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CRACK AND THE CRIMINAL JUSTICE SYSTEM

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CRACK AND THE CRIMINAL JUSTICE SYSTEM

I. INTRODUCTION

Over the past two years, a potent form of cocaine has appeared on New York City streets, available in small quantities at relatively low dosage costs. "Crack" is a new way of producing and marketing cocaine freebase for smoking. Early reports from users suggest that it produces a brief, but intense high, followed by rapid onset of depression and a compelling drive to get high again. Criminal justice officials fear that crack's low cost and intense high make cocaine-based drugs more available and attractive to populations in poor neighborhoods than more expensive cocaine hydrochloride (in powder form). Anecdotal evidence from law enforcement officials, treatment programs, and journalistic accounts suggest that crack use has become widespread at an unprecedented rate, often to populations who did not use cocaine or did so at very low rates.

The large number of arrests for crack has placed new burdens on the criminal justice system, increasing jail overcrowding and court delay, creating a potential need for more judges and courtroom space to process the high volume of drug cases. The high volume of crack sales and its reported high profit margin may have created new or greatly expanded drug distribution systems, and with them the possibility of further problems in drug-related violence.

Despite its rapid spread, little is known about the impact of crack on individuals, the criminal justice system, or neighborhoods where crack use and sales are concentrated. For example, there is little empirical information on the characteristics of crack users, the impact of initiation into and regular use of crack in terms of criminal careers and other behaviors, the case outcomes and consequences of criminal justice intervention with crack arrestees, and the implications of large numbers of crack-related offenders upon drug treatment and community organizations. Are crack offenders being treated differently from other drug offenders, especially cocaine users, by the criminal justice system?

This report describes preliminary findings from a study of 1986 crack arrestees being conducted by the NYC Criminal Justice Agency (CJA). It examines data on the demographic and criminal history characteristics of arrestees, arrest charges and location, and court outcomes of arrestees for crack sale and/or possession. Some comparisons with cocaine arrestees are also presented to help assess whether involvement in crack differs from possession and sale of powdered cocaine.

II. SAMPLE DESCRIPTION

The New York City Police Department provided arrest and defendant information for all arrests flagged¹ as crack-related, which occurred between August 1, 1986 and October 31, 1986. A total of 4,321 arrests (1440 per month) were thus identified. Using the arrest number identifier, these cases were then matched to the database maintained by the NYC Criminal Justice Agency;² 4145 of the 4321 arrests (95.9%) were located

¹Beginning in June 1986, all New York City Police Department (NYPD) officers began marking a "special events code" which indicated whether their arrest involved crack possession or sale. In addition, a small number of nondrug arrest cases (3.3% of all crack arrests) were also flagged as "crack-related" if the arresting officer suspected crack involvement. The flagged arrests were maintained in the Police Department's computerized on-line booking system (OLBS). Cocaine arrests have been similarly flagged for a number of years.

²As the pretrial services agency for New York City, CJA maintains a computerized database comprised of information about virtually all New York City defendants. These data are collected during a pre-arraignment interview through which CJA assesses defendants' community ties and their likelihood of returning to court if released on their own recognizance. Court information on all interviewed defendants, gathered from Criminal Court calendars, is also included in the database. For juvenile offenders and those arrested on homicide charges, CJA makes no recommendation but presents the community ties information to the judge. Defendants are not interviewed if they are arrested solely on warrants or violations, or charged with lesser offenses within the Administrative Code or the Vehicle and Traffic Law, given summonses, or charged as juvenile delinquents. In Manhattan, defendants charged with prostitution offenses are also excluded.

CJA notifies all released defendants of upcoming Criminal Court appearances. Although defendants issued Desk Appearance tickets (DATs) are not interviewed by CJA, arrest and Criminal Court information for them is included in the CJA database, and CJA notifies these defendants of upcoming Criminal Court appearances.

in this manner. Additional variables were then extracted to supplement the NYPD data (Table 1), providing information on the defendant's residence, prior criminal record, and community ties, as well as detailed data on the court outcomes of these arrests.

III. ARREST CHARACTERISTICS

Charge:

Not surprisingly, the most serious charge on which these defendants were arrested was primarily drug-related (91.0%), mostly B felony sale or possession (Table 2).³ For those arrested for B felony possession, B felony sale was usually the secondary charge. Slightly over one-third of the secondary charges were non-drug related (34.8%). Misdemeanor drug offenses were the most severe charges for 21.6% of all arrests. Counting all top charges, whether or not drug related, 74.2% of the arrests were for felonies. In contrast, only 47.8% of all New York City arrests during August-October 1986 were on a felony charge; of these, 28.7% were B felonies (representing 13.7% of all arrests).

³Under the New York State Penal Law, felonies are classified into five categories (A,B,C,D,E) in descending order of seriousness. B felony drug sale or possession (3rd degree) carries a maximum prison sentence of 25 years.

Overall, 96.8% of the defendants had at least one drug charge (sale or possession). The most common type of arrest was for misdemeanor or felony possession only (38.8% of all arrestees), followed by both felony sale and possession together (33.8%) and felony drug sale only (21.2%). (See Table 3).

Arrest Location:

Although crack sales and use activity have been commonly thought to occur in only a small number of Manhattan neighborhoods, the data on arrest location show that these arrests were spread across precincts throughout the City. Over one third (38.4%) of the arrests were in Manhattan, and one quarter (25.4%) in the Bronx. No individual police precinct accounted for more than 11 percent of the arrests.

