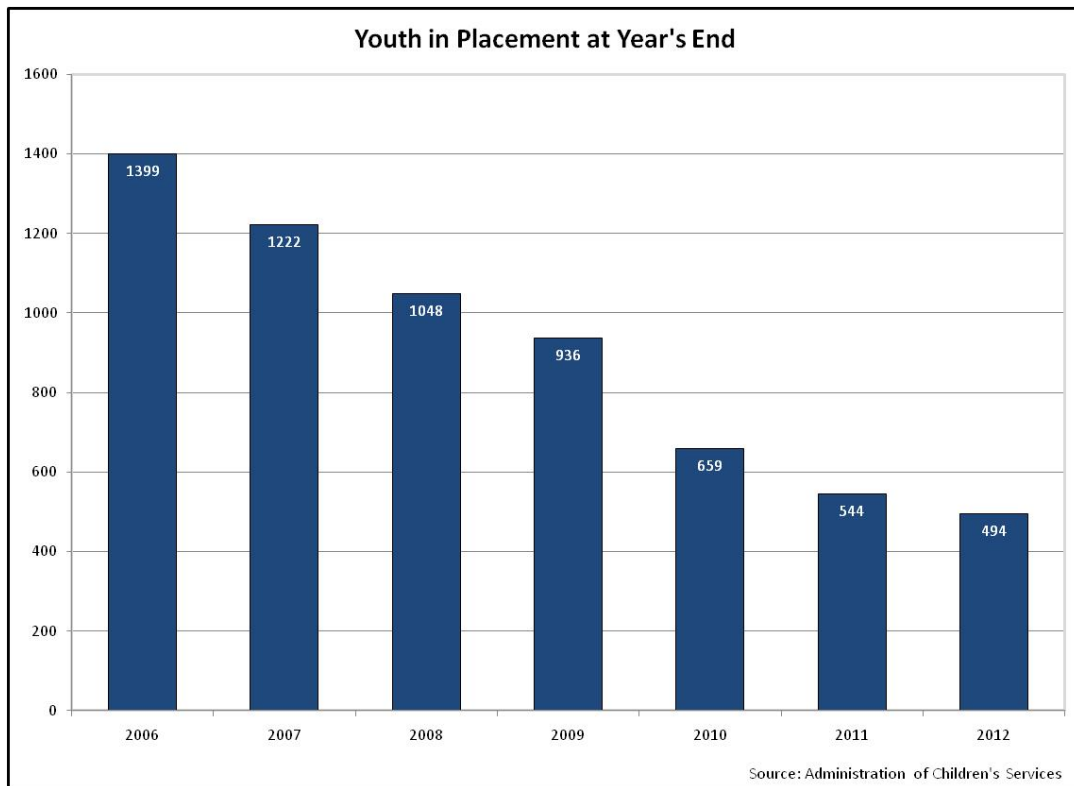
Outcomes for Misdemeanor Arrests - New Indicator

The chart below shows dispositions for misdemeanor arrests in the following categories: a declined prosecution; a conviction (for any charge); an adjournment in contemplation of dismissal; and a dismissal or an acquittal.



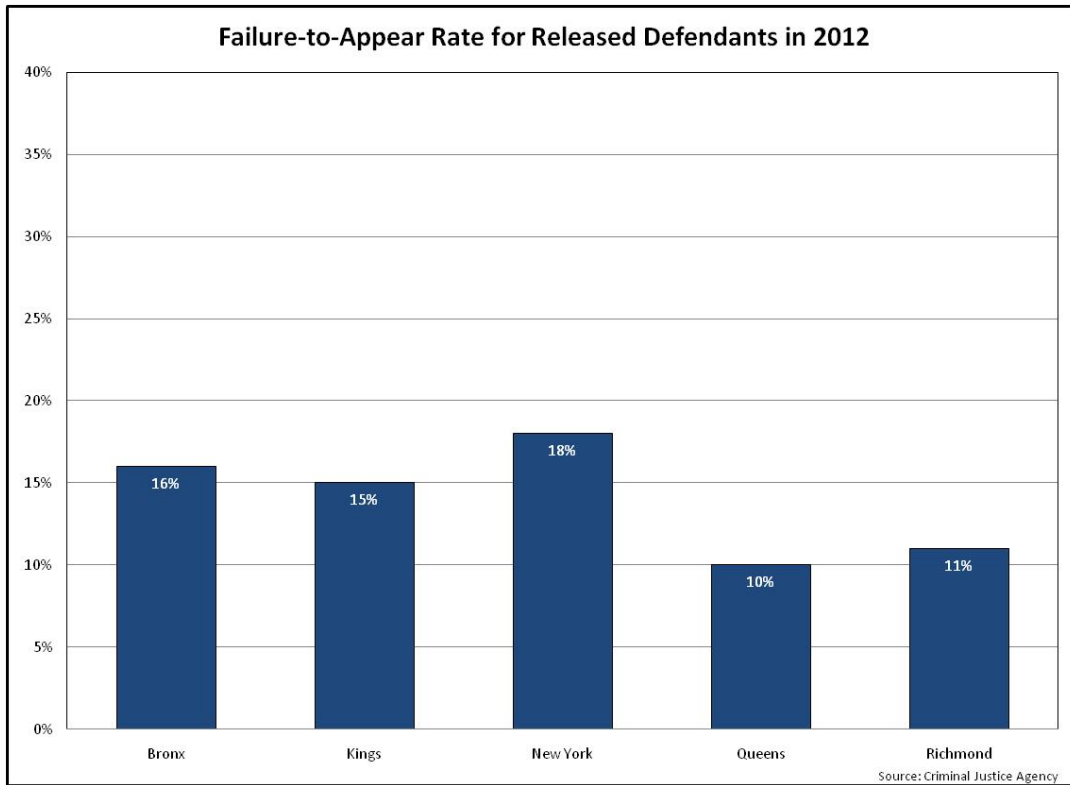
Juveniles in Residential Placement Facilities - **New Indicator**

The chart below shows the number of juvenile delinquents and Juvenile Offenders in residential placement facilities at year's end. Between 2006 and 2012, as juvenile arrests for major crime declined (see page 13) and New York City expanded community-based alternative-to-placement programs, the number of youth in residential placement facilities declined by 65%.



