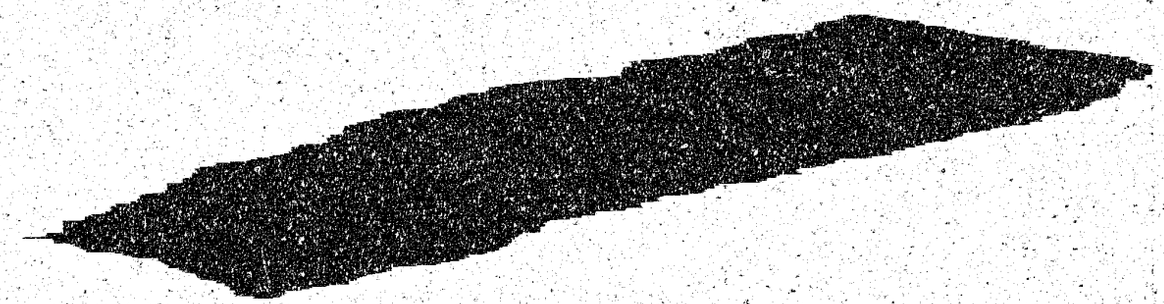

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DRUG FELONY CASE PROCESSING IN NEW YORK CITY'S N PARTS

INTERIM REPORT

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LONG TERM IMPACTS OF SPECIAL DRUG COURTS PROJECT

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DRUG FELONY CASE PROCESSING IN NEW YORK CITY'S N PARTS

INTERIM REPORT

I. INTRODUCTION

A. BACKGROUND

Dramatic and unprecedented changes in the composition of the criminal defendant population have occurred over the past decade. Both the number of drug arrests and the percentage of all arrestees that are charged with drug offenses have increased substantially since 1980, causing enormous management and policy problems for State and Federal court systems (Belenko, 1990; Goerdt and Martin, 1989). A recent study by the National Center for State Courts concluded that increased narcotics caseloads were straining resources in some courts to the breaking point: "Even in well-managed courts...a rapid and substantial increase in filings per judge will probably lead to a caseload 'saturation point' and longer case processing times" (Goerdt et al., 1990: p. 36).

According to the Federal Bureau of Investigation's Uniform Crime Report data, there were an estimated 1,361,700 arrests for drug law violations in the U.S. in 1989, representing 9.5% of all arrests. Between 1980 and 1989 drug arrests in the United States rose by 134% while the number of total arrests increased by only 37% (US Department of Justice, 1982, 1990). In large measure these changes reflect the shift in police anti-drug strategy to emphasize control of street drug markets through street sweeps and undercover buy-and-bust arrests. These strategies tend to produce large numbers of relatively serious arrests: 75% of the felony drug arrests in New York State in 1987 were B-level felonies, compared with 52% in 1983.[1] In 1980, the New York City Police Depart-

[1]Under the New York State Penal Law, felonies are classified into five categories (A, B, C, D, E in descending order of severity). Most felony drug arrests are for a B-felony, charged where there is an alleged sale of any amount of a preparation containing a "narcotic" drug (including heroin or cocaine and its derivatives). Typically, this involves a $10-$20 transaction. B-felony possession is charged for the possession of any amount of a "narcotic" drug with intent to sell, or one-half ounce or more (aggregate weight) of a substance containing "narcotics". It is thus clear that drug arrests are classified relatively severely within the stream of

ment made 18,521 felony or misdemeanor arrests for drug offenses, about 40% of them for heroin or other opiates; drug arrests in that year comprised 11% of all arrests in the City. By 1988, the number of arrests had grown to 88,641 (44% of them for crack), representing 30% of all arrests (New York City Police Department, 1981-89).

The resultant strains on court systems have led to a continuing search for more effective ways to absorb the increase in drug arrests. Prior to 1986, for example, it was common practice in New York City to leniently treat drug arrestees (even felony defendants) who had no prior arrests or convictions. During Operation Pressure Point in New York City, which began in early 1984 at the beginning of the current wave of public and law enforcement concerns about street drug dealing, the typical practice was to dismiss or reduce to a misdemeanor first-time felony offenders, to release them on recognizance if the case continued past arraignment, and to impose non-incarcerative sentences if convicted (NYC Criminal Justice Agency, 1985).

Since that time, conviction and sentence trends in the State courts indicate an increasingly punitive response to drug arrests. A study of dispositions of felony arrests in 11 states in 1984 found that 78% of drug arrests were prosecuted, 69% of the prosecuted cases resulted in a conviction, and 65% of the convictions received a jail or prison sentence (Bureau of Justice Statistics, 1988). These conviction and incarceration rates were comparable to those for violent felonies (67% and 64%, respectively). In New York State, while overall conviction rates from 1983-87 remained stable for drug arrests (about 70%), felony conviction rates for drug arrests increased from 42% in 1983 to 63% in 1987 (Division of Criminal Justice Services, 1988). Among felony convictions, 70% were sentenced to jail or prison, compared with only 50% in 1983. In contrast, conviction and incarceration rates for nondrug felony arrests decreased between 1983 and 1987, and were generally much lower than for drug felonies.

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cases -- the most common felony charge, B-felony sale, carries the same penal law severity as armed robbery, first degree rape, or first degree manslaughter.

In the context of this more punitive ethos, the court's response to the drug case surge has largely focused on rapid processing of cases as quickly as possible to clear calendars. The trend in recent years toward legislative initiatives to increase penalties for drug offenders or drug-related crime, and the existence of mandatory sentencing laws for repeat offenders in most States, has placed additional pressures on the system at all phases of case processing. To the extent that judges and prosecutors are affected by jail overcrowding pressures, bail and sentencing decisions may be influenced explicitly or implicitly (Price et al., 1983). What is not clear, however, is the degree to which decision makers are affected by these types of external constraints (Glick & Pruet, 1985).

The problems posed to courts by the large influx of narcotics cases came under scrutiny in 1988 by the American Bar Association's Special Committee on Criminal Justice in a Free Society. The Committee concluded that:

> "Crowded dockets compel additional plea negotiation of both drug and non-drug cases, and defense lawyers and prosecutors are burdened with caseloads that defy effective representation for either side. Court delays are magnified and, still farther down the line, treatment programs, parole and probation officers, and prisons are incapable of dealing with the number of people the courts are placing under their supervision." (ABA, 1988; p. 47)

Judges and prosecutors faced with non-violent drug offenders are thus in a bind: there are few jail or detention alternatives, limited treatment options, and overloaded Probation Departments perceived as largely ineffective. Further, judges may be placed in the difficult position of simultaneously trying to expeditiously move cases through the system, while at the same time maintaining the defendant's legal and constitutional rights and being responsive to legislative and public pressures to treat drug cases seriously.

Drug Courtrooms

Recent research by the American Bar Association (ABA) documented the various methods courts are employing to cope with the drug caseload strains, ranging from improved management techniques to increased commitment to drug treatment (Smith, Davis, & Goretsky, 1991).

The ABA study found that one of the most common, and potentially most useful, responses of the Courts has been to create special "Narcotics" courtrooms or "parts". These parts are designed to handle only felony drug cases and to achieve quick felony pleas with perhaps more lenient sanctions. There are several reasons for believing that segregating narcotics cases is a reasonable case management tactic. First, judges, prosecutors, and public defenders assigned to narcotics courtrooms rapidly become specialists and therefore may be able to process cases more efficiently. These efficiencies are often compounded by new rules for these courtrooms (e.g., early and complete discovery; firm trial dates) that encourage early plea negotiation and settlement. Second, when drug cases processed through standard routes are forced to compete for the court's attention with violent felonies, narcotics cases are usually the losers. The result is that hearing and trial dates for narcotics cases are postponed again and again, as the court deals with higher priority cases. Segregating narcotics cases eliminates this unfair competition. Third, the nature of the street-level anti-drug enforcement that characterizes many of the police responses to drug-related crime results in large numbers of relatively standardized cases with strong evidence and reliable witnesses (Zimmer, 1987; Belenko et al., 1990). This factor reduces the likelihood that defendants will seek a trial, streamlines the case preparation and investigation process for prosecutors, and leads to the establishment of mutually understood and accepted "going rates" for felony drug cases.

Special narcotics courtrooms have now been established in at least a half dozen major metropolitan courts besides New York City, including Chicago, Houston, Miami, Milwaukee, and New Orleans. In New York City, the first jurisdiction to use "N Parts" (beginning in April 1987), the mechanism for achieving a fast resolution of the case is through a "waiver" process, by which the defendant agrees to waive his or her rights to a grand jury hearing and plead guilty to an accusatory instrument called a "Superior Court Information" (SCI).[2] In April 1987, in response to the growing concern over the impact

[2]In New York's two-tiered court system, the Criminal Court is equivalent to a municipal court. Nearly all initial arraignments and hearings occur here, and cases initiated as misdemeanors or reduced from felonies to

of the flood of crack cases on the court's caseload, the Administrative Judge of the Manhattan Supreme Court, with the cooperation of the District Attorney, established a special narcotics ("N") part in Manhattan. Modelled after the "felony waiver" court parts that had been in operation in other boroughs for several years, the N Part was established to receive all felony drug cases following the initial arraignment in Criminal Court (usually within six days of arrest). The new part combined the functions of the Supreme and Criminal Courts and allowed the judge to accept pleas to misdemeanors or felonies. In theory, defendants were given an incentive to accept a quick plea by being offered misdemeanor convictions with short jail terms, reduced felony charges with a probation sentence, or lower prison sentences. In New York City, nearly all drug felonies are initially adjourned to an N Part following the Criminal Court arraignment. Thus most cases are given their first opportunity for an early disposition in the N Part.

Evidence is mounting that specialized narcotics courtrooms can indeed dramatically lower case processing time. In a recent study of the early implementation of N Parts, it was found that processing time in New York City's N Parts was 31% lower than through regular processing in superior court (162 days vs. 236 days; see Belenko et al., 1990). Processing time was also significantly faster than for similar cases adjudicated before the introduction of the N Parts. The ABA study found even larger gains in Milwaukee's Circuit Court, from 307 days to disposition before opening two narcotics courtrooms to just 61 days after the parts were opened (Smith et al., 1991).

But there is also some concern that despite the gains in processing efficiency, special drug court parts can result in inappropriate case outcomes: prosecutors worry that dispositions will be too lenient, and the defense bar is concerned that defendants will be pressured into accepting harsher or inappropriate pleas, and that there is insufficient time

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misdemeanors are adjudicated. The Supreme Court is the court of general jurisdiction; most of its caseload consists of cases transferred there following an indictment on felony charges by the grand jury or the filing of a Superior Court (Prosecutor's) Information charging a felony complaint.

to meet with the defendant, review the people's evidence, and prepare an adequate defense. In addition, the pressure to speed cases through these special courtrooms raises the question of whether an "assembly line" mentality will lead to such routinized processing, that individual aspects of a case or defendant relevant to the disposition of a case will be ignored or discounted. Will defendants quickly processed through narcotics courts soon be back in front of the bench with a new drug arrest? What will the response of the courts be at that point: Is the system just building up a large pool of second felony offenders who must -- under mandatory sentencing laws -- be sentenced to lengthy prison terms on the second felony conviction?

The lack of consensus on the value and operation of special narcotics courtrooms, and concerns about their hidden or long-term effects, may attenuate their overall impact on the criminal justice system and inhibit their implementation in other jurisdictions. In New York City, only about one-third of the eligible drug felonies reach final disposition in an N Part, and there was a decreasing level of utilization of N Parts in some boroughs following the initial establishment of the Parts (see below and Belenko et al., 1990). Furthering our knowledge about the operations and impacts of the N Parts will help jurisdictions struggling to keep up with drug caseloads, and looking for innovative techniques to clear crowded calendars.

B. GOALS OF THE PROJECT

This project is designed to further our understanding about how N Parts operate in practice, to clarify the factors and decision processes that operate to enable the quick resolution of cases, to ascertain why cases are or are not disposed in these Parts, and to determine the long-term impacts of these special courtrooms on felony drug case processing. The central policy questions about the N Parts revolve around the hidden costs and effects of such processing, and whether rational and fair dispositions can be achieved in a relatively brief time under such an organizational structure.

