

CRIMINAL JUSTICE INDICATOR REPORT

SUMMER 2013



**OFFICE OF THE MAYOR
MICHAEL R. BLOOMBERG**

**OFFICE OF THE CRIMINAL JUSTICE COORDINATOR
JOHN FEINBLATT**

Introduction

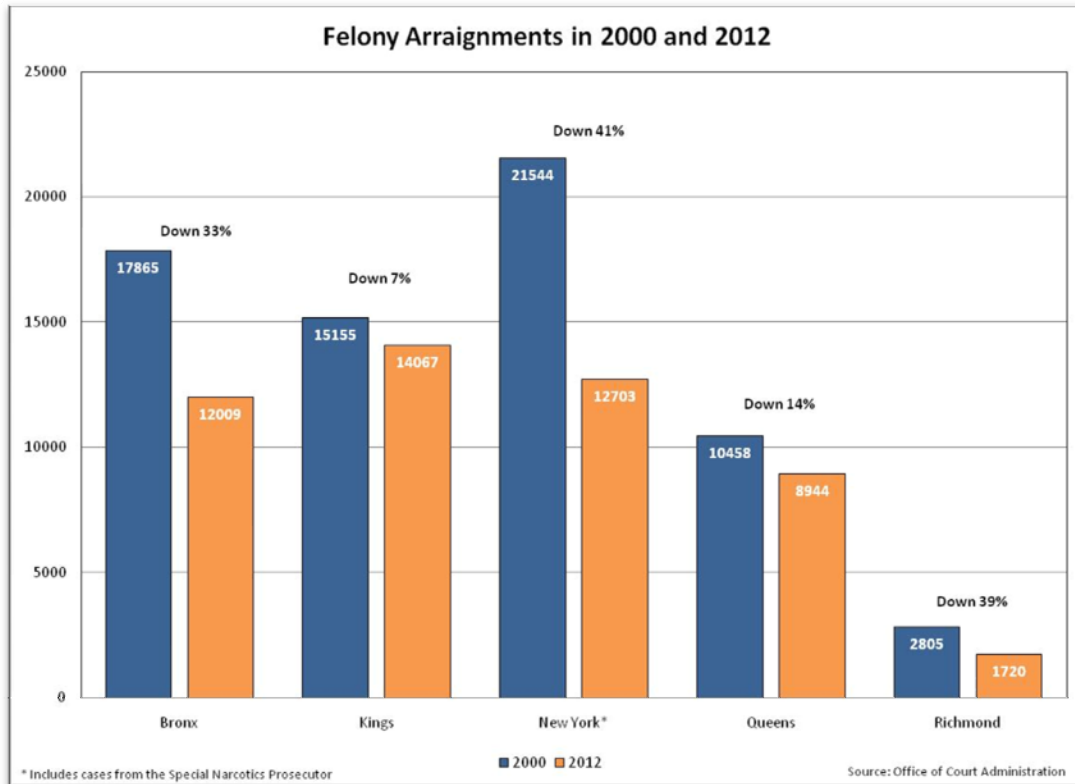
The New York City criminal justice system is made up of many different agencies and organizations. These include the independent judiciary, the five elected District Attorneys and the Special Narcotics Prosecutor, criminal defense providers, the Police Department, the Department of Correction and organizations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

This is the second Indicator Report that has been issued by the Criminal Justice Coordinator. The first was released in January of 2013 and can be found online on the Office's website [here](#).

This report contains two types of data: (1) new indicators; and (2) updates from the January Criminal Justice Indicator Report. The new indicators measure recidivism among criminal defendants in New York City, felony arraignments, failure-to-appear rates and misdemeanor conviction rates. Where information is updated from the January report, changes of 5% or more are noted in the text.

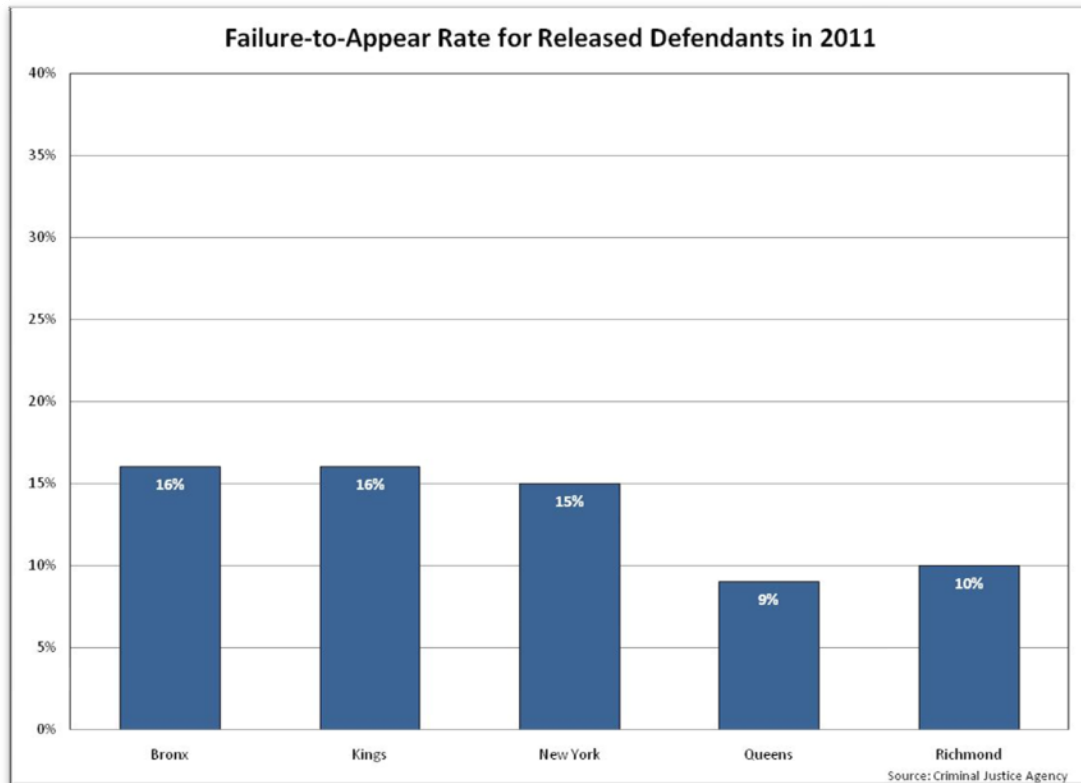
Felony Arraignments between 2000 and 2012 – New Indicator

The chart below compares the number of felony arraignments in 2000 and 2012, broken down by borough. Citywide, felony arraignments dropped 27% since 2000.



Failure-to-Appear Rates for Released Defendants– **New Indicator**

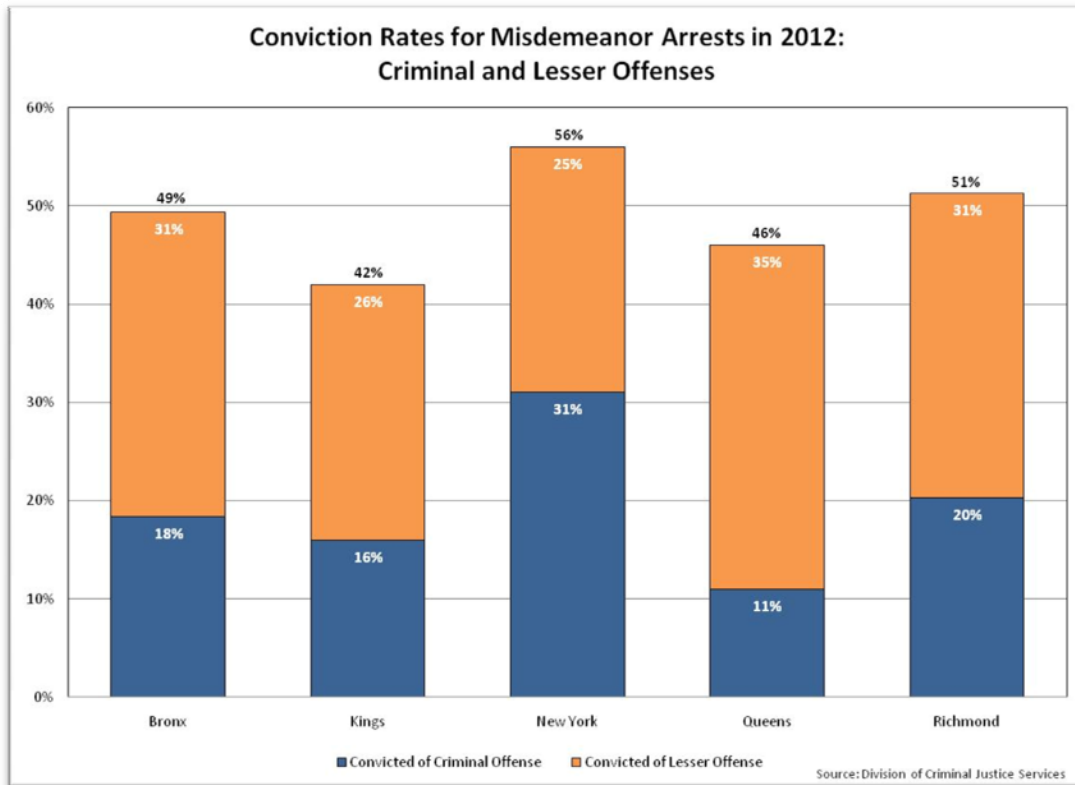
In New York, defendants who face criminal charges can be released on their own recognizance or by posting bail. Citywide, 14% of released defendants failed to appear in court during the pendency of their case. The chart below shows the rates at which released defendants failed to appear in court during the pendency of their case in 2011¹, broken down by borough.