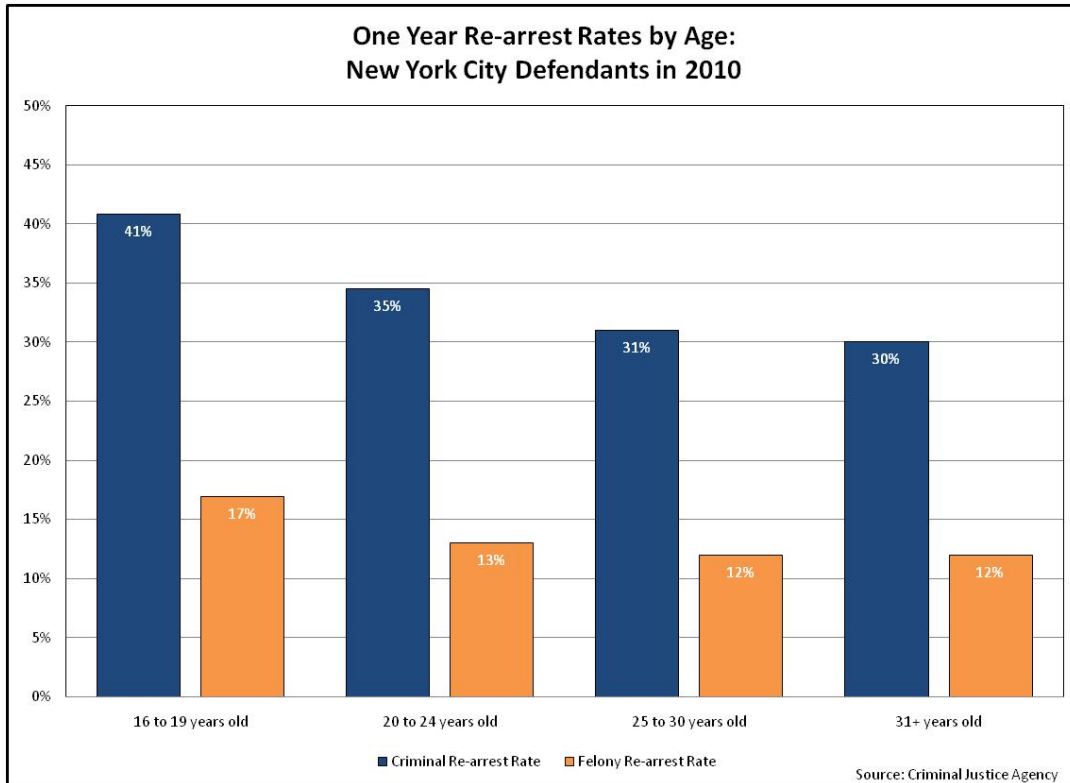
Failure-to-Appear Rates for Released Defendants - Update

