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NEW YORK CITY CRIMINAL JUSTICE AGENCY 305 BROADWAY NEW YORK, NEW YORK 10007 (212) 577-0500

ACK D. NOVIK Executive Director

> RECOMMENDING JUVENILE OFFENDERS FOR PRETRIAL RELEASE

> > ERIC METCHIK PROJECT DIRECTOR

PROJECT STAFF

SARAH BRAUNSTEIN Research Assistant DUANE SADOWSKI Programmer

NGJRS

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AGQUISTERNS

RESEARCH DEPARTMENT DECEMBER 1987

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NEW YORK CITY

CRIMINAL JUSTICE AGENCY

RECOMMENDING JUVENILE OFFENDERS FOR PRETRIAL RELEASE EXECUTIVE SUMMARY

This study was undertaken by the New York City Criminal Justice Agency to develop a system of pretrial release recommendation criteria for juvenile offenders (J.O.'s). These defendants, 13-15 years old, have been processed as adults in Criminal and Supreme Court following passage of the 1978 Juvenile Offender Act. In this project, J.O.'s were given a prearraignment interview that included detailed questions concerning family ties, home responsibilities, sources of financial support and educational and employment history. The main goal of the research was to isolate those background variables which differentiated J.O.'s who would have one or more pretrial warrants from those who would be warrant-free. These factors could then be used in a "point scale" to provide judges with specific pretrial release recommendations.

The research population was comprised of all J.O.'s interviewed by CJA staff between June 21-December 31, 1982 and later arraigned in Criminal Court (N=501). In addition, a 50% random sampling of 16-year-olds arrested during the same time period was studied so the J.O.'s could be compared with the closest demographic group receiving adult recommendations (N=1670). The interview data were analyzed in conjunction with Criminal and Supreme Court appearance history and warrant information. This set of analyses included defendants who were released from detention and therefore "at risk" for a warrant at some point during their court processing (N=212 J.O.'s; 1139 16-year-olds). Those factors which most strongly predicted warrant occurrence were used in the proposed point scale.

The full report presents the following analyses: 1) defendant background and arrest characteristics; 2) arraignment outcomes, final dispositions and sentences; 3) court outcomes by most severe affidavit and indictment charges, prior criminal record and arraignment release status; 4) warrant rates in Criminal Court, Supreme Court and for the combined court histories; 5) correlations between warrant occurrence and background variables; 6) intercorrelations among background variables significantly associated with warrant occurrence; 7) point scale construction, including tests of three alternative models; 8) replication of the proposed point scale and its variations, using a 1986 sample of J.O.'s; and 9) pretrial J.O. recidivism.

The main study findings included the following:

- o The typical J.O. was a black male charged with armed robbery. He had no earlier arrests processed in the adult system.
- The majority of J.O.'s were detained at arraignment (61.7%) and later transferred to Supreme Court (51.9%). In Supreme Court, 90.3% of the

transferees were convicted and 56.7% received prison terms. Maximum sentences were usually 3-4 years. The corresponding rates for 16-yearolds charged with J.O. offenses were highly similar. In no instance did they differ by more than five percentage points.

- Warrant rates (reflecting the occurrence of one or more warrants in the appearance record) were lower for J.O.'s than for 16-year-olds, especially in Criminal Court (11.5% for the J.O.'s and 26.8% for the 16-year-olds). Warrant rates for defendants with appearance records in both Criminal and Supreme Court were 18.4% (J.O.'s) and 31.7% (16-year-olds).
- o Three correlations between background information and warrant occurrence were significant: first arrestees had a lower warrant rate than those with a prior adult record; defendants verified to be in school had a lower rate than those who were not verified attendees; and those who expected a friend or relative at arraignment had a lower rate than defendants who were uncertain or did not expect anyone.
- o The proposed J.O. point scale had two stamps, "Recommended" and "Not Recommended," that were based on combinations of scores on the prior criminal record, school attendance and arraignment expectation variables. J.O.'s in the "Recommended" category had a 10.3% warrant rate, compared with 35.8% for "Not Recommended" defendants. Of 203 J.O.'s given stamps, 136 (67%) were in the "Recommended" category. The overall relationship between J.O. stamp and warrant occurrence was highly significant.
- Using recommendation stamps calculated according to the existing adult criteria, a higher percentage of J.O.'s who received the "Recommended" stamp had one or more warrants (18%) than under the newly proposed system (10.3%). The relationship between warrant rates and stamps from the adult criteria was not significant.
- o The relationship between stamp and warrant occurrence under the new criteria was also significant for 16-year-olds, but only 36.7% of them received the "Recommended" stamp. In general, the new criteria offered no special advantages for the 16-year-olds over the traditional adult criteria.

- Three alternative models added a third "Oualifi-0 ed" stamp which could be given to selected defendants with prior records or negative responses to the school attendance or arraignment expectation items. This increased the proportion of defendants who received some type of positive recommendation. In each variation, a low warrant rate was found for "Recommended" J.O.'s (10.2%). This was virtually the same as the "Recommended" warrant rate under the twostamp system (10.3%). The warrant rate for J.O.'s with "Qualified" stamps in each variation was approximately twice as high as the rate for "Recommended" defendants. Finally, the warrant rate for "Not Recommended" J.O.'s was always at least three times as high as the rate for "Recommended" defendants. The relationship between stamp and warrant occurrence was highly significant in each variation.
- The proposed J.O. scale and its three variations replicated significantly in a sample of 149 J.O.'s arrested between January 1 and April 30, 1986.
- o The overall pretrial rearrest rate for J.O.'s at risk was 9.9%. The rate for J.O.'s whose cases were disposed in Criminal Court was 5.4%, while that for defendants disposed in Supreme Court was 21.8%.
- o A separate recommendation system for J.O.'s was shown to be both feasible and highly preferable to using the standard adult criteria. Each of the four models presented gave a different relative weighting to the school/arraignment expectation index and prior criminal record components of the scale. Any implementation choice from among them is heavily subject to policy considerations. It is hoped that by using one of the proposed recommendation systems, judges will be encouraged to release more J.O.'s who have strong community ties, thereby significantly reducing the high rate of J.O. pretrial detention.

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CHAPTER I

INTRODUCTION

The past two decades have been a period of great upheaval in the juvenile justice field, with reports in newspapers and magazines frequently citing an "explosion" of youthful violence in unprecedented numbers. State legislatures became very sensitive to the ensuing public outrage, and today every state has legislation which allows (and frequently requires) youth to be tried in adult criminal courts (Hamparian, Estep, Muntean, Priestinc, Swisher, Wallace and White, 1982).

This report describes a study undertaken by the New York City Criminal Justice Agency (CJA) to predict the appearance records of juveniles in adult court and develop a "point scale" recommendation system to aid judges in making pretrial release decisions.¹ The general study objectives will be discussed first, followed by a review of national youth crime trends and

¹Such a system is generally composed of several factors each of which has been found empirically to correlate with the outcome criterion (in this case, the occurence of one or more warrants in the defendant's court appearance history). The different recommendation categories correspond to specific combinations of scores on the individual factor items.

the evolution of New York's Juvenile Offender (J.O.) law.² Next, the sample and study methodology are described. Finally, the results are presented, including the newly proposed J.O. point scale.

Goals Of The Present Research

This study was designed for a pretrial services agency which provides release recommendations to New York City judges. These are used as part of the decision whether to remand, assign bail or release a defendant on his own recognizance, pending the case disposition. Defendants aged 16 or older are interviewed shortly after their arrest and rated on a series of community ties factors that focus on employment and residence stability.³ The passage in 1978 of the Juvenile Offender legislation in New York brought a new population of younger defendants into the agency's purview, since for the first time a group of 13-15-year-olds accused of a specific range of high severity crimes was arraigned and prosecuted in adult (Criminal) court. It was unclear whether the same community ties factors used for adults would also predict juveniles' ap-

²The "J.O." abbreviation will hereinafter refer to the class of youths prosecuted in adult court, according to the provisions of the Juvenile Offender law.

³This is the age of adult court jurisdiction in New York. Upon reaching age 16, youths can be prosecuted for the range of crimes with which older adults are charged.

pearance records. Therefore, release recommendations have not been provided in these cases, although the Agency interviews J.O.'s and presents the community ties information to judges.

The project tracked appearance histories in Criminal and Supreme Court for a sample of juvenile offenders arrested during the latter half of 1982. Each was administered a comprehensive interview that included detailed information on the residence, school and employment histories which was not part of the standard questionnaire given to adults. Data from this interview were related to the main outcome measure, failure to appear for a scheduled court adjournment. Those factors which most strongly differentiated the "failure" from the non-failure group were included in a recommendation scale. This scale can in turn be used to provide judges with a specific release recommendation for this population.

Historical Background of the Juvenile Offender Legislation

If one examines official national crime statistics, the rapid passage in the past ten years of legislation to deal in sterner ways with youth accused of violent crimes has actually occurred during a period in which most of juvenile involvement has been in property crime. At the same time, rates of youthful participation in violent crime have actually levelled off.⁴

⁴The following information is taken from official crime statistics cited by Strasburg (1978; 1984), Hamparian, et al (1982) and in <u>Crime in the United States</u> (1985).

It is commonly agreed that between 1960 and 1975, the overall juvenile arrest rate greatly increased. Strasburg (1984) cited the violent crime rise at nearly 300%, more than twice the corresponding adult rate. During 1970-1975 however, the average annual growth rate for serious crimes (including violent and property offenses) was greater for adults (7.2%) than it was for juveniles (4.8%). Juveniles have been most heavily involved in property crime. Strasburg (1978), citing the 1975 FBI Uniform Crime Reports, wrote that in 1975 90% of the juvenile (under age 18) arrests for one of the seven index offenses⁵ involved property crimes, while only 10% were for violent offenses. According to 1985 Uniform Crime Reports statistics, this relationship remained virtually the same ten years later: property crimes (including arson in addition to the others measured in the 1975 data) accounted for 89% of the total reported juvenile arrests for index offenses, while violent crimes were 11% of this total.

4.

Furthermore, the level of juvenile crime actually peaked in 1975, before the passage of most of the state legislation that required children to be processed in adult court. In that year,

⁵These crimes include larceny, burglary, auto theft, aggravated assault, robbery, forcible rape and homicide.

those under age 18 were 20% of the population, but accounted for 43% of the arrests for the seven index crimes. By 1983, U.S. residents under 18 were 26.7% of the total population but only 30.4% of the index crime arrestees were in this age range. Juveniles accounted for 16.8% of the violent crime arrests in 1983 and 17.4% of the arrests for the same crimes in 1985. Between 1976-1985 the juvenile arrest rate for index offenses fell 20.8%. With reference to violent crimes, juvenile murder and robbery arrest rates were down 10.6 and 19.9 percent, respectively, while aggravated assault remained stable. Only forcible rape showed an increase (17.2%).⁶

While the involvement of youth in crimes of violence has certainly been a serious problem during the past 25 years, official records do not indicate that it is one which is suddenly expanding. Rather, the proliferation of laws specifically targeting young violent offenders for adult court proceedings may be traced in part to the public's harsher attitude toward crime and criminals in the 1970's and the 1980's. Regardless of the relative rates of property and violent crimes for youthful offenders, the ideal of children's court as an alternative rehabilitation approach has fallen into disfavor.

⁶These data were reported in <u>Crime in the United States</u> (1985, pp.168-169).

In the era of determinate sentences and sentencing guidelines aimed at equalizing punishment, processing juveniles as adults is consistent with the goal of treating everyone accused of the same act(s) in a similar manner.

Keeping juveniles incarcerated while awaiting trial has also gained approval as part of a wider acceptance of the idea of preventive detention. By 1985, all federal jurisdictions, 32 states and the District of Columbia had statutory authority to consider dangerousness when making pretrial decisions (Gottlieb, 1985). The Supreme Court (in United States v. Salerno, 1987) has supported preventive detention for cases in which the judge feels the defendant would be a threat to public safety if released. In the 1984 Schall v. Martin decision, the majority upheld preventive detention of New York juveniles. In justifying this position, on the basis of protecting society from additional crime and protecting the juveniles themselves from the consequences of further criminal activity, advocates apparently were unswayed by decades of bail research pioneered by the Vera Institute of Justice and others. This work documented the harmful effects of detention on case outcome and the high percentage of even those accused of the most serious crimes who reliably return to court for all appearances, without any pretrial recidivism (See Ares, C.E., Rankin, A. and Sturz, H., 1963; Programs in Criminal Justice Reform, 1972).

The New York Juvenile Offender Law

New York has had a tradition of special legislative attention to youthful offenders that dates back to the early part of the 19th century.⁷

Although children accused of crimes were processed in the regular criminal courts, the first New York delinquency statute (passed in 1824) established an organization to provide rehabilitative alternatives to the standard incarcerative punishments for those below the age of 16. This marked the beginning of a sustained effort to afford children special treatment and alternative sanctions, albeit within the context of the adult court.

In 1875, for example, a law was passed which required that children be kept in facilities separate from adult jails, if such facilities were locally available. After 1902 they were also processed in special criminal court parts. In 1909, the concept of "juvenile delinquency" was established by statute: children convicted of non-capital adult felony offenses were deemed guilty of misdemeanors only. They did not receive the

⁷The following historical information was taken from Sobie (1981), Hamparian, et al (1982a), <u>The Experiment That Failed</u> (1984), and Warner (1983).

standard terms of imprisonment and instead were either placed privately or institutionalized.

It was not until 1922, however, that separate children's courts (for defendants under 16) were established in New York to hear all non-capital cases. In the succeeding decades the jurisdiction of these courts gradually expanded. By 1967, all defendants below 16 were processed in children's court when accused of any criminal act. In addition, the traditional criminal court procedural requirements were somewhat relaxed. This was in keeping with an overall rehabilitative orientation that was strengthened with the establishment of the children's Sanctions for juveniles were much lighter than those courts. for adults convicted of similar crimes. Juveniles served any terms of confinement in their own separate facilities. These were run originally by the New York State Department of Social Services and from 1971 by the Division for Youth. The 1962 Family Court Act created a new, separate category of defendants who were accused of non-criminal status offenses (such as truancy, running away, etc.). These defendants, called "PINS" (Persons In Need of Supervision), were also processed in children's court.8

⁸This court is presently New York's Family Court. Adult court will be referred to as "Criminal Court."

The more lenient treatment afforded youthful offenders came under attack in the 1970's as part of a massive disillusionment with the idea of rehabilitating criminals (Martinson, 1974). At first, the powers of Family Court were (ironically) increased when the Juvenile Justice Reform Act was passed in 1976. The main feature of this law was the creation of "designated felony" defendants. These youths, 14 or 15 years old, were accused of a range of violent crimes, including murder, rape, armed robbery, kidnapping and others of the greatest severity. In part to satisfy the public's desire for sterner retribution, maximum sentences were set at 3-5 years. This was an increase from the 18 month maximum previously in effect, but still far below adult court sentences for the same crimes. These terms were served in facilities run by the state's Division for Youth.

Two years later, however, the Juvenile Offender Act shifted the jurisdiction for these same violent acts to Criminal Court for 13-15-year-olds.⁹ All these youths must be arraigned in Criminal Court, but can be transferred to Family Court at any

⁹13-year-olds can be tried in adult court only if accused of second degree murder. In addition, 14- and 15-year-olds can be prosecuted for attempted murder, arson, aggravated sexual abuse, burglary, manslaughter, rape (nonconsensual), sodomy (nonconsensual), robbery, assault, kidnapping and attempted kidnapping.

point thereafter, even following conviction while awaiting sentence. Like the sanctions under the 1976 legislation, imprisonment terms for juvenile offenders are longer than the traditional Family Court sentences, but still shorter than the regular adult periods. This law severely constricted the Family Court jurisdiction and marked a strong rejection of the premise that even violent youthful offenders can best be handled in a separate court setting oriented toward rehabilitative alternatives.

This study is the first to report data on release status and warrant patterns for those classified by the 1978 law as "juvenile offenders." Together with disposition and sentencing data, a comprehensive picture is presented concerning the impact of the Juvenile Offender Act on this population of defendants processed in Criminal and Supreme Court.

CHAPTER II

STUDY METHODOLOGY

Sample

The research population consisted of all juvenile offenders interviewed by staff of the New York City Criminal Justice Agency (CJA) between June 21-December 31, 1982 and later arraigned in Criminal Court (N=501). In addition, a group of 16year-olds (N=1670) was included so that findings could be compared with those defendants receiving an adult recommendation who were the closest demographically to the juvenile offenders. Since arrests in this comparison group were for the full array of penal law charges, the "N" was much larger than for the juvenile offenders. A 50% random sampling of 16-year-olds was conducted to derive the final research sample of 1670 cases.