¹ 2012 data on failure-to-appear rates is not yet available

Percent of Misdemeanor Arrests Resulting in Convictions in 2012- **New Indicator**

The chart below shows conviction rates for defendants arrested for misdemeanors, broken down by borough and conviction charge severity (criminal offenses² and lesser offenses³). Citywide, 20% of misdemeanor arrests end in convictions to criminal offenses and 29% end in convictions to lesser offenses.

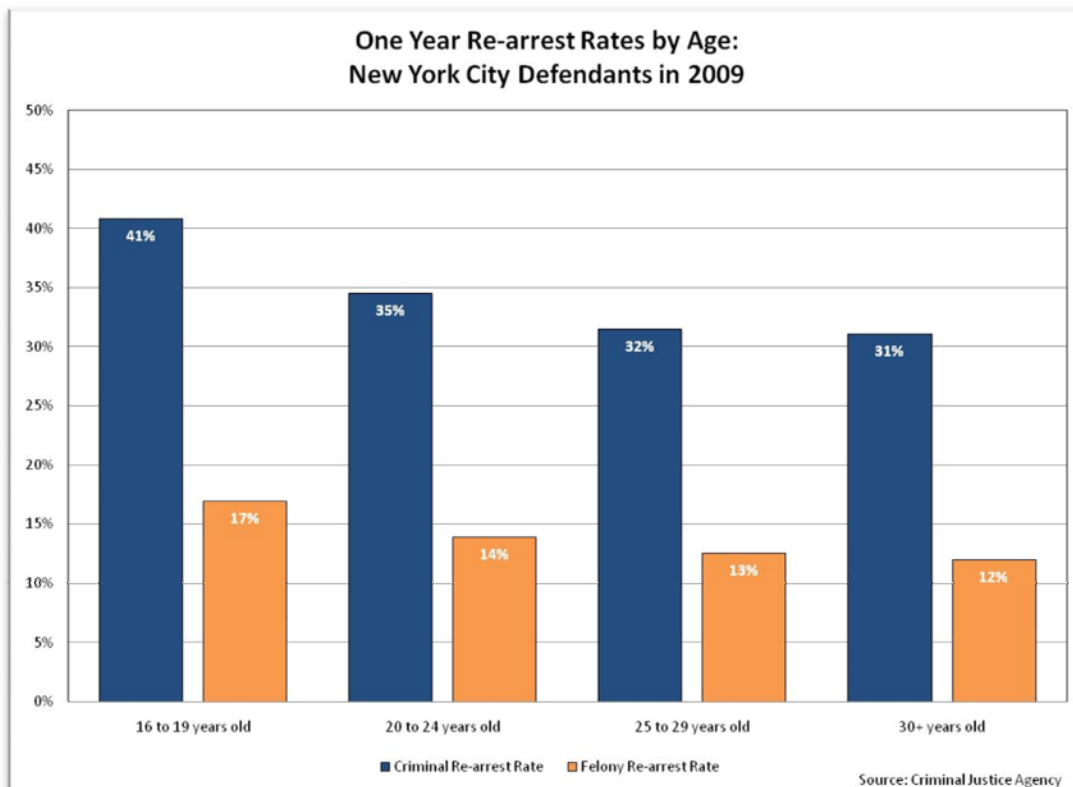


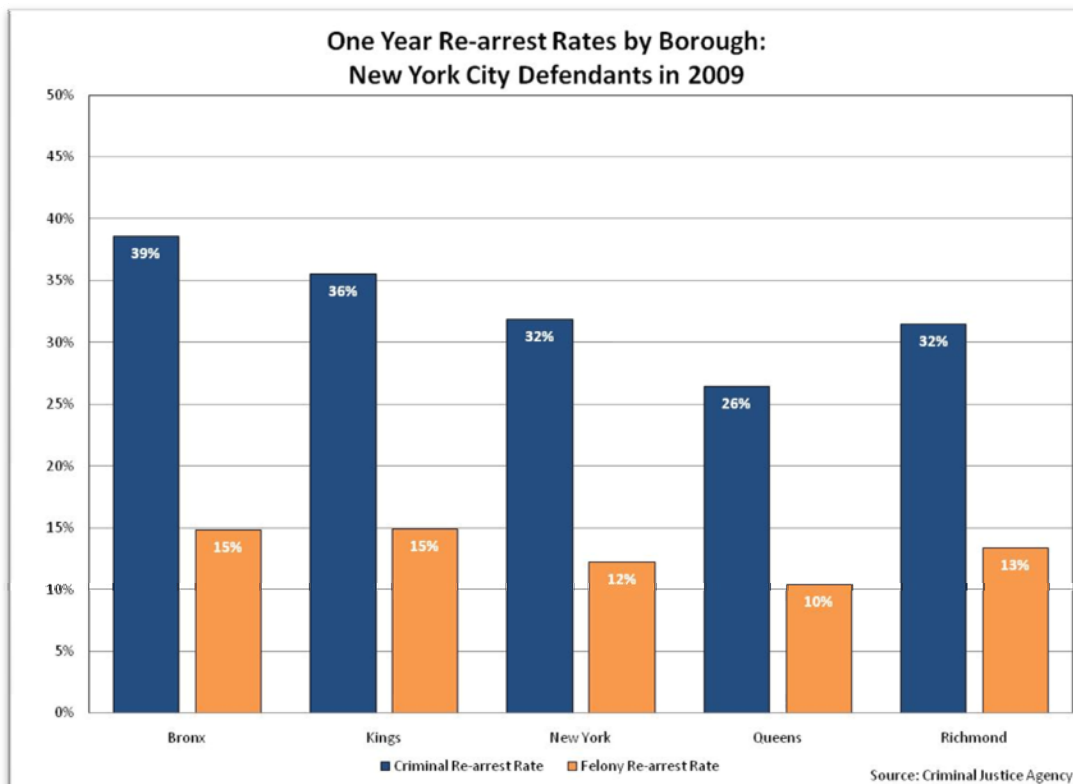
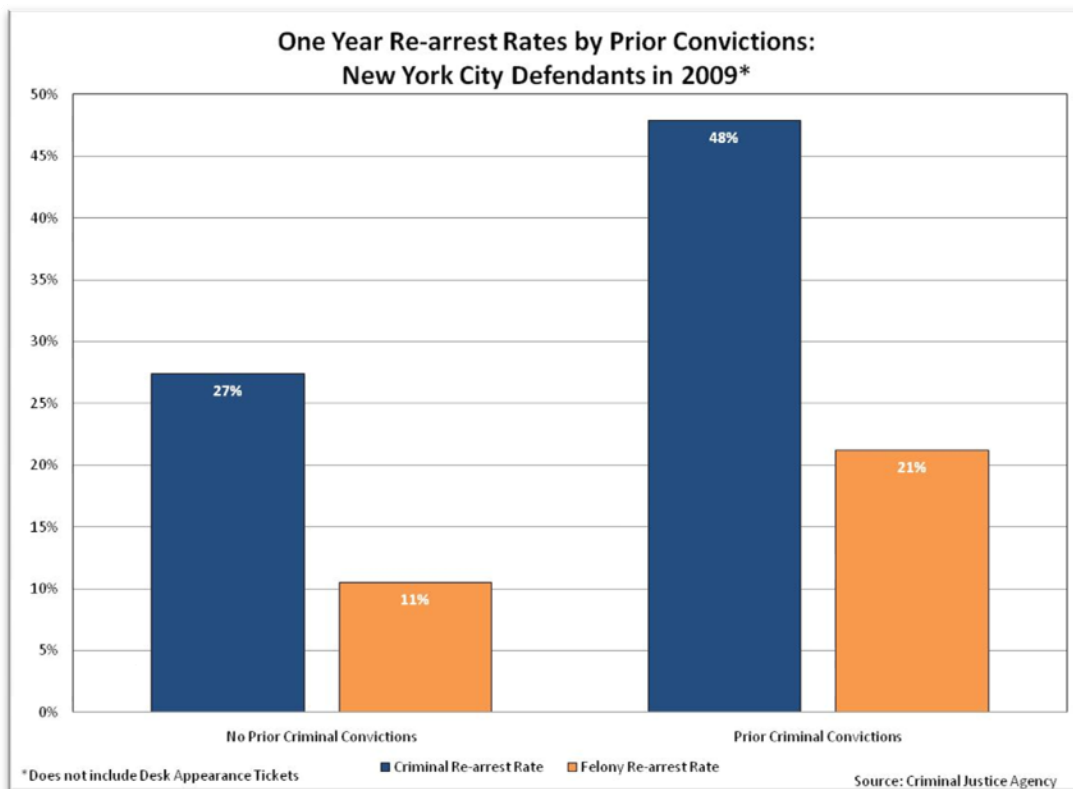
² Penal Law § 10.10 (6) - A crime is defined as a felony or a misdemeanor