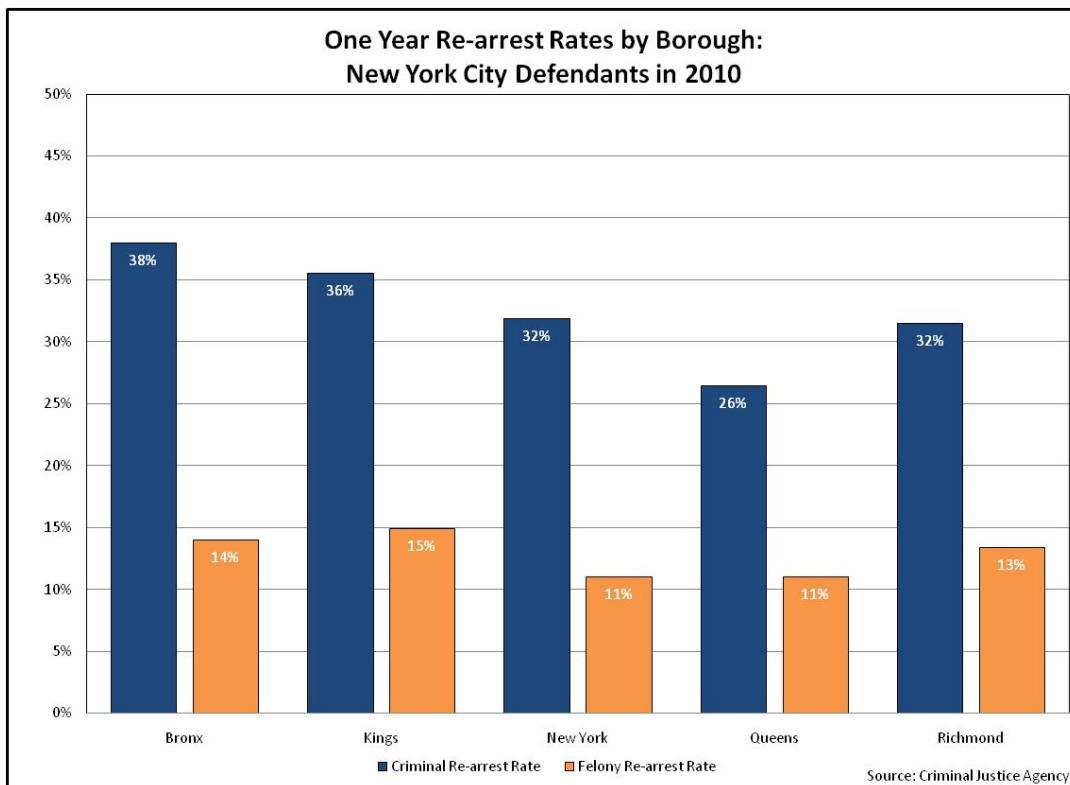
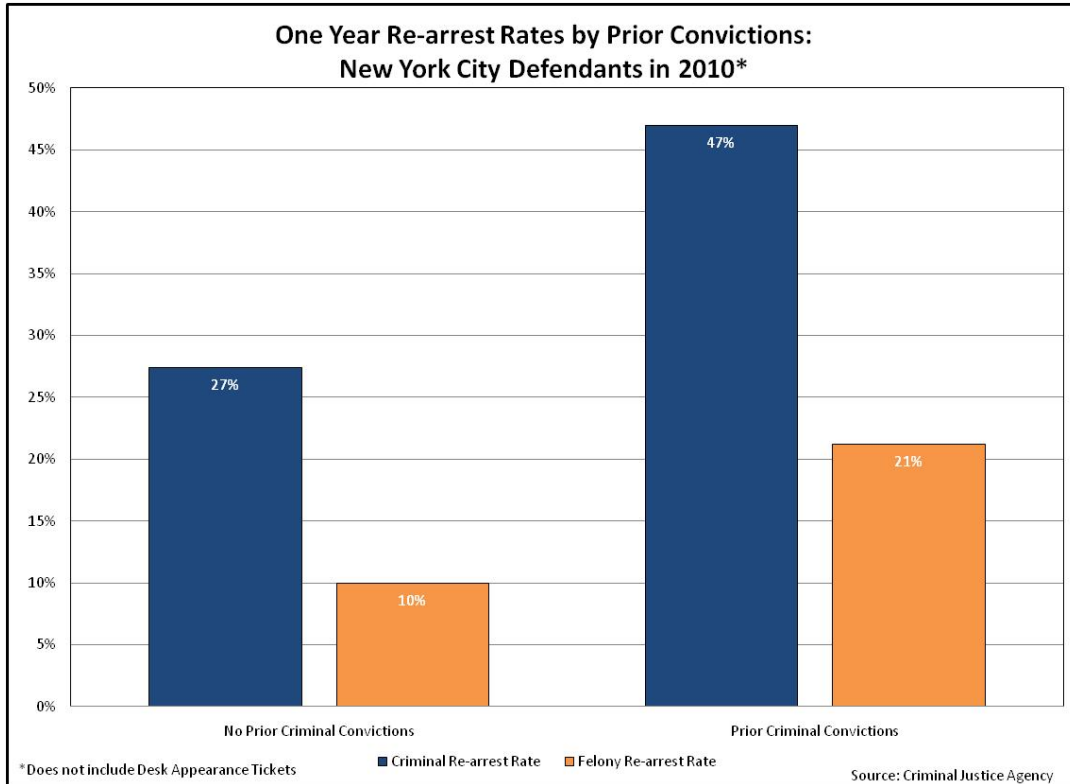
In New York, defendants who face criminal charges can be released on their own recognizance or by posting bail. Citywide, 14% of defendants released on recognizance failed to appear in court during the pendency of their case. The chart below shows the rates at which released defendants failed to appear in court during the pendency of their case in 2012, broken down by borough.