Data Collection

Background information was collected for each defendant during his pre-arraignment interview, on an expanded version of the form normally used by Agency staff for all interviewed defendants (see Appendix A). The items on this questionnaire were later verified, if the defendant provided a verification source.

In the first section, "Family Ties," questions were designed to obtain a description of the exact family constellation and the stability of past and present residence patterns. In addition, measures were taken of the defendant's expectations concerning sources of bail money, the possibility of returning home if released and whether a friend or relative would be present at arraignment. Finally, a series of items concerned home responsibilities and family activities.

The following section, "Sources of Support," asked defendants to list those who supported them, along with their sources of income (job, public assistance, etc.). In the "Education" section of the interview, the main questions focused on whether the child was presently in school and, if not, the highest grade completed. Other items included separate qualitative and quantitative checks on school attendance, information on past periods of dropping out or suspension and types of special education or remedial programs that the defendant may have attended.

The "Employment" section included items concerning the child's work responsibilities, hours and pay, as well as a question about past jobs. The one item in the "Social Service Involvement" part asked about past participation in any type of medical or psychological treatment program.

The "Criminal Record" section was based on information maintained by New York State's Division of Criminal Justice

Services (DCJS). All previous cases, with their disposition and sentencing dates, if applicable, were listed in the extended interview. Open (pending) cases were listed on CJA's standard interview form. The next section, "Verification," allowed as many as four verification sources to be supplied by the interviewee. In this way, if one source was not at home when the interviewer called to verify the information, he or she could try another name on the list. Finally, "For Interviewers" left blank space so that the staff could record any impressions about a specific defendant that might be useful in interpreting the results from the rest of the interview.

Court Appearance Data

Agency staff entered all Criminal Court appearance lines for the defendants in this study from court calendars into a centralized computer system. Each line had the case court processing (docket) number, the most severe charge entering the appearance, the most severe charge leaving the appearance, the release status set at the appearance and any relevant disposition or sentencing information. The equivalent information for Supreme Court appearance histories was coded from data supplied by New York State's Office of Court Administration (OCA).

Failure to Appear ("FTA") Variables

The dependent variables in this study were constructed to measure warrants that occurred during the Criminal Court

appearance history, the Supreme Court history and both histories combined. Two variables were created to measure Criminal Court warrants. The first was a straight frequency count, while the second was a dichotomy. The dichotomy was scored "yes" if there were one or more warrants and "no" if there were none. Two analogous variables were constructed for the Supreme Court and the combined Criminal and Supreme Court warrant analyses.¹⁰ The frequency count variable was computed only for cases with full sets of warrant information. The dichotomy, however, was scored "yes" if there were one or more warrants, even when data for certain Criminal or Supreme Court phases were missing.

Warrant rates were based on the records of all defendants who had warrants¹¹, as well as those at risk but warrant-free. Defendants "at risk" were either released on their own recognizance (ROR'd) or posted bail at least once during any part of their court processing.

¹¹This group included eleven 16-year olds with warrants who were not officially recorded as having been released from detention. These warrants were counted since it is possible that the defendants made bail between appearances. It is also possible that their release status information was inaccurate.

¹⁰If a case was disposed in Criminal Court (and therefore did not have a Supreme Court record), the FTA variables for the combined histories were assigned values corresponding to the Criminal Court warrant record.

<u>Analysis</u>

The point scale data analysis was in four distinct stages:

1) frequency measures of all the background legal and social variables and crosstabular analyses of their univariate relationships with failure to appear;

2) intercorrelation analysis among the "surviving" factors from stage one (to test for multicollinearity);

3) multivariate model testing, using methods suitable for the variance patterns found in stage one and the nominal dependent variable;

4) creation of the point scale, following refinement of that model which best predicts failure to appear.

Findings from the first phase of this analysis are presented in the next chapter.

CHAPTER III

SAMPLE CHARACTERISTICS AND COURT OUTCOMES

Univariate frequencies were run and a subset of that information, describing the J.O. and 16-year-old samples, is given here. Findings from the arraignment, disposition and sentencing phases of Criminal and Supreme Court processing are presented at the end of this chapter.

A. BACKGROUND VARIABLES

In this section, demographic and legal data will be compared for the J.O. and 16-year-old groups.

1) Age (Table 1) 12

Over 99% of the J.O.'s in this study were either 14 or 15 years old at the time of their arrest. This is hardly surprising, since only this age group is eligible for prosecution on the full array of J.O. charges. (Thirteen-year-olds may be prosecuted as J.O.'s only for second-degree murder.) The three 16-year-old J.O.'s were actually fifteen at the time of the alleged crime commission, and therefore fell within the purview of the J.O. statute.

 12 Due to rounding error, not all the percentages in the tables in this report sum to 100%.

			<u>AGE</u>	FOR J.O.	SAMPLE
13				1	0.2%
14				148	29.5
15				349	69.7
16				3	0.6
TOTAL	IN	STUDY		501	100.0%

2) <u>Sex</u> (Table 2)

Well over 90% of both samples were male. Since the 16year-olds were accused of a much wider severity range of offenses than the J.O.'s (including loitering and prostitution charges, for example), their proportion of female defendants was somewhat higher.

TABLE 1

TABLE 2

SEX	DISTRIBUTION	FOR J.O. ANI	D 16-YEAR-0	DLD
		<u>J.O.</u>	SIX	<u>reen</u>
FEMALE	30	6.0%	116	6.98
MALE	471	94.0	1554	93.1
TOTAL IN S	TUDY 501	100.0%	1670	100.0%

3) Race/Ethnicity (Table 3)

TOTAL IN STUDY

Approximately two-thirds of the J.O.'s were black and onequarter of both the J.O.'s and the 16-year-olds were Hispanic. A somewhat higher percentage of the 16-year-olds than J.O.'s were white, counterbalanced by a slightly lower proportion of black defendants.

RACE/ETHNICITY	FOR J.O.	AND	16-YEAR-OLD				
SAMPLES							

TABLE 3

	<u>ן</u>	.0.	<u>SI</u>	SIXTEEN	
BLACK	338	67.5%	1012	60.9%	
SPANISH	133	26.5	457	27.5	
OTHER	3	0.6		0.8	
SUBTOTAL	501	100.0%	1661	100.0%	
MISSING			. 9		

1670

501

The race/ethnicity breakdown for J.O.'s in this study closely paralleled data from the Division of Criminal Justice Services on more than 5500 J.O. arrests from 1978-1983 (cited in <u>The Experiment That Failed</u>, 1984). In no race/ethnicity category was there a discrepancy greater than three percentage points between the data from the CJA and DCJS studies.

4) Most Severe Arrest Charge (Table 4)

Table 4 lists each J.O. offense for which defendants were arrested. By far the most predominant was armed robbery

TABLE 4

MOST SEVERE ARREST CHARGE FOR

· · · ·	J.O. AND	16-Y	EAR-OLD SAMPLES	-	• .
			•		
			<u>J.O.</u>	SI	XTEEN
ROBBERY 1 ROBBERY 2 BURGLARY 1 BURGLARY 2 MURDER 2 ATTEMPTED MURI RAPE 1 SODOMY 1 ASSAULT 1 ARSON 2	DER 2	274 104 12 9 21 8 26 8 23 5	54.7% 20.8 2.4 1.8 4.2 1.6 5.2 1.6 4.6 1.0	211 288 4 101 11 5 15 9 9 1	12.6% 13.7 0.2 6.1 0.7 0.3 0.9 0.5 0.5 0.1
KIDNAPPING 1 NON-J.O. CHAR(3E	10	0.2 2.0	1075	64.4
SUBTOTAL WITH	CHARGE	501	100.1%	1669 1	100.0%
TOTAL IN STUD	¥	501		1670	

(robbery in the first or second degrees).¹³ Robbery 1° was charged more than twice as frequently as Robbery 2° in the J.O. group. For the 16-year-olds, the incidence of both crimes was approximately the same.

When crime rates for J.O. offenses other than robbery were compared between the J.O. and the 16-year-old samples, differ-

¹³Several of the crimes specified in the J.O. statute, including Arson 1, attempted Kidnapping 1, Manslaughter 1 and Aggravated Sexual Abuse do not appear here since no defendants in the study had them as the most severe arrest charge. ences were always less than five percentage points, although few defendants were arrested for these crimes.¹⁴ The largest offense category for 16-year-olds was non-J.O. crimes, comprising nearly two-thirds of all charges in the sample. Table 5 provides a further breakdown of these crimes, described in the next section, and also enables the reader to assess the relative predominance of Part I and Part II Uniform Crime Reporting offenses in each sample.

5) <u>Most Severe Arrest Charge - Uniform Crime Reporting</u> <u>Classification</u> (Table 5)

Uniform Crime Reporting (hereinafter referred to as "UCR") is an offense classification system maintained by the Federal Bureau of Investigation. It provides a way to report and compare the relative incidences of specific crime categories across widely disparate local and state jurisdictions. "Part I" offenses are those selected to provide a national index of serious personal and property crime. These include most (but not all) of the J.O. offenses. All other crimes are classified as "Part II" crimes by UCR. The UCR system was modified in Table 5 so that felony and misdemeanor offenses appear in separate categories.

¹⁴The percentages for the 16-year-olds were based on 1669 posttest cases, since in one instance information on the most severe arrest charge was missing. In this and all succeeding tables, missing and non-applicable cases were not included in any percentage calculations.

TABLE 5

MOST SEVERE ARREST CHARGE FOR J.O. AND 16-YEAR-OLD SAMPLES: UNIFORM CRIME REPORTING (UCR) CLASSIFICATION

	J	.0.	SIXT	EEN
PART ONE OFFENSES				
MURDER, MANSLAUGHTER RAPE ROBBERY ASSAULT BURGLARY GRAND LARCENY	21 26 379 33 21	4.2% 5.2 75.6 6.6 4.2	15 15 477 134 225 185	0.9% 0.9 28.6 8.0 13.5 11.1
ARSCN	5	1.0	3	0.2
PART TWO OFFENSES				
KIDNAPPING FELONY DRUGS FELONY WEAPONS OTHER FELONY SEX OFFENSE FELONY STOLEN PROPERTY OTHER FELONIES MISDEMEANOR DRUGS MISDEMEANOR WEAPONS MISDEMEANOR STOLEN PROPERTY MISDEMEANOR LARCENY OTHER MISDEMEANORS VIOLATIONS	3 3 8 2	0.6 0.6 1.6 0.4	2 91 52 11 168 45 81 20 6 34 103 2	$\begin{array}{c} 0.1 \\ 5.5 \\ 3.1 \\ 0.7 \\ 10.1 \\ 2.7 \\ 4.9 \\ 1.2 \\ 0.4 \\ 2.0 \\ 6.2 \\ 0.1 \end{array}$
SUBTOTAL	501	100.0%	1669	100.2%
MISSING			1	
TOTAL IN STUDY	501		1670	

The UCR offense profile for the J.O. sample reflected the overwhelming predominance of robbery already discussed above. Only 16 J.O.'s (3.2% of the sample) were arrested for a Part II offense, including eight for Sodomy 1°. Robbery and burglary

were again the most frequent crimes for 16-year-olds. Of their classified offenses, 63.2% were Part I crimes. The rest were spread among a wide range of other felonies and misdemeanors, including most prominently felony stolen property.

6) Most Severe Arrest Charge - Penal Law Severity

The New York criminal statutes differentiate offenses by severity level into felonies, misdemeanors and violations. Felonies and misdemeanors are further subdivided into five and three severity gradings, respectively. It can be seen from Table 6 that all the J.O. arrests in the study sample were for crimes in the A-D range and 67.1% were B felonies. The most frequent B-felony offense was Robbery 1⁰, which in Table 4 was shown to account for 54.7% of the most severe J.O. arrest charges.

The crimes for 16-year-olds were represented along the entire continuum of severity rankings and were highest at the D-felony level (28.8% of the sample offenses). In spite of the fact that 16-year-olds, as regular adult defendants, could have been arrested for the entire range of felonies, misdemeanors and violations, their top arrest charges were mostly felonies (85.2% of the classified charges, compared with 14.6% misdemeanors and 0.1% violations).

FELONY:	Ļ	<u></u>	SIX	TEEN
A B C D E	24 336 138 3	4.8% 67.1 27.5 0.6	18 314 366 481 244	1.1% 18.8 21.9 28.8 14.6
MISDEMEANOR: A B			224 20	13.4 1.2
VIOLATION			2	0.1
SUBTOTAL	501	100.0%	1669	99.98
MISSING			l	
TOTAL IN STUDY	501		1670	

TABLE 6

MOST SEVERE ARREST CHARGE FOR J.O. AND 16-YEAR-OLD SAMPLES: NEW YORK PENAL LAW CLASSIFICATION

7) Prior Criminal Record (Table 7)

The prior criminal record was summarized as a composite variable based on previous arrests, convictions and other cases pending at the time of the sample arrest. Defendants in the "first arrest" category had never been arrested for any previous adult crime.¹⁵ Those in the "not first arrest" group had

¹⁵Juvenile records are commonly sealed and so the arrest and conviction data may not reflect earlier Family Court proceedings. In addition, adult arrests that result in a dismissal, conviction on a noncriminal offense, or adjudication as a "youthful offender" are likewise sealed. The last category refers to J.O.'s or adult defendants 16-19-years old who, because of their age, can have all court proceedings conducted in private. If convicted, they can have their records sealed and are eligible for a probation sentence (See <u>New York Criminal</u> <u>Procedure Law</u>, article 720).

PRIOR CRIMINAL	RECORD FOR	J.O. AND	16-YEAR-	OLD
	SAMP	LES		
	<u>J.(</u>	<u>).</u>	SIXT	EEN
FIRST ARREST	361	74.0%	874	52.8%
NOT FIRST ARREST	44	9.0	181	10.9
OPEN CASES	77	15.8	517	31.3
PRIOR CONVICTIONS	6	1.2	82	5.0
SUBTOTAL	488	100.0%	1654	100.0%
MISSING	13		16	
TOTAL IN STUDY	501		1670	

earlier arrests, but no open cases or misdemeanor or felony convictions. Defendants with "open cases" had other pending cases at the time of the current arrest, but no prior misdemeanor or felony convictions. Finally, those in the "prior convictions" category had earlier misdemeanor or felony convictions, or both. They may also have had other open cases at the time of the instant arrest.

Most defendants in the study had not been arrested on adult charges before the present offense. However, the J.O. sample had a higher percentage of first arrestees than the 16-year-

TABLE 7

olds (74.0%, compared with 52.8%). Conversely, a lower proportion of the J.O. sample had open cases with no prior convictions (15.8% vs. 31.3% for the 16-year-olds) or prior convictions (1.2% vs. 5.0%).

8) CJA Recommendation (Table 8)

This description of the CJA recommendation stamp focuses on the 16-year-old sample, since the overwhelming majority of J.O. defendants received the special J.O. stamp. This stamp said "Juvenile: See Verification Summary," directing judges' attention to a special form that was tested during the data collection period for this study.¹⁶ Over three-quarters of the 16year-olds in the sample received recommendations that supported release, including 52.4% with the top stamp "Recommended: Verified Community Ties" and 23.5% with "Qualified: Unverified Community Ties."¹⁷

¹⁶Although J.O. defendants did not receive one of the standard CJA stamps, their community ties information, collected as part of the normal interview procedures, was available to judges.

¹⁷In 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 the different items on the community ties interview. Defendants with "Qualified" stamps also needed at least three "true" or "true verified" community ties points and a New York City address to be eligible for the recommendation. However, the first community ties point scale item mentioned above was "false;" i.e., its verification requirements were not met, and so this group did not receive the top rating.
Only 12.2% of the defendant sample had negative recommendations because of insufficient community ties, conflicting residence information or both. The remainder (11.9% of the sample) received different types of informational designations

TABLE 8

CJA RECOMMENDATION FOR J.O. AND 16-YEAR-OLD SAMPLES

	<u>J</u> .	.0.	SIXTEEN				
RECOMMENDED	17	3.4%	870	52.4%			
QUALIFIED	3	0.6	390	23.5			
INSUFFICIENT TIES, CONFLICTING RESIDENCE	10	2.0	203	12.2			
NON-N.Y.C. ADDRESS, INCOMPLETE INTERVIEW	3	0.6	49	3.0			
BENCH WARRANT	1	0.2	114	6.9			
FOR INFORMATION ONLY	464	93.2	. 33	2.0			
SUBTOTAL	498	100.0%	1659	100.0%			
MISSING	3		11				
TOTAL IN STUDY	501		1670				

that were not based on the number of community ties points. This was due to any of the following circumstances, applicable

singly or in combination to individual defendants: the interviewee's residence was outside the greater New York City region; he refused to answer all or part of the interview questions; there was an outstanding bench warrant that accompanied the NYSID prior criminal record report sent from Albany; or the most severe arrest charge was first- or second-degree murder or attempted murder. In these cases, judges were able to review for themselves any available community ties data that CJA interviewers gathered, but the agency took no position regarding the advisability of pre-trial release. Murder suspects were listed with juveniles in the "For Information Only" category of Table 8.