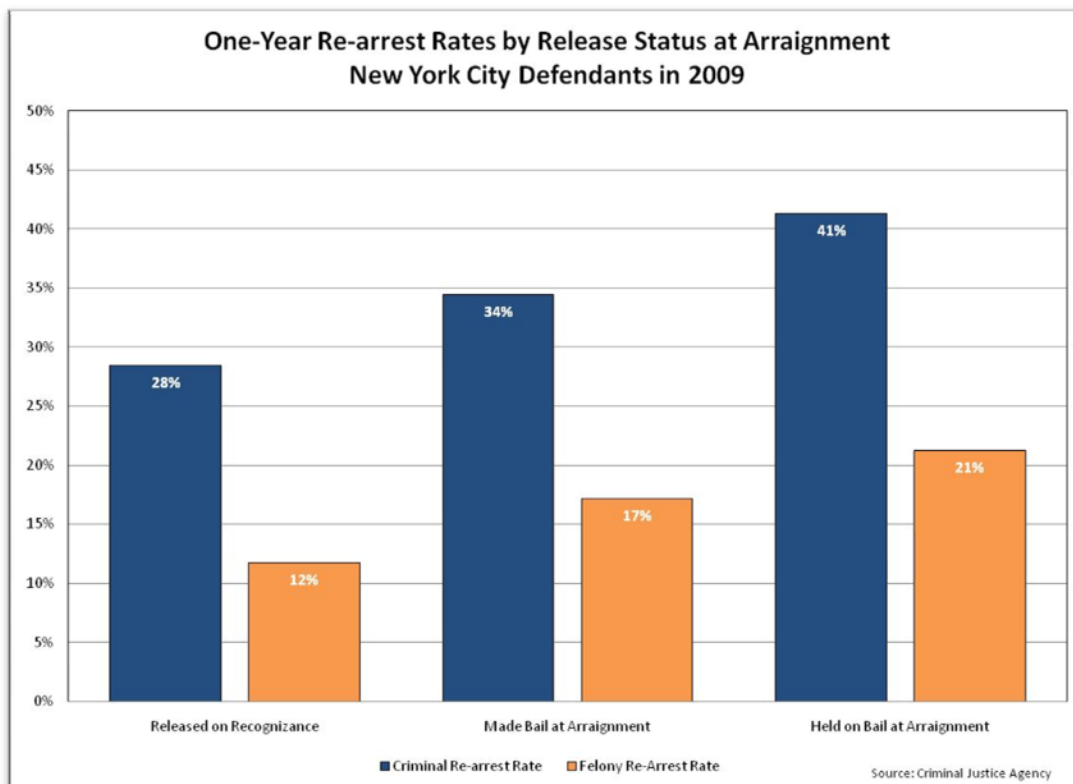
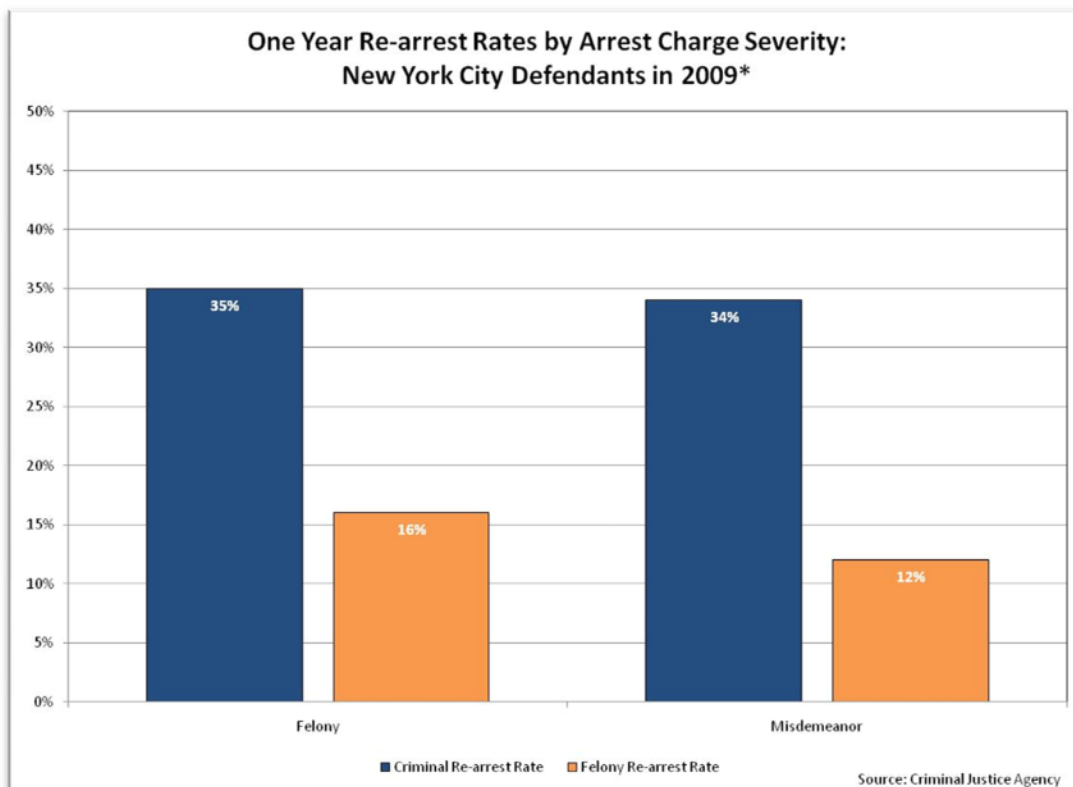
³ Lesser offenses include violations and infractions

Re-arrest Rates for New York City Defendants – New Indicators

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 2009, broken down by age, prior conviction history, borough of arrest, arrest charge severity and release status at arraignment. Citywide, 33% of people arraigned in 2009 were re-arrested for a crime within a year and 13% were re-arrested for a felony within a year. 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?

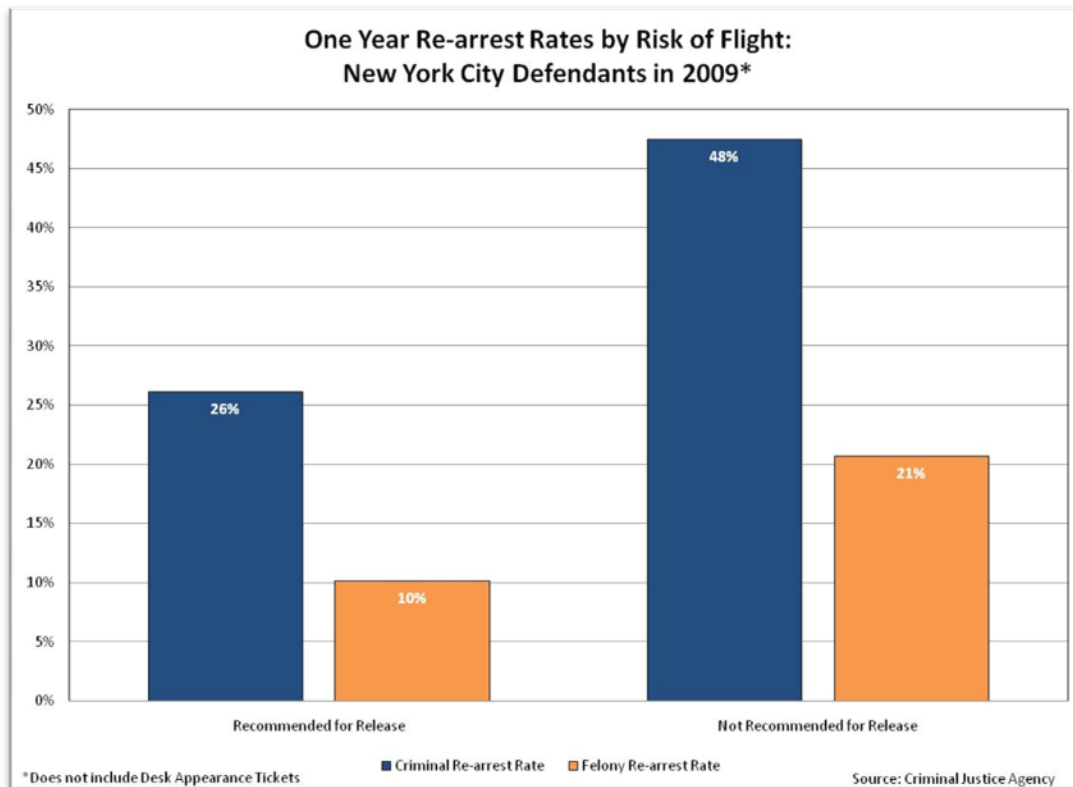






Re-arrest Rates and Risk of Flight – **New Indicator**

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.⁴ 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.⁵ The chart below shows the rate at which defendants arrested in 2009 were re-arrested for a 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.⁶