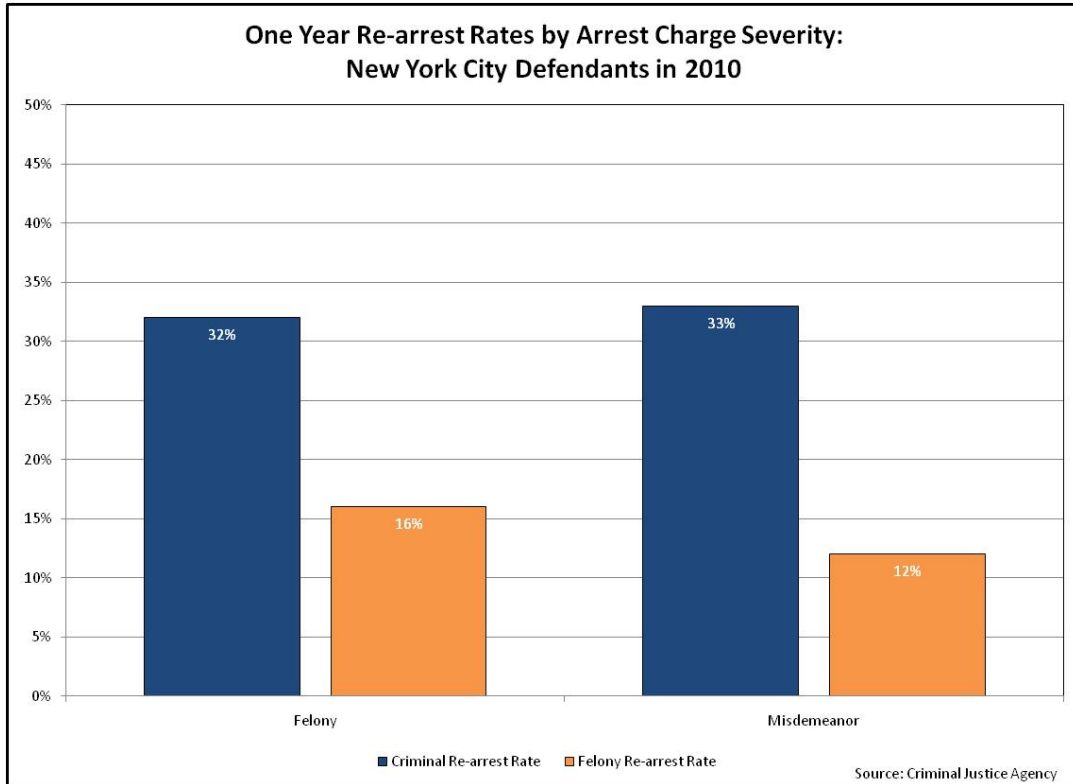


Re-arrest Rates for New York City Defendants - Updates

Recidivism is a major focus of criminal justice policy, research and practice. Tracking recidivism takes time. Typically, it takes more than two years to calculate the most common recidivism measure — new arrests within one year. Determining conviction and incarceration rates takes even longer. The charts below focus on all New York City defendants arraigned in 2010, broken down by age, prior conviction history, borough of arrest, and arrest charge severity. The charts answer two questions: (1) what percent were re-arrested for any crime in the year following arrest; and (2) what percent were re-arrested for a felony?

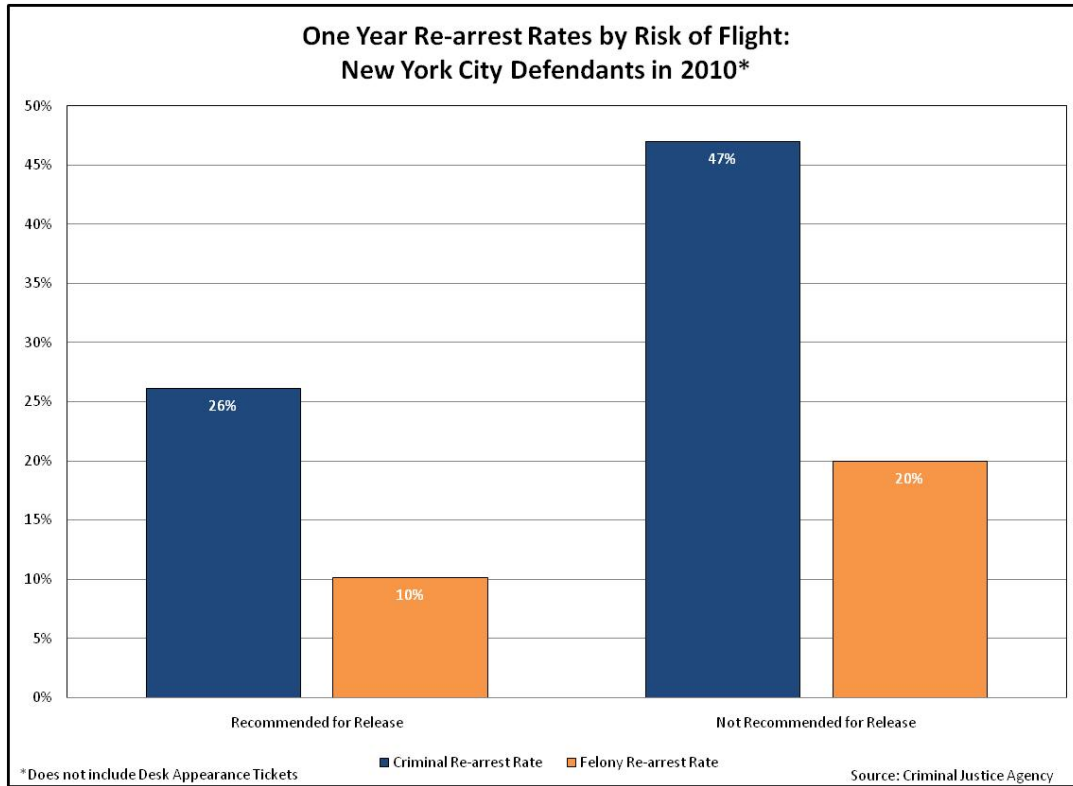






Re-arrest Rates and Risk of Flight - Update

Except in certain domestic violence cases, judges are not permitted to consider public safety when making decisions about whether to release defendants at arraignment. Instead, state law requires judges to consider only defendants' risk of failure to appear at future court dates.² The Criminal Justice Agency (CJA) assesses each defendant's risk of flight and provides a recommendation about whether the court should release him or her.³ The chart below shows the rate at which defendants arrested in 2010 were re-arrested for any crime in the year following their arrest and the rate at which they were re-arrested for a felony. The data is broken down by CJA's release recommendation.