In summary, the J.O. and 16-year-old samples were highly similar on sex, race/ethnicity and prior criminal record dimensions. The typical defendant was a black male charged with robbery. The instant crime was his first officially recorded arrest in the adult system.

B. CASE PROCESSING DATA

This section describes Criminal and Supreme Court arraignment, final disposition and sentencing outcomes for the J.O. sample. In order to further illuminate the univariate findings, arraignment release status, Criminal Court disposition and Supreme Court sentencing data were then analyzed by certain key legal variables.¹⁸ These included the most severe affidavit charge (for arraignment release status and Criminal Court disposition), prior criminal record (for all crosstabulations) and most severe indictment charge (for Supreme Court sentence). In addition, Criminal Court disposition was analyzed by arraignment release status. Finally, findings from the J.O. sample were compared with those from the 16-year-olds to give an idea of the comparability of the two samples for the warrant and point scale analyses presented in subsequent chapters.

1) Criminal Court Arraignment Outcomes

Arraignment Disposition, Release Status and Bail (Tables 9,10,11)

The vast majority of J.O.'s were continued at arraignment (95.5%, Table 9). Most had bail set (56.1%), while only 38.1% were ROR'd (Table 10). Table 11 shows the lowest amount of money that a defendant with bail set needed to post at arraignment in order to be released from detention. It may have been in one of several forms, including a bond, a (lower) cash alternative, or a summation of bonds or cash alternatives for multiple docket cases. Only 30.5% of the J.O.'s were assigned bail below \$1000, while 40.8% had bail amounts of \$2000 or higher. The median bail amount was \$1000.50.

¹⁸No crosstabulations are presented with Supreme Court disposition since the overwhelming majority of J.O.'s and 16-year-old Supreme Court indictees were convicted.

TABLE 9

5

MOST SEVERE	ARRAIGN	MENT	DISPOSIT	ION
FOR	THE J.O	. SAN	IPLE	
			a geologica e terreste	
SUPREME COURT		3	,6%	
TRANSFER				
CONTINUED		469	95.5	
GUTLTY PLEA		3	. 6	
ACD/DISMISSAL		5	1.0	
			1.0	
FAMILY COURT		9	1.8	
TRANSFER				
OTHER		2	.4	
SUBTOTAL.		491	99,98	
MISSING		10	0 6 6 6 7	
TOTAL IN STUDY		501		

TABLE 10

MOST SEVERE ARRAIGNMENT RELEASE STATUS FOR THE J.O. SAMPLE

ROR	184	38.1%
BAIL MADE	l	0.2
BAIL NOT MADE	271	56.1
REMAND	27	5.6
SUBTOTAL	483	100.0%
NOT APPLICABLE*	6	
MISSING	12	
TOTAL IN STUDY	501	

*DISPOSED AT ARRAIGNMENT; NO POST-DISPOSITION APPEARANCES.

LOWEST ARRAIGNMENT	BAIL	AMOUNT FOR
THE J.O.	SAME	LE
\$1-499	30	11.0%
\$500-999	53	19.5
\$1000-1999	78	28.7
\$2000-4999	53	19.5
\$5000 OR MORE	58	21.3
SUBTOTAL WITH BAIL	272	100.0%
NOT APPLICABLE	217	
MISSING	12	
TOTAL IN STUDY	501	

TABLE 11

2) Criminal Court Final Dispositions

The most frequent Criminal Court outcome was a transfer to Supreme Court. Of 486 J.O.'s with known Criminal Court dispositions, 252 (51.9%) were transferred to Supreme Court.¹⁹ Five cases (1%) ended with a warrant and eight J.O.'s (1.7%) pled guilty.²⁰ Finally, 90 cases (18.5%) were dismissed and 131 (27%) were transferred out of the adult system to Family Court.

¹⁹This included ten cases which were originally dismissed, but later restored and transferred to Supreme Court.

²⁰Although J.O.'s are not allowed by law to enter pleas in Criminal Court, these eight dispositions were verified on the court calendars. One case had been returned to Criminal Court by the Supreme Court grand jury.

3) Supreme Court Final Dispositions

There were 206 defendants indicted by the Grand Jury who had known final dispositions in Supreme Court. Although, as reported in the "Criminal Court Final Dispositions" section, 252 defendants were transferred to Supreme Court, only 214 were indicted by the Grand Jury. The final Supreme Court disposition was unavailable for 8 of the 214 indictees. Of these, 186 (90.3%) were convicted by plea or trial (including ten who were tried and found guilty). Six defendants (2.9%) were dismissed and thirteen (6.3%) were removed to Family Court. Only one J.O. Supreme Court case (0.5%) ended with a warrant.

4) <u>Criminal Court Sentences</u>

Of the eight J.O.'s confirmed to have entered guilty pleas in Criminal Court, four received jail terms ranging from the time already served to five months. One defendant received three months probation, another a conditional discharge and a third was still awaiting sentencing, with no further information available. Finally, one defendant was transferred to Family Court for sentencing.

5) <u>Supreme Court Sentences</u>

Supreme Court sentences were available for 180 J.O.'s. Of this group, 102 (56.7%) were sentenced to incarceration, 68 (37.8%) to probation and 10 (5.6%) to a combination of prison and probation. This last sentence was typically a five-year period that started with two months of imprisonment, followed by four years and ten months of probation. Prison terms ranged from one year to life, but most J.O.'s received three- or fouryear maxima. Most probation terms were for five years.

6) <u>Court Outcome By Legal Variables</u>

Most Severe Affidavit Charge and Arraignment Release Status

Table 12 presents arraignment release status information crosstabulated with the most severe affidavit charge.²¹ Since Robbery 1[°] and Robbery 2[°] were the most common J.O. offenses, these charges were presented in separate columns of the table. All other J.O. crimes were combined in a third column ("Non-Robbery J.O. Charge").

SE STATUS						AFFIDAVI	r CHARGE	•				
	ROBBERY 1		ROBBERY 2		NON-ROBBERY J.O. CHARGE		NON CHIA	NON-J.O. CHARGE		BTOTAL	MISSING	TOTAL
MADE	90 1	37.8% 0.4	48	42.18	39	34.8%	7	36.88	184 1	38.1% 0.2		184 1 271
NOT MADE	143 4	60.1 1.7	63 3	55.3 2.6	57 16	50.9 14.3	8	42.1 21.1	271 27	5.6		27
BTOTAL APPLICABLE ING	238 1	100.0%	114 2 1	100.0%	112 1	100.0%	19 2 1	100.0%	483 6 2	100.0%	10	483 6 12
PAL IN STUDY	239		117		113		22		491		10	501

TABLE 12

/OST	SEVERE	AFFIDAVIT	CHARGE	BY	ARRAIGNMENT	RELEASE	STATUS
			FOR	J.(D. SAMPLE		

²¹This is the charge entering arraignment. It often differs from the arrest charge since prosecutors can adjust charges during the period after arrest and before arraignment. The relationship between release status and affidavit charge was significant $(X^2=28.01, df=4, p<.0005)$. J.O.'s arraigned for non-robbery J.O. crimes had lower ROR and bail set rates and a higher proportion of remands than defendants in the robbery offense categories. This result reflects in part the presence of 28 murder charges among the non-robbery offenses. Robbery 2^o J.O.'s had the largest proportion of ROR's (42.1%), while Robbery 1^o defendants had the highest bail set rate (60.1\%).

33.

Prior Criminal Record and Arraignment Release Status

The prior criminal record was also significantly associated with arraignment release status (Table 13; $X^2=27.23$, df=2, p <.0005). Although most of the defendants in this study had very limited records, those with other currently pending cases and prior arrests or convictions had lower ROR rates at arraignment than first arrestees. They also had a greater proportion with bail set.

			-	idon addi	 										
			FOR J.O. SAMPLE												
SE STATUS								PR	IOR RECOP	RD					
	<u>F</u>	TRST RREST	NC AF	NT FIRST REST	OPE	N CASES		PRIC	OR VICTIONS		SUB	TOTAL	MISSING	T	OTAL
	157	44.78	13	29.6%	8	11.18		1	16.7%		179	37.8%	5	184	38.1%
MADE			1	2.3							1	0.2		1	0.2
NOT MADE	179	51.0	29	65.9	55	76.4		5	83.3		268	56.7	3	271	56.1
D	15	4.3	1	2.3	9	12,5					25	5.3	2	27	5.6
TOTAL	351	100.0%	44	100.1%	72	100.08		6	100.0%		473	100.0%	10	483	100.0%
PPLICABLE	5				1						6			6	
NG	5				4						9		3	12	
AL IN STUDY	361		44		77			6			488		13	501	

TABLE 13 PRIOR CRIMINAL RECORD BY ARRAIGNMENT RELEASE STATUS

Most Severe Affidavit Charge and Criminal Court Disposition

The relationship between affidavit charge and Criminal Court disposition was not significant (Table 14; $X^2=5.72$, df=4, p =.221). However, J.O. defendants arraigned for Robbery 20 did show somewhat lower rates of Supreme Court transfer and higher rates of Family Court transfer than those in any of the other charge categories.

IMINAL COURT OUTCOME													
	ROBBERY 1		ROBBERY 2		NON-ROP	<u>1</u>	<u>ION</u>	-J.O.	SUBTOTAL		MISSING	TOTAL	
OMPLETED					CHARGE		. <u>(</u>	HA	KGE				
ISMISSED, ACD, ACQUITTAL	36	15.3%	22	19.5%	25	22.78		7	31.8%	90	18.7%		90
LED GUILTY	2	0.9	2	1.8	1	0.9		3	13.6	8	1.7		. 8
PRANSFER-SUPREME COURT	130	55.1	52	46.0	59	53.6	1	1	50.0	252	52.4		252
TRANSFER-FAMILY COURT	68	28.8	37	32.7	25	22.7		1	4.6	131	27.2		131
SUBTOTAL COMPLETED	236	100.18	113	100.0%	110	99.98	2	22	100.0%	481	100.0%		481
VARRANI' ORDERED	2		2		1					5			5
TATUS NOT AVAILABLE	1		2		2					5		10	15
TOTAL IN STUDY	239		117		113		2	22		491		10	501

TABLE 14

MOST SEVERE AFFIDAVIT CHARGE BY CRIMINAL COURT OUTCOME FOR J.O. SAMPLE

Prior Criminal Record and Criminal Court Disposition

There was a significant relationship between the prior criminal record and final Criminal Court disposition (Table 15; $X^2=8.58$, df=4, p<.001). The main differences were found between first arrestees and all other defendants. First arrestees had higher dismissal and lower Supreme Court transfer rates than defendants with any type of record (21.3% and 47.4%, respectively). In addition, first arrestees were transferred to Family Court at a higher rate (30.7%) than those with previous arrests (25.6%) or open cases (11.3%).

VAL COURT OUTCOME					PR	IOR RECORD	<u>)</u>						
LETED	F Al	IRST RREST	NOT ARRI	FIRST	OPE	N CASES	CON	/ICTIONS	SU	STOTAL	MISSING	<u>T</u>	OTAL
ISSED, ACD, ACQUITTAL	75	21.3%	5	11.6%	9	12.7%	1	16.7%	90	19.1%		90	18.78
GUILTY	2	0.6			5	7.0	1	16.7	8	1.7		8	1.7
SFER-SUPERME COURT	167	47.4	27	62.8	49	69.0	4	65.7	247	52.3	5	252	52.4
SFER-FAMILY COURT	108	30.7	11	25.6	8	11.3			127	26.9	4	131	27.2
BIOTAL COMPLETED	352	100.0%	43	100.0%	71	100.0%	6	100.1%	472	100.0%	9	481	100.0%
ANT ORDERED	3				2				5			5	
OME NOT AVAILABLE	6		1		4				11		4	15	
PAL IN STUDY	361		44		77		6		488		13	501	

TABLE 15

PRIOR CRIMINAL RECORD BY CRIMINAL COURT OUTCOME FOR J.O. SAMPLE

Arraignment Release Status and Criminal Court Disposition

The arraignment release status and Criminal Court disposition were significantly correlated (Table 16; X^2 =44.51, df=4, p <.0005). J.O.'s with bail set at arraignment had much higher rates of Supreme Court transfer and lower rates of Family Court transfer or dismissal than those who were ROR'd. This may in part be explained by a relationship between bail setting and the strength of the available prosecution evidence; i.e., when evidence was strong, it was more likely that bail was set to insure the defendant's appearance. It was also more likely that the case would be transferred to Supreme Court.

COURT OUTCOME	ARRAIGMENT RELEASE STATUS														
<u>ROR</u>		BAIL, MADE	BAIL NOT MADE	REMAND	SUBIOTAL	NOT APPLICABLE	MISSING	TOT	AL.						
ACD, ACQUITTAL	50 28.3%		32 11.9%	2 7.4%	84 17.8%	5	1	90	18.7%						
ТҮ	2 1.1		5 1.9		7 1.5	1		8.	1.7						
SUPREME COURT	61 34.5		170 63.4	20 74.1	251 53.1		1	252	52.4						
-FAMILY COURT	64 36.2	1 100.0%	61 22.8	5 18.5	131 27.7			131	27.2						
L COM ETFL)	177 100.18	1 100.0%	268 100.0%	27 100.0%	473 100.18	6	2	481	100.0%						
ORDERED	4		1		5			5							
NOR AVATLARIE	-		2		5		10	15							
	184	. 1	271	27	483	6	12	501							
TH PIOPI	104														

TABLE 16

MOST SEVERE ARRAIGNMENT RELEASE STATUS BY CRIMINAL COURT OUTCOME FOR J.O. SAMPLE

Most Severe Indictment Charge and Supreme Court Sentence

Defendants' Supreme Court sentences were significantly correlated with indictment charge severity (Table 17; $X^2=14.06$, df =2, p<.001). Specifically, J.O.'s indicted on Robbery 2^o charges had the lowest imprisonment rate (33.3%), with increasingly greater proportions for Robbery 1^o and non-robbery J.O. charge defendants, respectively. The probation rates were in the reverse order. The proportion of Robbery 2^o indictees who received probation (57.6%) was nearly three times the rate for J.O.'s indicted on non-robbery J.O. charges (20.5%).

	MOST SEVERE INDICIMENT CHARGE BY SUPREME COURT SENTENCE FOR J.O. SAMPLE															
SENTENCE							INDICIM	ENT CHAI	CE							
	ROBI	BERY 1	Ē	ROBBERY 2	NO J.	N-ROBBERY O. CHARGE		ION-J.O.	<u>.</u>	SUB	TOTAL	MISSING		TOTAL		
IMPRISONMENT	50	52.6%	11	33.3%	35	79.6%	. 3	100.	.08	99	56.6%	3	102	56.7%		
IMPRISONMENT AND PROBATION	7	7.4	3	9.1					•	10	5.7		10	5.6		
PROBATION	38	40.0	19	57.6	9	20.5				66	37.7	2	68	37.8		
SUBTOTAL SENTENCED	95	100.0%	33	100.0%	44	100.18	1	100.	.08	175	100.0%	5	180	100.1%		
SENTENCE PENDING					2		. 1	L		3				3		
TRANSFER-FAMILY COURT					2					2				2		
SENTENCE NOT AVAILABLE	1									1				1		
TOTAL CONVICTED IN SUPREME COURT	96		33	3	48	•		<u>1</u>		181		5	186			

TABLE 17

Prior Criminal Record and Supreme Court Sentence

When Supreme Court sentences were analyzed according to the various prior criminal record categories, the association was not significant (Table 18; $X^2=4.31$, df=2, p=.116). The J.O.'s, however, did exhibit trends that were in the expected direction: defendants with more serious prior records had higher proportions imprisoned and smaller proportions given probation terms.