Our previous research in New York suggested that for some types of felony drug defendants, probation sentences were more likely in the N Parts. If recidivism rates are higher under probation sentences than following a jail or prison sentence, then use of the N Parts might raise public safety concerns. On the other hand, reduced recidivism under probation supervision, especially if drug treatment or intensive supervision is mandated, can reduce system costs up front and lessen the future impact since fewer offenders will be returning to court.

Second, the pressure to speed cases through these Parts limits the opportunity to identify and impose alternative sanctions or processing options. Further, if defendants receive a felony conviction in the N Part then they will often be ineligible for subsequent alternatives, due to mandatory second felony sentencing laws. So, if the N Parts are being used by prosecutors (as some have suggested) to obtain felony convictions by offering probation or short incarceration sentences, then the pool of second felony offenders may increase, with implications for future prison populations and the use of alternative sanctions.

Drug defendants present unique problems for the Courts and have been the focus of much research and intense scrutiny in the past few years. In contrast to non-drug offenders, the volume of drug cases, the relative severity of drug charges and the potential sanctions that can be imposed, and the need for drug treatment among many defendants presents a very different set of challenges for the courts.

The above considerations suggest several research questions which the current Project is investigating:

1. What are the long-term implications for sanctioning decisions made in the N Parts? Are there unanticipated or hidden effects of faster case processing or isolating felony drug cases in special courtrooms?

2. Does the inducement to plead to felony charges with a probation sentence ultimately produce a large class of second felony offenders?

3. How do recidivism rates differ among different defendants receiving different sanctions in the N Parts?

4. What is the incidence of violations of probation among drug offenders convicted in N Parts, and how does this affect the reincarceration rate?

The present interim report summarizes the results from the first phase of our research on N Parts. Here we analyze case outcomes in the N Parts, using random samples of New York City drug felonies from 1989. Comparisons between N Part and regular processing are made in terms of processing time, dispositions, and sentences. The extent to which the courts and prosecutors are making use of the N Parts is also addressed. In addition, the overall policy questions and specific hypotheses are being investigated through a combination of qualitative and quantitative techniques: courtroom observations, case studies, participant interviews, and analysis of rearrest, reconviction, and court cost data.

Given our knowledge about how N Parts are designed to function and our previous analyses of N Part data from New York and other cities, we can make the following specific hypotheses about case processing in the N Parts:

1. Cases processed through N Parts would reach final disposition faster than cases processed through non-N parts.

2. N Part cases would be more likely to receive a misdemeanor conviction than non-N cases.

3. Convicted defendants would be more likely to receive a non-incarcerative sentence in the N Parts.

4. Defendants sentenced to incarceration would receive shorter terms if sentenced in an N Part.

II. METHODS

A. SAMPLING DESIGN

The comparison of case outcomes between N Parts and regular court parts required the development of a sampling design that would provide sufficient numbers of

cases for analysis and satisfy statistical requirements for randomness and an appropriate comparison group, so that the results could be generalized to the full population of felony drug cases in New York City. The ideal project design would have allowed us to prospectively assign felony drug cases randomly to N Parts and other parts -- through that method, we could be assured that any observed differences in outcomes would be attributable to the type of processing and not to external factors such as defendant or case characteristics.

Of course, this type of random assignment is quite difficult to achieve in practice, and was not envisioned for this study. Instead, we utilized a retrospective matched comparison groups design. While only one comparison group ("regular" court parts) was envisioned in the original project proposal, our preliminary analyses of case outcome data revealed a second potentially useful comparison group. We discovered that beginning in 1989, drug felony arrests that were arraigned on weekends in the Bronx were adjourned to a felony waiver courtroom named "AP-6", instead of to the N Part. AP-6 operated like an N Part in that the prosecutor attempted to achieve early dispositions by inducing the defendant to waive grand jury proceedings and plead guilty to a Superior Court Information. Unlike the N Parts, however, AP-6 contains a mixture of drug and non-drug felonies. Thus it provides a type of hybrid comparison to N Parts, enabling us to estimate the specific effects of isolating drug cases from other cases, at least for the Bronx.

The procedures for defining and selecting the N and non-N Part cases for the research samples, and the data collection strategies, are described in detail in the Appendix to this report. A total of 8,007 cases arraigned on B felony drug charges were selected for the case outcomes analyses. The specific sample sizes were as follows:

N Part 2,759

Non-N Part 3,241

AP-6 Bronx.....1,736

Missing court part 271

8,007

B. OUTCOME MEASURES

1. Arraignment release status and bail amounts

Because the Supreme Court release status data were unreliable and had a high rate of missing data, we will limit analysis to the Criminal Court release data. That release status will be used to define the in/out status of the case. For cases transferred to Supreme Court with full release status data, we compared the release status leaving Criminal Court to the Supreme Court arraignment release status to assess the congruence between the two statuses. About three-fourths of these defendants had the same status at Criminal and Supreme Court arraignments, so we can be reasonably confident that the release/detention status leaving Criminal Court arraignment reflected the status for the duration of the case.

The release status categories are release on recognizance, bail made, held on bail, and remand. Bail amounts were defined by the lowest amount needed to achieve release, whether cash or bond, and summed across any multiple dockets or indictments.

2. Dispositions

Within New York's two-tiered court system, felony cases are generally initially adjudicated through the Criminal (lower) court, where the initial arraignment and bail determinations are made. The felony charges may be dismissed in Criminal Court, or

reduced to a misdemeanor and either convicted or dismissed. If the case is sent to a grand jury as a felony charge, or the defendant waives grand jury proceedings and accepts prosecution via a Prosecutor's or Superior Court Information, then the case is transferred to Supreme Court for adjudication. The most common outcome at that stage is a guilty plea to a reduced felony charge.

In order to simplify the outcomes analyses, we combined dispositions in the two courts and created four possible summary outcomes: convicted of a felony (Supreme Court), convicted of a misdemeanor (Criminal or, rarely, Supreme Court), dismissed in Criminal Court, or dismissed in Supreme Court.

For cases that have multiple dockets or indictments, we characterized the outcome by the most severe disposition, using the following hierarchy: conviction by plea or trial, continued or out on warrant, transfer to other court or other disposition, dismissal or acquittal.

3. Sentence types

Criminal Court sentences include jail (one year or less served in the City's jail facilities), probation (generally three years on misdemeanor conviction), fine, or conditional/unconditional discharge. Fine includes defendants sentenced to a choice between fine or jail -- since the vast majority of defendants in New York pay the fine, we combine these with straight fine sentences.

For those convicted of felonies in Supreme Court, the sentence possibilities are prison (an indeterminate sentence served in State prison), jail (if the defendant is convicted of a misdemeanor), split jail and probation (usually a brief jail term or time served plus a probation sentence totalling five years), straight probation (usually five years), fine, or conditional/unconditional discharges. The latter two sentences are relatively rare in New York City's Supreme Courts, however.

For either court, in the event there were multiple sentences on the same case, we

characterized the sentence by the most severe one imposed, according to the following hierarchy: jail or prison, split jail/probation, probation, fine, discharge.

4. Sentence amounts

Jail time was coded as number of days imposed. Since we did not have data on the number of days actually served before release, we assumed that the sentence served was the one actually imposed. In reality, most jailed defendants in New York City are released on "good time" after serving two-thirds of their jail sentences. For prison time we calculated the number of months in the minimum sentence imposed. Although prison sentences are indeterminate and include a minimum and a maximum term, defendants are eligible for probation after serving the minimum time. Again, absent data on actual prison time served, we assumed that offenders in our sample serve only the minimum time. Recent data obtained from the New York State Division of Parole indicate that in New York State during Fiscal Year 1991-1992, 63% of prison inmates were released on parole after serving the minimum sentence. Among inmates incarcerated for drug sale and released during that period, the median time served was 22 months out of a median maximum sentence of 48 months.

5. Processing time & adjournments

We calculated the number of days between Criminal Court arraignment and final Criminal Court disposition, and the number of days between Supreme Court arraignment and final disposition for transferred cases. For the latter cases we also added the two figures to get an overall time from Criminal Court arraignment to final Supreme Court disposition. For Criminal Court processing time, the data allow us to also compare cases that are in detention to those released -- because of the large percentage of missing release status data in Supreme Court, however, similar comparisons were not possible.

Adjournments are defined as scheduled court hearings following the initial ar-

raignment (i.e. the arraignment was not included in the adjournment count). Again, adjournments were counted separately for Criminal and Supreme Courts. For Supreme Court cases we were missing adjournment data for a number of cases for which data were obtained from the New York Office of Court Administration, so comparisons between N Parts and regular parts in Supreme Court are less reliable. However, since the processing time data indicate that most Supreme Court N Part cases were disposed on the same day as arraignment, we can impute that if adjournment data were available for the full sample we would still observe substantial differences between N and non-N cases.

III. SAMPLE DESCRIPTIONS

A. THE DEFENDANTS

There were few differences in the demographic characteristics of defendants adjudicated in the N Parts and those reaching final disposition in regular court parts. Table 1 summarizes the attributes of the defendant samples by borough and court type. While the citywide differences in mean ages and sex distributions were statistically significant, the actual raw differences were quite small. Felony drug defendants in New York City are predominantly male, minority, unemployed, and have prior criminal records. The primary differences were across boroughs -- Queens defendants were slightly younger and much more likely to be Black, while Bronx cases were largely Hispanic.

N Part defendants did have somewhat less serious prior criminal records: the sample arrest was more likely to be their first (24.9% vs. 21.5%) and they had a lower rate of prior felony convictions (28.2% vs. 33.4%). The latter reflects substantial differences in prior felony conviction rates in Brooklyn and Queens. As the data on N Part utilization indicate below, the less serious cases may have remained in the N Parts for final disposition rather than be transferred out for regular court processing.

TABLE 1

DEFENDANT CHARACTERISTICS

	BROOKLYN		MANHATTAN		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
MEAN AGE	27.4	28.0	28.3	28.6	26.2	26.5	27.3	27.9	27.6	28.0
% MALE	83.1	85.7	84.7	85.9	83.8	84.5	81.9	87.6	83.6	86.0
RACE/ETHNICITY										
% BLACK	45.6	46.3	46.2	40.6	78.6	73.7	31.3	29.1	46.9	44.5
% HISPANIC	48.2	48.9	49.4	54.5	15.4	22.9	65.0	68.4	48.2	51.3
% WHITE & OTHER	6.2	4.8	4.4	5.0	6.0	3.4	3.7	2.5	4.9	4.2
FIRST ARREST (%)	30.0	19.0	22.8	23.9	23.1	22.1	24.3	21.9	24.9	21.5
PRIOR MISDEMEANOR CONVICTION(S)										
% WITH PRIOR MISD. CONVICTIONS	15.0	17.2	21.4	16.9	14.4	11.3	18.7	18.6	18.4	16.7
MEAN	0.8	1.2	2.8	2.3	0.8	1.1	1.2	1.3	1.7	1.5
PRIOR FELONY CONVICTION(S)										
% WITH PRIOR FELONY CONVICTIONS	18.4	30.7	34.6	35.6	23.9	37.7	29.2	32.4	28.2	33.4
MEAN	0.3	0.5	0.5	0.6	0.3	0.6	0.4	0.5	0.4	0.5
CJA RELEASE RECOMMENDATION:										
RECOMMENDED & QUALIFIED	36.2	36.9	28.8	28.8	47.0	47.4	39.3	43.4	35.3	36.7
NOT RECOMMENDED	40.4	36.3	48.6	49.2	30.2	32.1	37.6	37.9	41.7	40.2
BENCH WARRANT	22.1	24.5	21.2	20.6	22.3	20.3	23.2	18.6	22.0	21.6
OTHER	1.3	2.3	1.4	1.5	0.5	0.3	-	0.2	1.0	1.4
EMPLOYMENT INFORMATION										
EMPLOYED	25.8	28.8	25.3	26.6	40.4	41.6	29.5	33.1	28.4	30.5

B. THE ARRESTS

This study sample included only cases initially arraigned in court on a B felony drug charge. Examination of the arrest charges also showed that B felony charges predominated, with most defendants having a B felony drug sale charge (84.6% of N and 87% of non-N citywide) and the remaining charged only with drug possession (Figure 1).[3] There were no differences between N and non-N Part defendants. Queens had the highest proportion of sale arrests among the boroughs (around 90%).

About one-fifth of the sample defendants also were charged at arrest with a non-drug offense, including 13.5% charged with a non-drug felony.