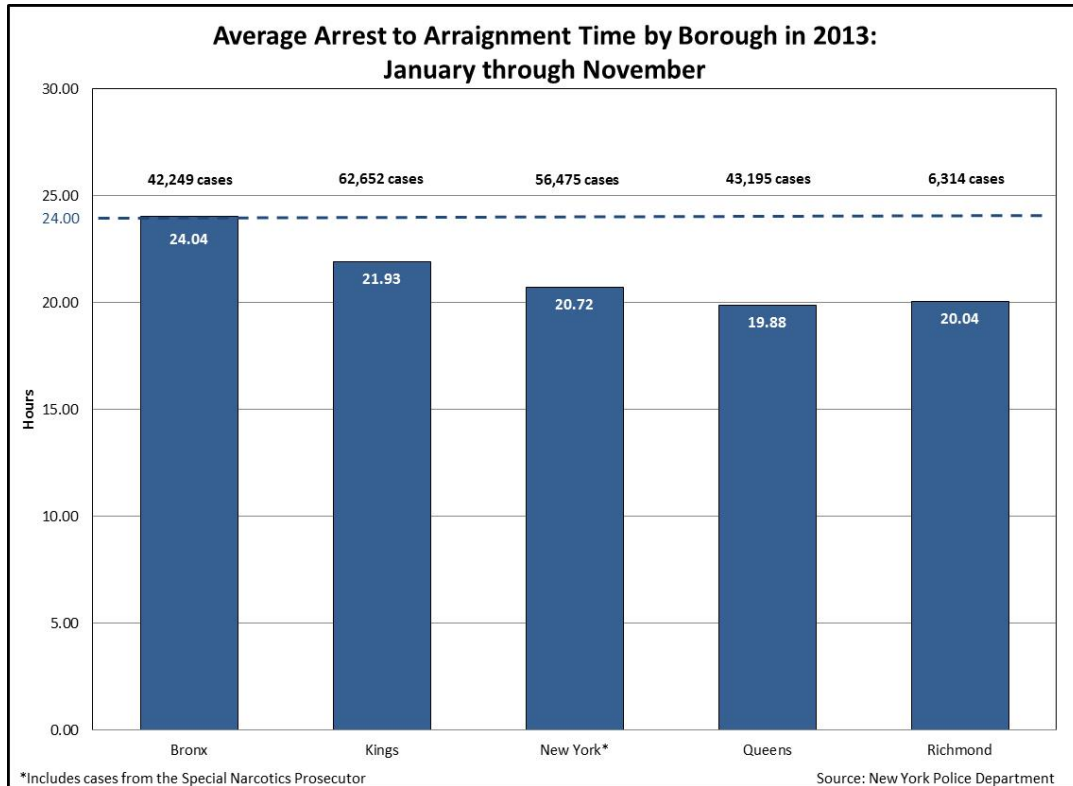


² Criminal Procedure Law § 510.30(2)(a).

³ [Criminal Justice Agency Annual Report 2011](http://www.cjareports.org/reports/annual11.pdf) - at <http://www.cjareports.org/reports/annual11.pdf>

Arrest to Arraignment - Update

After a defendant is arrested, it is generally required that he or she be arraigned before a judge within 24 hours.⁴ The chart below shows the average arrest-to-arraignment times and the total number of cases arraigned in each borough from January through November of 2013.⁵ In this period, the Citywide average arrest-to-arraignment time was 21.55 hours, 11% lower than in the same period in 2012.

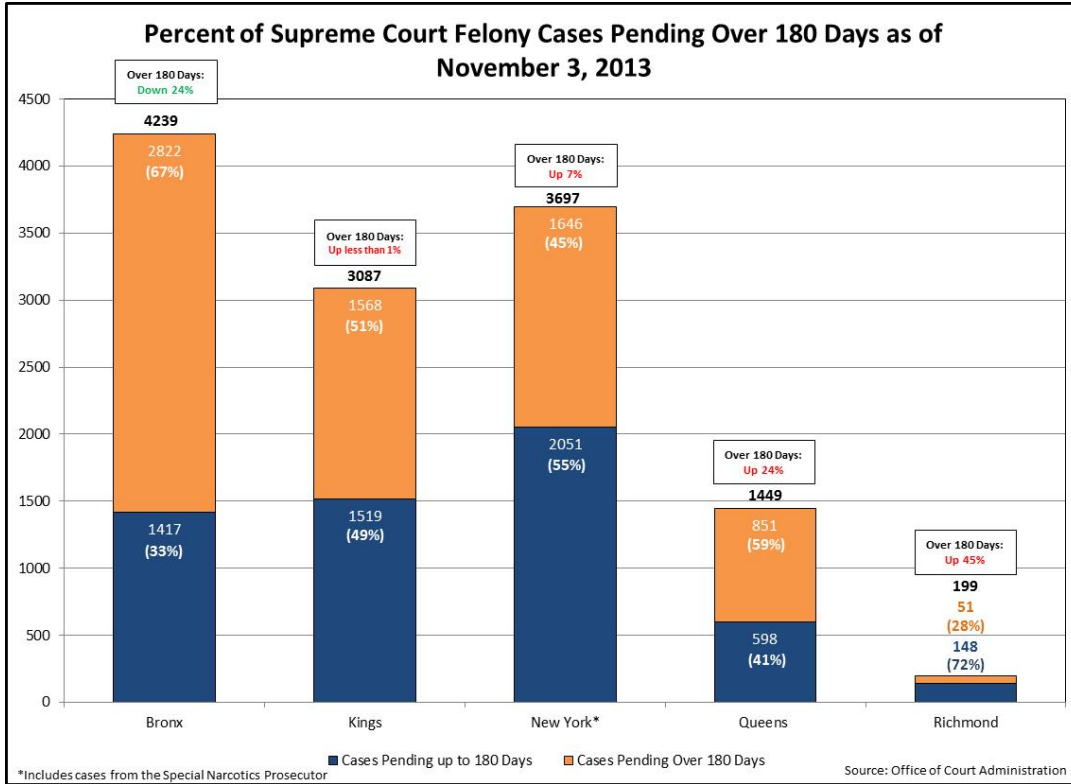


⁴ *People ex rel. Maxian v. Brown*, 77 N.Y.2d 422 (1991)

⁵ This excludes Desk Appearance Tickets and cases arraigned at the City's Community Courts.