		PRIOR CRIMINAL RECORD BY SUPREME COURT SENTENCE FOR J.O. SAMPLE															
PENCE						PF	RIOR REC	ORD									
	FI	URST UREST	NOI	FIRST	2	OPEN C	CASES		CONV	ICTIONS	SUI	BTOTAL	MISSING	T	OTAL.		
RISONMENT	57	52.3%	11	55.0%	3	1	70.5%		3	75.0%	. 102	57.6%		102	56.7%		
RISONMENT AND PROBATION	6	5.5	1	5.0		2	4.6		1	25.0	10	5.7		10	5.6		
TION	46	42.2	8	40.0	1	.1	25.0				65	36,7	3	68	37.8		
JETOTAL SENTENCED	109	100.0%	20	100.1%	4	4 1	00.1%		$\overline{4}$	100.0%	177	100.0%	3	180	100.1%		
PENCE PENDING	1		1								2		1	3			
SFER-FAMILY COURT	2										2			2			
ENCE NOT AVAILABLE			1								. 1			1			
I'AL CONVICTED I SUPREME COURT	112		22		4	4			4		182		4	186			

TABLE 18

7) <u>Comparison of Case Processing Data Between the J.O.</u> <u>and 16-Year-Old Samples</u>

The full-sample J.O. and 16-year-old case processing variable distributions were highly similar.²² For example, the proportions of 16-year-olds continued and ROR'd at arraignment were both within three percentage points of the corresponding J.O. defendant categories. Parallel relationships were also found concerning the proportions with arraignment bail set at above \$2000, Criminal and Supreme Court disposition categories and Supreme Court sentencing patterns. They did not differ by more than five percentage points between the two samples. These elements of similarity supported the comparability of both samples for the warrant and point scale analyses reported in Chapters IV-V, at least in terms of defining the subsamples that had time at risk.

Most discrepancies between the samples did not reflect substantive differences. For example, a higher percent of J.O.'s than 16-year-olds had bail set below \$1000 (30.5% vs. 17.5%). Very few in either sample, however, were able to post these bails and thereby obtain release from detention. There

 22 Only 16-year-olds arrested on J.O. charges were included in these comparisons. This controlled for differences that may have resulted from the wider range of offenses for which the 16-year-olds were prosecuted.

was a larger proportion of 16-year-olds who entered guilty pleas in Criminal Court, but this simply reflected the fact that the J.O. statute allowed J.O.'s to enter such pleas only in Supreme Court.

The sample comparisons of court outcome variables crosstabulated with legal factors also had many elements of similarity. The most severe affidavit charge was significantly related to arraignment release status (for both J.O.'s and 16year-olds) and the most severe indictment charge was significantly related to the sentence received in Supreme Court. In general, more serious charges were correlated with more restrictive release statuses and more severe sentence types.

The prior criminal record was signifiantly related for both samples to their arraignment release status. Generally, defendants with any type of record more frequently had bail set and were less frequently ROR'd than first arrestees. The relationship between the prior record and Criminal Court disposition was significant only for J.O.'s, however. J.O.'s with records were less frequently dismissed and more frequently transferred to Supreme Court than first arrestees. The 16-year-old defendants showed trends in the same directions that were not significant. Conversely, the prior record was significantly correlated with Supreme Court sentence types only for 16-year-olds. Those with records had higher imprisonment and lower probation rates. Again, J.O.'s exhibited trends in the same directions.

Finally, arraignment release status was signifcantly related to Criminal Court disposition for both J.O.'s and 16-yearolds. Defendants assigned bails had lower dismissal rates and higher Supreme Court transfer proportions than those who were ROR'd. In addition, J.O.'s with bail set had a lower transfer rate to Family Court than ROR'd J.O.'s. The arraignment release status was also correlated with Criminal Court sentence (for 16-year-olds). Defendants with bail set had a higher imprisonment rate and lower 'fine or imprisonment' and discharge rates than those who were ROR'd.

Several common findings were evident across the different crosstabulation analyses. Both J.O. and 16-year-old defendants arraigned on Robbery 1° had a greater proportion of bails set, a lower dismissal rate and a higher Supreme Court transfer rate than defendants in any other offense category. They also had higher imprisonment and lower probation rates than all other defendants sentenced in Criminal or Supreme Court. By contrast, J.O.'s arraigned on Robbery 2° were treated much more leniently at each decision point. They had higher ROR and Family Court transfer rates and lower Supreme Court transfer rates than J.O.'s in any other offense category. They also had lower

imprisonment and higher probation rates than any other J.O.'s sentenced in Supreme Court.

Several systematic differences were evident when J.O.'s were compared directly with 16-year-olds, controlling for affidavit charge. Robbery 1° J.O.'s were treated more leniently than their 16-year-old counterparts at all stages: 1) more J.O.'s were ROR'd at arraignment and fewer had bail set; 2) fewer J.O.'s were transferred to Supreme Court; and 3) a higher proportion of J.O.'s were given probation sentences in Supreme Court.

On the other hand, J.O.'s arraigned on non-robbery J.O. charges or Robbery 2° had lower dismissal rates in Criminal Court than 16-year-olds arraigned on these charges. Nonrobbery J.O. charge J.O.'s continued to receive harsher treatment in Supreme Court, including higher imprisonment and lower probation rates. Robbery 2° J.O.'s, however, had lower Supreme Court imprisonment and higher probation rates than the Robbery 2° 16-year-olds.

In summary, both full samples had very similar profiles on the basic arraignment, disposition and sentencing case outcome variables. Differences between the samples were found when controls were implemented for affidavit charge and prior criminal record. Only one difference, however, was related to release status: the higher ROR rate for Robbery 1^O J.O.'s. Since this did not affect the likelihood that any individual J.O. received a warrant, sample comparability was still high for the warrant and point scale analyses presented in Chapters IV and V.

CHAPTER IV

"FAILURE TO APPEAR" ANALYSES

This chapter presents warrant rates for the J.O. and 16year-old samples and the univariate analysis of the correlation between background variables and FTA. Significant factors for the univariate analysis were then intercorrelated in a test for multicollinearity. Two and three-way crosstabular analyses between FTA and independent variables selected for the J.O. point scale are presented at the end of the chapter.

A. WARRANT FREQUENCY

The warrant variables were already discussed earlier (pp. 13-14). Rates are reported separately for Criminal and Supreme Court, as well as for both court records combined. All information is presented separately for the two defendant age groups. The warrant frequencies for both samples are summarized in Table 19.

Table 19

WARRANT FREQUENCIES FOR J.O. AND 16-YEAR-OLD SAMPLES

	<u>J.O</u> .	•	SIXTEEN				
CRIMINAL COURT Sample Total	31 270	(11.5%)	332 1237	(26.8%)			
SUPREME COURT Sample Total	9 25	(36.0%)	33 86	(38.4%)			
COMBINED HISTORIES Sample Total	39 212	(18.4%)	361 1139	(31.7%)			

1) Criminal Court Warrants

a) <u>J.O.'s</u>

J.O. defendants "at risk" included 175 released on bail or on their own recognizance at arraignment and 99 released at a later Criminal Court appearance. Four of these defendants lacked warrant information. Therefore, 270 J.O.'s constituted the base group in Criminal Court against which warrant rates were developed. Similarly, there were 1237 16-year-olds included in the base for that set of warrant calculations.

There were 30 J.O.'s (11.1% of the base group) who had one Criminal Court warrant and one defendant (0.4%) with two. Of the entire group, 31 (11.5%) had one or more Criminal Court warrants. Virtually all these failures occurred prior to disposition since J.O.'s were most commonly transferred to Supreme or Family Court and had no post-disposition appearance records in Criminal Court. Only two defendants had one post-disposition warrant each and there were no post-sentence warrants.

b) <u>16-Year-Olds</u>

Of the 16-year-olds, 246 (19.9% of the base group) had one Criminal Court warrant, 74 (6.0%) had two warrants, 10 (0.8%) had three and one defendant each (0.1%) had four and five warrants, respectively. A total of 332 defendants in this group (26.8%) had one or more Criminal Court warrants.²³ Of the 433 warrants, most occurred prior to disposition (337, or 77.8%). Forty-nine (11.3%) were during the post-disposition (presentence) period, while 47 (10.9%) were imposed after sentencing.

2) Supreme Court Warrants

a) <u>J.O.'s</u>

Of 25 J.O.'s released from detention at any point during their Supreme Court histories, eight defendants (32.0%) had one warrant and one (4.0%) had two.²⁴ Of the entire group, nine (36%) had one or more Supreme Court warrants. Eight of the ten warrants (80.0%) were issued before disposition and the remaining two (20.0%) occurred after disposition and before sentence was imposed.

b) <u>16-Year-Olds</u>

There were eighty-six 16-year-olds "at risk" during their Supreme Court histories. Twenty-six (30.2%) had one warrant

²⁴Disposition was pending for one defendant at the time the cases were coded and sentence was pending for another. The number of J.O.'s at risk is small here because full Supreme Court appearance records were frequently unavailable. These records were sealed for defendants removed to Family Court, dismissed, convicted of a noncriminal offense or adjudicated as Youthful Offenders (Y.O.'s). The 16-year-old base was also reduced for similar reasons.

 $^{^{23}}$ Due to rounding error, this percent is slightly lower than the total obtained by summing the percents from the individual warrant frequency categories (26.9%).

issued. Six defendants (7.0%) received two warrants and one (1.2%) received four.²⁵ A total of 33 defendants in the entire group (38.4%) had one or more Supreme Court warrants. Of the 42 Supreme Court warrants issued, 26 (61.9%) occurred before disposition and 16 (38.1%) were given after disposition but before the sentence imposition.

3) Combined Court History Warrants

There were 203 J.O.'s released from detention at some point during their Criminal Court histories who had Criminal and Supreme Court warrant information available (if a transfer had occurred). An additional seven who were remanded or could not post bail in Criminal Court were released in Supreme Court. Finally, two J.O.'s who were not at risk according to the available release status information nevertheless had one Supreme Court warrant each. In total, 212 J.O.'s (42.3% of the total sample) constituted the base of defendants against which these warrant rates were calculated. Similarly, 1096 16-yearolds were released in Criminal Court and 31 more during Supreme Court processing. Twelve defendants had warrants who were not

²⁵Disposition was pending for six of the defendants who received warrants in Supreme Court, and sentence was pending for eight others in this group.

at risk. 1,139 defendants (68.2% of the total 16-year-old sample) were therefore included in the base group.²⁶

Of the J.O.'s, 39 (18.4% of the 212 defendants in the base) had one or more warrants at some point in the Criminal or Supreme Court histories. At the same time, 361 of the 16-yearolds (31.7% of the 1,139 in the base) had one or more warrants. Sixteen-year-old defendants had higher warrant rates than J.O.'s in both Criminal and Supreme Court. In Criminal Court, the percent of 16-year-olds who failed to appear was more than twice as high as that for J.O.'s.

The Supreme Court rates must be interpreted with caution, however, since the base of defendants at risk was much smaller than in Criminal Court. In both courts, failures to appear were usually before disposition and almost always prior to sentencing.

4) Warrant Rates By Arrest Charge

In order to test for any influence from different arrest charge distributions on the relative magnitudes of J.O. and 16year-old warrant rates, the data for 16-year-olds were reanaly-

²⁶All subsequent point scale analyses were based on these two samples. They are referred to as "point scale samples" in upcoming tables. zed by including only those arrested for one of the J.O. offenses (see footnote #9 on p. 9). After charge was controlled in this way, 77 defendants had one or more Criminal Court warrants (19.5% of the 395 16-year-olds in the Criminal Court base group) while 25 had one or more Supreme Court warrants (46.3% of the 54 defendants in the Supreme Court base). The Criminal Court rate was somewhat lower than that reported for the base group comprised of 16-year-olds arrested for the full range of charges (26.8%), but it was still nearly twice as high as the J.O. Criminal Court warrant rate (11.5%). On the other hand, the Supreme Court rate for these 16-year-olds arrested on J.O. charges was higher than that for the 16-year-olds with the full range of charges (38.4%). It was also more than ten percentage points higher than the J.O. Supreme Court rate (36.0%).

There were 98 16-year-olds arrested for a J.O. charge who had one or more warrants at some point during Criminal or Supreme Court histories (28.8% of the base group of 340 defendants). This was slightly lower than the rate of the 16-yearold group arrested for all adult charges (31.7%), but still much higher than the proportion of J.O.'s with one or more Criminal or Supreme Court warrants (18.4%).

It was apparent that controlling for charge had no significant impact on the relative J.O. and 16-year-old warrant

proportions. The Criminal Court rate for 16-year-olds was still nearly twice as great as that for J.O.'s. The rates for 16year-olds in Supreme Court and for the combined court histories were both more than 10 percentage points higher than the corresponding J.O. rates.

B. CORRELATIONS BETWEEN BACKGROUND VARIABLES AND FTA

The object of this first stage of data analysis was to test the relationship between each of a series of key independent variables and the failure to appear ("FTA") dependent measure. The data were drawn from information on the socioeconomic backgrounds of the defendants and their prior legal records. It also included Criminal and Supreme Court processing and warrant information for the current (study) arrest.²⁷ All variables were taken from four data files which were merged for this analysis: 1) case-level information maintained in CJA's computer data base, collected during the agency's standard defendant interview and from the NYSID-linked criminal history rap sheet; 2) extended interview data, collected on the longer form administered to all J.O. and 16-year-

²⁷Variables with highly skewed frequency distributions were eliminated. Some examples include sex (over 90% of the interviewees were male), likelihood of returning to the current address if released (the great majority of defendants said yes), and participation in treatment or job training programs (nearly all interviewees gave negative responses).

old sample interviewees during the period June 21-December 31, 1982; 3) Criminal Court appearance information, entered from court calendars into the computer base by CJA staff; and 4) Supreme Court appearance data, coded from Office of Court Administration (OCA) computer records.

The case-level and extended interview variables are listed alphabetically in Table 20.²⁸ Major variable recodes are also noted in this table.

²⁸Those marked with an asterisk were included as part of the interview verification process. Cases for which the extended interview information was verified were classified separately from those for which the information was not verified (in one version of the recoded variable). In another version, verified and unverified cases were collapsed.

TABLE 20

CORRELATIONAL ANALYSIS - INDEPENDENT VARIABLES: J.O. POINT SCALE SAMPLE

Case Level

Age at time of arrest

CJA recommendation stamp (for the 16-year-old sample only)

Ethnicity (white, non-black minority, black)

NYSID warrant (from previous case)

Prior criminal record (first arrest, not first arrest, open cases, prior misdemeanor or felony convictions)

Extended Interview

*Adults defendant lives with (both parents, one parent, nonparent(s)

Arraignment expectations (whether defendant expects friend or relative to be at arraignment)

Bail posting (does defendant know anyone who could post bail?)

*Borough of residence (one version collapsed across boroughs and one not collapsed)

Children defendant living with (number below 18 years old)

*Employed at time of arrest (yes/no)

Employment in the past (yes/no)

Household responsibilities (chores, childcare, money)

Knowledge of arrest (does friend or family member know?)

Length of residence at current* and prior addresses

Participation (collapsed across sports, school club/activity, community organizations)

School attendance (yes/no*, quantitative and qualitative frequency measures)

School suspensions (number)

School drop-out (yes/no)

School grade (highest present or past grade completed)

Schools attended in past two years (number)

Special educational programming (yes/no)

*Support for defendant (both parents, one parent, non-parent)

Support's source of income (job, public assistance, other, do not know)

Verification source given by defendant (yes/no)

Working telephone in residence (yes/no)

*Variable included as part of interview verification process.

The variables in Table 21 are a subset of those from Table 20, each of which was found to correlate significantly at the .05 level or better with FTA (using the Pearson r correlation measure). They appear in alphabetical order and an explanation for the coding of each factor can be found in the variable glossary at the bottom of the table. The findings show that warrants were <u>least</u> likely for defendants who expected a friend or relative at arraignment, were verified school attendees, or were first arrestees.