IV. DEFENDANT CHARACTERISTICS

Table 4 summarizes selected defendant characteristics of the crack arrestees and a comparison group of cocaine defendants from 1983-1984 (see page 9). About nine in ten crack arrestees were male (87.8%) and members of minority groups (50.5% black and 43.9% Hispanic). Over half the defendants were aged 21-30 (53.5%) and 21.9% were less than 21. A similar percentage of all 1986 arrestees were under 21. The median age was 25 for crack arrestees.

Defendants arrested only on possession charges were more likely to be black (54.5%) and less likely to be Hispanic

(35.2%) than the other arrest types, while those arrested for both sale and possession were most likely to be Hispanic (55.2%). (Data not shown.)

Defendants were primarily from New York City, spread out over the four largest boroughs (Table 5). Surprisingly, Bronx, the fourth smallest borough in terms of population, accounted for the largest percentage of arrestees (29.3%). About one-quarter lived in Manhattan, and slightly under one-fifth each were from Brooklyn (19.2%) or Queens (18.6%). Notwithstanding enforcement officials' concern that many drug buyers were entering New York City from New Jersey to purchase crack, only 2.7% of the arrestees resided in that State, and only 6.0% overall were from outside New York City.

Defendants' level of ties to the community are summarized by the CJA release on recognizance recommendation, displayed in Table 6.⁴ About one fifth of the defendants fell into each of

⁴In order to obtain the top recommendation, defendants needed a "true verified" rating on the first community ties point scale item. This required a verified New York City address. In addition, one or more responses had to have been verified to questions concerning those with whom they lived, the defendants' length of residence, and their current employment, school or training program participation. Finally, they had to have a total of three "true" or "true verified" points from among other items on the community ties interview, which include such indicators as living at their current address for at least 1 1/2 years, having a telephone, and expecting someone at arraignment. Defendants with "Qualified" stamps also needed at least three "true" or "true verified" community ties point and a New York City address to be eligible for the recommendation. However, the first community ties point scale item mentioned

the top community ties categories (verified, 19.0%, and unverified, 21.5%). An additional 39.1% were not recommended for release due to insufficient community ties, and 19.4% were not recommended because a bench warrant was outstanding at the time of the arrest. The percentages are similar to those found in the general arrest population.

The defendant's prior criminal record at the time of the crack arrest is detailed in Table 7. For more than half the defendants, this arrest was either their first (27.5%) or they had no previous convictions (27.6%). These rates are similar to those found among all New York City arrestees.⁵ Among those defendants who had only prior misdemeanor convictions, most (81.3%) had one or two. About one-fifth of the defendants (21.4%) had a prior felony conviction. Finally, slightly less than half of the arrestees (46.8%) had at least one other case pending at the time they were arrested on the crack offense. Among all arrestees, the figure is similar (44.6%).

above was "false;" i.e., its verification requirements were not met, and so this group did not receive the top rating.

⁵Among a random sample of 10,000 arrestees during 1985, 27.3% were first arrestees, 25.6% had no previous convictions, 26.2% had misdemeanor convictions only, and 20.9% had a prior felony conviction.

V. DEFENDANT CHARACTERISTICS BY NEIGHBORHOOD OF RESIDENCE

Early reports on the spread of crack suggest that there may be several distinct groups of defendants among crack arrestees, and that there may be neighborhood differences in use, trafficking patterns and interactions among drug use and criminal activity. Therefore, the characteristics of defendants were compared in more detail across the most common neighborhood residences found in this sample. In particular, we examined age, sex, race, and prior criminal histories among defendants who lived in the South Bronx (77.3% of all Bronx arrestees), the Manhattan neighborhoods of Washington Heights, West Harlem, East Harlem, and the Lower East Side (representing 24.5%, 22.0%, 13.9% and 8.7% of Manhattan arrestees), and Brooklyn (19.2% of all arrestees).

This preliminary analysis revealed several interesting patterns (see Table 8):

- Higher proportions of female arrestees were observed in the Lower East Side, South Bronx, and Brooklyn (roughly 15%) than in Harlem or the Washington Heights (around 8%).
- Washington Heights (69.8%), South Bronx (66.1%), and Lower East Side (63.6%) defendants were predominantly Hispanic, while Brooklyn and West Harlem arrestees were most likely to be black (70.1% and 60.1%, respectively). These differences reflect the racial and ethnic composition of these communities.
- Lower East Side defendants were older: compared with around 20% of arrestees from the other neighborhoods, only 8.0% were under age 21.

- Washington Heights defendants were most likely to be first arrestees (37.0%) and Lower East Side defendants least likely (15.1%). This may suggest differential impact of crack on neighborhoods in terms of initiation of residents into criminal justice system involvement.

VI. COMPARISONS WITH COCAINE ARRESTEES

To better understand how crack arrestees differ from defendants arrested for powdered cocaine use or possession, we analyzed data for a comparison group consisting of all defendants arrested for a cocaine-related offense during 1983 and 1984, prior to the appearance of crack on the streets of New York City. A total of 9,975 cocaine arrests were identified by the NYPD for that time period and were linked to the CJA database, in the manner described on page 3 for the crack arrestees.

Arrest Location:

There were two differences in the location of the arrest: crack arrestees were less likely than cocaine defendants to be arrested in Manhattan (38.4% versus 46.4%) and more likely to be arrested in Queens (18.3%). In part, this difference may reflect the high volume of Operation Pressure Point arrests in Manhattan during 1984, many of which were cocaine-related. Also, the relationship between targeted enforcement efforts and actual drug use in a given area are uncertain; the distribution of arrest locations does not necessarily coincide with the areas of heaviest street drug activity.