Data on the type of drug involved were available from Police Department arrest reports, based on the observation or opinion of the arresting officer. However, for over one-fifth of the cases the arrest report listed "other drug" as the drug type, so it is difficult to draw definitive conclusions from the available data. About half the cases in our samples were crack-related, and there were no differences between N and regular Parts (Table 2). It does not appear that particular types of drug cases were more likely to be disposed in N Parts. While the percentage of crack arrests varied by borough, there were no significant N/non-N differences in the types of drugs within boroughs.

IV. CASE OUTCOMES

In this section we compare the key outcome measures between N Part and regular processing. While the analyses are primarily citywide, comparisons among boroughs are also made to illustrate disparities in the operations of N Parts. Four of the five boroughs that comprise New York City (Brooklyn, Manhattan, Queens, and the Bronx) had operat-

[3]Most anti-drug enforcement in New York City is carried out by teams of undercover narcotics officers who conduct "buy-and-bust" operations, with back-up teams of undercover and uniformed officers to assist with the actual arrest. These arrests nearly always result in B felony drug sale charge. Possession arrests would occur when police surveillance teams observe a drug transaction and then arrest both the buyer and seller, or when illegal drugs are found on the person of an offender arrested for some other offense.

Figure 1
Percentage of Cases Where Arrest Charge is a Drug Sale

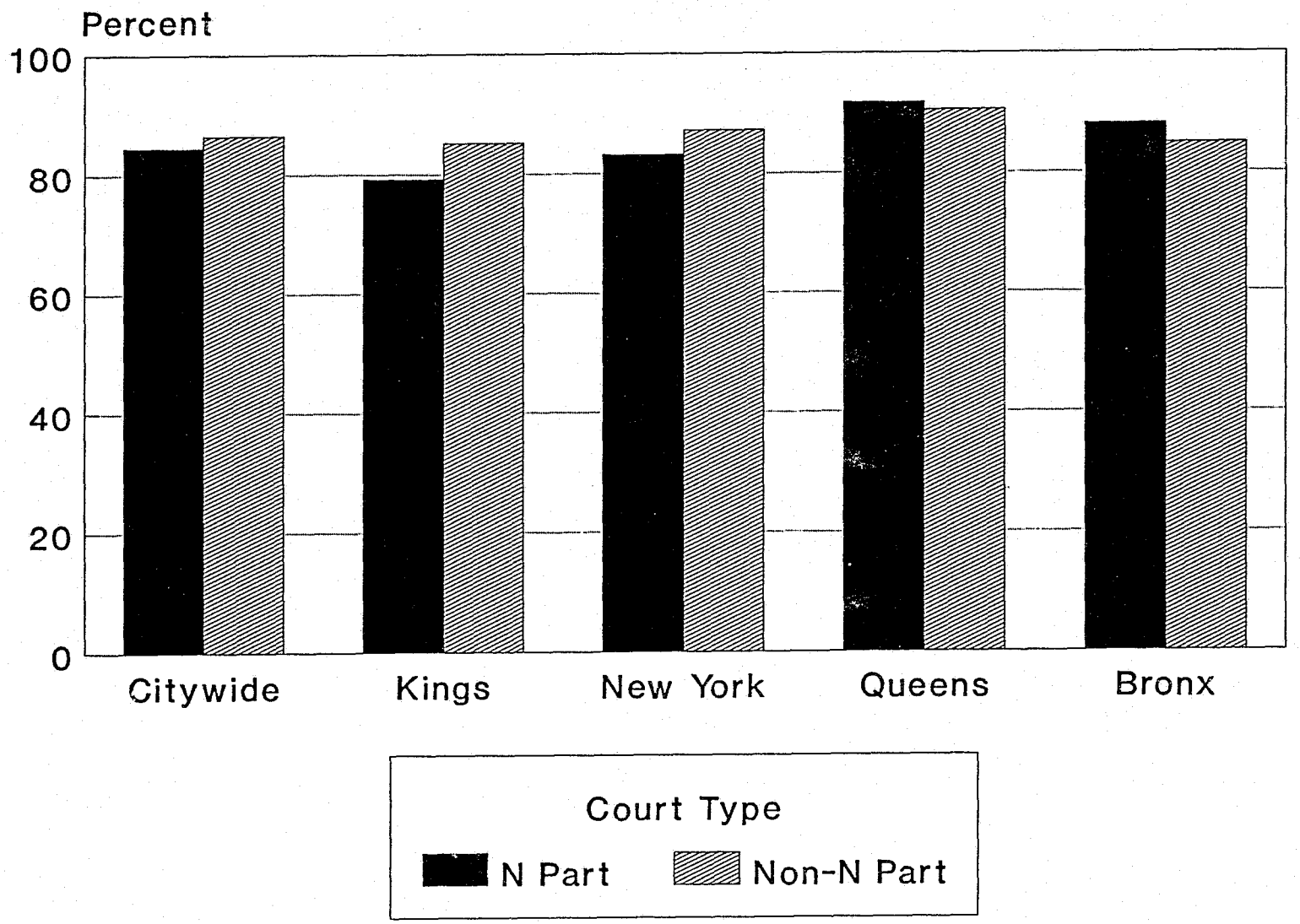


TABLE 2

DRUG TYPE BY BOROUGH

	Brooklyn		Manhattan		Queens		Bronx		Citywide	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
Cocaine	10.4	10.4	11.1	12.2	14.4	14.4	12.0	13.9	11.6	12.1
Crack	37.2	39.3	49.5	51.8	72.9	69.4	53.5	54.3	51.0	49.7
Other Drug	15.8	17.7	16.3	14.9	3.6	2.9	23.6	23.4	16.1	16.1
Other	36.5	32.6	23.2	21.1	9.1	13.3	10.8	8.3	21.3	22.1
(N)	(575)	(1186)	(1009)	(1004)	(301)	(376)	(609)	(589)	(2554)	(3155)

ing N Parts during 1989. Since each borough has its own independently elected prosecutor and separate administrative judges, and function in some ways as separate jurisdictions, it is not surprising that we observed a number of differences in the processing of drug felonies across boroughs.

Since prior felony conviction record is, by statute and practice, a key determinant of many case processing decisions in New York, we use that indicator as a statistical control in many of the outcomes analyses. In addition, we compare some of the outcomes by the type of arrest charge: sale or possession. Other things equal, we would hypothesize that sale cases would be more likely than possession cases to be convicted, and to receive more severe sentences if convicted.

A. N PART UTILIZATION RATES

An important measure of the value of the N Parts is the extent to which the court system takes advantage of this processing alternative. If such a court part is to have its maximum impact on drug case processing time and save court resources, it must be utilized to its capacity. Thus we were interested in analyzing the extent to which eligible drug felonies were reaching their final dispositions in the N Parts.

In order to conduct this analysis we constructed a measure called the "N Part utilization rate". This was simply the proportion of drug felonies that reached their final case disposition in a lower or upper court N Part, divided by the total number of disposed drug felonies. We calculated utilization rates along various dimensions:

1. All cases
2. Cases reaching final disposition in Criminal Court
3. Cases reaching final disposition in Supreme Court
4. By borough
5. By final case disposition
6. By predicate felony status

By examining the N Part utilization rates by these various factors, we are able to assess in more detail how use of these Parts varies by case type or sub-jurisdiction. We expected, for example, that boroughs would differ in their use of the N Parts and ability to dispose cases through that mechanism, given the relative independence of prosecutors, judges, and the defense bar within each borough. Further, examination of disposition patterns in the N Parts enables us to detect the extent to which the Parts were being used to dispose only certain types of cases.

1. Constructing the N Part Utilization Rate

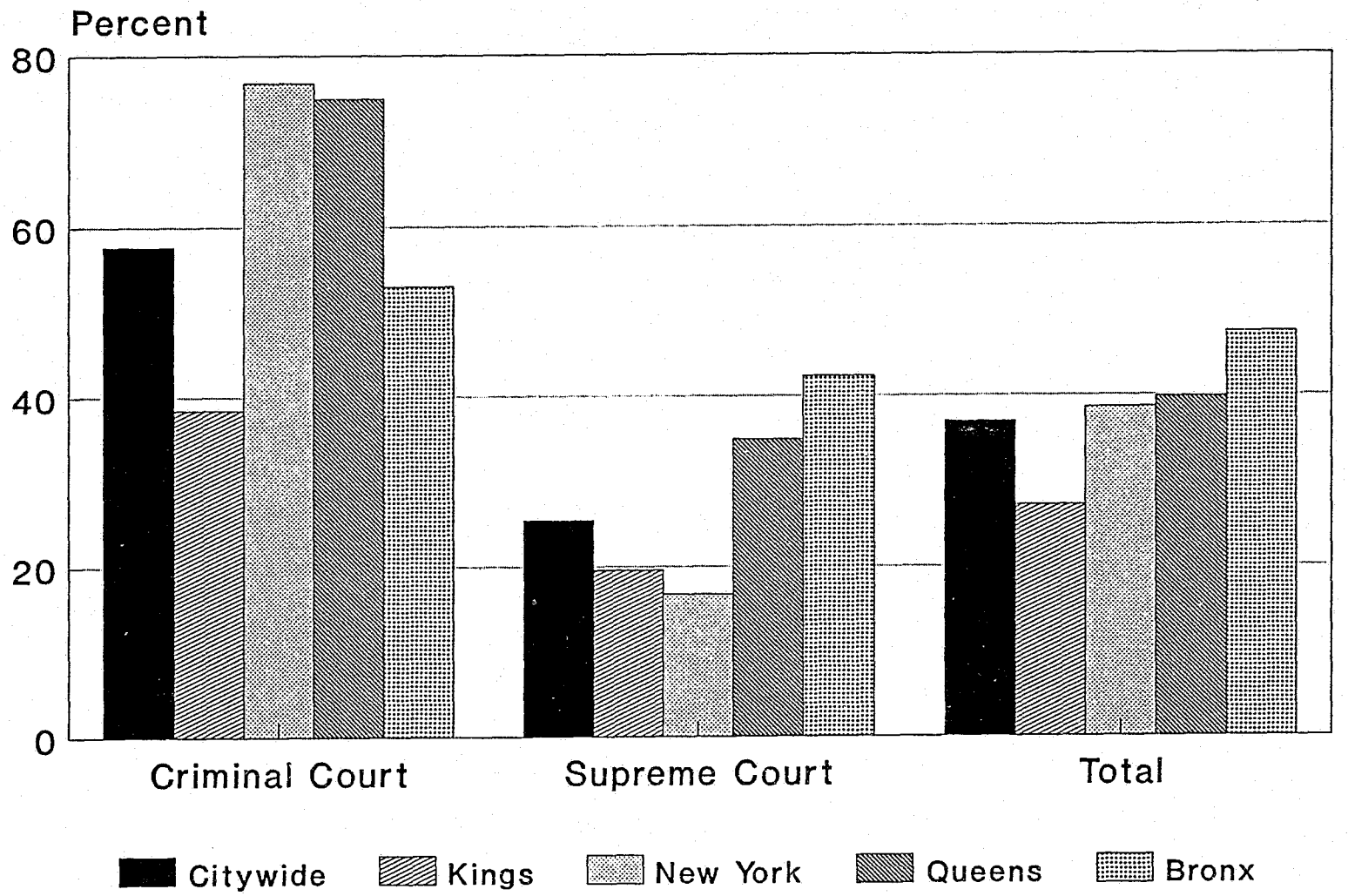
Because the 1989 sample used to analyze differences in case processing between N Parts and regular parts was a stratified random sample and not a simple random sample of all drug felonies, it could not be used to calculate the utilization rates. For this purpose we used an existing dataset at the NYC Criminal Justice Agency consisting of approximately 15,000 arrests in New York City randomly selected from among all 1989 arrests. From this sample, we identified all cases arraigned on B felony drug charges (excluding Staten Island), and the type of court part (N vs. non-N) associated with the final lower or upper court disposition.