TABLE 21

INDEPENDENT VARIABLES SIGNIFICANTLY CORRELATED WITH FTA: J.O. POINT SCALE SAMPLE

	r	Probability	N
Case Level			
PRIOR CRIMINAL RECORD	.23	.0009	209
PRIOR CRIMINAL RECORD I	.23	.0006	209
Extended Interview			
ARRAIGNMENT EXPECTATION	.16	.02	205
ARRAIGNMENT EXPECTATION I	.15	.03	205
MONEY	20	.007	176
SCHOOL ATTENDANCE	.21	_ 002	207
SCHOOL ATTENDANCE I	.18	.008	207

Variable Glossary

ARRAIGNMENT EXPECTATION - defendant expects family member/friend to be in court (yes, do not know, no)

ARRAIGNMENT EXPECTATION I - defendant expects family member/friend to be in court (yes, no/do not know)

- MONEY defendant provides money to support household (regularly, sometimes, never)
- PRIOR CRIMINAL RECORD prior criminal record (first arrest, not first arrest, open case(s), prior misdemeanor convictions, prior felony convictions, prior misdemeanor convictions and open case(s), prior felony convictions and open case(s), prior misdemeanor and prior felony convictions, prior misdemeanor and prior felony convictions and open case(s)

PRIOR CRIMINAL RECORD I - prior criminal record (first arrest, not first arrest, open case(s), prior conviction(s)

SCHOOL ATTENDANCE - defendant attends school at time of arrest (yes-verified, yes-not verified, no-not verified, noverified)

SCHOOL ATTENDANCE I - defendant attends school at time of arrest (yes, no), collapsed across verification information

The "money" variable was correlated with FTA in a counterintuitive direction. Defendants who regularly gave money to support their households were more likely to have a warrant than those who never gave. There was no readily apparent explanation for the direction of this correlation, and therefore this variable would have been of doubtful utility in the proposed point scale. It was not included in any further analyses.

It should be noted that several of the point scale items used for adults were tested in this analysis and did not correlate significantly with FTA. These included the defendant's address, telephone, length of residence, and the adults with whom he lived. Table 22 presents frequency distributions for each of these variables, both for defendants who had a warrant and those who did not. Although J.O.'s who were warrant-free tended to score more positively on these variables than those with warrants, most percentages were quite close in both groups. These variables were therefore not significant predictors of FTA.²⁹

²⁹Several of these adult scale variables were correlated with the school attendance and arraignment expectation items. This was not surprising, considering that all these variables measure different aspects of community ties. Only school attendance and arraignment expectation, however, were significantly related to warrant occurrence.

TABLE 22

FREQUENCY DISTRIBUTIONS FOR NON-SIGNIFICANT ADULT POINT SCALE ITEMS

	<u>NO W</u>	ARRANT	ONE	OR	MORE WARR	ANTS
<u>ADDRESS</u> Verified Not Verified Missing	114 56 3	65.9% 32.4 1.7		25 13 1	64.1% 33.3 2.6	
TOTAL	173	100.0%		39	100.0%	
TELEPHONE						
Yes-verified Yes-not verified No-not verified	87 23 30	50.3% 13.3 17.3		17 4 7	43.6% 10.3 17.9	
No-verified Missing	28 5	16.2 2.9		9 2	23.1 5.1	
TOTAL	173	100.0%		39	100.0%	
LENGTH OF RESIDENCE						
18 months or more-verified 18 months or more-not verified Less than 18 months-not verifie Less than 18 months-verified Missing	85 43 d 20 20 5	49.1% 24.9 11.6 11.6 2.9		16 11 4 7 1	41.0% 28.2 10.3 18.0 2.6	
TOTAL	173	100.1%		39	100.1%	
ADULTS LIVED WITH						
Both parents-verified One parent-verified Other (non-parent)-verified	31 56 17	17.9% 32.4 9.8		3 15 5	7.7% 38.5 12.8	
Both parents-not verified One parent-not verified Other (non-parent)-	10 46	5.8 26.6		3 12	7.7 30.8	
not verified Missing	8 5	4.6 2.9		- 1	2.6	
TOTAL	173	100.0%		39	100.1%	

C. <u>INTERCORRELATIONAL ANALYSIS OF SIGNIFICANT BACKGROUND</u> <u>VARIABLES</u>

Before multivariate analysis could be undertaken to see if various combinations of independent variables would predict FTA better than any one of them alone, the significant factors reported in the previous section were intercorrelated. If any of these correlations were high, multicollinearity problems could easily distort later statistical test results. In order to avoid this, redundant variables may be eliminated or else combined into more global indices.

Table 23 presents the findings from this analysis that included all significant J.O. independent variables.³⁰ A "-" mark in the "r" correlation column indicates that the correlation did not meet the .05 significance criterion. As can be seen from this table, the correlation between arraignment expectation and school attendance was highly significant. Since both provide measures of community ties, an index was created from the combined scores on these variables. The correlation between this new index variable and FTA is presented in the next section.

³⁰Correlations for two alternate codings of the prior criminal record, arraignment expectation and school attendance variables were reported in Table 21. The more strongly correlated variable from each pair (PRIOR CRIMINAL RECORD I, ARRAIGNMENT EX-PECTATION, and SCHOOL ATTENDANCE) was selected for use in the multicollinearity analysis.

TABLE 23

MULTICOLLINEARITY ANALYSIS: J.O. POINT SCALE SAMPLE

	ARRAIGNMENT	PRIOR CRIMINAL	SCHOOL		
	EXPECTATION	RECORD	<u>ATTENDANCE</u>		
ARRAIGNMEN	I'		r=.25, p=		
EXPECTATIO	N		.0002, N=205		
PRIOR CRIM	INAL		r=.21. p=		

PRIOR CRIMINA RECORD r=.21, p= .002, N=205

D. POINT SCALE VARIABLES AND FTA

The variables selected for potential use in the point scale were found in univariate analyses to correlate significantly with failure to appear (FTA). They are first presented here in two-way crosstabular form to give the reader a clear idea of the relationship between each level of the independent variables and warrant frequency. The dichotomous ("yes/no") warrant measure was used as the dependent variable in every analysis. The subsample of cases for each crosstabulation involving the full J.O. point scale sample included all J.O.'s who had a warrant, as well as all others who were at risk at some point during their Criminal or Supreme Court histories but remained warrant-free (N=212). Murder and attempted murder arrestees were excluded since CJA does not provide recommendations for adult defendants with these charges. Table 24 shows the correlation between school attendance and FTA. Responses were classified by the defendant's answer regarding school attendance (at the time of the arrest) and the results of the verification attempt on this item. The lowest FTA rate (14%) was found for defendants verified to be in school, followed closely by those whose affirmative responses were unverified. Defendants who said they were not in school had higher failure proportions.

TABLE 24			
 	 _	-	

SCHOOL ATTENDANCE BY FTA FOR J.O. SAMPLE

COLOUR AUTOENDANCE

	SCHOL ATTENANCE												
	YES- VERIFIED		YES- UNVERIFIED		NO- UM	NO- UNVERIFIED		NO		BIOTAL	MISSING	TOTAL	
ARRANTS	111	86.1%	53	77.98	· 4	66.7%	1	25.0%	169	81.6%	4	173	81.6%
OR MORE ARRANTS	18	14.0	15	22.1	2	33.3	³	75.0	38	18.4	1	39	18.4
L IN STUDY	129	100.1%	68	100.0%	6	100.0%	4	100.0%	207	100.0%	5	212	100.0%

The "no" (verified and unverified) categories were collapsed for more reliable analysis based on a larger number of defendants per cell.³¹ The resulting correlation between school attendance and FTA was significant ($r\phi = .16$; $X^2 = 8.97$, df = 2, p =.01).

³¹There is a modified version of $r\phi$ (Cramer's V) which corrects for tables that are larger than 2x2, but this statistic was exactly equal to ro in all the following tables. Therefore ro is reported throughout this section.

Table 25 presents the relationship between defendants' arraignment expectations (whether a family member or friend would be present in court) and FTA. The lowest failure rate (15.9%) was found for defendants who did expect someone in court, followed closely by those who were uncertain whether anyone would be there. Those not expecting anyone had an FTA rate almost three times as high as that for the group with positive expectations.

TABLE 25

ARRAIGNMENT EXPECTATION BY FTA FOR J.O. SAMPLE

FTA				ARRAI	GNMENT I	XPECTATIO	N				
	. 1	ÆS	DO I	NOT KNOW		NO	SUE	BTOTAL	MISSING	<u>T(</u>	JTAL
NO WARRANTS	143	84.1%	17	77.3%	7	53.9%	167	81.5%	6	178	81.6%
ONE OR MORE WARRANTS	27	15.9	5	22.7	6	46.2	38	18.5	1	39	18.4
TOTAL IN STUDY	170	100.0%	22	100.0%	13	100.1%	205	100.0%	7	212	100.0%

As was done with the school attendance variable, "Do Not Know" and "No" responses were combined to provide larger numbers of defendants per cell. The correlation between arraignment expectation and FTA was significant ($r\phi = .15$; $X^2 = 4.65$, df=1, p=.03). Since the school attendance and arraignment expectation variables were themselves heavily correlated (see pp. 56-57 in the "Multicollinearity Testing" section), an index was created by summing the values on each of them. This will henceforth be referred to as the "school/arraignment" variable. Scores on the new variable ranged from two (for defendants with verified school attendance and positive arraignment expectations) to seven (for those with verified negative school answers and negative arraignment expectations).³²

Table 26 shows the relationship between index scores and FTA. The lowest FTA rate (13.0%) was found for defendants with

			34	IOOL MAA	TOMENT .	TINDEY	BI FIA FUR	<u>[].0.</u>	SAMPLE					
								·						
							INDEX SO	ORE						
	2		<u>3</u>		4		<u>5</u>		<u>6</u>	SU	BTOTAL	MISSING	TO	PAL
100	87.0%	49	81.7%	11	78.6%	5	38.5%	2	66.7%	167	81.5%	6	173	81.6%
15	13.0	11	18.3	3	21.4	8	61.5	1	33.3	38	18.5	1	39	18.4
115	100.0%	60	100.0%	14	100.1%	13	100.0%	3	100.0%	205	100.0%	7	212	100.0%
	100 15 <u>115</u>	2 100 87.0% 15 13.0 115 100.0%	$\frac{2}{100} 87.0\% 49$ $15 13.0 11$ $\overline{115} \overline{100.0\%} \overline{60}$	2 3 100 87.0% 49 81.7% 15 13.0 11 18.3 115 100.0% 60 100.0%	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	$\begin{array}{cccccccccccccccccccccccccccccccccccc$					

TABLE 26 CHOOL ARFAIGNMENT INDEX BY FTA FOR J.O. SAMPLE

M

_**N**

 32 The maximum score for J.O.'s on this scale was six since none of them had the worst (highest) score on both variables. The following chart shows the categories of the arraignment expectation and school attendance variables, along with the value assigned for each in parentheses. The numbers in the body of the chart are index variable scores. These are sums of the values on their respective categories of the arraignment expectation and school attendance variables.

	S			
ARRAIGNMENT	YES-VERI-	YES-UN-	NO-UN-	NO-VERI-
EXPECTATION	FIED(1)	VERIFIED(2)	VERIFIED(3)	FIED(4)
YES (1)	2	3	4	5
DO NOT KNOW(2)	3	4	5	6
NO (3)	4	5	6	7

the strongest school/ arraignment score (2), and it rose steadily for those with scores of three through five. While there was a sharp drop-off in FTA for the group with the highest score of six, only two J.O.'s were in this category. To conduct the chi-square analysis, the two strongest categories were combined (scores of two and three), as were the remaining weaker categories (scores of four through six). The resulting correlation with FTA was highly significant (r ϕ =.23; X²=10.72, df=1, p=.001).

Finally, defendants' prior records were categorized in severity order as follows: 1) first arrestees; 2) those with earlier arrests but no open cases or prior convictions; 3) those with open cases (i.e., other cases pending concurrently with the study arrest); and 4) defendants with prior misdemeanor or felony convictions. Table 27 presents the prior criminal record crosstabulated with FTA. First arrestees had the lowest FTA proportion (14%), with progressively higher rates for defendants who had more serious records. When first arrestees were analyzed against all other defendants combined, the FTA correlation was highly significant (r ϕ =.23, X²=10.79, df=1, p=.001).

TABLE 27

PRIOR CRIMINAL RECORD BY FTA FOR J.O. SAMPLE

						PRIOR	RECORD							
	FIRST			T FIRST REST		OPEN CASES		R	SU	SUBTOTAL		<u>T</u>	TOTAL	
RANTS	 141	86.0%	12	70.6%	16	61.5%	1	50.0%	170	81.3%	3	173	81.6%	
. MORE	23	14.0	5	29.4	10	38.5	1	50.0	39	18.7		39	18.4	
RANTS IN STUDY	164	100.0%	17	100.0%	26	100.0%	2	100.0%	209	100.0%	3	212	100.0%	
Three-Way Crosstabular Analyses

In order to simultaneously control for the effects of school attendance, arraignment expectations and prior criminal record on warrant incidence, a series of three-way crosstabulations was run. The school/arraignment index and prior criminal record variables were tested jointly to see if this would yield a more powerful prediction of warrant frequency than those based on either alone.

The subsample of cases used in these analyses again included all J.O.'s who had a warrant, as well as others who were at risk and remained warrant-free. Cases were classified on the school/arraignment variable in two categories. The "strong" level included two groups of defendants: those who expected a friend or relative at arraignment and gave an affirmative school attendance answer (verified or unverified) and those who were verified school attendees but were unsure whether any friend or relative would be present during arraignment. The "weak" level included all other defendants. Prior criminal records were dichotomized by first arrestees and all other defendants. This young population had few adult convictions. Their juvenile records were not available and therefore not included as part of the coding for this variable. Of the J.O.'s with records, 56.9% had other "open" cases pending at the same time as the study arrest.

Tables 28 and 29 show that the association between the school/arraignment scores and FTA remained strong when first arrestees only were considered $(r\phi=.25)$. It was not statistically significant for those with a record $(r\phi=.19)$, but this may likely be attributed to the comparatively small sample size for this group. The trend was still in the expected direction: J.O.'s with records who placed in the "strong" category of the school/arraignment index had a lower FTA rate (32.4%) than those in the "weak" group (57.1%).

TABLE 28

	SCHOOL, PRIOR CRI	ARRAIGNMEN MINAL RECOF	T INDEX	BY FTA, CO T ARRESTER	NTROLLIN S): J.O.	G FOR SAMPLE			
FTA				INDEX SO	ORE				
	2	23		<u>4-7</u>	SU	BTOTAL	MISSING	T	OTAL
NO WARRANTS	122	89.7%	15	65.2%	137	86.2%	4	141	86.0%
ONE OR MORE WARRANTS	14	10.3	. 8	34.8	22	13.8	1	23	14.0
TOTAL IN STUDY	136	100.0%	23	100.0%	159	100.0%	5	164	100.0%
			2 X =	-9.90, df=1	, p=.002	2			

TABLE 29

SCHOOL/ARRAIGNMENT INDEX BY FTA, CONTROLLING FOR PRIOR CRIMINAL RECORD (PRIOR ARREST/CONVICTION): J.O. SAMPLE

FTA			INDEX						
		<u>2-3</u>		4-7	SU	BTOTAL	MISSING		TOTAL
NO WARRANTS	25	67.6%	. 3	42.98	28	63.68	1	29	64.4%
ONE OK MORE WARRANTS	12	32.4	4	57.1	16	36.4		16	35.6
TOTAL IN STUDY	37	100.0%	7	100.0%	44	100.0%	ī	45	100.0%
				2 X -1 55	df-1 n- 2	1			

The lowest warrant rate (10.3%) was obtained for first arrestees in the "strong" school/arraignment category (Table 28). This is nearly three percentage points lower than the rate from the best of the individual predictors, school/ arraignment index, for which 13.0% of the top group failed to appear, collapsing across prior criminal records.

When the prior record was correlated with FTA in Tables 30 and 31, holding the school/arraignment variable constant, the relationship was significant only for cases with the "strong" school/arraignment score ($r\phi$ =.25). Defendants with records and "weak" school/arraignment scores did have higher FTA rates than first arrestees, but this trend was not significant ($r\phi$ =.19). Again, this latter finding may be at least partially attributed to small sample size.