Arrest Severity:

Cocaine arrests were much more likely to be on misdemeanor charges (46.6%) than crack arrests (25.8%). It is not known whether this difference reflects arrest policy, the relative amount of drugs sold or possessed by crack and cocaine defendants, or the relative weights of street doses for these two drugs.

Defendant Characteristics:

Crack's low cost and plentiful supply raised fears that it would create a "new generation of drug users". We compared crack arrestees with cocaine defendants to see if there were more drug first arrestees and if so, how they differed from past "new generations".

Compared with crack defendants, cocaine arrestees were slightly more likely to be female (15.2% versus 12.2%) had a higher proportion of whites (14.8% vs. 5.4%) and lower proportion of blacks (40.1% versus 50.5%) (see Table 4). Cocaine arrestees also were older, with a median age of 27 compared to 25, and 12.6% below age 21 versus 21.9% of crack arrests. Finally, cocaine arrestees were more likely to have a prior arrest/conviction record at the time of the sample arrest. For 27.5% of the crack arrestees compared to 16.7% of cocaine defendants, the sample arrest was their first. About three-fifths of the cocaine arrestees (59.3%) had at least one prior

criminal conviction, compared with 44.9% of the crack arrestees. These differences were observed even after controlling for age.

Thus, there appears to be some evidence that crack has attracted, in part, a "new generation" of users compared to previous cocaine arrestee groups, at least in terms of criminal justice system involvement. Further support of this notion comes from the finding that only 2.7% of the crack defendants were arrested during 1983-4 for a cocaine offense.

Finally, a comparison of level of community ties (as measured by the CJA release recommendation) indicated that cocaine defendants were less likely to have unverified community ties (14.5% versus 21.5% of crack arrestees) and more likely to have had an outstanding bench warrant (23.5% versus 19.4%) (see Table 6). The higher warrant rate may simply reflect the more extensive prior criminal history of the cocaine arrestees.

VII. COURT OUTCOMES

Arraignment Outcome:

At the initial arraignment appearance in Criminal Court the charges are read to the defendant, release status and bail conditions are set, and a final disposition may be taken. For this group of crack arrests, most cases (84.0%) were adjourned to a subsequent court date (Table 9). An additional 13.2% of the defendants pled guilty (to a misdemeanor charge) and only 1.6%

were dismissed. In comparison, about one-third of all drug arrests during this sample period were disposed at arraignment.

For the crack cases, the arraignment outcomes varied by charge severity (Table 10). Misdemeanor arrests were much more likely than felonies to result in guilty pleas (44.1% vs. 2.5%) and less likely to be adjourned (49.1% vs. 96%).

Among those defendants whose cases were adjourned, more than half (59.4%) had bail set and were held in lieu of posting the bail (Table 11). Most of the remaining defendants (36.5%) were released on their own recognizance. The median bail amount set at arraignment was \$1,000. About one-third of the defendants (30.9%) had relatively high bail set, \$2,500 or over. Not surprisingly, misdemeanor cases were more likely to ROR'd (67.5%) than felonies (30.0%). (See Table 12.) Thus, during the three month sample period, 2,152 defendants were detained at arraignment, representing about 9% of all detention admissions during that period. In contrast, a total of 3,240 cocaine defendants were detained at arraignment during the entire 2-year period 1983-4, roughly 2% of all admissions.

Final Criminal Court Outcome:

Tables 13 and 14 summarize the final dispositions in Criminal Court, as of June 30, 1987. Most of these crack arrests had either been transferred to state Supreme Court for

prosecution as felonies (43.3%)⁶ or resulted in a guilty plea to a misdemeanor (23.9%). Only 6.7% were dismissed,⁷ while almost one fourth were still pending or out on a warrant. Among those defendants who pled guilty to a misdemeanor, an examination of sentences (Tables 15 & 16) showed that more than half (56.7%) were sentenced to jail terms and about one-quarter to a choice of fine or jail. An additional 15.5% received conditional or unconditional discharges.

Of course, felony and misdemeanor arrests had very different final outcomes (Table 14). Among felonies, 77.1% of completed cases resulted in a transfer to Supreme Court for felony prosecution, while only 7.3% were dismissed in Criminal Court and 19.6% pled guilty to a misdemeanor. Misdemeanants who reached final disposition were much more likely than felony arrestees to plead guilty in the lower Court (85.3%) or to be dismissed (14.2%).

Comparing the crack arrestees' court outcomes with those of 1983-84 cocaine arrestees, crack arrests resulted in more severe outcomes. This is evident in looking at the release

⁶Data on final Supreme Court outcomes were not gathered for this report. Based on previous research, it is estimated that at least 80% of the cases indicted on felonies in Supreme Court will result in convictions.

⁷It is possible that these data underrepresent dismissals, because some of these cases were sealed and did not appear on the tape received from the Police Department.

status imposed at arraignment, at the final Criminal Court outcome, and at the sentences imposed. For example, cocaine arrestees whose cases were continued at arraignment were less likely to be held on bail (44.8% versus 59.4% of crack defendants) and more likely to be released on recognizance (50.5% versus 36.5%).