2. Findings

Our results indicate that while a minority of drug felonies are finally disposed in N Parts, there is substantial variation by borough and by disposition type. Citywide, slightly over one-third of the cases (37.0%) reached final disposition in an N Part, ranging from a low of 27.1% in Brooklyn to 47.4% in the Bronx (Figure 2). Cases that were finally disposed in Criminal Court had much higher N Part utilization rates (57.7%) than Supreme Court cases (25.4%) reaching as high as 76.8% in Manhattan. Examination of the utiliza-

Figure 2

N Part Utilization Rates by Borough, 1989



tion rates by case disposition (Figure 3) suggests one reason for this disparity: dismissed cases had very high utilization rates (71.8%) and most dismissals occur in Criminal rather than Supreme Court (in addition, the high drug felony dismissal rate in Manhattan probably accounts for that borough's high Criminal Court N Part utilization rate).

N Part utilization rates were slightly higher for defendants without prior felony convictions (39.9% compared with 31.1%). Together with the high rate among lower court dismissals and the low rate among cases disposed in Supreme Court, the data suggest that the N Parts were being used to dispose the weaker or less important cases. Regular court processing tended to be reserved for the more serious or stronger cases; this may also account, along with the structural and procedural differences, for the faster processing time in the N Parts (see below).

B. RELEASE STATUS AND BAIL AMOUNT

1. Release Status at Criminal Court Arraignment

The citywide release status data for Criminal Court arraignment indicate no significant differences between N Parts and other court parts. Approximately 36.1% of cases disposed in an N Part were either ROR'd or made bail at Criminal Court arraignment (Table 3A), compared with 34.9% of cases disposed in other court parts. Most of the remaining defendants were held in detention ***in lieu*** of posting bail.

The data also indicate that while release rates were lower for the more serious cases, the similarity between N Parts and other parts held when controlling for prior felony convictions or drug charge type (sale vs. possession). Only 11% of cases with prior felony convictions in either court part type were released at Criminal Court arraignment. Release rates at arraignment were substantially higher for cases with no prior felony convictions (43.0% in the N Parts and 43.4% in other parts).

Possession cases had a higher rate of release at Criminal Court arraignment than drug sales cases, again regardless of the court part -- 47.9% of N Part possession cases

Figure 3

N Part Utilization Rates by Final Criminal Court Disposition, 1989

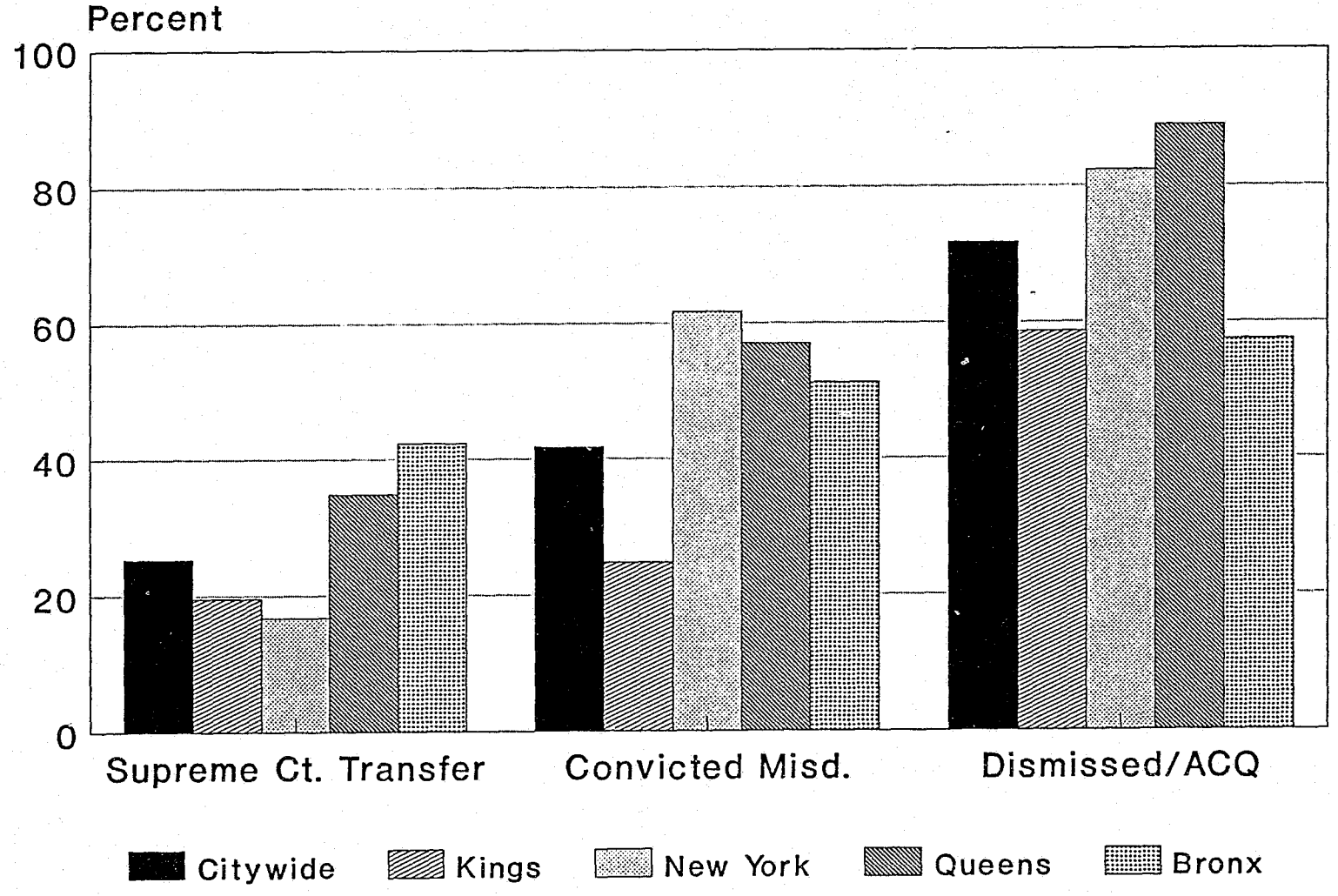


TABLE 3A

RELEASE STATUS AT CRIMINAL COURT ARRAIGNMENT
BY PRIOR FELONY CONVICTION

	Brooklyn		Manhattan		Queens		Bronx		Citywide	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
Released on Recognizance	32.9	28.0	41.1	41.1	12.4	13.8	35.5	39.2	34.1	32.4
Bail Made	1.6	1.5	0.6	0.9	4.4	7.4	3.6	4.0	2.0	2.5
Held on Bail/Remand	65.6	70.5	58.3	57.9	83.2	78.8	60.9	56.8	63.9	65.2
(N)	(639)	(1220)	(1112)	(951)	(364)	(377)	(642)	(577)	(2757)	(3125)
No Prior Felony Convictions										
Released on Recognizance	37.7	37.4	55.9	56.8	15.0	19.3	45.7	50.1	43.0	43.4
Bail Made	1.8	1.9	0.7	1.2	5.1	9.4	4.4	4.9	2.5	3.1
Held on Bail/Remand	60.5	60.7	43.4	42.0	79.9	71.2	49.9	45.0	54.5	53.5
(N)	(496)	(810)	(709)	(584)	(273)	(233)	(451)	(389)	(1929)	(2016)
Prior Felony Convictions										
Released on Recognizance	8.0	7.2	13.5	13.4	3.5	4.9	11.3	16.0	11.0	10.5
Bail Made	0.9	0.8	0.5	0.6	2.3	4.2	1.6	2.1	1.0	1.5
Held on Bail/Remand	91.2	91.9	85.9	86.0	94.2	90.9	87.1	81.8	87.9	88.0
(N)	(113)	(359)	(377)	(336)	(86)	(143)	(186)	(187)	(762)	(1025)

were released at Criminal Court arraignment, and 43.2% of other court part possession cases, whereas 34.0% of N Part sale cases, and 33.6% of sale cases in other court parts were released at arraignment (Table 3B). This difference can be attributed to the severity of the arrest charge, since both sale and possession cases had similar rates of prior felony convictions (data not shown).

There were considerable differences in release status patterns across boroughs. Queens cases had much lower release rates than the other boroughs (15.0% of those without prior felonies, 3.5% of those with prior felony convictions), and Manhattan and Bronx defendants the highest rates. For example, 55.9% of N Part and 56.8% of other defendants in Manhattan without prior felony convictions were released on recognizance at Criminal Court arraignment.

These data indicate that although release status at Criminal Court arraignment will not add to our understanding of differences in the functioning of N Parts in comparison with other court parts, differences in release rates may explain differences between boroughs in case processing time. This is because detained defendants tend to have their cases processed faster, with shorter time lags between court appearances. However, the use of release status as an explanatory variable, and its reliability, is limited due to the high percentage of missing data at later stages of case processing, notably at Supreme Court arraignment, where approximately 27% of arraignment release status information was missing.

We also examined changes in release status at two other points in Criminal Court processing: just before final lower court disposition, and leaving the final disposition appearance (for cases that had subsequent court appearances scheduled). The data indicate a high degree of consistency in release status information at different Criminal Court appearances (data not shown). This increases our confidence in using Criminal Court arraignment release status as a reliable indicator of the defendant's detention status for the duration of his or her case.

TABLE 3B

RELEASE STATUS AT CRIMINAL COURT ARRAIGNMENT BY CHARGE TYPE

	Brooklyn		Manhattan		Queens		Bronx		Citywide	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
Sale										
Released on Recognizance	32.1	27.1	37.8	39.0	11.7	14.0	35.2	38.1	32.2	31.2
Bail Made	1.4	1.6	0.5	1.1	3.6	7.0	3.2	3.2	1.8	2.4
Held on Bail/Remand	66.5	71.2	61.7	59.9	84.7	78.9	61.7	58.7	66.0	66.4
(N)	(507)	(1039)	(926)	(838)	(334)	(342)	(566)	(499)	(2333)	(2718)
Possession										
Released on Recognizance	35.6	33.1	57.5	56.6	20.0	11.4	38.2	46.2	44.6	40.3
Bail Made	2.3	0.6	1.1	--	13.3	11.4	6.6	9.0	3.3	2.9
Held on Bail/Remand	62.1	66.3	41.4	43.4	66.7	77.1	55.3	44.9	52.1	56.8
(N)	(132)	(181)	(186)	(113)	(30)	(35)	(76)	(78)	(424)	(407)

2. Bail Amounts at Criminal Court Arraignment

With the exception of cases with prior felony convictions, bail amounts set at Criminal Court arraignment tended to be lower in N Parts (Tables 4A and 4B). Across all cases, the median bail amount in N Parts was $1000, while in other court parts the median is $1500. This difference was also observed controlling for arrest charge type, sale or possession. Cases with prior felony convictions had a median bail amount of $1500 in both N Parts and other court parts, but non-N parts had a higher mean bail amount at arraignment, $3117, compared with $2609 in N Parts (p=.179). Among cases with no prior felony convictions, the mean bail amounts were lower overall, but higher in non-N parts ($1714 in N Parts, $2508 in other parts, p=.002).

The finding that bail amounts were consistently higher in non-N court parts, controlling for both prior felony convictions and type of charge, suggests that cases which are ultimately disposed in non-N parts (especially in Supreme Court) may be viewed as more serious or stronger than cases disposed in N Parts. This is consistent with disposition patterns which showed relatively high rates of dismissal and probation sentences in N Parts (see below).

C. CASE DISPOSITIONS

The overall citywide figures indicate a lower rate of felony convictions and higher rates of Criminal Court dismissals in the N Parts compared with non-N court parts, with a somewhat lower rate of misdemeanor convictions in N Parts (see Table 5). These differences were statistically significant (p = .000). We had hypothesized that while overall conviction rates would be similar, N Part cases would show lower felony conviction rates and higher proportions of misdemeanor convictions. Among cases disposed in N Parts, 44.6% of cases were convicted of a felony and 37.2% dismissed, compared with 59.5% and 18.5%, respectively, for cases disposed in other court parts .