TABLE 30	

		PRIOR CRI	MINAL RE	CORD BY FT	A, CONTR	OLLING FOR	<u>t</u>		
		SCHULL/ ARRAL	GNMENT .	INDEX (STR	NG TIES)	: J.O. SA	APLE		
FTA				PRIOR RI	EXCRD				
		FIRST	PRIO	R ARREST/ ICTION	SUE	BTOTAL	MISSING	Ţ	OTAL
NO WARRANTS	122	89.7%	25	67.6%	147	85.0%	2	149	85.1%
ONE OR MORE WARRANTS	. 14	10.3	12	32.4	26	15.0		26	14.9
TOTAL IN STUDY	136	100.0%	37	100.0%	173	100.0%	2	173	100.0%
			2 X =11	.16, df=1,	p=.001				

TABLE 31

PRIOR CRIMINAL RECORD BY FTA, CONTROLLING FOR SCHOOL/ARRAIGNMENT INDEX (WEAK TIES) : J.O. SAMPLE

FTA				PRIOR RECORD	2	
	FIF	LST LEST	PRI	OR ARREST/	<u>T</u>	JTAL.
NO WARRANTS	15	65.2%	3	42.9%	18	60.0%
ONE OR MORE WARRANTS	8	34.8	4	57.1	12	40.0
TOTAL IN STUDY	23	100.0%	7	100.0%	30	100.0%
			x ²	=1.12, df=1,	p=.29	

E. <u>SUMMARY</u>

The data presented in this chapter have shown that warrant rates were much lower for J.O.'s than for 16-year-olds, especially in Criminal Court and for the combined Criminal/Supreme Court records. The univariate correlational analysis between FTA and a wide range of social and legal background variables showed that the following were significantly related and usable for further analysis: prior criminal record, school attendance and arraignment expectation. Specifically, first arrestees with verified school attendance who expected a friend or relative at arraignment were significantly less likely to have a warrant than defendants with a prior record who were not verified to attend school and did not expect anyone at arraignment.

The arraignment expectation and school attendance variables were themselves significantly intercorrelated and both were combined into one index variable. Scores on this variable were the summed values from its component arraignment expectation and school attendance items. The index was significantly correlated with FTA. J.O.'s in its strongest category, who expected a relative or friend at arraignment and were verified to be in school, had a 13% FTA rate.

When the index variable was analyzed concurrently with the prior criminal record, first arrestees who scored in one of the two strongest index variable categories had an FTA rate of only 10.3%. The next chapter will discuss how these factors were incorporated in the proposed J.O. point scale. It also provides data concerning the advantages of the proposed scale, compared with the standard CJA adult recommendation criteria.

CHAPTER V

POINT SCALE CONSTRUCTION

In section D of Chapter IV, it was shown that the largest difference in FTA rates occurred when J.O.'s scoring in the top categories of the prior criminal record and school/arraignment index variables were compared with all other arrestees. Only 10.3% of these defendants (first arrestees with "strong" school/arraignment index scores of 2 or 3) had a warrant in Criminal or Supreme Court. They constitute the "Recommended" group for the proposed point scale. The number of J.O.'s with prior records or "weak" index scores (greater than 3) was relatively small, so all subgroups with records, index scores or both were combined into one "Not Recommended" category. The relationship between these two categories and failure to appear can be seen in Table 32.

	PROPOSED J.O. SI	TAMP BY FTA: J.O.	POINT SCALE	SAMPLE	
FTA	PROPOSED J.O.	STAMP			
	RECOMMENDED	NOT RECOMMENDED	SUBTOTAL	MISSING	TOTAL
NO WARRANTS	122 89.7%	43 64.2%	165 81.3%	8	173 81.6%
ONE OR MORE WARRANTS	14 10.3	24 35.8	38 18.7	1	39 18.4
TOTAL IN STUDY	136 100.0%	67 100.0%	203 100.0%	9	212 100.0%

TABLE 32

Of the J.O.'s who would have received a recommendation, 67% were given the "Recommended" stamp. The FTA rate for the "Not Recommended" group (35.8%) was more than three times the rate for "Recommended" defendants. The relationship between J.O. stamp and FTA was highly significant (X^2 = 19.2, df=1, p< .0005).³³

In order to evaluate the proposed scale against the present system used for adult defendants, recommendation stamps were calculated for all the J.O.'s using the existing adult criteria.³⁴ The distribution of recommendations, including their relationship to FTA, is presented in Table 33. The major categories were the first two recommendations: 60.4% of the J.O.'s would have received the top stamp and 25.5% were "Qualified."

TABLE 33

CALCULATED CJA RECOMMENDATION BY FTA: J.O. POINT SCALE SAMPLE

	RECO	MMENDED	QUALIFIED	INSUFFICIENT TIES	RESIDENCE OUTSIDE NEW YORK, RESIDENCE CONFLICT, INCOM- PLETE INTERVIEW	BEI	NCH RRANT	NO NYSID, BAIL- JUMPING	TO	<u>"AL</u>
NTS	105	82.0%	46 85.2%	9 90.0%	8 57.1%	3	75.0%	2 100.0%	173	81.6%
IORE ITS	23	18.0	8 14.8	1 10.0	6 42.9	1	25.0		39	18.4
STUDY	128	100.0%	54 100.0%	10 100.0%	14 100.0%	4	100.08	2 100.0%	212	100.0%

CJA RECOMMENDATION

³³Cases not assigned a J.O. stamp due to missing prior record or school/arraignment information were not included in this and all subsequent chi-square calculations.

³⁴These items included the defendant's length of residence (more or less than eighteen months), whether he lived in the New York City area, who he lived with, whether he had a working telephone, whether he was in school, employed or in a job training program, and his expectation concerning a friend or relative's presence at arraignment. Only 4.7% had insufficient community ties. The warrant percentages, however, were not in the expected pattern: "Qualified" defendants had a lower FTA rate than those in the "Recommended" category, while J.O.'s with insufficient ties had an even lower rate than the "Qualifieds." The different recommendation categories had no significant relationship to FTA (X^2 =1.8, df=2, p =.40)³⁵

The new J.O. scale was superior in this respect since J.O.'s in the "Not Recommended" category had a warrant rate over three times that for "Recommended" J.O.'s. Furthermore, the FTA rate for "Recommended" defendants using the new scale was only slightly more than half the rate for "Recommended" J.O.'s based on the calculated adult stamps. Finally, 67.0% of the J.O.'s were in the top "Recommended" category using the new scale, while only 60.4% of them would have received the top adult recommendation.

When the new scale was applied to the 16-year-old sample as shown in Table 34, there was again a very strong correlation

TABLE 34

FTA		PROPOSED J.O.	STAMP						
	RE	COMMENDED	NOT RECO	MMENDED	SUBT	OTAL	MISSING	Ţ	OTAL
NO WARRANTS	31	9 79.2%	434	62.4%	753	68.5%	25	773	68.3%
ONE OR MORE WARRANTS	e e	4 20.8	262	37.6	346	31.5	15	361	31.7
TOTAL IN STUDY	$\overline{40}$	3 100.0%	696	100.0%	1099	100.0%	40	1139	100.0%

PROPOSED J.O. STAMP BY FTA: 16-YEAR-OLD POINT SCALE SAMPLE

³⁵All other recommendations besides "Recommended" and "Qualified" were collapsed into a third category to provide adequate cell N's for the chi-square analysis.

between the recommendation categories and FTA (X^2 = 33.4, df=1, p<.0005). The proportions of defendants in each category were dramatically different, however, from those for J.O.'s. Whereas over two-thirds of the J.O.'s classified on the new scale were "Recommended," the corresponding percentage for the 16year-olds was only 36.7. This occurred because greater proportions of the 16-year-olds had prior records, reported they were not in school, or did not expect a friend or relative to be at arraignment. The difference in FTA rates for "Recommended" and "Not Recommended" 16-year-olds was not as great as the difference for J.O.'s, since the rate for "Recommended" 16year-olds was relatively high (20.8%).

Table 35 shows the distribution of CJA recommendations actually received by this group of defendants, crosstabulated with FTA. The major categories were the "Recommended," "Qualified" and "Insufficient Community Ties" stamps. The percentage of defendants in the first two (55.7 and 24.4%, respectively) closely paralleled the corresponding J.O. proportions, while the rate of "Insufficient Community Ties" stamps was

		CJA RE	COMMENDATION BY F	TA: 16-YEAR-OLD PO	INT SCALE SAM	PLE	•		
		0.00							
		CIA REL	MENUATION	RESTORNCE OFFSIDE	1				
	RECOMMENDED	OUAL TETED	INSUFFICIENT	NEW YORK, RESIDER CONFLICT, INCOM- PLETE INTERVIEW	CE BENCH WARRAN	NO NYSID, BAIL- F JUMPING	SUBTOTAL MISSING	TOTAL	
JANTS	468 74.18	192 69.3%	56 54.4%	26 50.0%	29 46.8%	6 66.78	777 68.5% 1	778 68.	.38
MORE INTS	164 26.0	85 30.7	47 45.6	26 50.0	33 53.2	3 33.3	358 31.5 3	361 31	.7
IN STUDY	632 100.1%	277 100.0%	103 100.0%	52 100.0%	62 100.0%	9 100.0%	1135 100.0% 4	1139 100.	.08

TAHLE 35

somewhat higher (9.1%). In contrast to the J.C.'s, the relationship between stamp and FTA was significant (X^2 = 40.4, df=5, p<.0005). The lowest FTA rate (26.0%) was found for those in the "Recommended" category, whereas rates nearly twice as high were found for those with insufficient ties, conflicting residence information, residence outside the New York City area, incomplete interviews or bench warrants attached to the present arrest.

For 16-year-olds, the new scale did not provide better discrimination than the standard adult recommendation system between defendants with one or more warrants and those who were warrant-free. Like the findings based on the actual CJA stamps, defendants in the "Not Recommended" category had an FTA rate that was nearly double that for those in the "Recommended" category. Furthermore, the FTA rate for "Recommended" defendants using the new scale was less than six percentage points lower than the rate using the actual recommended" category when classified according to CJA stamp, compared with only 36.7% of those rated on the new scale. For 16-year-olds, the new system offered no special advantages which improved upon the traditional stamp criteria.

Alternative Models

Several alternative models of the point scale which gave different relative weightings to its prior record and school/ arraignment index components were also tested. They made possible some form of positive recommendation for defendants with prior records or negative responses to one of the index variable components (arraignment expectation or school attendance).

Each variation had three recommendation categories, "Recommended", "Qualified" and "Not Recommended." The "Recommended" category was comprised in all variations of first arrestees who received the top school/arraignment index score of 2 ("Yes-Verified" to be in school and expecting a relative or friend at arraignment). This was a narrower definition than that used for the "Recommended" group under the original criteria (see p. 67). Nevertheless, nearly half the sample in each variation (48.3%) received the most favorable stamp, compared with 67% in the original scheme.

Definitions for the remaining stamp categories were different in each variation and will be provided as they are discussed. It should be noted that every variation presented in this section replicated significantly for a 1986 J.O. sample (see Chapter VI).

Variation I

Under this system, first arrestees who received index scores of 3 or 4 were assigned the "Qualified" recommendation. The remaining defendants, including all those with prior records as well as first arrestees with index scores of 5 or 6, were in the "Not Recommended" category. In this way, even defendants who reported they were not in school or did not exect anyone at arraignment still had a chance to obtain a "Qualified" release recommendation.

The relationship between J.O. stamp and FTA was highly significant (Table 36; $X^2=15.8$, df=2, p<.0005).³⁶ Virtually the

TABLE 36

PROPOSED J.O. STAMP BY FTA (VARIATION I)

 \underline{FTA}

PROPOSED J.O. STAMP

	REC	OMMENDED	QUA	LIFIED	<u>NOT</u> REC	OMMENDED	TOTA	<u>.L</u>
NO WARRANTS	88	89.8%	52	81.3%	25	61.0%	165	81.3%
ONE OR MORE WARRANTS	10	10.2	12	18.8	16	39.0	38	18.7
TOTAL IN STUDY	98	100.0%	64	100.1%	41	100.0%	203	100.0%

 36 Nine J.O.'s, including one with a warrant, were missing prior record or index score information and were not included in Tables 36-38.

same percent of "Recommended" defendants had one or more warrants, compared with the original scheme (10.2% and 10.3%, respectively).³⁷ Under this variation, however, 79.8% of the J.O.'s received some form of positive recommendation ("Recommended" or "Qualified"), compared with 67% using the original system. In addition, the proportion of defendants with warrants in the "Not Recommended" category of this variation was somewhat higher than in the original system (39.0%, compared with 35.8%). The FTA rate for the new "Qualified" stamp in this variation was 18.8%.

Variation II

Under the second variation, the "Qualified" category consisted of defendants with index scores of 3 or 4 (whether or not they were first arrestees), as well as those with prior records who had index scores of 2 (the top score available). All defendants with index scores of 5 or 6 received the "Not Recommended" stamp, whether they had a prior record or not. The major innovation here was that J.O.'s with prior records could receive "Qualified" recommendations, assuming their index score was 4 or better.

³⁷This proportion of "Recommended" defendants with warrants was identical for all three variations since the criteria required to receive this stamp remained the same.

Again, the relationship between stamp and FTA was strongly significant (Table 37; X^2 = 19.9, df =2, p<.0005). A higher percentage of defendants (92.1%) had some form of positive recommendation under this system ("Recommended" or "Qualified"), compared with the original scheme or Variation I. The proportion with warrants in the "Not Recommended" category was 56.3%, more than twenty percentage points higher than the proportion of "Not Recommended" defendants with warrants under the original scheme. Only 16 J.O.'s (7.9%), however, received the "Not Recommended"

TABLE 37

PROPOSED J.O. STAMP BY FTA (VARIATION II)

<u>FTA</u>

PROPOSED J.O. STAMP

	REC	OMMENDED	QUA	LIFIED	<u>NOT</u> REC	OMMENDED	TO	TAL
NO WARRANTS	88	89.8%	70	78.7%	7	43.8%	165	81.3%
ONE OR MORE WARPANTS	10	10.2	19	21.4	9	56.3	38	18.7
TOTAL IN STUDY	98	100.0%	89	100.1%	16	100.1%	203	100.0%

stamp in this variation. The FTA rates for the "Qualified" stamp under Variations II and III (to be discussed next) were nearly identical: 21.4% and 21.3%, respectively.

Variation III

In order to compensate for the low number of defendants who received the "Not Recommended" stamp in Variation II, the "Qualified" category was then defined more narrowly. In Variation III, it included only defendants with index scores of 3 (whether or not they were first arrestees), as well as those with prior records who had index scores of 2. All J.O.'s with index scores of 4,5, or 6 were in the "Not Recommended" group, whether they had a prior record or not. Like Variation II, this model allowed defendants with prior records to receive "Qualified" recommendations, as long as their index scores were 2 or 3.

The relationship between stamp and FTA was again significant (Table 38; X^2 = 13.94, df=2, p<.001). A high proportion received "Recommended" or "Qualified" stamps (85.2%), and 40% of the defendants in the "Not Recommended" group had one or

TABLE 38

PROPOSED J.O. STAMP BY FTA (VARIATION III)

F	Т	A	

PROPOSED J.O. STAMP

	RECOMMENDED		QUA	QUALIFIED		<u>NOT</u> RECOMMENDED		TOTAL	
NC WARRANTS	88	89.8%	59	78.7%	18	60.0%	165	81.3%	
ONE OR MORE WARRANTS	10	10.2	16	21.3	12	40.0	38	18.7	
TOTAL IN STUDY	98	100.0%	75	100.0%	30	100.0%	203	100.0%	

more warrants. This was nearly four times the FTA rate for the "Recommended" J.O.'s (10.2%).

The definitions for each point scale variation, along with their associated FTA rates, are summarized in Table 39. The three variations provided alternatives which mitigated the automatic assignation of the "Not Recommended" stamp, according to the original criteria, for J.O.'s with prior records or high index scores (greater than 3). At the same time, they each preserved the ability of the original scheme to differentiate between J.O.'s who were more likely to FTA and those who appeared reliably for each adjournment.

TABLE 39

STAMP DEFINITION FOR PROPOSED

		<u>J.(</u>	D. POINT SCALE			. •
	RECOMMENDED	FTA	QUALIFIED	FTA	NOT RECOMMENDED	FTA
iginal cale	First Arrestee <u>and</u> Index [*] =2 or 3	10.3%		· · · · ·	Prior Record or (Index = 4,5, or 6)	35.8%
riation I	First Arrestee <u>and</u> Index = 2	10.2%	First Arrestee and Index = 3 or 4	18.8%	Prior Record or (Index = 5 or 6)	39.0%
riation II			(Index = 3 or 4) <u>or</u> (Prior Record and Index = 2)	21.4%	Index = 5 or 6	56.3%
riation III			Index = 3 or (Prior Record and Index = 2)	21.3%	Index = 4,5, or 6	40.0%

n an Arrange and Arrange a Arrange and Arr 77.

"Index" refers to the school/arraignment expectation index variable, presented on p. 60.