Crack arrestees were also much more likely to be transferred to Supreme Court for prosecution as felonies (43.3% versus 21.7% of cocaine defendants, and had a substantially lower likelihood of pleading guilty to a misdemeanor (23.9% compared with 59.4%).⁸ Finally, jail terms were imposed in Criminal Court on fewer convicted cocaine defendants (46.0% compared with 56.6%), and they were more likely to receive fines or conditional discharges.

These differences were also evident when we controlled for charge severity (see Tables 12 and 14) and for prior criminal record (Tables 17, 18, & 19). For example, both cocaine misdemeanants and felons were more likely than their crack counterparts to be released on recognizance and less likely to have bail set. Crack felony arrests were much more likely than cocaine felonies to be transferred to Supreme Court (77.1% vs.

⁸Some of this difference may narrow over time since a third of the crack arrests were still pending at the time this analysis was done.

44.7%). This was true no matter what their prior criminal record. Among cases resulting in misdemeanor convictions, crack arrestees, whether felony or misdemeanor level, were more likely to be sentenced to a jail term and less likely to be given a conditional or unconditional discharge (Table 14). Generally, regardless of charge or prior criminal record, crack arrestees were more likely to be held on bail at arraignment and to be sentenced to jail if convicted.

These data suggest that crack arrests are being treated more seriously than other comparable drug cases in the recent past in New York City. However, extensive analyses are required to determine the factors that affect the processing of these cases, whether they reflect specific policy charges by prosecutors, public pressures on judges to be "tougher" on crack defendants, or characteristics of the types of offenses and offenders.

VIII. CONCLUSIONS

This report has presented some early findings regarding the types of defendants being arrested for crack sale or possession, and the manner in which they have been treated by the courts. The sudden appearance and rapid spread of crack in the past two years has created a variety of challenges to the criminal justice system. Confronted with an inexpensive, potent

and easily obtainable form of cocaine, police have responded with a policy based on street level enforcement in neighborhoods throughout the city, widespread arrests for sale and possession, and apparently more stringent charging decisions. The prosecutors and courts also have treated crack cases seriously, resulting in high probability of felony indictment and conviction, and a comparatively high incarceration rate. The preliminary analyses of crack arrests described in this report suggest some important conclusions about the characteristics of arrestees and the impact of the current enforcement policies on the criminal justice system. In this final section we highlight some of these findings, place them in the context of previous efforts to control illicit drug use, and discuss how the data may help us understand the dynamics of crack use and distribution and the way in which the criminal justice system has responded to the crack phenomenon.

The law enforcement policy to control crack use and sales has flooded the criminal justice system with cases. During the three months study period in 1986, over 4,300 arrests were made for crack sale or possession, the majority of which were felony charges. Comparisons to previous drug enforcement efforts, particularly against powdered cocaine in 1983-84, show that crack sale and possession cases more often were charged and processed as felonies. Felony arrests are more likely to

result in pretrial detention, take longer to process through the Courts than misdemeanors, and more often lead to jail or prison sentences. The data further show that the New York City Courts are treating crack cases more severely, regardless of the severity of arrest charges or the defendant's prior criminal record. Compared with cocaine defendants, the crack cases were more likely to be held in detention, to be transferred to State Supreme Court for adjudication as a felony, and to be sentenced to jail or prison.

The addition of this new class of cases to already overburdened jails and courts has contributed to case delay, detention overcrowding, and prosecutorial, indigent defense, and judicial caseloads throughout the criminal justice system. All this has occurred in spite of the relatively limited prior criminal record of nearly half of the crack defendants. Why has the system responded this way? Are these responses effective and appropriate for the population of crack arrestees? How has the severity with which crack cases are treated in court affected the functioning of the criminal justice system?

In part, this response may reflect political pressure based on a general recent societal trend of disapproval of illicit drug use. The past year was the culmination of a decade-long change in normative attitudes about drugs, as well

as declining rates of all types of drug use. In particular, the summer of 1986 was dominated by unprecedented media attention toward the drug "epidemic," particularly cocaine and its derivatives including crack, and quick action by lawmakers and local officials to attempt to combat the spread of drugs. Strategies included legislation increasing the penalties for crack possession or sale, widespread drug testing to detect drug use in the workplace and as part of various licensing procedures, and major investments to combat drug abuse through enforcement and prosecution. The apparent intent was to control use of crack and other drugs through deterrents such as testing and strengthened criminal justice response.

Such public mobilization to thwart a real or perceived drug "epidemic" has been seen periodically over the last hundred years. Several factors presumably brought tremendous pressure on the enforcement community and judiciary to "get tough" with crack. First, there was widespread belief that crack was associated with other serious crime, with frequent newspaper accounts of shootings and other violence associated with crack. This too has been a common feature of previous drug scares (e.g. marijuana in the 1930's, hallucinogenics in the late 1960's, heroin in the early 1970's, PCP in the late 1970's, cocaine in the early part of this decade when its unit price was far higher). Today, there remains strong support for

the notion that drug use is a major cause of crime. Second, crack itself was viewed as a cheap, highly addictive drug that might easily spread through neighborhoods and across social classes, especially to people who previously couldn't afford cocaine. This led to fears of a rapid onset of compulsive use accompanied by crimes to sustain the growing craving to remain high. Indeed, what appeared initially as a \$10 drug purchase was feared to quickly become a \$1000 episode lasting over several days. Anecdotes from treatment programs and newspaper accounts sustained this view as crack users quickly overwhelmed treatment programs. Third, the cocaine-related deaths of sports figures and acute addictions among several artists and entertainers were watershed events in the growing public anger and fear of drugs.