TABLE 4A

CRIMINAL COURT ARRAIGNMENT BAIL AMOUNTS
BY PRIOR FELONY CONVICTIONS

	Brooklyn		Manhattan		Queens		Bronx		Citywide	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
MEAN	2173	3385	1851	2538	2024	2655	2248	1789	2048	2785
MEDIAN	1500	2000	1250	1500	1250	1500	1000	1001	1000	1500
(N)	427	873	651	555	319	324	411	346	1808	2098
SIGNIFICANCE		p=.000		p=.174		p=.060		p=.406		p=.001
No Prior Felony Convictions										
MEAN	1758	3146	1402	1908	1756	2388	2020	1723	1714	2508
MEDIAN	1000	1500	1000	1000	1000	1000	1000	1000	1000	1125
(N)	307	503	310	248	232	187	242	190	1091	1128
SIGNIFICANCE		p=.000		p=.073		p=.228		p=.728		p=.002
Prior Felony Convictions										
MEAN	3451	3739	2291	3117	2817	3032	2602	1869	2609	3117
MEDIAN	2500	2500	1500	1500	2500	2500	1500	1500	1500	1500
(N)	104	332	326	290	83	136	165	156	678	914
SIGNIFICANCE		p=.552		p=.379		p=.592		p=.208		p=.179

TABLE 4B

CRIMINAL COURT ARRAIGNMENT BAIL AMOUNTS BY CHARGE TYPE

	Brooklyn		Manhattan		Queens		Bronx		Citywide	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
Sale										
MEAN	2297	3153	1841	2575	2107	2655	2320	1822	2101	2698
MEDIAN	1500	2000	1500	1500	1500	1500	1000	1001	1001	1500
(N)	342	754	572	507	295	293	364	305	1573	1859
SIGNIFICANCE		p=.001		p=.185		p=.144		p=.425		p=.013
Possession										
MEAN	1677	4856	1922	2141	1006	2660	1697	1543	1695	3457
MEDIAN	1000	2000	1000	1500	500	1000	1500	1000	1000	1500
(N)	85	119	79	48	24	31	47	41	235	239
SIGNIFICANCE		p=.001		p=.579		p=.012		p=.606		p=.001

TABLE 5

FINAL CASE DISPOSITIONS BY COURT TYPE

	BROOKLYN		MANHATTAN		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
ALL CASES										
Convicted of Felony	55.1 %	51.8 %	28.1 %	69.3 %	78.1 %	84.5 %	43.6 %	42.4 %	44.6 %	59.5 %
Convicted of Misdemeanor	17.2	30.4	14.6	11.0	5.4	4.0	32.8	35.6	18.1	22.1
Dismissed In Criminal Court	27.7	13.9	57.2	16.2	16.5	4.9	23.6	19.5	37.2	14.6
Dismissed in Supreme Court	-	4.0	0.1	3.5	-	6.7	-	2.5	-	3.9
	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %
Pending/Warrant Ordered/Other	9.7 %	13.4 %	6.6 %	14.4 %	3.6 %	13.7 %	7.6 %	14.6 %	7.2 %	14.0 %
(N)	(639)	(1224)	(1114)	(1032)	(364)	(380)	(641)	(602)	(2758)	(3238)

These citywide patterns mask some marked differences between boroughs in N Part case dispositions (see Table 5 and Figure 4). Queens stood out with the highest rates of felony convictions in both N Parts and regular parts. In that borough, 78.1% of N part cases, and 84.5% of non-N part cases resulted in felony convictions. In contrast, Manhattan N Parts dismissed 57.2% of their cases, and with only 28.1% convicted of a felony, while the non-N parts in Manhattan have a relatively high felony conviction rate (69.3%). The overall differences in felony conviction rates between N and non-N Parts largely reflected the differential in Manhattan. In Brooklyn and the Bronx, the felony conviction rates were similar in N parts and regular court parts. Criminal Court dismissal rates, however, were consistently higher in N parts across boroughs.

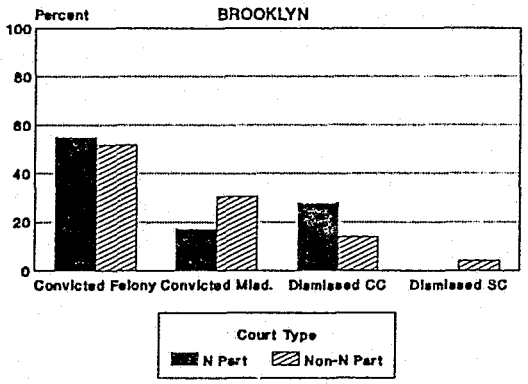
Given the way the N Parts operate, it is not surprising that there were no Supreme Court dismissals in the N parts. Dismissal rates in non-N parts were also quite low (from 2.5% to 6.7%), which reflects both the case screening and "triage" that occurs in the lower courts and the fact that our data may underestimate Supreme Court dismissals. This is because some of the dismissed cases had their official court records sealed, and therefore, information on final disposition were unavailable.

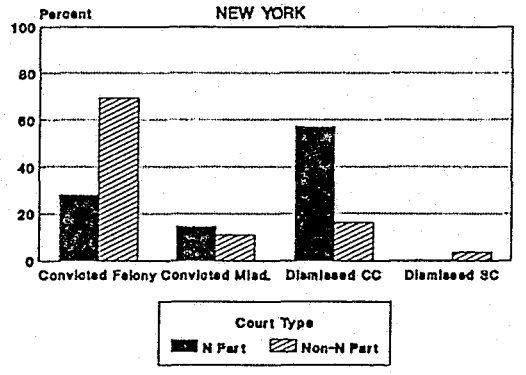
The misdemeanor conviction rates were generally similar between court parts, with some minor differences among boroughs. Brooklyn had a lower rate of misdemeanor convictions in N Parts compared to regular parts (17.2% and 30.4%, respectively), and Manhattan a slightly higher percentage, but the rates in other boroughs tended to be similar.

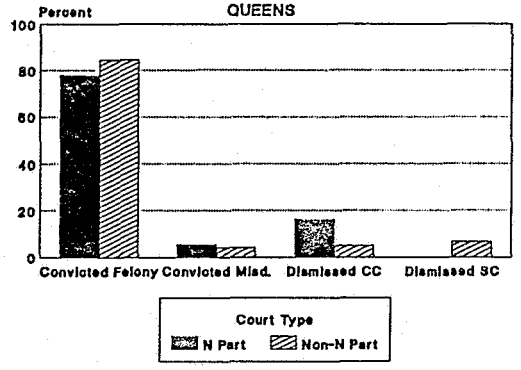
There were no consistent patterns in dispositions by prior felony conviction (Table 6). Although one might expect that felony conviction rates would be generally higher among defendants with prior felonies, the data showed the opposite trend among N Part

Figure 4

Final Case Disposition By Court Type







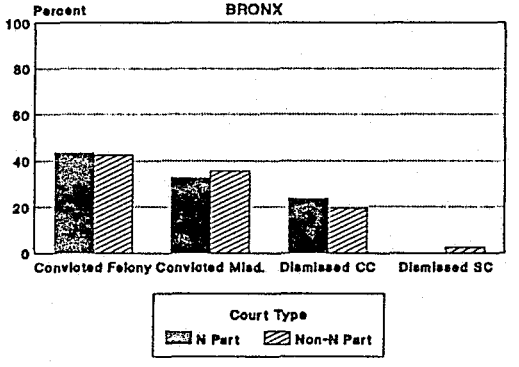


TABLE 6

FINAL CASE DISPOSITIONS BY COURT TYPE CONTROLLING FOR PRIOR FELONY CONVICTIONS

	BROOKLYN		MANHATTAN		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
PRIOR FELONY CONVICTIONS										
Convicted of Felony	54.2 %	58.9 %	29.3 %	73.3 %	59.5 %	84.3 %	35.2 %	43.8 %	37.8 %	64.3 %
Convicted of Misdemeanor	16.8	23.5	14.2	9.4	11.9	4.7	38.1	30.3	20.1	17.5
Dismissed In Criminal Court	29.0	13.2	56.4	12.9	28.6	3.9	26.7	21.9	42.1	13.5
Dismissed in Supreme Court	-	4.4	-	4.4	-	7.1	-	3.9	-	4.7
	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %
Pending/Warrant Ordered/Other	5.3 %	11.4 %	3.7 %	11.2 %	2.3 %	11.2 %	5.4 %	8.2 %	4.2 %	10.7 %
(N)	(113)	(360)	(379)	(358)	(86)	(143)	(186)	(194)	(764)	(1055)
NO PRIOR FELONY CONVICTIONS										
Convicted of Felony	56.1 %	48.4 %	27.5 %	67.0 %	84.4 %	84.5 %	47.2 %	41.8 %	47.7 %	56.8 %
Convicted of Misdemeanor	16.7	34.1	14.6	12.3	3.4	3.5	30.4	38.2	17.2	24.8
Dismissed In Criminal Court	27.1	13.9	57.7	17.7	12.2	5.5	22.4	18.2	35.1	14.9
Dismissed in Supreme Court	-	3.6	0.2	3.0	-	6.5	-	1.8	0.1	3.4
	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %
Pending/Warrant Ordered/Other	10.9 %	14.2 %	8.3 %	16.4 %	4.0 %	15.3 %	8.7 %	17.7 %	8.5 %	15.6 %
(N)	(496)	(812)	(709)	(641)	(273)	(236)	(450)	(407)	(1928)	(2096)

defendants -- felony conviction rates were higher (and dismissal rates lower) among those with no prior felony convictions than for those with prior felonies. Non-N Part defendants, however, showed the opposite pattern: defendants without prior felonies had somewhat lower felony conviction rates. Much of this citywide trend can be attributed to borough effects, however -- in Queens 84.4% of defendants with no prior felony convictions were convicted of felonies, compared with 59.5% of those with prior felonies. Felony conviction rates were the same in Brooklyn and Manhattan regardless of prior conviction record.

As expected, drug possession cases were treated more leniently in both the N and regular court parts (Table 7). These cases showed a lower rate of felony convictions, and a higher rate of both dismissal and misdemeanor convictions. This may reflect both the view by prosecutors that sale cases are more serious and deserving of punishment than possession, and the fact that possession arrests tend to be weaker cases than sale arrests due to the enforcement strategies used to effect the arrest. But the same differences between N and regular parts were observed after controlling for charge type. N parts had a much higher dismissal rate for possession cases (44.6% compared with 26.1% in the regular parts), and misdemeanor convictions were higher in non-N parts (31.9% compared with 22.7% in N parts).

Multivariate analysis of dispositions

In order to better assess the relative importance of N Part processing and other factors on the type of disposition, we estimated several different logistic regression (logit) models to determine which variables most closely predict the final disposition. Logistic rather than ordinary least squares regression is used where the dependent variable is dichotomous. In this type of analysis, we predict the probability of a change in the dependent variable due to changes in the predictor variables. The models were run on both citywide data and with borough variables to account for possible cross-borough variations

TABLE 7

FINAL CASE DISPOSITIONS BY COURT TYPE AND CHARGE TYPE

	BROOKLYN		MANHATTAN		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
SALE										
Convicted of Felony	57.8 %	52.3 %	29.7 %	72.4 %	78.0 %	85.3 %	46.3 %	48.6 %	46.7 %	62.2 %
Convicted of Misdemeanor	18.1	31.2	13.4	9.3	5.6	4.3	30.6	29.7	17.3	20.5
Dismissed In Criminal Court	24.1	13.5	56.8	15.0	16.4	4.0	23.1	19.6	35.9	13.9
Dismissed in Supreme Court	-	3.0	0.1	3.4	-	6.3	-	2.1	-	3.4
	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %
Pending/Warrant Ordered/Other	10.7 %	13.6 %	5.6 %	14.1 %	3.3 %	12.8 %	8.0 %	15.1 %	6.9 %	13.9 %
(N)	(507)	(1043)	(928)	(901)	(334)	(344)	(565)	(511)	(2334)	(2799)
POSSESSION										
Convicted of Felony	45.2 %	49.1 %	19.5 %	47.7 %	78.6 %	75.0 %	23.6 %	8.8 %	32.7 %	42.0 %
Convicted of Misdemeanor	13.7	25.8	21.3	22.9	3.6	-	48.6	67.5	22.7	31.9
Dismissed In Criminal Court	41.1	15.7	59.1	24.8	17.9	14.3	27.8	18.8	44.6	18.9
Dismissed in Supreme Court	-	9.4	-	4.6	-	10.7	-	5.0	-	7.2
	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %
Pending/Warrant Ordered/Other	6.1 %	12.2 %	11.8 %	16.8 %	6.7 %	22.2 %	5.3 %	12.1 %	8.5 %	14.4 %
(N)	(132)	(181)	(186)	(131)	(30)	(36)	(76)	(91)	(424)	(439)

in disposition types. Three different models were constructed and tested both citywide and by borough, all with similar results.