It should be noted that when the same variations were run for the 16-year-old sample, lower proportions of "Recommended" defendants and higher proportions of "Not Recommended" defendants had one or more warrants, compared with the groups defined by the original J.O. stamp criteria. However, the differences between the FTA proportions for "Recommended" and "Not Recommended" 16-year-olds in these variations were quite similar to the corresponding differences between "Recommended" and "Insufficient Ties" defendants, using the standard CJA recommendation scale. There was also no improvement in the proportion of defendants who received some form of positive stamp ("Recommended" or "Qualified") on the adult scale. These variations, like the original J.O. criteria, did not improve the discrimination between 16-year-olds with warrants and those who were warrant-free, compared to the traditional adult stamp criteria.

CHAPTER VI

REPLICATION ANALYSIS

In order to assess the applicability of the new J.O. point scale to a more recent sample, it was tested on a group of 149 J.O. defendants from all boroughs arrested between January 1 and April 30, 1986. These J.O.'s were selected according to the statutory age and arrest charge criteria established by New York's 1978 Juvenile Offender Act (see footnote #9, p. 9). As with the original sample, each member of the replication group was "at risk" for a warrant; i.e., had been released on his own recognizance or after posting bail at some point during court processing. All "at risk" J.O.'s disposed in Criminal Court were included in the replication group, as well as those trans ferred to Supreme Court for whom full appearance records were available.³⁸

Every J.O. was first classified according to whether he had one or more warrants in his Criminal or Supreme Court appear-

³⁸Supreme Court appearance information was coded from histories provided by New York State's Office of Court Administration (OCA). The cases of J.O.'s who were dismissed or adjudicated as youthful offenders (Y.O.'s) in Supreme Court were sealed and therefore unavailable for the replication analysis. There was no reason to suspect, however, that defendants with sealed cases were systematically different in terms of FTA probability.

He was then scored on the school/arraignment inance records. dex variable and assigned a recommendation based on this score and his prior record. In this way, it could be determined whether the point scale factors found to predict FTA in the original 1982 sample were still significant predictors in 1986. Overall, the warrant rate for the replication group was somewhat higher than that for the original sample (22.2%, compared with 18.7%). It was still much lower, however, than the rate for 16-year-olds in the original sample (31.7%).

The prior criminal record and school/arraignment index distributions, crosstabulated with FTA, are presented in Tables 40 and 41. In comparison to the original study sample, there were

		PRIOR CRIMINAL RECORD BY FTA FOR REPLICATION SAMPLE	
	FTA	PRIOR RECORD	
		FIRST NOT FIRST PRIOR ARREST ARREST OPEN CASES CONVICTIONS TOTAL	
	NO WARRANTS	97 81.5% 12 57.1% 6 85.7% 1 50.0% 116 77.9%	
	ONE OR MORE WARRANTS	22 18.5 9 42.9 1 14.3 1 50.0 33 22.2	
	TOTAL IN STUDY	119 100.0% 21 100.0% 7 100.0% 2 100.0% 149 100.0%	
		TABLE 41	
		SCHOOL/ARRAIGMENT INDEX BY FTA FOR REPLICATION SAMPLE	
	<u>2</u>	$\underline{3}$ $\underline{4}$ $\underline{5}$ $\underline{6}$ $\underline{7}$ SUBTOTAL MISSING TOTAL	
ANTS	59 85.5%	33 75.0% 8 72.7% 11 68.8% 2 33.3% 1 100.0% 114 77.6% 2 116 77.	98
MORE	10 14.5	11 25.0 3 27.3 5 31.3 4 66.7 33 22.5 33 22.	2

16 100.18

1 100.0%

147 100.18

6 100.0%

149 100.18

2

J'S

IN

69 100.0%

44 100.0%

11 100.0%

TABLE 40

somewhat higher proportions of first arrestees and those with prior arrests but no convictions (see Tables 27, 40). There was also a lower proportion of defendants with open cases. It must be emphasized that no clear trend could be determined concerning warrant patterns for replication defendants with open cases since there were only seven J.O.'s in this category. When first arrestees were analyzed against all defendants with any type of record, the relationship between prior criminal record and FTA was significant ($X^2 = 4.59$, df = 1, p<.03), as it was with the original study sample.

The distributions of scores on the school/arraignment index were similar for both samples (Tables 26, 41). The proportions in the middle "3" and "4" categories, however, were somewhat higher for replication defendants. When the scores were grouped in two categories as they were for the original sample ("strong" for scores of 2-3, and "weak" for the remaining, higher scores), the relationship with FTA was again significant $(X^2= 4.19, df = 1, p<.041)$.

The original J.O. point scale and all three variations discussed in Chapter 5 replicated significantly, indicating that the scale reliably discriminated low and high-risk defendants. In the first version, J.O.'s who received positive recommendations had to be first arrestees with "strong" index scores (2

13

or 3). As can be seen from Table 42, 89 J.O.'s (59.7% of the replication group) qualified for this designation, a somewhat lower proportion than in the study sample (67%). Their FTA rate, 14.6%, was approximately four percentage points higher than the rate for the original group (10.3%). Replication defendants in the "Not Recommended" category, however, had an FTA rate that was nearly 19 percentage points higher than that for those recommended for release, and the relationship between J.O. recommendation and FTA was highly significant ($X^2 = 7.29$, df =1, p =.007).

TABLE 42

J.O. STAMP BY FTA: REPLICATION SAMPLE

FTP			J.O. STAMP						
	RECOMMENDED		NOT	RECOMMENDED	TOTAL				
NO WARRANTS	76	85.4%	40	66.7%	116	77.9%			
ONE OR MORE WARRANTS	13	14.6	20	33.3	33	22.28			
TOTAL IN STUDY	89	100.08	60	100.0%	149	100.1%			

In the original sample, the 13% FTA rate for J.O.'s with the top index score of 2 (independent of any prior record distinctions) was nearly three percentage points higher than that for J.O.'s with positive recommendations (10.3%); i.e., first arrestees with index scores of 2 or 3. In the replication sample, however, these proportions were nearly identical (14.5% FTA for those with index scores of 2, and 14.6% for those with positive recommendations). The three variations of the recommendation scheme each had three categories, "Recommended", "Qualified", and "Not Recommended." The "Recommended" category in each system was identical. It included only J.O.'s with index scores of 2 who were also first arrestees. The FTA rate for this group in the replication sample was 11.1%. The "Qualified" and "Not Recommended" categories were defined differently in each variation and will be discussed below.

<u>Variation I</u>

In the first variation (Table 43), the "Qualified" category included first arrestees with index scores of 3 or 4.39 The

<u>FTA</u>	RECOMMENDED		<u>J.O. STAMP</u> QUALIFIED		NOT REC	OMMENDED	TOTAL		
NO WARRANTS	48	88.9%	39	79.6%	27	61.4%	114	77.6%	
ONE OR MORE WARRANTS	6	11.1	10	20.4	.17	38.6	33	22.5	
TOTAL IN STUDY	54	100.0%	49	100.0%	44	100.0%	147	100.1%	

TABLE 43

J.O. STAMP BY FTA (VARIATION I): REPLICATION SAMPLE

³⁹The "N" in Tables 43-45 is less than that in Table 42 since two defendants were missing information needed to compute their exact school/arraignment index scores. These defendants were included, however, in Table 42. In one case, the defendant had a prior record and so automatically received the "Not Recommended" stamp under the criteria for the original scheme. In the other case, only verification information was missing. Since the defendant had no prior record, reported he was in school and expected a relative at arraignment, he received the "Recommended" stamp. "Not Recommended" category included all other cases not in the top two groups. The FTA rate steadily increased across the three categories, and the relationship between the recommendation and FTA was highly significant (X^2 = 10.66, df =2, p<.005).

Variation II

In the second variation, the "Qualified" category was more broadly defined to include defendants with index scores of 3 or 4 (whether or not they were first arrestees), as well as those with the top index score of 2 who had prior records. The "Not Recommended" category again consisted of all remaining J.O.'s. The FTA rate for "Qualified" defendants (25.7%) was approximately five percentage points higher than that for "Qualified" J.O.'s in Variation I (20.4%), but there were 21 more defendants in this category (see Table 44). Using this scheme, 84.4%

TABLE 44

J.O. STAMP BY FTA (VARIATION II): REPLICATION SAMPLE

FTA

J.O. STAMP

	RECOMMENDED		QUALIFIED		NOI REC	<u>COMMENDED</u>	TOTAL	
NO WARRANTS	48	88.9%	52	74.38	14	60.9%	114	77.6%
ONE OR MORE WARRANTS	6	11.1	10	25.7	9	39.1	33	22.5
TOTAL IN STUDY	54	100.0%	70	100.0%	23	100.0%	147	100.1%

of the defendants received "Recommended" or "Qualified" positive recommendations, compared with 70.1% in Variation I and 59.7% in the original two-category scheme. The relationship between J.O. recommendation and FTA for Variation II was again strongly significant (X^2 =8.02, df=2, p<.025).

Variation III

FTA

The final variation redefined the "Qualified" group by including only defendants with index scores of 3 (whether or not they were first arrestees), as well as those with scores of 2 who had prior records (Table 45). The proportion of defendants

TABLE 45

J.O. STAMP BY FTA (VARIATION III): REPLICATION SAMPLE

	RECOMMENDED		QUALIFIED		<u>NOT</u> RECOMMENDED		TOTAL	
NO WARRANTS	48	88.98	43	74.18	23	. 65.7%	114	77.6%
ONE OR MORE WARRANTS	6	11.1	15	25.9	12	34.3	33	22.5
TOTAL IN STUDY	54	100.0%	58	100.0%	35	100.0%	147	100.1%

J.O. STAMP

who received "Recommended" or "Qualfified" recommendations was 76.2%. Twelve additional defendants were in the "Not Recommended" group, compared with Variation II. The relationship beween this recommendation system and FTA was significant ($X^2 = 7.12$, df=2, p<.05).

In summary, all the recommendation systems tested, both in the original and replication samples, strongly differentiated a group of first arrestees with the top school/arraignment index score from those with prior records, weaker index scores, or both. The latter had warrant rates that were consistently and sharply higher than those of the "Recommended" defendants.

CHAPTER VII

PRETRIAL RECIDIVISM

Given the severity of the charges faced by J.O.'s, judicial evaluations of their risk of flight can often be part of a broader concern with danger they may pose to the community if released from pretrial detention. In order to assess this issue, several additional analyses were conducted for 203 J.O.'s released at some point during their Criminal or Supreme Court processing.⁴⁰

Each defendant's period "at risk" began with the earliest date he was released from detention and concluded with his final return to detention (or the end of case processing, if he remained free). Computer searches of the CJA data base were done to find any new arrests during this period.⁴¹ The primary case link was the defendant's New York State Identification ("NYSID") number. This same number was attached to the original arrest and any subsequent rearrests for a given

⁴¹These rearrests were limited to those prosecuted in Criminal Court. Any cases brought to Family Court (on non-J.O. charges) during this period were not within the scope of the analysis.

 $^{^{40}}$ There were fewer cases here than in the point scale analyses (N=212) since nine defendants had warrant in Criminal Court but were missing Supreme Court appearance histories. They could therefore be classified as "warrant" cases for the point scale analyses, but were deleted from the recidivism sample since the available appearance data provided only a partial picture of possible time at risk.

defendant. The information is maintained by New York State's Division of Criminal Justice Services (DCJS).

In addition, the data base was checked using the defendant's name as the matching criterion. This insured that rearrests for which the NYSID number was missing would nevertheless be detected. Any rearrest had to have been for one of the J.O. offenses (see footnote #9, p. 9) if the defendant was between 13 and 15 years old during the entire time at risk. Alternatively, if he became 16 at some point during this period, a subsequent arrest could have been for the entire array of adult charges.

The main finding was that only 20 of the 203 defendants at risk (9.9%) had any type of rearrest prosecuted in Criminal Court during their pretrial period. The rate for J.O.'s whose cases were disposed in Criminal Court was 5.4%, while that for defendants disposed in Supreme Court was 21.8%. In another study of 4164 defendants arraigned in New York City Criminal Courts between October 12, 1980 and October 25, 1980 (Eckert, research in progress) there were 365 adults age 16 and older who had one or more rearrests (16.7% of the 2191 who were at risk). The rate for those disposed in Criminal Court was 14.7% (258 of 1760 at risk), while that for those disposed in Supreme Court was 26.4% (100 of 379 at risk). Eighteen J.O.'s had one rearrest, and two defendants had two each. In 13 of the 22 rearrests (59.1%), the affidavit charge for <u>both</u> the original case and the rearrest was either Robbery 1° or Robbery 2°. Defendants infive of the remaining rearrests (22.7%) were arraigned on non-robbery J.O. charges. These included Assault 1°, Burglary 2°, and three Murder 2° cases. Finally, four rearrests (18.2%) had non-J.C. affidavit charges (including Grand Larceny 2°, Possession of a Weapon 3° and two Grand Larceny 3° cases).

Most frequently, defendants were convicted on the new rearrest charges. Four robbery rearrests resulted in conviction in Supreme Court and three were transferred to Family Court. In one other case, the defendant was out on a warrant from Criminal Court, with no further information available.⁴² One Murder 2[°] defendant was convicted, while the Burglary 2[°] case was dismissed. All those facing non-J.O. charges were convicted.

The available sentencing information indicated that all sanctions were for terms of imprisonment. Minimum terms on the

 $^{^{42}}$ Final disposition and sentencing information was not available for the remaining five robbery rearrests. These data were also missing for the Assault 1° case and for two of the Murder 2° rearrests.

robbery convictions ranged from 1-5 years, while maximum sentences were between 3 and 5 years. The murder defendant received a 30-month minimum and a 90-month maximum. Sentences for the grand larceny and possession of stolen property cases ranged from 15 days to one year.

In summary, the overall incidence of pretrial rearrests was quite low (9.9%), although most of the new charges were of comparable severity to those from the original cases. The available disposition and sentencing data indicated that most new arrests resulted in conviction and all of those convicted received jail or prison terms.

CHAPTER VIII

SUMMARY AND CONCLUSIONS

This study was undertaken by the New York City Criminal Justice Agency to develop a system of pretrial release recommendation criteria for juvenile offenders. New York's 1978 Juvenile Offender Act created a new class of 13-15-year-old defendants processed in the adult court system. The main goal of the present research was to isolate those factors which differentiated J.O.'s who would have one or more pretrial warrants from those who would be warrant-free. These factors could then be used in a "point scale" to provide judges with specific pretrial release recommendations.

The research population was comprised of all J.O.'s interviewed by CJA staff between June 21-December 31, 1982 and later arraigned in Criminal Court (N=501). In addition, a 50% random sampling of 16-year-olds arrested during the same time period was studied so the J.O.'s could be compared with the closest demographic group receiving adult recommendations (N=1670). All defendants were administered a pre-arraignment interview that was an extended version of the one normally given by CJA staff. It included detailed questions concerning family ties, home responsibilities, sources of financial support and educational and employment history. These data were analyzed in conjunction with Criminal and Supreme Court appearance history and warrant information. Correlational patterns were studied between background factors and a dichotomous "no warrant/one or more warrants" variable. Those factors which had the strongest predictive relationship with warrant occurrence were included in the proposed J.O. point scale. Results from this scale were compared to those which would have been obtained had the regular adult criteria been used.

The typical J.O. in this study was a black male charged with armed robbery. He had no earlier arrests processed in the adult system. The majority of J.O.'s (61.7%) were detained at arraignment and were eventually transferred to the Supreme Court (51.9%). In Supreme Court, the overwhelming majority of defendants were convicted (90.3%) and most were sentenced to prison (56.7%). Maximum prison terms were generally three or four years. Arraignment release status, disposition and sentencing patterns were highly similar for the 16-year-olds, supporting the comparability of both samples for the warrant and point scale analyses.

Warrant rates were consistently lower for J.O.'s than for 16-year-olds. In Criminal Court, this discrepancy was particularly dramatic: only 31 of 270 J.O.'s at risk (11.5%) had one

or more warrants, compared with 332 of 1237 16-year-olds at risk (26.8%). Nine J.O.'s of 25 at risk in Supreme Court (36%) had a warrant, compared with 33 of 86 16-year-olds at risk (38.4%). Finally, for defendants with appearance records in both Criminal and Supreme Court, 39 of 212 J.O.'s at risk (18.4%) and 361 of 1139 16-year-olds at risk (31.7%) had one or more warrants at some point during their court processing. When arrest charge was controlled by analyzing only those 16year-olds arrested for one of the J.O. offenses, the same discrepancies in warrant rates between the two groups were still evident.

The warrant occurrence variable correlated significantly with three items from the defendant social and legal background data: the prior criminal record, school attendance and arraignment expectation. Specifically, first arrestees had a lower warrant likelihood than defendants with any type of record (including earlier arrests, convictions or pending cases). Those who reported they were in school and had this answer verified were less likely to have a warrant than defendants who were not verified attendees. Finally, defendants who expected a friend or relative to be at their arraignment had a lower warrant rate than those who were uncertain or did not expect anyone.