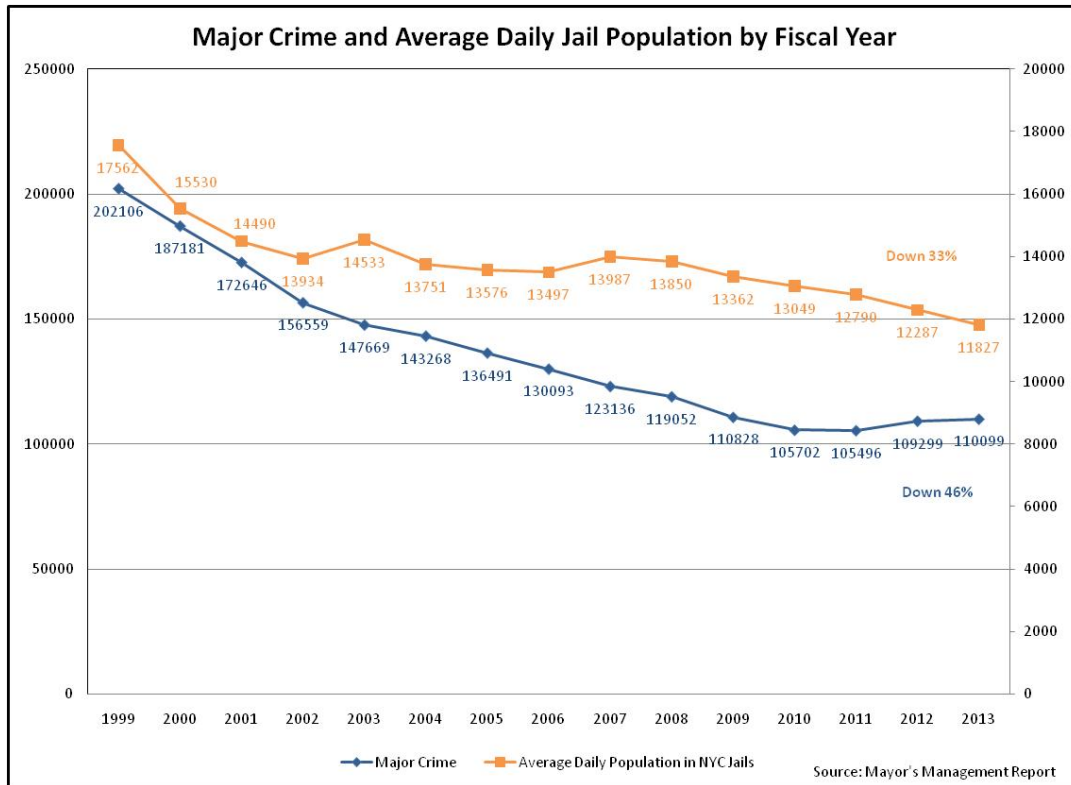
Felony Cases Pending over 180 Days - Update

The chart below shows the total number of pending felony cases, including the number of cases pending over 180 days, as of November 3, 2013. Citywide, 55% of felony cases were pending for more than 180 days. **This year, the Citywide total number of cases pending over 180 days dropped by 8%. However, this was driven by a 24% decrease in the Bronx.**



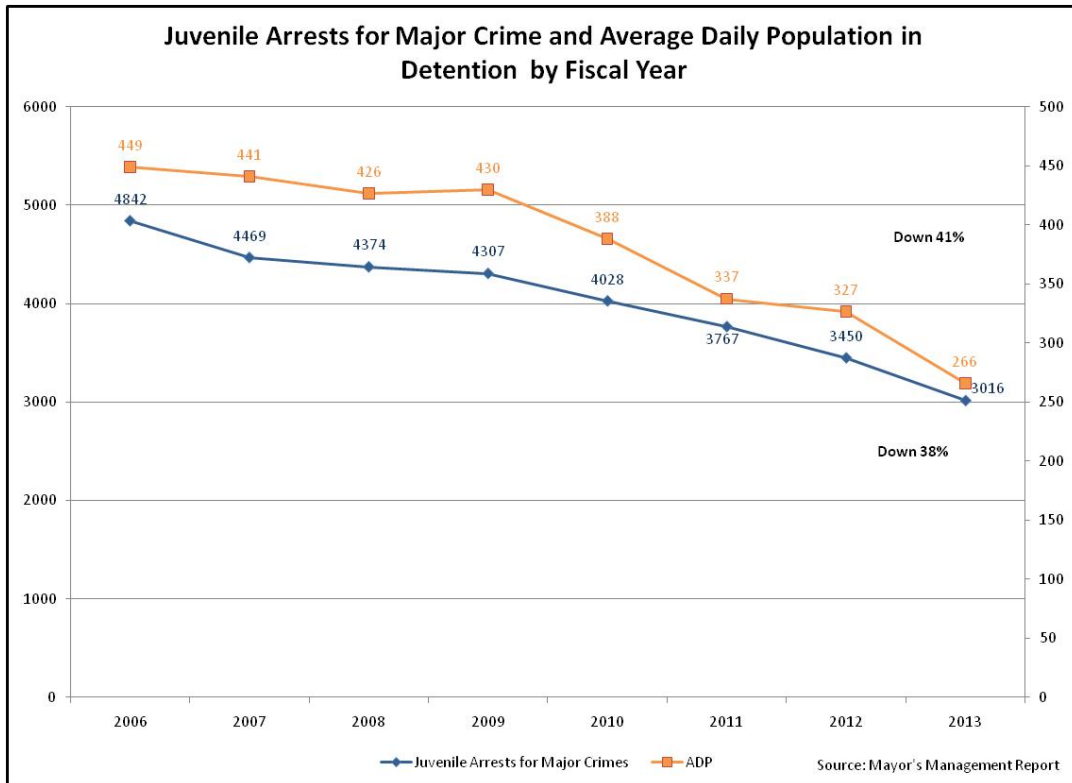
Major Crime and Average Daily Population in City Jails - Update

Since 1999, major crime has declined by 46% and the City's jail population has declined by 33%. The chart below shows historical trends in major crime and the average daily population of inmates in the custody of the City's Department of Correction.