The strong judicial response to crack also may have been designed to intervene early in the drug use patterns of people with no prior drug involvement. It reflected more general recent crime control trends emphasizing punishment and incapacitation. Officials feared that the low cost, intense high, and easy access to crack would recruit a new generation of drug users and, in turn, criminals. The backgrounds of crack arrestees suggest that crack indeed does seem to have touched a new generation of users. Crack defendants with no prior drug arrests or other criminal involvement were found at all age

categories. What is uncertain is the effect of initiation into crack, for both first time drug users and others, on further criminal behavior. Research is now under way at the NYC Criminal Justice Agency to address this issue.

Moreover, involvement with crack seems to often include both use and drug distribution. About one in three arrestees were charged with both sale and possession. This trend suggests that the ready marketability of crack lends itself to small-scale entrepreneurial involvement, a quick income-generating career alternative for those with limited resources or prospects. This may be especially attractive to youth with few other income sources or career prospects. However, other crack sellers may traffic at low levels simply to obtain drugs for their own use. This pattern has been widely observed among recreational or experimental users of other drugs, especially marijuana and cocaine. This form of low-level distribution may be part of a natural process where sales and use are part of the same phenomenon. Still others may be "forced" into sales in order to finance more extensive and patterned use.

Whether the coincidence of possession and sales reflects the dynamics of the arrest situation or defendants' drug use behaviors is uncertain. Better understanding of these dynamics is essential in order to achieve a more effective enforcement

policy and a more rational policy for treating these defendants in the criminal justice system. If crack use, especially addictive use, is motivating drug selling behavior to satisfy drug cravings, then jail or other punitive sanctions may not have much specific or general deterrent effect. This may also be true if crack sales are economically motivated, since the income incentives are quite strong. The development of enhanced treatment resources may be a more cost effective way of reducing the crack problem for those whose involvement is due to compulsive use. But if drug sales and use are part of a natural reciprocal process, then more effective enforcement policies might target either low-level crack sellers or reduce sales opportunities through increased patrol, with appropriate sanctions for arrestees, to reduce the amount of crack on the street and the opportunities to make money. Of course, crack distribution over time may become a more elaborate, stratified process, with large-scale organized groups of suppliers supplanting and controlling low-level distribution. The large profits from crack make this a plausible scenario. In that event, crack enforcement strategies may naturally shift to high level suppliers, although arrests of these dealers are more difficult, less frequent, and demand more police and prosecutorial resources.

TABLE 1
1986 NYC CRACK ARRESTS
LIST OF DEFENDANT AND OUTCOME VARIABLES

	DATA SOURCE
<hr/>	
I. DEFENDANT CHARACTERISTICS:	
AGE	CJA
SEX	NYPD
RACE	NYPD
ZIP CODE OF RESIDENCE	CJA
ARREST ID NUMBER	NYPD
FINGERPRINT ID NUMBER	CJA
NAME	CJA
FIRST ARREST?	CJA
# PRIOR MISDEMEANOR CONVICTIONS	CJA
# PRIOR FELONY CONVICTIONS	CJA
# OPEN CASES	CJA
WARRANT ATTACHED?	CJA
CJA RELEASE RECOMMENDATION	CJA
II. ARREST CHARACTERISTICS:	
TOP FOUR ARREST CHARGES	NYPD
ARREST DATE	NYPD
PRECINCT OF ARREST	NYPD
III. CASE OUTCOME VARIABLES:	
ARRAIGNMENT DATE	CJA
ARRAIGNMENT CHARGE	CJA
ARRAIGNMENT RELEASE STATUS	CJA
ARRAIGNMENT DISPOSITION	CJA
ARRAIGNMENT COURT PART	CJA
ARRAIGNMENT BAIL AMOUNT SET	CJA
FINAL DISPOSITION	CJA
FINAL DISPOSITION DATE	CJA
DISPOSITION CHARGE	CJA
FINAL RELEASE STATUS	CJA
FINAL BAIL AMOUNT SET	CJA
FINAL DISPOSITION COURT PART	CJA
SENTENCE TYPE	CJA
SENTENCE DATE	CJA
COURT PART AT SENTENCE	CJA
JAIL TIME IMPOSED	CJA
PROBATION TIME IMPOSED	CJA
FINE AMOUNT IMPOSED	CJA
# OF COURT APPEARANCES PRE-DISPOSITION	CJA
# OF COURT APPEARANCES POST-DISPOSITION PRE-SENTENCE	CJA
# OF COURT APPEARANCES PRE-SENTENCE	CJA
TOTAL NUMBER OF APPEARANCES	CJA
TOTAL NUMBER OF WARRANTS ISSUED	CJA
# OF PRE-DISPOSITION WARRANTS	CJA
# OF POST-DISPOSITION PRE-SENTENCE WARRANTS	CJA
# OF POST-SENTENCE WARRANTS	CJA

TABLE 2

CRACK ARRESTS:
FREQUENCY OF TOP ARREST CHARGE

	N	%
B FELONY DRUG SALE	993	23.0%
B FELONY DRUG POSSESSION	1630	37.7
OTHER DRUG FELONY	372	8.6
DRUG MISDEMEANOR	935	21.6
ALL OTHER CHARGES	391	9.0
TOTAL	4321	100.0%

TABLE 3

1986 CRACK ARRESTS:
ARREST CHARGE TYPES

	N	%
DRUG POSSESSION ONLY	1608	38.8%
DRUG POSSESSION AND FELONY SALE	1403	33.8
FELONY DRUG SALE ONLY	877	21.2
OTHER DRUG CHARGES	122	2.9
NO DRUG CHARGES	135	3.3
TOTAL	4145	100.0%