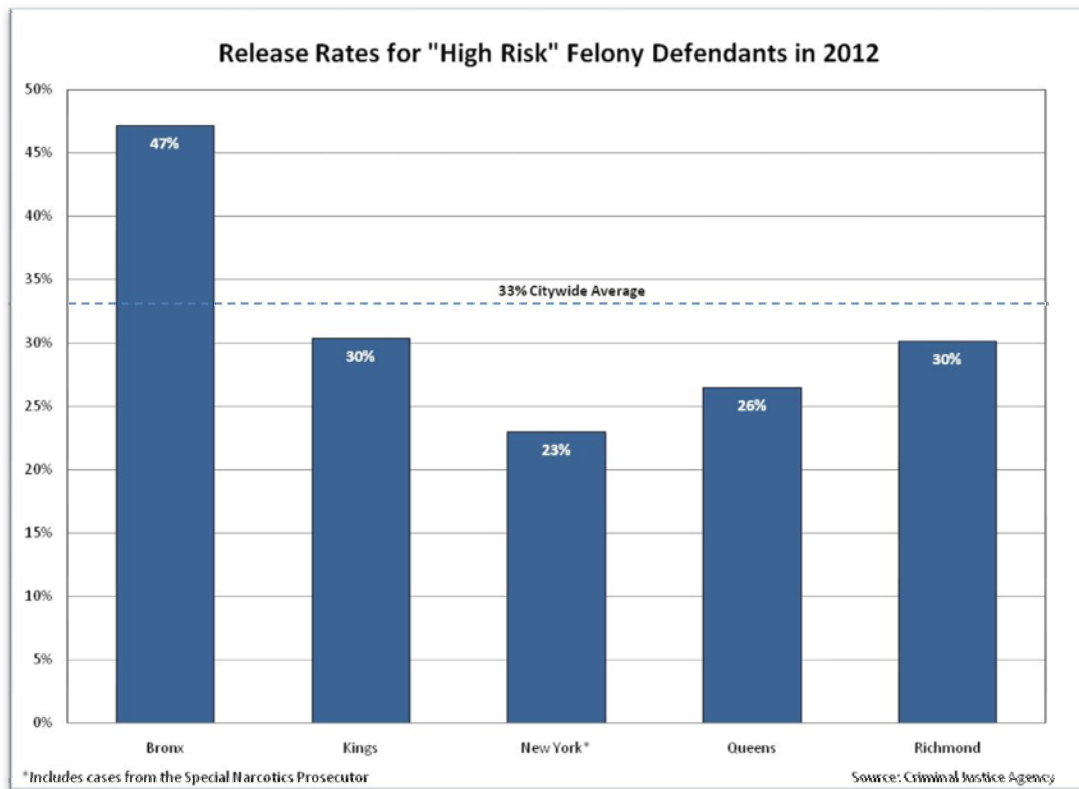
⁴ Criminal Procedure Law § 510.30(2)(a)

⁵ <http://www.cjareports.org/reports/brief5.pdf>

⁶ Does not include defendants who were deemed a moderate risk of flight

Release Rates for “High Risk” Felony Defendants – Update

The chart below shows the percent of felony defendants in 2012 who were released despite being classified by CJA as presenting a “high risk”⁷ for flight, broken down by borough. Citywide, 33% of “high risk” felony defendants were released at arraignment. In 2011⁸, 8% of “low risk” defendants failed to return to court as directed, while 22% of “high risk” defendants failed to return.

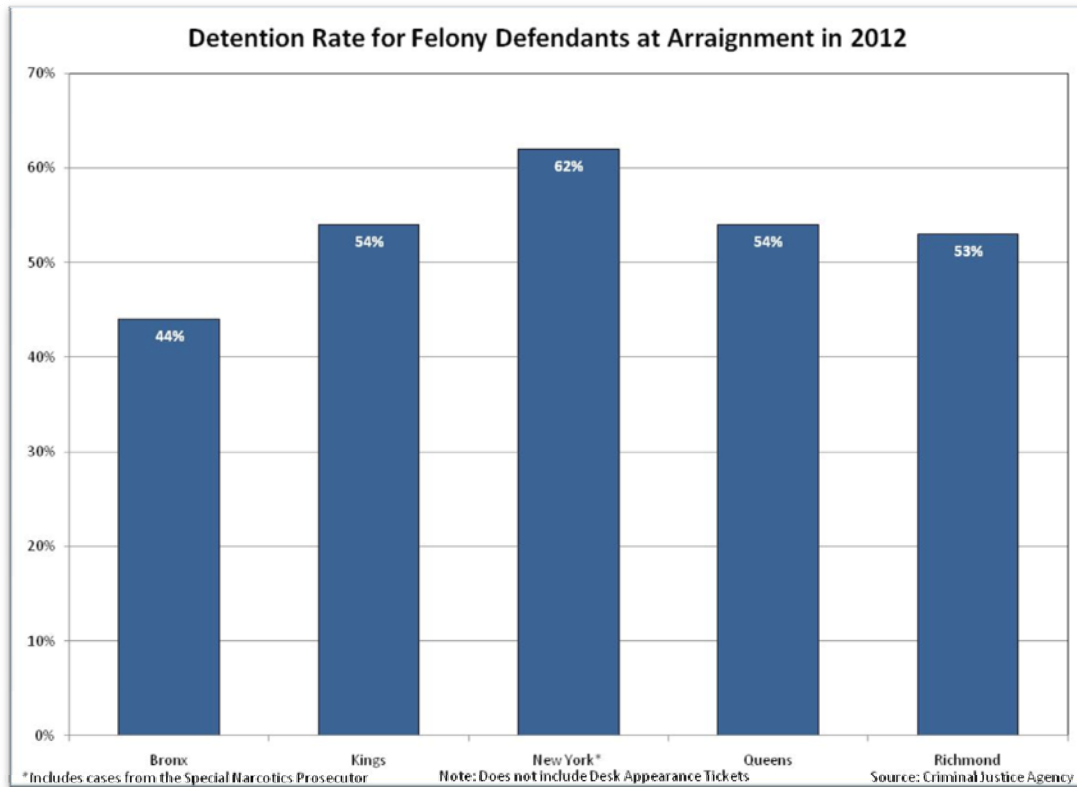


⁷ "High risk" defendants are those classified as not recommended for release by CJA.

⁸ 2012 data on failure-to-appear rates is not yet available.