Juvenile Arrests for Major Crime and Average Daily Population in Juvenile Detention - Update

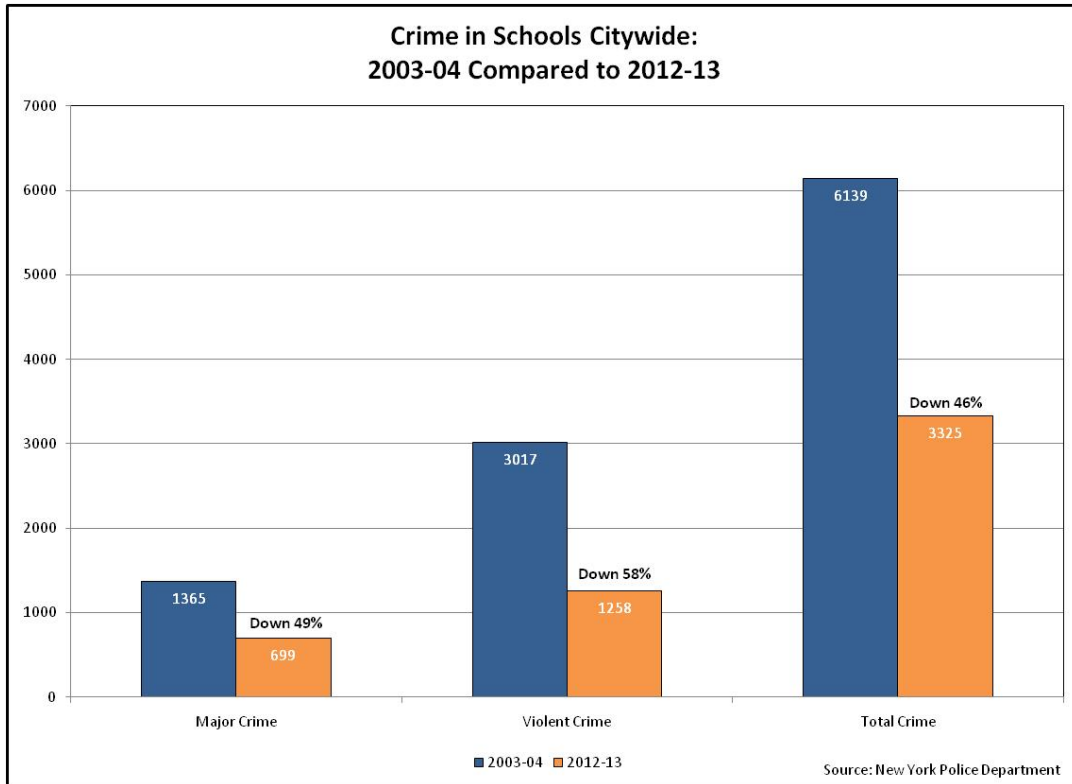
Since 2006, when the City began juvenile detention reform efforts⁶, juvenile arrests for major crime dropped by 41% and the number of youth in juvenile detention fell by 38%. The chart below shows the number of juveniles arrested for major crimes and the average daily population of the City's juvenile detention facilities.



⁶ "Juvenile Detention Reform in New York City: Measuring Risk Through Research" at <http://www.vera.org/sites/default/files/resources/downloads/RAI-report-v7.pdf>

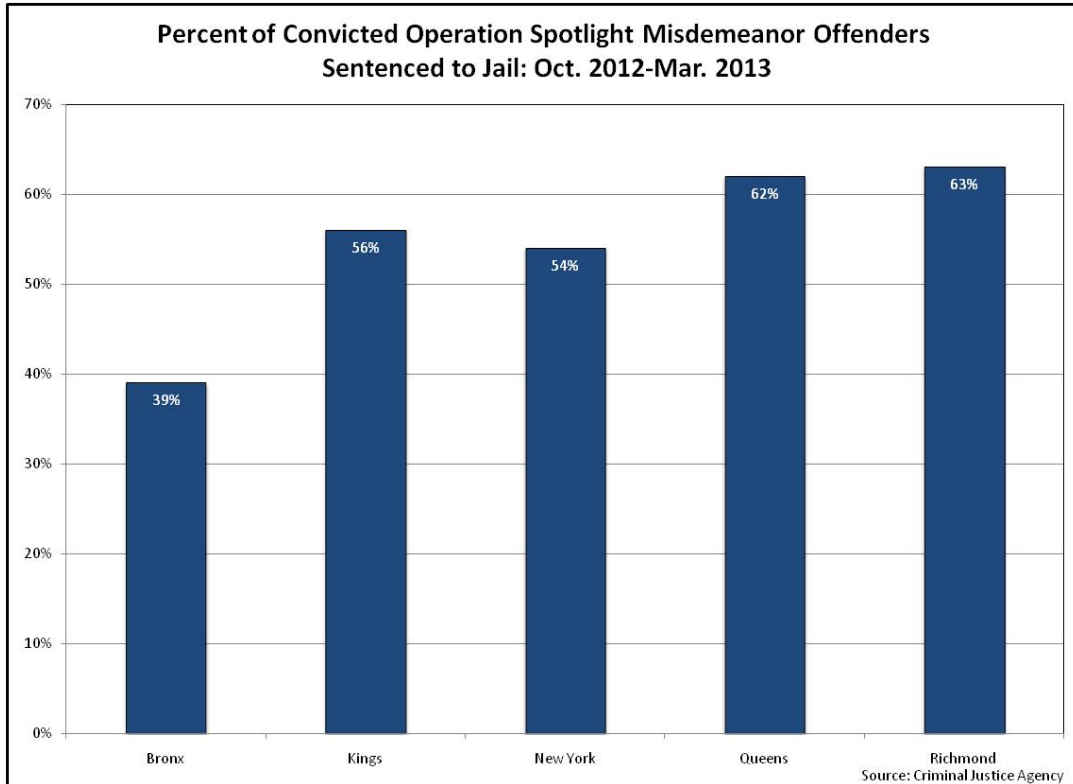
Major Crimes, Violent Crimes and Total Crimes in New York City Schools - Update