TABLE 4

SELECTED DEFENDANT CHARACTERISTICS

RACE/ETHNICITY	1986 CRACK ARRESTS		1983-4 COCAINE ARRESTS	
	N	%	N	%
BLACK	2182	50.5%	4317	40.1%
HISPANIC	1897	43.9%	4809	44.7%
WHITE	233	5.4%	1591	14.8%
OTHER	9	0.2%	40	0.4%
TOTAL	4321	100.0%	10757	100.0%
AGE				
LESS THAN 21	894	22.0%	1261	12.6%
21 - 30 YEARS OLD	2171	53.4%	5326	53.4%
31 YEARS OLD +	997	24.5%	3387	34.0%
SUBTOTAL	4062	100.0%	9974	100.0%
NOT AVAILABLE	83		1	
TOTAL	4145		9975	
PRIORS				
FIRST ARREST	1096	27.5%	1359	16.7%
NO CONVICTIONS	1102	27.6%	1943	23.9%
MISDEMEANOR CONVICTION	938	23.5%	2611	32.1%
FELONY CONVICTION	852	21.4%	2211	27.2%
SUBTOTAL	3988	100.0%	8124	100.0%
NOT AVAILABLE	157		1851	
TOTAL	4145		9975	

TABLE 5

1986 NYC CRACK ARRESTS
DEFENDANT RESIDENCE

	N	%
BRONX	1152	29.3%
MANHATTAN	1013	25.7%
BROOKLYN	755	19.2%
QUEENS	732	18.6%
STATEN ISLAND	44	1.1%
SUBTOTAL NYC	3696	94.0%
NEW JERSEY	106	2.7%
OTHER SUBURBAN	116	2.9%
OTHER	16	0.4%
SUBTOTAL NON-NYC	238	6.0%
TOTAL	3934	100.0%

TABLE 6

1986 NYC CRACK ARRESTS
CJA RELEASE RECOMMENDATION

CJA RECOMMENDATION	1986 CRACK ARRESTS		1983-4 COCAINE ARRESTS	
	N	%	N	%
RECOMMENDED, VERIFIED COMMUNITY TIES	772	19.0%	1605	19.7%
QUALIFIED, UNVERIFIED COMMUNITY TIES	873	21.5	1181	14.5
INSUFFICIENT COMMUNITY TIES	1537	39.1	3264	40.1
BENCH WARRANT	789	19.4	1908	23.5
OTHER	42	1.0	175	2.2
TOTAL	4063	100.0%	8133	100.0%

TABLE 7

1986 NYC CRACK ARRESTS:
CONVICTION HISTORY

	N	%
A. MISDEMEANOR CONVICTIONS:		
NONE	2469	63.2%
1	507	13.0
2	306	7.8
3 - 5	384	9.8
6 - 10	197	5.0
11 +	46	1.2
SUBTOTAL	3909	100.0%
MISSING	239	
TOTAL	4148	
B. FELONY CONVICTIONS:		
NONE	3136	78.5%
1	604	15.1
2	188	4.7
3 - 10	55	1.6
SUBTOTAL	3993	100.0%
MISSING	152	
TOTAL	4145	
C. OPEN CASES:		
NONE	2126	53.2%
1	1016	25.4
2	464	11.6
3 +	390	9.8
SUBTOTAL	3996	100.0%
MISSING	152	
TOTAL	4148	

TABLE 8

1986 NYC CRACK ARRESTS
 DEFENDANT CHARACTERISTICS BY AREA OF RESIDENCE

	WASHINGTON HEIGHTS	WEST/CENTRAL HARLEM	EAST HARLEM	LOWER EAST SIDE
SAMPLE (N)	152	223	141	88
SEX (%)				
MALE	92.1	93.7	91.5	85.2
FEMALE	7.9	6.3	8.5	14.8
RACE (%)				
BLACK	27.6	60.1	39.0	35.2
BLACK HISPANIC	30.3	16.6	15.6	15.9
WHITE HISPANIC	39.5	22.9	44.7	47.7
WHITE	2.6	0.4	0.7	1.1
PRIOR CRIMINAL RECORD (%)				
FIRST ARREST	37.0	25.6	19.9	15.1
NO CONVICTIONS	28.0	26.1	30.0	29.1
MISDEMEANOR CONVICTIONS	19.9	28.4	22.8	27.9
FELONY CONVICTIONS	15.1	18.8	27.2	27.9
AGE (%)				
<21	25.7	20.5	23.0	8.0

TABLE 9

ARRAIGNMENT DISPOSITION

	1986 CRACK ARRESTS		1983-4 COCAINE ARRESTS	
	N	%	N	%
PLED GUILTY	545	13.2%	2825	29.1%
DISMISSED	66	1.6	211	2.2
CONTINUED	3453	84.0	5695	60.6
OTHER	49	1.2	791	8.1
SUBTOTAL	<u>4123</u>	<u>100.0%</u>	<u>9722</u>	<u>100.0%</u>
MISSING	22		253	
TOTAL	<u>4145</u>		<u>9975</u>	