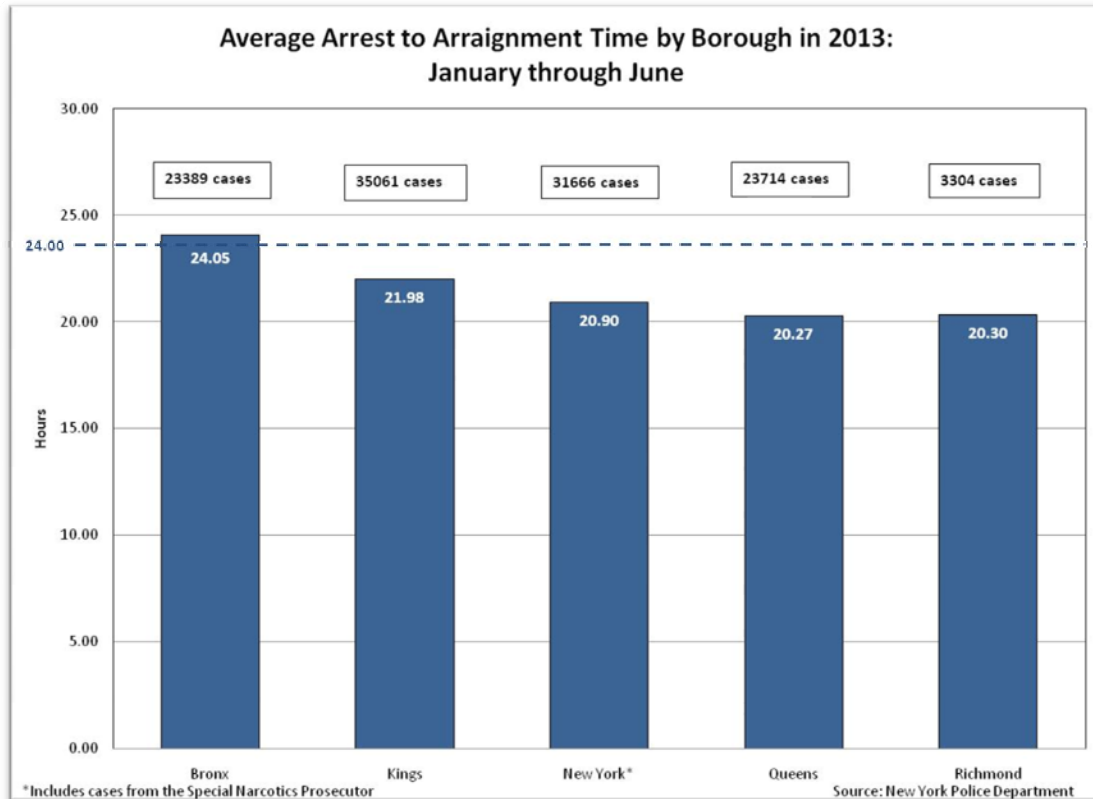
Detention Rates for Felony Defendants at Arraignment – Update

Arraignment courts determine the defendant's bail status – releasing the defendant, detaining the defendant until bail is paid or detaining the defendant without bail. The chart below shows the rate at which defendants facing felony charges are detained at arraignment. Citywide, 53% of felony defendants were detained at arraignment in 2012.



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.⁹ The chart below shows the average arrest-to-arraignment times and the total number of cases arraigned in each borough (shown in text boxes) from January through June of 2013.¹⁰ For this period, the citywide average arrest-to-arraignment time was 21.71 hours, 16% lower than the same period last year and 10% lower than the 2012 average as reported in the last indicator report.

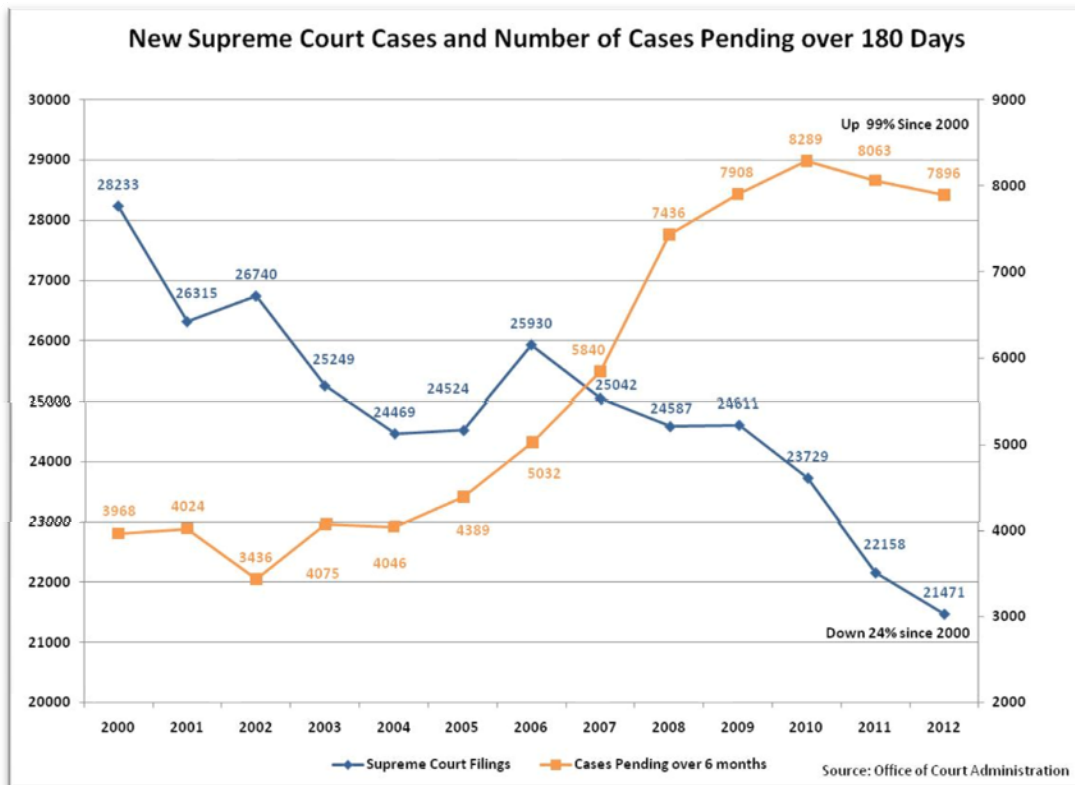


⁹ *People ex rel. Maxian v. Brown*, 77 N.Y.2d 422 (1991)

¹⁰ This excludes Desk Appearance Tickets.

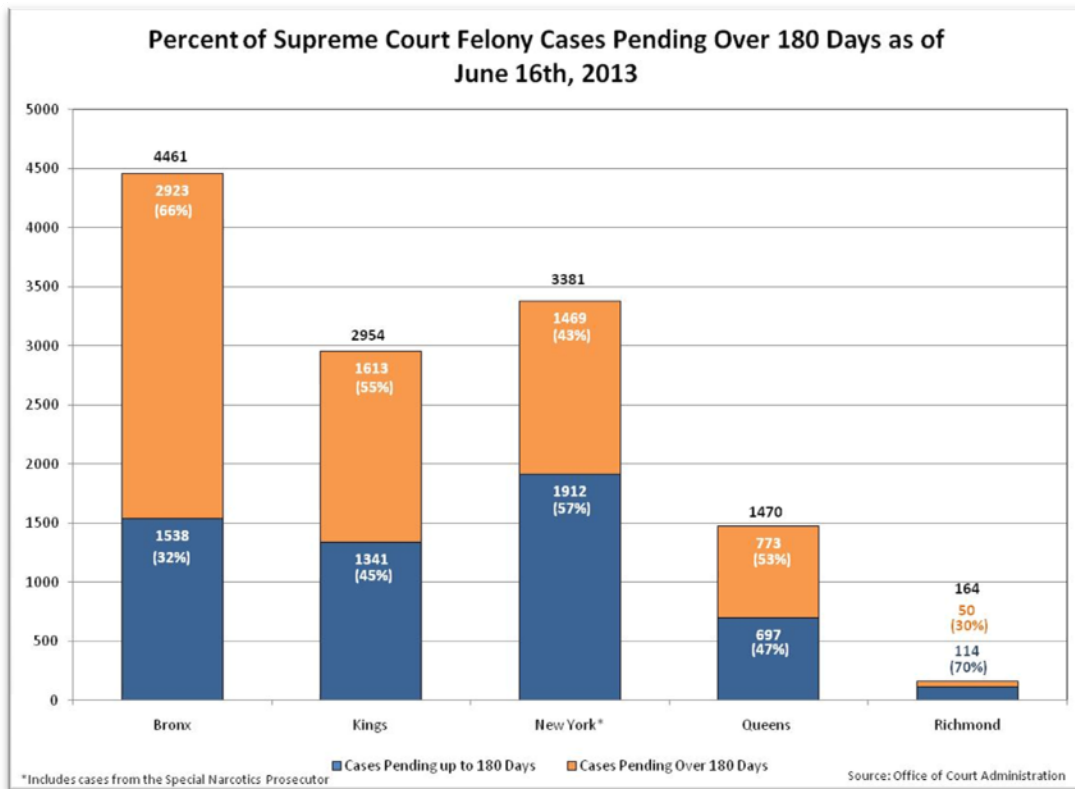
New Supreme Court Cases and Delayed Cases – Update

The State Office of Court Administration's guidelines call for felony cases to be resolved within 180 days of being filed in Supreme Court. The chart below shows that even while new felony cases have decreased by 24% since 2000, the number of cases pending over 180 days roughly doubled.