During the 2003-2004 school year, the City began dedicating enhanced resources to schools with the highest concentrations of crime. The chart below compares the number of major crimes, violent crimes and total crimes in New York City schools during the 2003-2004 versus the 2012-2013 school years. **In the 2012-2013 school year, major crime dropped 14%, violent crime dropped 28% and total crime dropped 17%, compared to the prior school year.**



Operation Spotlight – Update

Operation Spotlight was created in October 2003 to target the 6% of defendants who account for 18% of misdemeanor arrests in New York City. The chart below shows the percent of these persistent misdemeanants sentenced to jail. Between October 2012 and March 2013, 52% of Operation Spotlight offenders were sentenced to jail Citywide.



Glossary

Adjournment in Contemplation of Dismissal (ACD) – Under New York State law, a court order that requires the defendant to remain free from arrest and postpones a case for a defined period of time. After an ACD is issued, the case is automatically dismissed if the defendant does not get re-arrested and meets any other required conditions.

Arraignment – The defendant’s first appearance in court. At arraignment, the court informs the defendant of the charges and allegations and decides whether to release the defendant on recognizance, set bail or remand the defendant.

Average Daily Population – The average number of people who are held each day at City correctional facilities.

CJA Release Recommendation – The pre-trial release recommendation made at arraignment, by the Criminal Justice Agency (CJA), a nonprofit organization. The recommendation is based on several risk factors including prior warrants, open criminal cases, employment/education status and other indicators of ties to the community. For each case, CJA reports to the court whether the defendant: (1) is recommended for release on recognizance; (2) poses a moderate risk of failure to appear; or (3) poses a high risk of failure to appear and/or is not recommended for release.

Criminal Conviction – A finding of guilt, by plea or by trial, to a misdemeanor or felony charge. Under New York State law, convictions of violations and infractions, as well as “youthful offender” adjudications, are not criminal convictions.

Desk Appearance Ticket – Under New York State law, an order given by police to a person who has been arrested, directing the person to appear in criminal court for arraignment at a later date. Desk Appearance Tickets may only be issued for certain categories of charges.

Dismissal – A termination of a case in favor of the defendant. Records of dismissed cases are generally sealed and do not appear in a defendant's criminal history.

Felony – Under New York State law, a criminal offense punishable by imprisonment for one year or more.

Grand Jury – Under New York State law, a panel of jurors that hears evidence concerning felony offenses to determine whether to issue an indictment against a defendant.

Indictment – An accusation brought in Supreme Court after a Grand Jury has found sufficient evidence to charge the defendant with a felony.

Jail – Correctional institutions, operated by the City, where defendants convicted and sentenced to one year or less and pre-trial detainees are held in custody.

Juvenile Delinquent – A person over the age of 7 and under the age of 16 who has committed an act that would constitute a crime if committed by an adult.

Juvenile Detention – Residential facilities for juveniles who are ordered by a court to be held in custody while their cases are pending based on a risk of flight or re-offending.

Juvenile Offender – A person between the age of 13 and 15 who is held criminally responsible in adult courts for certain specified criminal offenses, including Murder, Rape, Arson and Robbery.

Major Crime – Murder, Rape, Robbery, Felony Assault, Burglary, Grand Larceny and Grand Larceny Auto.

Misdemeanor – Under New York State law, a criminal offense punishable by a maximum of one year (Class A misdemeanor) or 90 days (Class B misdemeanor) in jail.

Placement – Residential facilities for juvenile delinquents and Juvenile Offenders ordered by a court into confinement.

Prison – Correctional institutions, operated by the State, where defendants convicted of felonies and sentenced to one year or more are held in custody.

Release On Recognizance (ROR) – A judicial decision to release a defendant from custody while the case is pending without bail being set.

Release Outcome – A judicial decision about whether to release a defendant on his own recognizance, set bail, or remand the defendant while the case is pending.

Remand – A judicial mandate to detain a defendant without offering the opportunity to pay bail or post bond during the pendency of the case.

Superior Court Information – Under New York State law, a written accusation by a District Attorney filed in Supreme Court after the defendant waives the right to indictment by grand jury.

Supreme Court – The court that presides over felony cases in which the grand jury has filed an indictment or where the District Attorney has filed a Superior Court Information.

Violation – Under New York State law, a non-criminal offense for which the maximum sentence is 15 days in jail.

Violent Crime in Schools – Murder, Rape, Robbery, Felony Assault, Misdemeanor Assault and Sex Offenses.

Violent Felony Offense – As specified under the New York State Penal Law, felony charges generally involving force or weapons and serious potential risk of physical injury, serious physical injury or death to another person. Violent Felonies include Murder, Rape, Felony Assault and Robbery.

Youthful Offender – Status that can be granted to 16-18 year olds in place of a criminal conviction.