TABLE 10

ARRAIGNMENT DISPOSITION BY
ARREST CHARGE SEVERITY1986
CRACK ARRESTS1983-4
COCAINE ARRESTS

	FELONY		MISDEMEANOR		FELONY		MISDEMEANOR	
	N	%	N	%	N	%	N	%
PLED GUILTY	78	2.5%	467	44.1%	587	11.6%	2238	48.1%
DISMISSED	18	0.6	48	4.5	56	1.1	155	3.3
CONTINUED	2943	96.0	520	49.1	4335	85.5	1560	33.5
WARRANT ORDERED	3	0.1	23	2.2	13	0.3	687	14.8
OTHER	23	0.8	0	0.0	81	1.6	10	0.2
SUBTOTAL	3055	100.0%	1058	100.0%	5072	100.0%	4650	100.0%
MISSING	10		12		5		11	
TOTAL	3075		1070		5077		4661	

TABLE 11

ARRAIGNMENT RELEASE STATUS

RELEASE STATUS	1986 CRACK ARRESTS		1983-4 COCAINE ARRESTS	
	N	%	N	%
RELEASE ON RECOGNIZANCE	1316	36.5%	3491	50.5%
BAIL SET, AMDE	139	3.9	180	2.6
BAIL SET, NOT MADE	2144	59.4	3095	44.8
REMAND	8	0.2	145	2.1
SUBTOTAL	3607	100.0%	6911	100.0%
DISPOSED AT ARRAIGNMENT	516		2809	
SUBTOTAL	4123		9720	
MISSING	22		15	
TOTAL	4145		9735	

TABLE 12

ARRAIGNMENT RELEASE STATUS BY
ARREST CHARGE SEVERITY

RELEASE STATUS	1986 CRACK ARRESTS				1983-4 COCAINE ARRESTS			
	FELONY		MISDEMEANOR		FELONY		MISDEMEANOR	
	N	%	N	%	N	%	N	%
RELEASE ON RECOGNIZANCE	898	30.0%	417	67.5%	1756	38.1%	1737	75.4%
BAIL SET, MADE	123	4.1	14	2.3	158	3.4	20	0.9
BAIL SET, NOT MADE	1961	65.6	187	30.3	2552	55.6	533	23.1
REMAND	8	0.3	0	0.0	133	2.9	14	0.6
SUBTOTAL	2990	100.0%	618	100.0%	4609	100.0%	2304	100.0%
DISPOSED AT ARRAIGNMENT	75		440		463		2346	
SUBTOTAL	3065		1058		5072		4650	
MISSING	10		12		5		11	
TOTAL	3075		1070		5077		4661	

TABLE 13

FINAL DISPOSITION

	1986 CRACK ARRESTS		1983-4 COCAINE ARRESTS	
	N	%	N	%
TRANSFERRED TO SUPREME COURT	1795	43.3%	2105	21.7%
PLED GUILTY	989	23.9	5775	59.4
DISMISSED	277	6.7	877	9.0
OTHER	45	1.1	56	0.6
SUBTOTAL	3106	74.9%	8813	90.7%
CONTINUED	573	13.8	165	1.7
WARRANT ORDERED	466	11.2	744	7.7
SUBTOTAL	4145	100.0%	9722	100.0%
NOT AVAILABLE	0		16	
TOTAL	4145		9738	

TABLE 14

FINAL DISPOSITION BY
ARREST CHARGE SEVERITY

	1986 CRACK ARRESTS						1983-4 COCAINE ARRESTS					
	FELONY			MISDEMEANOR			FELONY			MISDEMEANOR		
	N	%	%	N	%	%	N	%	%	N	%	%
TRANSFERRED TO SUPREME COURT	1791	58.4%	77.1%	4	0.4%	0.5%	2079	41.0%	44.7%	26	0.6%	0.6%
PLED GUILTY	340	11.1	14.6	649	61.3	85.3	2046	40.3	43.9	3729	80.2	89.7
DISMISSED	169	5.5	7.3	108	10.2	14.2	488	9.6	10.5	389	8.4	9.4
OTHER	23	0.8	1.0	0	0.0	0.0	43	0.8	0.9	13	0.3	0.3
SUBTOTAL	2323	75.8%	100.0%	761	71.9%	100.0%	4656	91.8%	100.0%	4157	89.4%	100.0%
CONTINUED	424	13.8		149	14.1		131	2.6		34	0.7	
WARRANT ORDERED	318	10.4		148	14.0		285	5.6		459	9.9	
SUBTOTAL	3065	100.0%		1058	100.0%		5072	100.0%		4650	100.0%	
NOT AVAILABLE	10			12			5			11		
TOTAL	3075			1070			5077			4661		

TABLE 15

CRIMINAL COURT SENTENCE TYPE

	1986 CRACK ARRESTS		1983-4 COCAINE ARRESTS	
	N	%	N	%
JAIL	533	56.6%	2626	46.0%
PROBATION	30	3.2	232	4.1
FINE	233	24.7	1668	29.2
CD/UD	146	15.5	1178	20.7
TOTAL	942	100.0%	5704	100.0%

TABLE 16

CRIMINAL COURT SENTENCE TYPE BY
CHARGE SEVERITY

	CRACK ARRESTS				COCAINE ARRESTS			
	FELONY		MISDEMEANOR		FELONY		MISDEMEANOR	
	N	%	N	%	N	%	N	%
JAIL	165	52.7%	367	57.7%	929	46.5%	1690	45.6%
PROBATION	23	7.3	7	1.1	183	9.2	44	1.2
FINE	80	25.6	161	25.3	505	25.3	1174	31.7
CD/UD	45	14.4	101	15.9	382	19.1	796	21.5
SUBTOTAL	313	100.0%	635	100.0%	2000	100.0%	3704	100.0%
PENDING	2762		434		3077		957	
TOTAL	3075		1070		5077		4661	