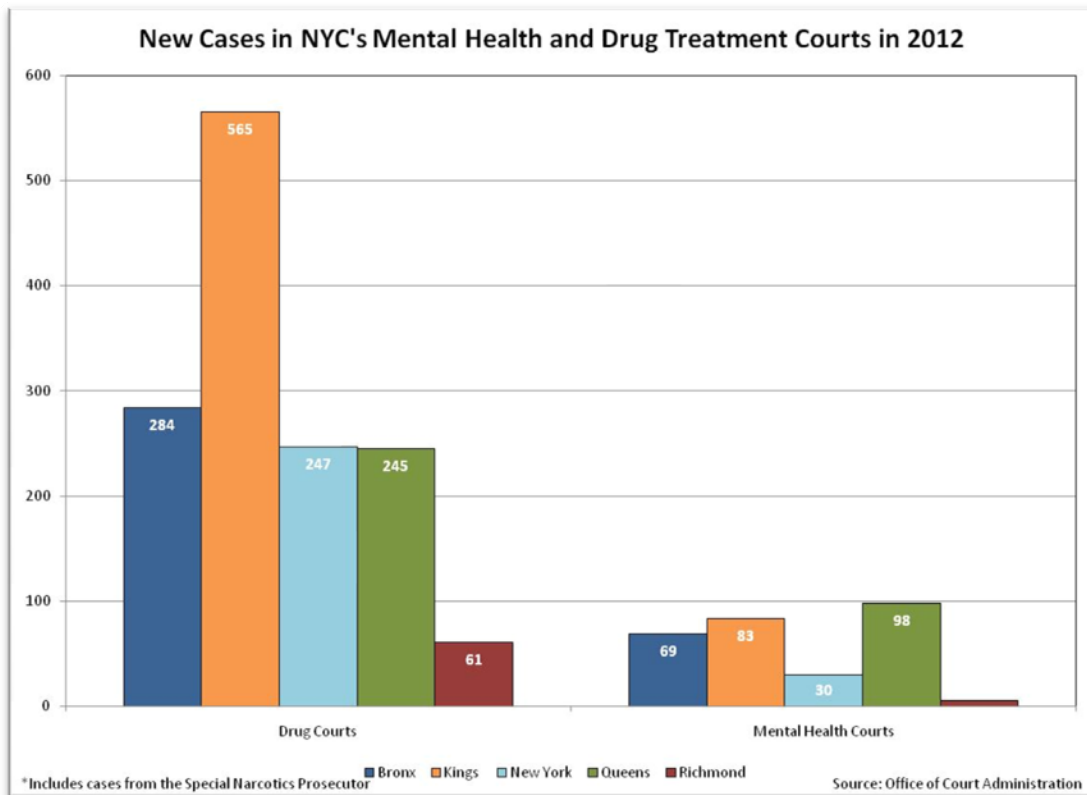
Felony Cases Pending over 180 Days – Update

The chart below shows the total number of pending felony cases, including the number of cases pending over 180 days, as of June 16, 2013. Citywide, 55% of felony cases were pending for more than 180 days. This year, the total number of cases citywide pending over 180 days has dropped by 14%.



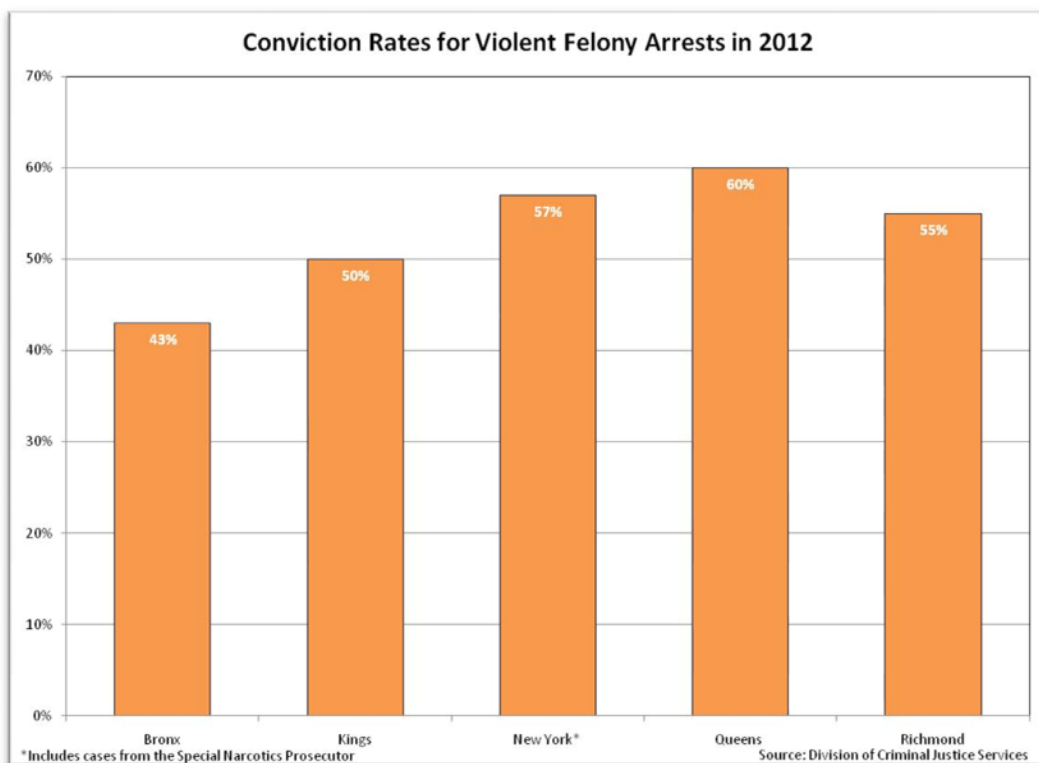
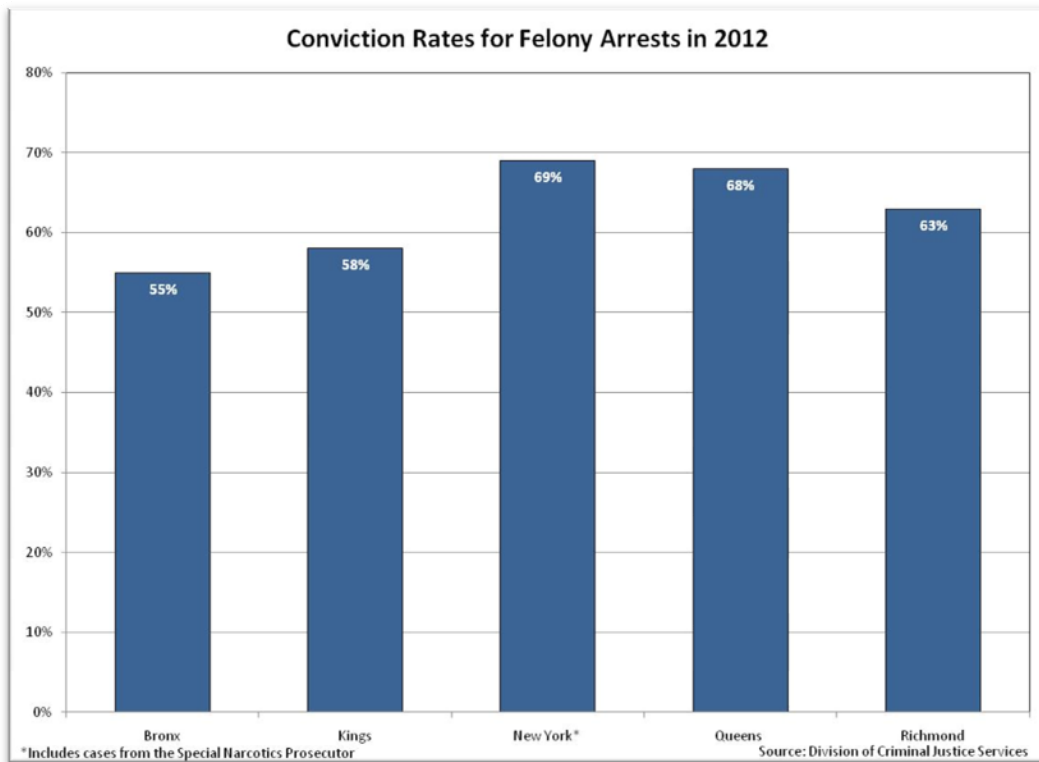
Mental Health and Drug Treatment Courts – Update

Mental health and drug treatment courts link defendants with mental illness and drug addiction to treatment as alternatives to incarceration. The chart below shows how many new cases were handled by mental health and drug treatment courts in 2012.