Since the school attendance and arraignment expectation items were themselves heavily intercorrelated, an index was created by summing the values from each of them. This index was a general measure of the strength of the J.O.'s community ties, as reflected in school attendance and arraignment expectation dimensions. Scores on the index ranged from 2 (for J.O.'s with the strongest ties) to 6 (for those with the weakest ties). The lowest warrant rate (13%) was found for J.O.'s with an index score of 2. They were verified to be in school and also expected someone at arraignment.

The prior criminal record and school/arraignment index variables were included in the proposed J.O. point scale. This scale classified defendants according to two stamp categories, "Recommended" and "Not Recommended". "Recommended" defendants were first arrestees who were in one of the two strongest community ties categories of the index variable (index scores of 2 or 3). There were 136 J.O.'s of 203 given stamps (67%) who met these criteria. Those in the "Not Recommended" group had prior records or scored in one of the remaining weaker categories of the index variable. The overall relationship between J.O. stamp and FTA was highly significant. The FTA rate for "Recommended" J.O.'s was only 10.3%, nearly three percentage points less than the lowest rate for defendants classified soley according to the index variable (13%). By contrast, the FTA rate

for "Not Recommended" defendants (35.8%) was more than three times as high as the "Recommended" rate.

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In order to have a basis for comparison, the standard adult criteria were used to calculate stamps for these defendants. Of this J.O. group, 60.4% received the "Recommended" stamp and 25.5% earned a "Qualified" rating (compared with 67% who received the "Recommended" stamp under the newly proposed system). More importantly, the FTA rate for "Recommended" defendants using the adult criteria (18%) was much higher than that for J.O.'s under the new system (10.3%). Finally, the relationship between warrant rates and the stamps using the adult criteria was not significant. In fact, warrant rates were actually <u>lower</u> for those with "Qualified" or "Insufficient Ties" stamps than for those with the "Recommended" stamp.

When the proposed J.O. scale was applied to the 16-year-old sample, the relationship between stamp and FTA rate was again significant, but the proportion of "Recommended" defendants with warrants (20.8%) was higher than that for J.O.'s (10.3%). Moreover, only 36.7% of the 16-year-olds received the "Recommended" stamp, compared with 67% of the J.O.'s. A higher proportion of the 16-year-olds (55.7%) received the ""Recommended" stamp when the regular adult criteria were used. There was also a significant relationship between FTA rate and stamp using the adult criteria, with steadily increasing warrant proportions when the "Recommended" and "Qualified" defendants were compared with those who received negative recommendations. In general, the new J.O. stamp criteria provided no special advantages for the 16-year-olds over the traditional recommendation system used for adults.

According to the proposed J.O. stamp criteria, defendants with prior records or negative responses to the school or arraignment expectation variables would automatically receive the "Not Recommended" stamp. Three alternative models were tested which made possible a "Qualified" positive recommendation for defendants in these categories. Highly significant relationships were found for all models between the proposed stamps and FTA rates.

In each variation, the most favorable ("Recommended") stamp was given only to first arrestees with index scores of 2. They were verified to be in school and expected someone at arraignment. Nearly half the sample at risk (48.3%) received this stamp, compared with 67% in the original scheme. Their FTA rates were nearly identical: 10.2% for those who received a "Recommended" stamp under one of the variations and 10.3% for those "Recommended" under the original criteria. Two other stamps, "Qualified" and "Not Recommended" were defined differently in each variation.

Under Variation I, first arrestees with midrange index scores of 3 or 4 received "Qualified" stamps. All other J.O.'s, including those with records as well as first arrestees with weaker index scores of 5 or 6, were in the "Not Recommended" category. In this way, even a defendant who was not in school or did not expect someone at arraignment could still receive a "Qualified" recommendation, assuming that he was a first arrestee and the other index scale factor was positive. Under this variation, 79.8% of the J.O.'s had some form of positive recommendation ("Recommended" or "Qualified"), compared with 67% using the original system. The FTA rates for "Qualified" and "Not Recommended" defendants were 18.8% and 39%, respectively.

In the second variation, the "Qualified" stamp included all J.O.'s with index scores of 3 or 4 (whether or not they were first arrestees), as well as those with prior records who had the top index score of 2. The "Not Recommended" category included only defendants with the weakest index scores (5 or 6). This scheme allowed J.O.'s with prior records to receive "Qualified" stamps, if their index variable score was sufficiently high. It had a higher proportion of defendants with "Recommended" or "Qualified" stamps than in any other model (92.1%). The proportion of "Not Recommended" defendants with warrants was also the highest found (56.3%). This was more than twenty percentage points greater than the rate under the
original criteria (35.8%). "Qualified" defendants had an FTA rate of 21.4%.

The number of defendants in the "Not Recommended" category for the second variation was small (N=16), so a final variation was developed which narrowed the criteria for the "Qualified" stamp to include only defendants with index scores of 3 (regardless of prior record status), as well as those with prior records who had index scores of 2. The "Not Recommended" group was expanded to include all J.O.'s with index scores of 4, 5, or 6 (N=30). The proportion of defendants receiving "Recommended" or "Qualified" stamps was nearly as high as in the second variation (85.2%). "Qualified" and "Not Recommended" J.O.'s had warrant rates of 21.4% and 40%, respectively.

The same variations were used for the 16-year-old sample. As was the case with the original scale, none significantly improved the ability of the traditional adult stamp criteria to discriminate between 16-year-olds with warrants and those who were warrant free.

The original J.O. scale and the three variations replicated significantly, using a sample of 149 J.O.'s arrested between January 1 and April 30, 1986. This confirmed the ability of the variables selected for use in the point scale to discriminate between J.O.'s relatively likely to have a warrant and those more likely to be warrant-free. All four models gave different relative weightings to the school/arraignment expectation index and prior record components of the scale. Any implementation choice from among them is heavily subject to policy considerations. The three variations each preserved the low FTA rate for "Recommended" defendants, while increasing the overall proportion of J.O.'s who received some type of positive stamp ("Recommended" or "Qualified"). They also enhanced the flexibility of the recommendation criteria, allowing selected defendants with prior records or negative responses to the school or arraignment expectation items to nevertheless receive "Qualified" recommendations.

In terms of pretrial recidivism, 9.9% of the J.O.'s at risk had one or more rearrests prosecuted in Criminal Court. The rate for J.O.'s whose original arrest was disposed in Criminal Court (including Family Court transfers) was 5.4%, while that for those whose arrest was disposed in Supreme Court was 21.8%. Most frequently, defendants were convicted on the new rearrest charges and were given jail or prison terms.

The research as a whole demonstrated that J.O.'s, though facing serious charges, had much lower warrant rates than their 16-year-old counterparts. A separate recommendation system was shown to be both feasible and highly preferable to using the standard adult scale for this population. It is hoped that by

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implementing one of the proposed recommendation systems presented in this report judges will be encouraged to release more J.O.'s who have strong community ties, thereby significantly reducing the high rate of J.O. pretrial detention.

NY	C-CJA	JUVENILE IN Append	TERVIEW FORM		101.
			Interviewer		
NYS		•	Interview D	ate	Time
Las	t Name	First	Middle Precinc	t # Arres	t#
Dat	e of Birth Age	Date of Arrest	Arresting Off	t Charges	3 4
who	were you arrested	with?		•	
1)	name	ag e	(arrest #)
2)	name	age	(arrest #).
STA	TUS CHANGE: D.P	343Tran	sfer to Family C	ourtN	/A
1	Family Ties				OUTCOME OF , VERIFICATION
Α.	*WHAT IS YOUR ADD	RESS?			
	Street	City/Stat	e Zip	Apt.	
	*1. WHO ARE THE (CHECK IF	ADULTS 18 OR OL GROUP HOME OR	DER THAT YOU LIV INSTITUTION AND	E WITH? LIST NAME)	
	* Name		Relatio	nship	
	* Name		Relatio	nship	
	* Name		Relatio	nship	
	* Name		Relatio	nship	
	2. How many chil	ldren below 18 1	ive with you?		۲۹۹۵ ۲۵۰۰ - ۲۰۰۰ ۲۰۰۰ ۲۰۰۰ - ۲۰۰۰ ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰
	*3. HOW LONG HAD Y OF ARREST?	OU LIVED AT YOU	R ADDRESS AT THE	TIME	
Con	flict Explanations	•		* Key: V (Ver C (Con DK (Co	ified) flict) ntact Does
				NO O-E (O C: S	ther-explain; xplain in ection VIII)

I

	VERIFICATI
*4. If less than 6 months, how long have the other people lived there?	• •
*5. IS THERE A PHONE AT YOUR ADDRESS? YES NO	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
PHONE #	
*6. Do you also live part of the week with other relatives or friends? Yes No	
If yes, explain	
*7. IS THERE ANOTHER ADDRESS AT WHICH YOU CAN BE REACHED? YES NO	
a) ADDRESS PHONE #	
b) WHO LIVES THERE? NAME	
RELATIONSHIP	
*WHERE DID YOU LIVE PRIOR TO YOUR CURRENT ADDRESS?	
1. HOW LONG DID YOU LIVE THERE?	•
2. WAS THERE A TELEPHONE THERE? YES NO	
3. IS ANYONE YOU LIVED WITH AT THIS ADDRESS STILL THERE? YESNO	
	•
NAME RELATIONSHIP	
NAME RELATIONSHIP	
flict Explanations:	y: erified) onflict) ontact Does ot Know)
O-E	(Other-explai explain in Section VIII

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-2-

		OUTCOME OF VERIFICATION
Other prior addresses (if within	five years)	
(List address and period)		
		-
*CAN YOU RETURN TO CURRENT ADDRES	S IF RELEASED?	
YES (SKIP TO E) NO DK		
1. If no or DK, explain:		
· · · · · · · · · · · · · · · · · · ·		
2. If no or DK, where could you most likely first)	go_to live? (List	
*a)		
NAME	ADDRESS	-
RELATIONSHIP	PHONE #	
*b)		
NAME	ADDRESS	
RELATIONSHIP	PHONE #	
Do any family members or a friend complainant) know of your arrest?	(other than the Yes No	
DO YOU EXPECT A FAMILY MEMBER OR THAN THE COMPLAINANT OR LAWYER) T GO TO COURT? YES NO DH	FRIEND (SOMEONE OTHE O BE PRESENT WHEN YC <	ER DU
NAME	RELATIONSHIP	
flict Explanation:		* Key:
		V (Verified) C (Conflict)
		DK(Contact Does Not Know)
		O-E (Other-explain; explain in
		Section VIII)

E.

F.

-3-

·	Yes		
Nan	Relationship Phone #		
	Do you have any of the following routine responsibilities in your home?		
	household chores (cleaning, cooking, laundry)	YES	
	<pre>taking care of younger children other (specify)</pre>		
	Do you provide money to help support your household?		
	regularly		
	sometimes		
	Have you participated within the past six months in any of the following organized activities:	YES	
	1) Sports team that meets regularly:	•	
	If YES: Which sport(s)		
	Is team supervised by adult(s) over 18?		
	2) School club or activity?	•	
	If YES: Which club or activity		
	Main activities of club		
	Is club/activity supervised by adult(s) over 18?		
	3) Other club or community organization?	•	
	If YES: Specify which		
	Main activities of organization		

-4

104.

Sources of Support

J.

O PROVIDES FOR YOUR FINANCIAL SUPPORT (I.E. WHO PAYS R YOUR FOOD, RENT, CLOTHING, AND OTHER EXPENSES) AND AT IS (ARE) THEIR MAIN SOURCE(S) OF INCOME? List primary urce of support first.

-5-

NAME	RELATIONSHIP	
]

SUPPORT'S SOURCE (S) OF INCOME

Job	Public Assist *	Other (Specify)	DK	FOR HOW LONG?
(
				•
-)				
· · · · · · · · · · · · · · · · · · ·	*i.e., SSI Welfare, SS	•		

onflict	Explana	tions:				
				 	· .	

*Key: V (Verified) C (Conflict) DK(Contact Does Not Know) O-E (Other-explain; explain in Section VIII)

j <i>ll</i> '	-6- Education	106. Outcome of Verificati
	*1. DO YOU GO TO SCHOOL? Yes No	
	a) If yes, NAME OF SCHOOL	
	ADDRESS	
	HOURS (SHIFT)	
	PRESENT GRADE	
	b) If no, 1. Why not? Dropped out Suspended	
	Other (specify)	
	2. WHAT IS THE HIGHEST GRADE YOU COMPLETED?	
(If	answer to question 1 is No, then skip to question 3)	
2.	How often do you attend classes?	
	always or almost always (i.e., except for illness)	
	sometimes	
	hardly ever	
	never	
3.	Have you ever been suspended from school? Yes No	
1	<pre># of times Date of most recent</pre>	
	For how long	
4.	Have you ever voluntarily dropped out of school?	
	Yes No # of times	
	Date of most recent For how long	
5.	How many schools have you attended in the past	
	two years?	
-		
6.	Have you ever been in a special school (such as an A.T.D. school) or a special program within your school (such as a special education program)? Yes No	
	If was Name of school/program	
	Type of program	
	Dates of participation	
(Tf	obild is not presently in orbeel, skin rugstion 7)	
7.	About how many days of school do you miss each month?	
Con	flict Explanations: *Key:	
	V (Verifi	ed)
	DK(Contac	t Does Not Kn
	0-E(Other	-explain . exc

*EMPLOYMENT AT THE TIME OF ARREST	
<u>123</u> F/1 <u>1123</u> F/1 <u>NO</u> (SKIP 10 IV.5)	
1. WHERE ARE YOU EMPLOYED?	
NAME OF EMPLOYER	
ADDRESS PHONE #	
2. WHAT DO YOU DO THERE?	
a reference? YES NO	r
Name Position Phone #	
3b. Is there someone else at work that we can call to verify your employment? YES NO	
Name Phone #	
1. HOW MANY HOURS PER WEEK DO YOU WORK?	
5. WHAT IS YOUR TAKE-HOME PAY PER WEEK?	
5. HOW LONG HAVE YOU BEEN EMPLOYED THERE?	
I. If released, can you return to work there?	
Yes No DK	
If no or DK, explain:	
ict Explanations:	*Key:
	V (Verified) C (Conflict)
	DK (Contact I

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OUTCOME OF VERIFICATION

explain in

в.	Have you had	any other	obs? Yes	No		VERIFICATIO
	If yes.					
	Where	<u></u>		From	То	
	· · · · · · · · · · · · · · · · · · ·					
	Where			From	То	
c.	*ARE YOU IN A	JOB TRAIN	NG PROGRAM	?		
	YesF/T	YesP/T	No (If no, skip t	o section	v) (v
	1. GIVE THE OF PROGRA	NAME, ADDRE M.	CSS, PHONE	NUMBER, DATE	& TYPE	
· ·	2. Is there call for	someone wor a reference	king at th ? YES	e program we NO	can	
	Name			Position Ph	none #	
1 	Social Corvice	Involveme		- 7 /	•••••••••••••••••••••••••••••••••••••••	
¥ <	Journal Delance	monteme	(Medic		itive)	–
ARE	YOU NOW IN AN	Y TYPE OF I	REATMENT P	ROGRAM?: Yes	5 No	
Тур	e of program			Dates of par	ticipation	•
······	<u></u>	*** <u>*</u> ****			•	
VI	Criminal Red	ord: CLOSE	D CASES FR	OM NYSID (lis	st most rec	ent first)
	Arrest Date	Borough	Charge	Docket #	Disposit	ion/Sentence/Dat
			-		•••••••••••••••••••••••••••••••••••••	
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2.	•					
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5.	· · · · · · · · · · · · · · · · · · ·				<u></u>	
Con	flict Explanat	ions:			£	KEY:
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	and a second				. D)	K(Contact Does
					(v)	

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VII Verification

WHOM CAN I	CALL TO VERIFY THE ABOVE INFORMATION?	CJA Verif.	Time	Explain No Contact
1.				
Name	Relationship			
		ананананананананананананананананананан		
Address	Phone #		* 	
>				
Name	Relationship			•
Address	Phone #			
Name	Relationship			
Address	Phone #	· · ·		
Name	Relationship			аналанан алар алар алар алар алар алар а
		······	: 	
Address	Phone #	. <u></u> <u>.</u>		

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VIII For Interviewers:

Use the space below for any specific comments about this defendant.

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