ARRAIGNMENT RELEASE STATUS BY CRIMINAL HISTORY AND ARREST CHARGE SEVERITY

FELONY ARRESTS

	First Arrest		Arrest But No Conviction		Misdemeanor Convictions Only		Felony Convictions	
	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine
RELEASE ON RECOGNIZANCE	49.7%	60.8%	28.7%	41.8%	25.0%	33.1%	10.4%	23.1%
BAIL SET, MADE	6.4	4.1	3.2	5.0	3.7	2.6	3.3	2.4
BAIL SET, NOT MADE	43.9	33.8	68.0	51.0	71.0	61.9	85.8	69.7
REMAND	0.0	1.4	0.1	2.2	0.3	2.3	0.5	4.8
TOTAL CONTINUED AT ARRAIGNMENT (N)	100.0% (845)	100.0% (877)	100.0% (851)	100.0% (1171)	100.0% (621)	100.0% (1174)	100.0% (607)	100.0% (1252)

MISDEMEANOR ARRESTS

	First Arrest		Arrest But No Conviction		Misdemeanor Convictions Only		Felony Convictions	
	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine
RELEASE ON RECOGNIZANCE	95.0%	94.6%	72.7%	76.2%	49.3%	57.6%	41.0%	59.6%
BAIL SET, MADE	0.6	0.8	3.6	0.7	2.9	1.6	2.5	1.1
BAIL SET, NOT MADE	4.4	4.2	23.6	22.4	47.8	40.3	56.6	38.4
REMAND	0.0	0.4	0.0	0.7	0.0	0.5	0.0	0.9
TOTAL CONTINUED AT ARRAIGNMENT (N)	100.0% (160)	100.0% (240)	100.0% (165)	100.0% (428)	100.0% (136)	100.0% (580)	100.0% (122)	100.0% (453)

TABLE 18

CRIMINAL COURT OUTCOME BY CRIMINAL HISTORY AND ARREST CHARGE SEVERITY

	FELONY ARRESTS							
	First Arrest		Arrest But No Conviction		Misdemeanor Convictions Only		Felony Convictions	
	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine
	-----	-----	-----	-----	-----	-----	-----	-----
TRANSFERRED TO SUPREME COURT	71.0%	47.5%	68.6%	43.7%	64.1%	39.2%	72.9%	49.5%
PLED GUILTY TO MISDEMEANOR	13.3	40.6	17.4	43.2	21.9	50.2	14.0	40.1
DISM/OTHER	15.7	11.9	14.0	13.1	14.0	10.6	13.1	10.4
TOTAL COMPLETED (N)	100.0% (745)	100.0% (821)	100.0% (771)	100.0% (1142)	100.0% (580)	100.0% (1252)	100.0% (550)	100.0% (1304)

	MISDEMEANOR ARRESTS							
	First Arrest		Arrest But No Conviction		Misdemeanor Convictions Only		Felony Convictions	
	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine
	-----	-----	-----	-----	-----	-----	-----	-----
TRANSFERRED TO SUPREME COURT	0.0%	0.8%	0.5%	1.1%	0.4%	0.3%	1.0%	0.7%
PLED GUILTY TO MISDEMEANOR	63.3	84.6	77.3	88.2	87.2	94.0	82.6	91.7
DISM/OTHER	36.7	14.6	22.2	10.7	12.5	5.7	16.4	7.6
TOTAL COMPLETED (N)	100.0% (196)	100.0% (377)	100.0% (194)	100.0% (610)	100.0% (273)	100.0% (1216)	100.0% (201)	100.0% (761)

TABLE 19

CRIMINAL COURT SENTENCE TYPE BY CRIMINAL HISTORY AND ARREST CHARGE SEVERITY

	FELONY ARRESTS							
	First Arrest		Arrest But No Conviction		Misdemeanor Convictions Only		Felony Convictions	
	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine
	-----	-----	-----	-----	-----	-----	-----	-----
JAIL	14.0%	17.0%	48.0%	34.7%	63.8%	55.3%	73.0%	66.6%
PROBATION	19.8	12.4	5.6	15.2	5.2	7.5	0.0	3.7
FINE	31.4	42.7	30.4	27.8	19.8	20.4	17.6	16.2
CD/UD	34.9	27.9	16.0	22.3	11.2	16.9	9.5	13.5
TOTAL SENTENCED (N)	100.0% (86)	100.0% (323)	100.0% (125)	100.0% (479)	100.0% (116)	100.0% (617)	100.0% (74)	100.0% (512)

	MISDEMEANOR ARRESTS							
	First Arrest		Arrest But No Conviction		Misdemeanor Convictions Only		Felony Convictions	
	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine	Crack	Cocaine
	-----	-----	-----	-----	-----	-----	-----	-----
JAIL	26.2%	17.7%	38.5%	38.8%	71.7%	66.7%	78.5%	61.2%
PROBATION	1.6	0.3	4.1	1.9	1.3	1.5	0.6	0.4
FINE	41.8	49.5	38.5	38.3	17.2	18.9	11.0	25.8
CD/UD	30.3	32.5	18.9	21.0	9.9	13.0	9.8	12.6
TOTAL SENTENCED (N)	100.0% (122)	100.0% (317)	100.0% (148)	100.0% (533)	100.0% (233)	100.0% (1135)	100.0% (163)	100.0% (691)