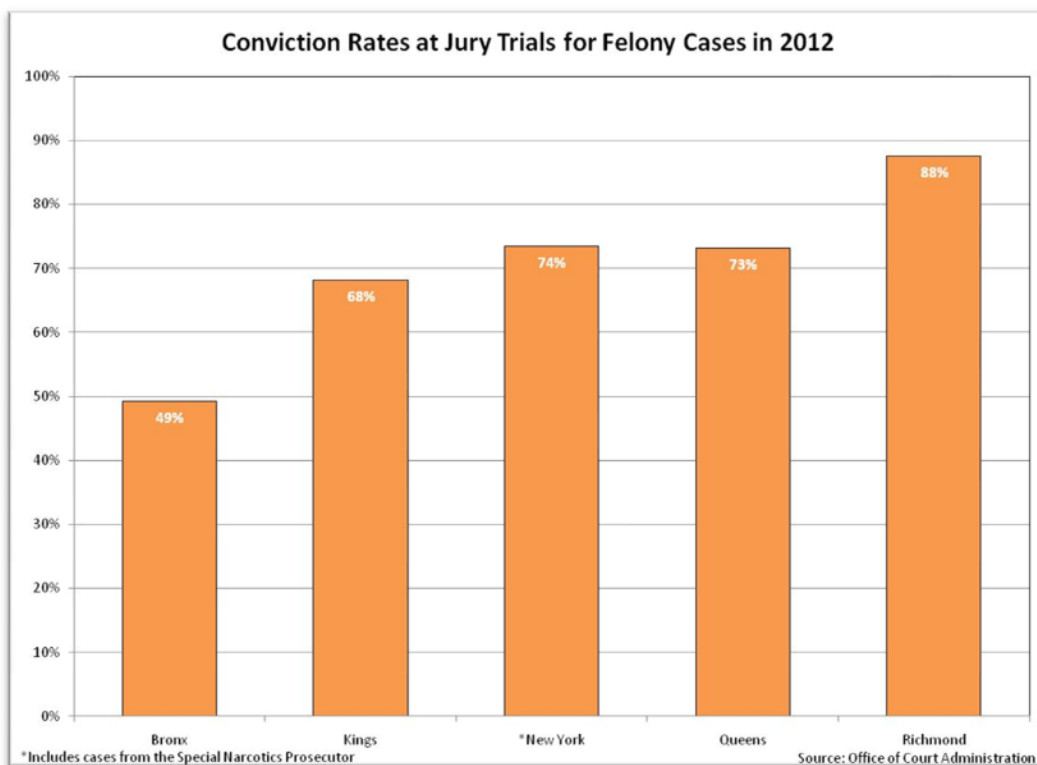
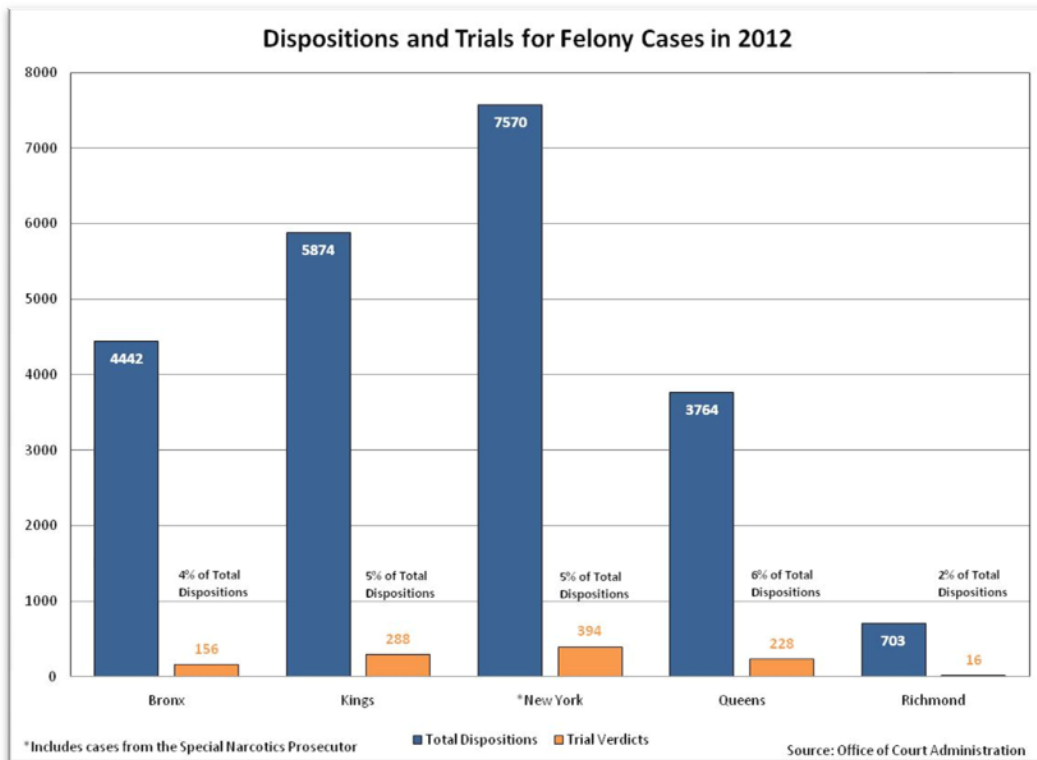
Percent of Felony Arrests Resulting in Convictions – Update

The charts below show the conviction rates to criminal and lesser offenses for defendants arrested for felonies and violent felonies, broken down by borough. In 2012, the citywide conviction rate for felony arrests was 62% and the citywide conviction rate for violent felony arrests was 52%.



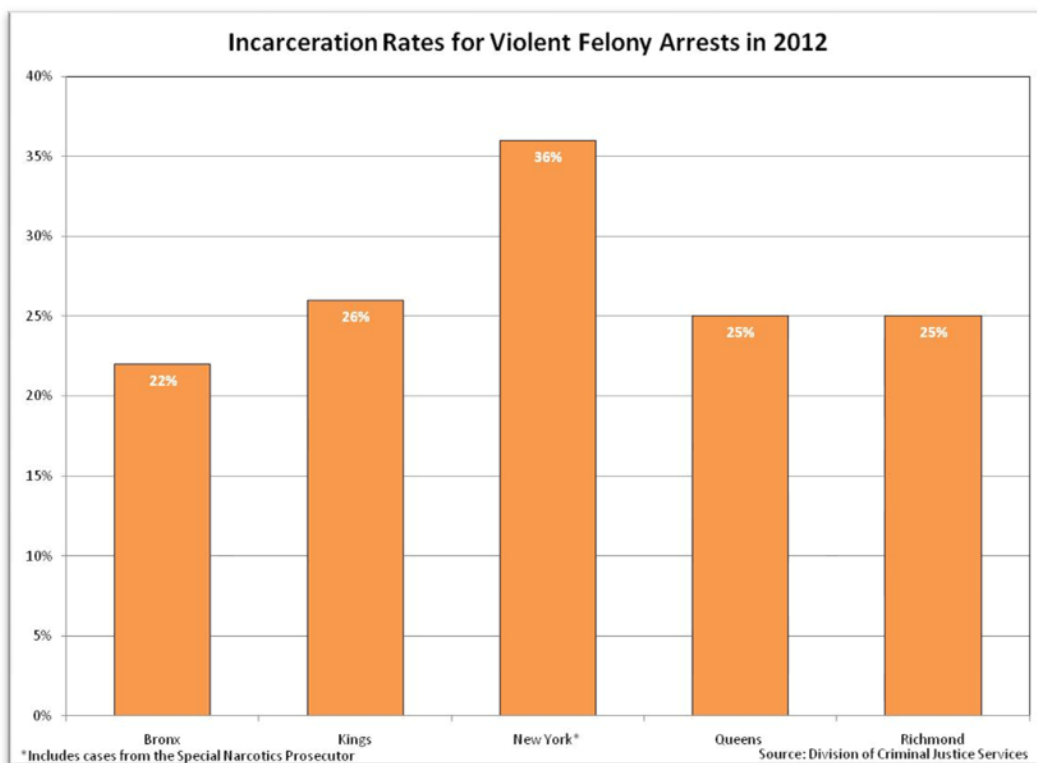
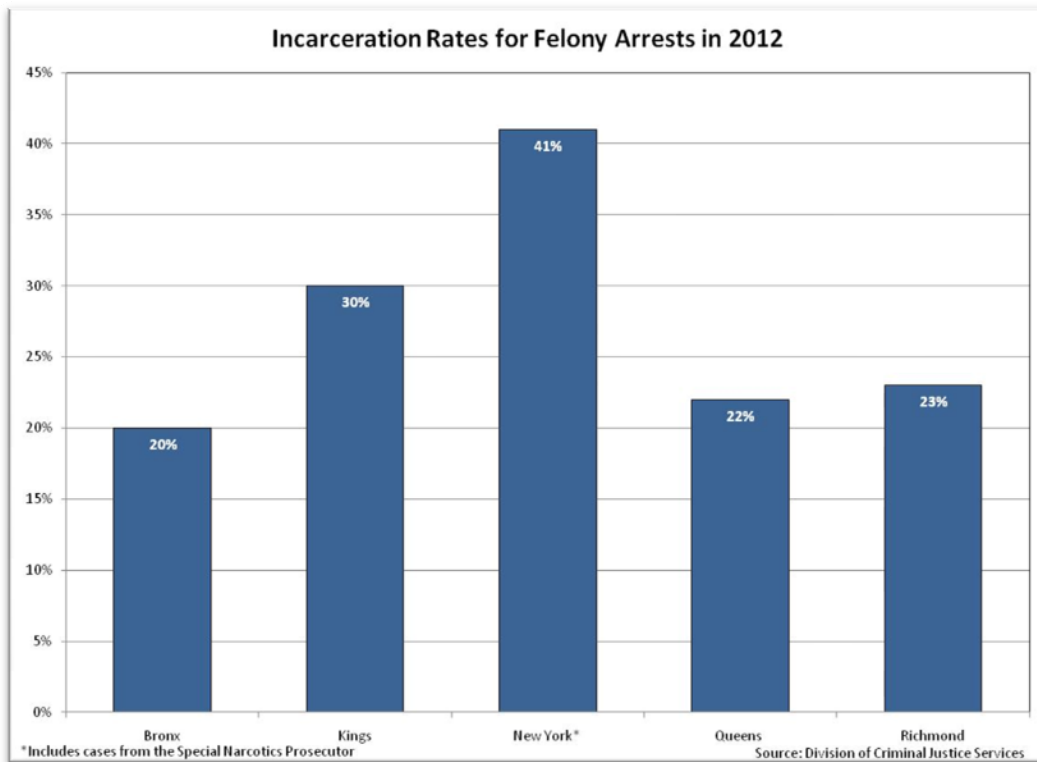
Dispositions and Trials – Update