The first model attempted to predict the probability of a felony conviction as opposed to any other type of disposition. A second model was tested combining felony and misdemeanor convictions to test our ability to predict any kind of conviction versus a dismissal or acquittal. The final model selected out convictions only and estimated the probability of receiving a felony conviction as opposed to a misdemeanor conviction.

The citywide models included as significant predictor variables court part, charge type (sale or possession, or the presence of a nondrug arrest charge), prior conviction record, and detention status at arraignment. The borough dummy variables were also significantly related to disposition type. Although the models were successful in predicting the probability of felony conviction (with correct classification rates ranging from 72.7% to 93.2%), we were unable to predict other types of dispositions (the percentage correctly classified ranged from 22.3% to 57.8%). Because of this discrepancy none of the estimated models fit the data particularly well. It may be that case or defendant attributes not available to us or not quantifiable (such as the particular judge in a courtroom, case strength factors, the seriousness of the drug transaction that led to the arrest, type of attorney, etc.) are also important determinants of disposition.

One pattern did emerge in these models. The inclusion of the borough dummy variables strengthened the models' overall prediction rates. This indicates that, independent of defendant and case characteristics or other factors, significant variation in types of dispositions persist between boroughs.

In summary, our hypotheses about N Part dispositions were partially confirmed. The lower felony conviction rates in these courtrooms were offset by higher dismissal rates rather than misdemeanor convictions. However, that lower rate is largely accounted

for by Manhattan cases. Thus differences in case outcomes in the N Parts may not necessarily reflect altered plea bargaining strategies but structural factors -- since all drug felonies are adjourned initially to the N Parts, weak cases have their first opportunity for dismissal in those parts.

D. SENTENCE TYPES AND AMOUNTS

We expected to find important differences in sentencing patterns between N Parts and regular courtrooms. This is because the primary inducement for a defendant to waive his or her right to a grand jury hearing and trial would be an attractive plea bargain offer by the prosecutor. For a defendant to accept such a plea offer early in the case proceedings, it presumably must be perceived as a "good" offer from the defense perspective -- either a nonincarcerative sentence or a shorter jail/prison term than might be anticipated if the case was adjudicated through normal channels. Absent any data on actual plea offers, we used the sentences received after pleading guilty in the N Parts as a measure of the attractiveness of such offers. By comparing these sentences to those received following guilty pleas in regular parts, we can then draw some tentative conclusions regarding the differences in N Part plea offers. Of course, other factors such as the policies or attitudes of the particular sentencing judge or the results of the presentence investigation, may result in a sentence which differs from that offered and accepted as part of the plea bargain. But in most cases, we can assume that the offered sentence is similar to that actually imposed by the judge.

Because the range of allowable sentences and the typical sentencing patterns are quite different in Criminal and Supreme Court, we have analyzed sentencing outcomes separately by court level. As in many jurisdictions, conviction on a misdemeanor offense carries a maximum determinate jail sentence of up to one year, served in the local jail facility. In practice, however, jail terms of one year are rare, and defendants are often sentenced to jail for "time served", the period that they have already spent in pretrial

detention. Such defendants are immediately released from custody following sentencing. Defendants convicted of misdemeanors or lesser offenses can be sentenced to a range of penalties, from an unconditional discharge to jail -- the most common misdemeanor sentences in New York City are, however, conditional discharges, fines, and short jail sentences.

Convictions on felony charges in New York State Supreme Court carry much stricter sentencing requirements by State law. For the more serious felony charges, conviction carries a mandatory prison term (this is true for convictions on B felony drug charges). Defendants with a prior felony conviction also are subject to a mandatory prison term when convicted on a second felony offense. B felony defendants, however, typically are offered pleas to a lower drug felony charge, which allow for probation or split jail/probation sentences. Convicted felony defendants sentenced to incarceration in New York, with minor exceptions, must serve an indeterminate sentence in State prison of at least one year.

1. Criminal Court

Table 8 through 11 and Figure 5 display the sentences received by defendants convicted of misdemeanors or lesser offenses. These data do not provide evidence that defendants pleading guilty in the N Parts receive more lenient treatment. As our earlier study of 1988 crack and cocaine cases showed, jail sentences were **more** likely to be imposed in N Parts than regular parts (57.0% vs. 40.7%). Although "time served" sentences (see below) were also more likely in N Parts (reflecting a large discrepancy in the Bronx but not the other boroughs), N Part jail sentences were also longer (120 days compared with 69 days in regular parts; $p < .001$). The next most common sentence in both types of courtrooms was a conditional discharge (about one-third of the convicted misdemeanants.

TABLE 8

MOST SEVERE SENTENCE BY COURT TYPE

AND CITYWIDE

MOST SEVERE SENTENCE	CONVICTED OF MISDEMEANOR			CONVICTED OF FELONY		
	N Part	Non-N	CITYWIDE	N Part	Non-N	CITYWIDE
IMPRISONMENT	57.0	40.7	52.0	57.0	72.8	70.6
IMPRISONMENT & PROBATION	-	-	-	28.1	15.2	16.3
PROBATION	5.0	3.1	3.3	14.3	10.4	11.9
FINE OR IMPRISONMENT	7.3	20.3	15.3	-	0.1	-
FINE	0.2	1.1	0.7	-	0.1	-
CONDITIONAL DISCHARGE	30.5	34.6	28.7	-	0.6	0.3
UNCONDITIONAL DISCHARGE	-	0.2	0.1	-	0.1	-
MISSING	-	-	-	0.7	0.8	0.9
(N)	(463)	(612)	(1375)	(1016)	(1537)	(3493)
		chi sq.=.000			chi sq.=.000	

TABLE 9

MOST SEVERE SENTENCE BY PRIOR FELONY CONVICTION RECORD

AND COURT TYPE

	CONVICTED OF MISDEMEANOR				CONVICTED OF FELONY			
	PRIOR FELONY CONVICTION		NO PRIOR FELONY CONVICTIONS		PRIOR FELONY CONVICTION		NO PRIOR FELONY CONVICTIONS	
MOST SEVERE SENTENCE	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
IMPRISONMENT	81.0	60.6	45.0	33.5	95.7	95.3	44.1	59.7
IMPRISONMENT & PROBATION	-	-	-	-	2.4	2.5	36.4	22.5
PROBATION	2.7	-	6.3	4.4	2.0	1.8	18.5	15.4
FINE OR IMPRISONMENT	1.4	15.2	10.6	22.2	-	-	-	0.1
FINE	-	-	0.3	1.6	-	-	-	0.1
CONDITIONAL DISCHARGE	15.0	24.2	37.7	38.1	-	0.2	-	0.8
UNCONDITIONAL DISCHARGE	-	-	-	0.2	-	0.1	-	0.1
(N)	(147)	(165)	(302)	(436)	(253)	(555)	(741)	(942)
	chi-sq=.000		chi-sq=.000		chi-sq=.916		chi-sq=.000	

TABLE 10

MOST SEVERE SENTENCE BY TYPE OF CHARGE AND COURT TYPE

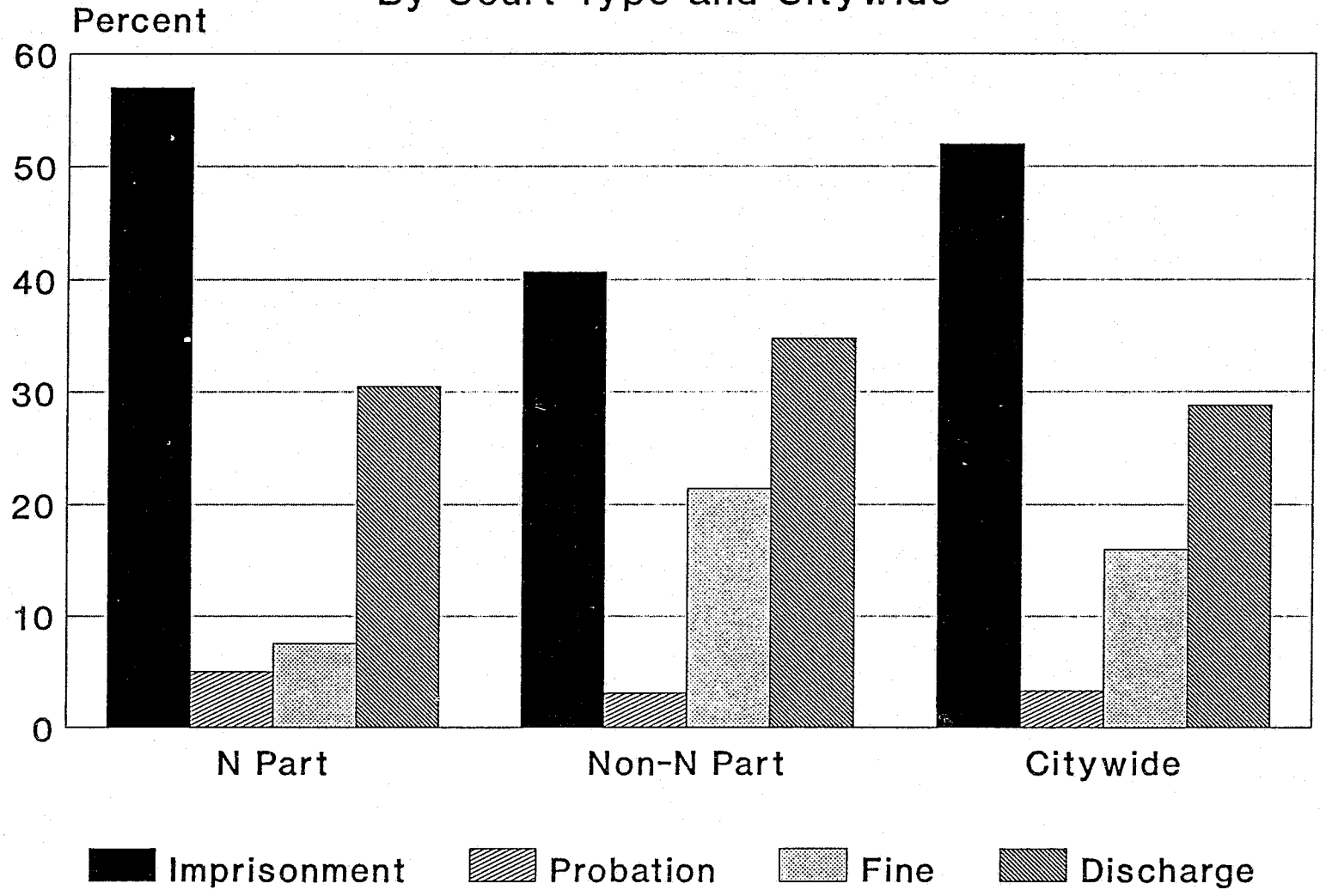
	CONVICTED OF MISDEMEANOR				CONVICTED OF FELONY			
	SALE		POSSESSION		SALE		POSSESSION	
MOST SEVERE SENTENCE	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
IMPRISONMENT	56.4	40.8	59.8	40.3	58.6	73.7	43.8	63.6
IMPRISONMENT & PROBATION	-	-	-	-	28.0	15.2	28.6	14.7
PROBATION	4.0	1.4	9.2	10.4	12.6	9.6	27.7	18.2
FINE OR IMPRISONMENT	8.0	22.1	4.6	12.6	-	-	-	0.7
FINE	-	1.4	1.1	-	-	0.1	-	-
CONDITIONAL DISCHARGE	31.6	34.1	25.3	37.0	-	0.4	-	2.1
UNCONDITIONAL DISCHARGE	-	0.2	-	-	-	0.1	-	-
(N)	(376)	(493)	(87)	(119)	(904)	(1394)	(112)	(143)
	chi-sq=.000		chi-sq=.027		chi-sq=.000		chi-sq=.005	

TABLE 11

CRIMINAL COURT SENTENCE TYPE BY BOROUGH AND PRIOR FELONY CONVICTIONS

	Brooklyn		Manhattan		Queens		Bronx		Citywide	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
Jail	27.3	30.0	46.7	64.6	72.2	23.1	78.9	48.1	57.0	40.7
Probation	6.1	3.4	7.9	6.3	16.7	--	1.0	1.1	5.0	3.1
Fine	10.1	26.9	1.3	6.3	--	46.2	11.9	18.0	7.6	21.4
Other	56.6	39.7	44.1	22.9	11.1	30.8	8.2	32.8	30.5	34.8
(N)	(99)	(320)	(152)	(96)	(18)	(13)	(194)	(183)	(463)	(612)
No Prior Felony Convictions										
Jail	18.9	26.3	33.7	52.3	50.0	--	68.8	39.1	45.0	33.5
Probation	6.8	4.7	9.5	9.2	37.5	--	1.6	1.6	6.3	4.4
Fine	12.2	29.7	2.1	9.2	--	57.1	17.6	18.8	10.9	23.9
Other	62.2	39.4	54.7	29.2	12.5	42.9	12.0	40.6	37.7	38.3
(N)	(74)	(236)	(95)	(65)	(8)	(7)	(125)	(128)	(302)	(436)
Prior Felony Convictions										
Jail	55.6	41.3	67.3	93.3	90.0	50.0	97.0	70.4	81.0	60.6
Probation	5.6	--	5.8	--	--	--	--	--	2.7	--
Fine	5.6	18.7	--	--	--	33.3	1.5	16.7	1.4	15.2
Other	33.3	40.0	26.9	6.7	10.0	16.7	1.5	13.0	15.0	24.2
(N)	(18)	(75)	(52)	(30)	(10)	(6)	(67)	(54)	(147)	(165)

Figure 5
Most Severe Sentence for Misdemeanor Convictions
By Court Type and Citywide



Cases sentenced in regular Criminal Court parts were much more likely to receive fine or imprisonment sentence (20.3% compared with 7.3% of those convicted in the N Parts).[4] Average fine amounts were not significantly different between the court types (median $100 for both).

The independent contributions of various defendant, case, and structural factors to the probability of receiving a jail sentence following conviction were tested by estimating a logistic regression (logit) model for convicted offenders with sentence type as a dichotomous dependent variable (jail vs. no jail).

We first identified those factors that contingency tables analysis showed to be significantly related to sentence type: these factors were court part type, prior felony convictions, prior misdemeanor convictions, detention status, borough, and the presence of a non-drug charge. We also added several demographic variables to test for any hidden effects of defendant attributes on the probability of being sentenced to jail. Several models were estimated trying different combinations of variables and interactions, and their order of entry into the equation, in order to find the best-fitting model which used the fewest predictor variables. We tested both citywide models and models containing borough dummy variables to account for possible cross-borough variation in sentencing practices. Table 12 summarizes the results of the final "best" models.

The "borough" model enabled us to correctly classify 72.0% of the cases correctly overall using six predictor variables plus a constant; prediction of a non-jail sentence was more accurate in this model, however (81.4% correct predictions) than jail sentences (60.8% correct). As the bivariate analyses suggested, N Part cases were significantly more likely to receive a jail sentence: the odds of an N Part case being sentenced to jail were 1.6 times greater than a non-N cases after controlling for other factors in the model. The

[4]Rather than straight fine sentences, defendants in New York City are usually given a choice of fine or jail (for example, $50 or 10 days). In practice, most ultimately pay the fine rather than go to jail, so we have classified these as "fine" sentences.

TABLE 12

LOGISTIC REGRESSION PREDICTING
CRIMINAL COURT JAIL SENTENCE*

Independent Variable	Borough Model	Citywide Model
Court Part Type (1= N; 0= Non-N)	.462** (.159)	.762** (.142)
Detention Status (1= Out; 0= In)	-.981** (.165)	-.804** (.155)
Prior Felony Convictions (1= 1 or more; 0= 0)	.749** (.179)	.835** (.171)
Prior Misd. Convictions	.122** (.033)	.113** (.032)
Bronx***	.922** (.194)	
Brooklyn***	-.615** (.204)	
Constant	-.407 (.220)	-.541** (.138)
Goodness of fit	chi sq.=991.28, 970 df, p=.310	chi sq.=986.83, 972 df, p=.363
-2 Log Likelihood	chi sq.=1094.82, 970 df, p=.0031	chi sq.=1175.00, 972 df, p=.0000
Correctly Classified	72.0%	68.7%

Note: Unstandardized coefficients shown with standard errors in parentheses

* Defendants convicted in Criminal Court only
** p <.05
*** Queens is the omitted category

"strongest" predictors of sentence type were prior felony status (having a prior felony conviction increased the odds of jail by a factor of 2.1) detention status (being released pretrial reduced the odds of jail by 0.38) and being a Bronx case (the odds of jail were 2.5 times greater than in the other boroughs). The significance of the goodness-of-fit chi-square (0.31) indicates an adequate fit to the data, although the low significance level of the log likelihood (0.0031) suggests caution in interpreting this model.

The citywide model yielded similar results, but the absence of the borough predictors improved the predictive power of court part type and prior felony convictions. In the citywide model, the logit coefficient for court part type was .7619 compared to .4624 in the borough model, suggesting that differences in N Part sentencing outcomes among boroughs mask some of the overall effect of N Part processing. We also tested a logit model deleting those case sentenced to "time served" jail terms, since it could be argued that such jail sentences are in reality more akin to non-incarcerative sentences. The results of that model (not shown) were not substantially different -- the same predictors were significant, with similar coefficients. The fit of the model did improve, however, as did the overall classification prediction (although correct classification of jail cases, 54%, was worse in this model).

The higher rate of jail sentences in the N Parts probably reflects prosecutors' strategies to achieve quick convictions. By offering a felony defendant a misdemeanor plea with a jail sentence, both sides achieve their objectives: the prosecutor obtains a conviction and an incarcerative sentence, while the defendant avoids a felony conviction.

Jail Length. Table 13 shows the mean and median jail sentences imposed on defendants convicted of misdemeanors in Criminal Court. In general, jail sentences tended to be substantially longer in the N Parts. The mean sentence length was 120.1 days in the N Parts and 68.9 days in non-N Parts ($p = .000$). The median sentence was also

TABLE 13

CRIMINAL COURT SENTENCE LENGTH BY BOROUGH AND BY COURT TYPE

	KINGS		NEW YORK		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
JAIL										
MEAN	125.0	72.7	102.2	81.0	187.1	40.3	120.2	57.6	120.1	68.9
MEDIAN	90.0	37.5	52.2	60.0	135.0	60.0	60.0	30.0	60.0	30.0
(N)	(16)	(54)	(50)	(39)	(12)	(3)	(60)	(53)	(139)	(149)
SIGNIFICANCE		p=.148		p=.291		p=.013		p=.002		p=.000
% TIME SERVED	40.7	43.8	29.6	37.1	29.4	25.0	60.6	40.4	48.5	40.6
(TOTAL N)	(27)	(96)	(71)	(62)	(17)	(4)	(153)	(89)	(270)	(251)
PROBATION										
MEAN	32.0	27.3	36.0	36.0	36.0	-	36.0	36.0	35.1	31.0
MEDIAN	36.0	36.0	36.0	36.0	36.0	-	36.0	36.0	36.0	36.0
(N)	(6)	(11)	(12)	(6)	(6)	(0)	(2)	(2)	(26)	(19)
SIGNIFICANCE		p=.399		-		-		-		p=.110
FINE										
MEAN	140.0	122.7	275.0	229.5	-	166.7	106.0	141.6	124.3	134.4
MEDIAN	100.0	100.0	250.0	150.0	-	150.0	100.0	100.0	100.0	100.0
(N)	(10)	(86)	(2)	(6)	(0)	(6)	(25)	(34)	(37)	(132)
SIGNIFICANCE		p=.525		-	-	-		p=.048		p=.473

twice as long in N Parts -- 60 vs. 30 days. These differences were also observed after controlling for charge type (Table 14). However, the data in Table 15 show that for defendants without prior felony convictions, jail sentences were the same in N and regular parts (about 60 days in each).

In order to analyze jail sentence length we used an analysis of variance (ANOVA) model which tests the contribution of various independent variables and their interactions to the variation in jail sentence length (in days). Because of the small number of jail sentences in some boroughs, we analyzed all New York City cases together. Table 16 displays the results of our analyses for defendants sentenced to jail. The most important main factors related to jail sentence length were court type and prior felony convictions. The multiple classification analysis indicates that N Part cases, after controlling for other factors, had jail terms which were 21.5 days longer that the overall average, while non-N sentences were 14.5 days shorter. Defendants without prior felonies had adjusted deviation of 20 days below the overall mean jail sentence. The overall ANOVA model significantly explained variation in jail sentence length ($F = 4.683$, $p = .000$).

There are several possible reasons why jail sentences were longer in the N Parts. First, in order to allow a guilty plea to a misdemeanor for these felony cases, prosecutors may seek a meaningful jail term. Second, cases that are transferred out of the N Part in Criminal Court without a felony waiver plea or transfer to Supreme Court may be weaker or less serious cases; when they are later disposed in a non-N Part it is with a shorter sentence. Finally, the higher rate of "time served" sentences suggests that the higher jail rate in the N Parts actually masks more lenient treatment for some of the cases.

2. Supreme Court

Significant differences in both sentence type and sentence length were observed in the N Parts. As hypothesized, defendants convicted of felonies in N Parts were significantly less likely to receive prison sentences and had higher rates of probation

TABLE 14

CRIMINAL COURT SENTENCE LENGTH BY CHARGE TYPE

AND COURT TYPE

	SALE		POSSESSION	
	N Part	Non-N	N Part	Non-N
JAIL				
MEAN	123.7	68.9	106.9	68.8
MEDIAN	-	-	-	-
(N)	(109)	(116)	(30)	(33)
SIGNIFICANCE		p=.000		p=.121
% TIME SERVED	50.0	42.9	42.3	31.3
PROBATION				
MEAN	34.6	29.1	36.0	32.0
MEDIAN	36.0	36.0	36.0	36.0
(N)	(17)	(7)	(9)	(12)
SIGNIFICANCE		p=.278		p=.166
FINE				
MEAN	121.9	128.4	140.0	181.7
MEDIAN	100.0	100.0	100.0	150.0
(N)	(32)	(117)	(5)	(15)
SIGNIFICANCE		p=.650		p=.452

TABLE 15

CRIMINAL COURT SENTENCE LENGTH BY PRIOR FELONY

CONVICTION RECORD AND COURT TYPE

	PRIOR FELONY CONVICTION		NO PRIOR FELONY CONVICTIONS	
	N Part	Non-N	N Part	Non-N
JAIL				
MEAN	156.5	80.0	60.8	57.0
MEDIAN	-	-	-	-
(N)	(88)	(64)	(45)	(83)
SIGNIFICANCE		p=.000		p=.775
% TIME SERVED	27.9	36.0	67.6	43.9
PROBATION				
MEAN	30.0	-	36.0	30.9
MEDIAN	36.0	-	36.0	36.0
(N)	(4)	(0)	(22)	(19)
SIGNIFICANCE		-		p=.042
FINE				
MEAN	191.7	162.0	118.4	127.1
MEDIAN	225.0	150.0	100.0	100.0
(N)	(3)	(25)	(34)	(105)
SIGNIFICANCE		p=.594		p=.555

TABLE 16

ANALYSIS OF VARIANCE OF JAIL SENTENCE LENGTH*

Independent Variable	F	p	
Court Part Type	14.30	.000	
Prior Felony Convictions	21.58	.000	
Detention Status	5.62	.018	
Race	4.14	.043	
(All others p >.10)			
Covariates:			
Prior Misd. Conviction	24.38	.000	
Age	.35	.557	
2-Way Interactions:			
Prior Felony By Court Part Type	12.69	.000	
(All others p >.05)			
Overall Model	4.68	.000	Multiple R Sq.=.219

* Defendants sentenced to jail in Criminal Court Citywide, time served excluded

sentences. Following the imposition of a prison sentence, N Part defendants also received shorter average sentences.

Because those with prior felony convictions are subject to mandatory prison sentences, we focus our comparisons of sentence types on those with no prior felony convictions. Among such defendants sentenced in N Parts, 44.1% had a prison sentence imposed (compared with 59.7% in regular courts), 18.5% were given a straight probation sentence (generally five years), and an additional 36.4% received split jail/probation sentences (Table 9, $p = .000$). The comparable probation figures for those convicted in regular court parts were 15.4% straight probation and 22.5% given split sentences. The jail sentence component in a split sentence is usually two months or less.