The first chart shows the number of felony cases disposed (by dismissal, plea or trial) in 2012 and breaks out the number of cases in which trials were held. In 2012, 5% of felony cases were resolved with a trial. The second chart shows the conviction rate for felony jury trials.



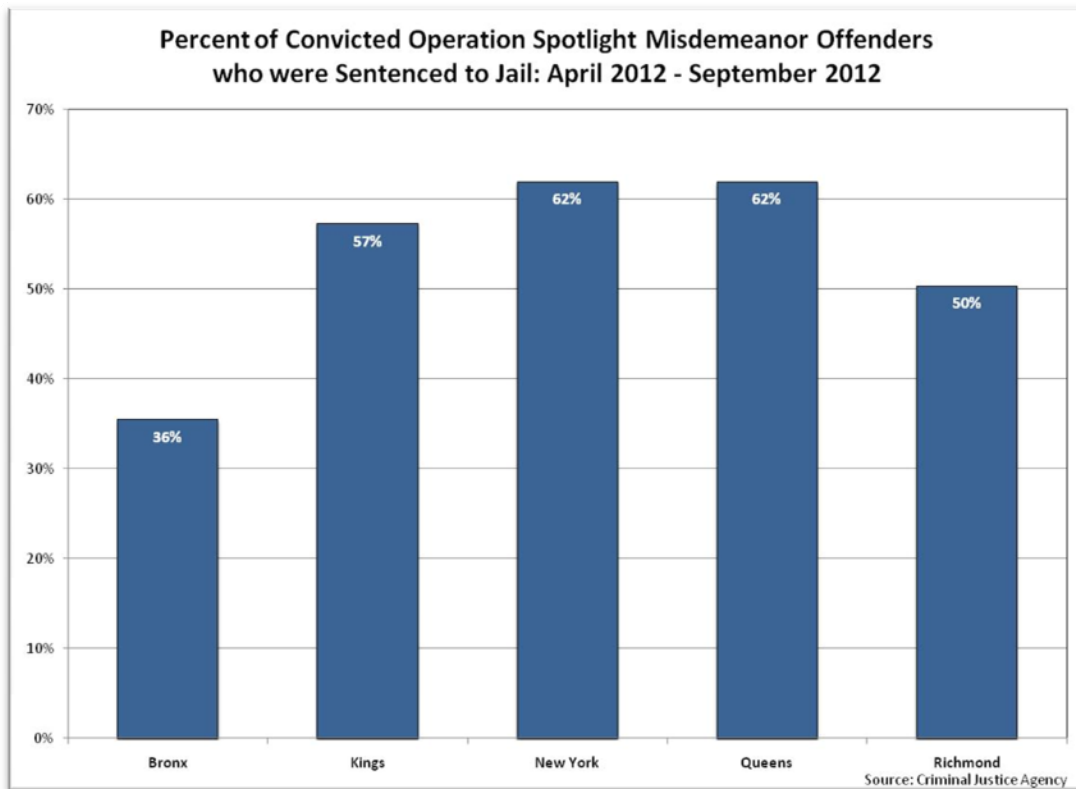
Felony Incarceration Rates – Update

The charts below show the incarceration rates for defendants arrested for felonies and violent felonies who were sentenced to jail or prison. In 2012, the citywide incarceration rate for felony arrests was 29% and the citywide incarceration rate for violent felony arrests was 27%.



Operation Spotlight – Update

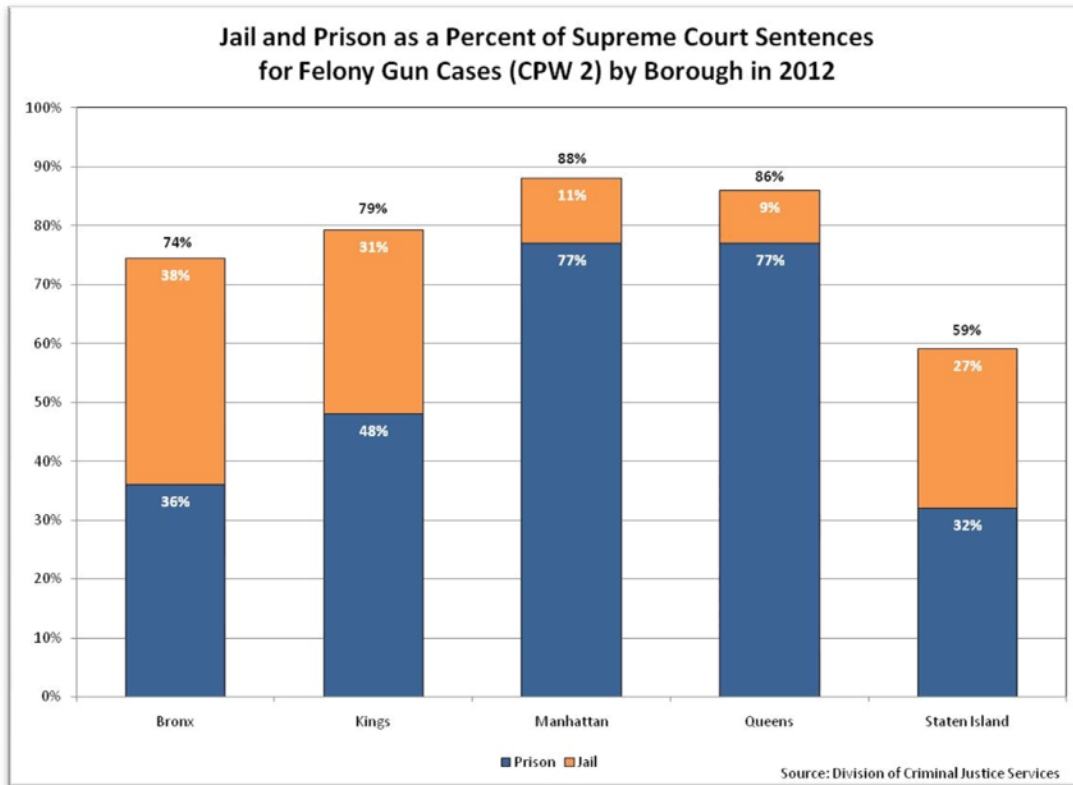
Operation Spotlight was created in October 2003 to target the most persistent misdemeanor offenders.¹¹ The chart below shows the percent of persistent misdemeanants sentenced to jail. Between April and September 2012, 56% of Operation Spotlight misdemeanor offenders were sentenced to jail.



¹¹ Operation Spotlight targeted the 6% of defendants who accounted for approximately 18% of misdemeanor arrests in New York City.

Jail and Prison Sentences in Supreme Court for Firearm Charges – Update

The chart below shows jail and prison sentences as a percent of all Supreme Court sentences¹², broken down by borough, for persons arrested in 2012 for possessing an illegal loaded gun.¹³ Citywide, 80% of all defendants arrested for possession of an illegal loaded gun and sentenced in Supreme Court were sentenced to incarceration and 54% were sentenced to prison.



¹² Includes both indictments and Superior Court Informations (SCI's)

¹³ Penal Law § 265.03