These differences were also observed after controlling for charge type: while non-predicate felony defendants sentenced on drug sale charges had higher rates of prison than for possession cases, N Part sentences were significantly more lenient for each type of case (Table 17). While sentencing patterns in Supreme Court differed by borough, with one exception there were significantly lower rates of prison sentences in the N Parts (for possession cases in Manhattan, N Part defendants had a higher proportion of prison sentences than non-N cases, but the difference was not statistically significant).

The independent contributions of various defendant, case, and structural factors to the probability of receiving a prison sentence following felony conviction were tested by estimating a logistic regression model for convicted offenders with sentence type as a dichotomous dependent variable (prison vs. no prison). Because defendants with a prior felony conviction are subject to mandatory prison sentences upon a second felony conviction, we included only those cases without any prior felony convictions.

As with the jail sentence analysis, we first identified those factors that contingency tables analysis showed to be significantly related to sentence type: these factors were court part type, prior misdemeanor convictions, detention status, borough, sex, race, and

TABLE 17

SUPREME COURT SENTENCE TYPE FOR CASES
WITH NO PRIOR FELONY CONVICTIONS

	Brooklyn		Manhattan		Queens		Bronx		Citywide	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
Imprisonment	28.5	52.7	53.8	59.3	37.3	59.0	66.7	79.1	44.1	59.8
Split (Pris/Prob.)	50.9	35.2	10.9	16.6	46.6	21.1	27.5	8.5	36.4	22.5
Probation	20.6	9.5	34.0	20.5	16.2	19.3	2.6	11.6	18.5	15.4
Other	--	2.5	1.3	3.6	--	0.6	3.3	0.8	0.9	2.3
(N)	(228)	(315)	(156)	(337)	(204)	(161)	(153)	(129)	(741)	(942)
		chi sq.=.000		chi sq.=.005		chi sq.=.000		chi sq.=.000		chi sq.=.000
Sale										
Imprisonment	29.6	54.4	54.0	61.1	38.7	58.4	68.3	79.0	45.8	61.1
Split (Pris/Prob.)	56.5	37.1	10.2	15.4	45.7	21.5	25.4	8.9	36.9	22.4
Probation	14.0	6.6	34.3	19.9	15.6	19.5	2.8	11.3	16.3	14.3
Other	--	1.8	1.5	3.6	--	0.7	3.5	0.8	1.1	2.1
(N)	(186)	(272)	(137)	(306)	(186)	(149)	(142)	(124)	(651)	(851)
		chi sq.=.000		chi sq.=.007		chi sq.=.000		chi sq.=.000		chi sq.=.000
Possession										
Imprisonment	23.8	41.9	52.6	41.9	22.2	66.7	45.5	80.0	32.2	47.3
Split (Pris/Prob.)	26.2	23.3	15.8	29.0	55.6	16.7	54.5	--	33.3	23.1
Probation	50.0	27.9	31.6	25.8	22.2	16.7	--	20.0	34.4	25.3
Other	--	7.0	--	3.2	--	--	--	--	--	4.4
(N)	(42)	(43)	(19)	(31)	(18)	(12)	(11)	(5)	(90)	(91)
		chi sq.=.051		chi sq.=.592		chi sq.=.041		chi sq.=.059		chi sq.=.023

charge type (sale vs. possession). We also tested several other demographic variables to test for any hidden effects of defendant attributes on the probability of being sentenced to jail. The model-building procedures were similar to those described above for jail sentence. We tested both citywide models and models containing borough dummy variables to account for possible cross-borough variation in sentencing practices. Table 18 summarizes the results of the final "best" models, which were similar to the jail sentence models.

The "borough" model enabled us to correctly classify 67.8% of the Supreme Court sentences correctly overall using six predictor variables plus a constant; prediction of a prison sentence was slightly more accurate in this model, however (69.2% correct predictions) than non-prison sentences (66.3% correct). As the bivariate analyses suggested, N Part cases were significantly less likely to receive a prison sentence: the odds of an N Part case being sentenced to prison were 0.46 times lower than a non-N cases after controlling for other factors in the model. The "strongest" predictors of sentence type were deten tion status (being released pretrial reduced the odds of jail by 0.33), prior misdemeanor convictions (each prior misdemeanor conviction increased the odds of a prison sentence by a factor of 1.2), and borough of prosecution (Bronx cases were 3.8 times more likely than Queens cases to receive prison sentences, Manhattan cases 1.6 times more likely, and Brooklyn cases 0.73 less likely). The significance of the goodness-of-fit chi-square (0.42) indicates an adequate fit to the data, although the low significance level of the log likelihood (0.0000) suggests caution in interpreting this model.

The citywide model yielded similar results, except that charge type was a significant predictor of prison sentence when borough variables were excluded. Defendants charged with drug sale had 1.6 times higher odds than possession cases of receiving a prison sentence. Since this variable was not a significant predictor in the "borough" model, the data suggest that sale cases were being treated differentially across boroughs -- examination of the data in Table 17 shows the wide variation in these prison sentence

TABLE 18

LOGISTIC REGRESSION PREDICTING
SUPREME COURT PRISON SENTENCE*

Independent Variable	Borough Model	Citywide Model
Court Part Type (1=N; 0=Non-N)	-.768** (.111)	-.650** (.104)
Detention Status (1= Out; 0= In)	-1.123** (.121)	-.839** (.110)
Prior Misd. Convictions	.150** (.032)	.172** (.032)
Charge Type (1=Sale; 0=Possession)		.446** (.166)
Bronx***	1.346** (.181)	
Brooklyn***	-.318** (.144)	
Manhattan***	.467** (.154)	
Constant	.472** (.131)	.161 (.172)
Goodness of fit	chi sq.=1688.27, 1677 df, p=.419	chi sq.=1681.07, 1679 df, p=.481
-2 Log Likelihood	chi sq.=2064.03, 1677 df, p=.0000	chi sq.=2168.31, 1679 df, p=.0000
Correctly Classified	67.8%	62.6%

Note: Unstandardized coefficients shown with standard errors in parentheses

* Defendants convicted in Supreme Court only
** p <.05
*** Queens is the omitted category

rates across boroughs. The relatively small number of possession cases receiving sentences in Supreme Court may also make the charge type variable somewhat unstable. The classification table showed that prediction of sentence type was better in the models containing borough variables, due to poorer prediction of prison sentences in the citywide model (57.8% correct compared to 69.2% in the borough model).

Prison Length. N Part prison sentence lengths (Table 19) were also substantially shorter than those imposed in regular parts (10.7 months minimum for those without prior felonies compared with 16.2 months in regular parts). For defendants with prior felonies, N Part prison sentences were also shorter (20.4 months minimum vs. 30.3 months in regular parts). This difference was also observed when controlling for charge type (sale or possession), and within each borough. Thus, these data suggest that defendants pleading guilty in the N Parts are receiving better sentencing offers as part of the plea bargain.

Because case and defendant factors can affect sentencing decisions, and differences between N and non-N cases may have accounted for sentencing disparities, we conducted multivariate analyses on both sentence type and sentence length.

To analyze prison sentence length we used an analysis of variance (ANOVA) model which tests the contribution of various independent variables and their interactions to the variation in prison sentence length. Table 20 displays the results of our analyses. Prior felony convictions and court type were the only independent variables which significantly accounted for variation in sentence length ($p = .000$) -- the multiple classification analysis indicates that N Part cases, controlling for other factors, had minimum prison sentences which were 4.7 months shorter that the overall average, while non-N sentences were 2.5 months longer. Defendants without prior felonies had adjusted average sentences that were 5.4 months shorter, and those with prior felonies 6.2 months longer, than the overall sample mean. Defendant age was a significant covariate, with

TABLE 19: SUPREME COURT MINIMUM SENTENCE LENGTH

MINIMUM SENTENCE LENGTH	BROOKLYN N Part	BROOKLYN Non-N	MANHATTAN N Part	MANHATTAN Non-N	QUEENS N Part	QUEENS Non-N	BRONX N Part	BRONX Non-N	CITYWIDE N Part	CITYWIDE Non-N
MEAN	16.3	22.7	14.3	20.4	13.7	27.9	15.5	24.8	14.9	23.0
MEDIAN	12.0	18.0	18.0	18.0	12.0	24.0	12.0	18.0	12.0	18.0
(N)	(117)	(327)	(175)	(419)	(120)	(182)	(156)	(173)	(568)	(1101)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000
NO PRIOR FELONY CONVICTIONS										
MEAN	12.8	17.6	8.6	12.7	11.0	21.7	10.8	15.7	10.7	16.2
MEDIAN	12.0	12.0	7.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
(N)	(65)	(162)	(80)	(193)	(74)	(93)	(100)	(101)	(319)	(549)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000
PRIOR FELONY CONVICTIONS										
MEAN	20.7	28.4	79.2	27.4	18.1	34.4	24.0	37.6	20.4	30.3
MEDIAN	18.0	24.0	18.0	24.0	18.0	24.0	24.0	30.0	18.0	24.0
(N)	(47)	(151)	(92)	(214)	(45)	(89)	(55)	(72)	(239)	(526)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.012		p=.000
SALE										
MEAN	16.4	22.7	14.3	20.5	13.7	28.5	15.5	25.1	14.9	23.2
MEDIAN	12.0	18.0	18.0	18.0	12.0	24.0	12.0	18.0	12.0	20.5
(N)	(99)	(285)	(158)	(390)	(113)	(169)	(149)	(168)	(519)	(1012)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000
POSSESSION										
MEAN	15.6	22.3	14.2	19.6	12.3	20.1	15.4	14.6	14.6	20.7
MEDIAN	12.0	18.0	18.0	18.0	12.0	12.0	12.0	12.0	12.0	18.0
(N)	(18)	(42)	(17)	(29)	(7)	(13)	(7)	(5)	(49)	(89)
SIGNIFICANCE		p=.007		p=.030		p=.073		p=.892		p=.000

TABLE 20

ANALYSIS OF VARIANCE OF PRISON SENTENCE LENGTH*

Independent Variable	F	p	
Court Part Type (1= N; 0= Non-N)	73.84	.000	
Prior Felony Convictions	191.10	.000	
(All others p >.05)			
Covariates:			
Prior Misd. Conviction	3.23	.072	
Age	23.43	.000	
2-Way Interactions:			
Prior Felony By Court Part Type	3.86	.05	
(All others p >.10)			
Overall Model	5.76	.000	Multiple R Sq.=.180

* Defendants sentenced to prison, Citywide

sentence lengths increasing with age. The overall ANOVA model significantly explained 18 percent of the variation in sentence length ($F = 5.759$, $p = .000$).[5]

E. PROCESSING TIME AND COURT ADJOURNMENTS

Certainly the key reason for establishing the N Parts in New York City was to reduce caseload pressures from drug cases by speeding up their processing. Faster dispositions result in lower pending caseloads in trial courts since the rate of outgoing cases remains closer to the rate of new arrests. In this section we test the hypothesis that cases disposed in N Parts reach their final outcomes more rapidly and with fewer court appearances than regular processing. The reason N Part cases should be disposed faster, of course, is that such cases bypass grand jury hearings and post-indictment pretrial appearances, and the N Part plea offers presumably give defendants an incentive to plead guilty early in the adjudication process.

In this section we compare processing times for N and regular parts in Criminal Court, Supreme Court, and both courts combined. Processing time was computed as the number of days from arraignment to final disposition (not sentence), and the number of adjournments is a count of scheduled court appearances, not including initial arraignment in Criminal or Supreme Court.

1. Criminal Court

Table 21 displays the mean and median processing times for cases which reached final disposition in Criminal Court. These data exclude cases which were transferred to Supreme Court for felony prosecution, since the Criminal Court time represents an interim segment of processing -- the processing time for Supreme Court cases is analyzed be-

[5]We also estimated a multiple regression model on sentence length, and the results were similar to the ANOVA. Prior felonies and court type were the best predictors of prison length, and age was also significant.

TABLE 21

PROCESSING TIME IN CRIMINAL COURT

(NUMBER OF DAYS FROM ARRAIGNMENT TO DISPOSITION
FOR CASES DISPOSED IN CRIMINAL COURT)

	BROOKLYN		MANHATTAN		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
MEAN	39.2	136.5	67.9	91.7	20.4	77.8	21.4	105.0	48.9	115.9
MEDIAN	21.0	105.0	38.0	56.0	4.0	70.5	5.0	86.5	17.0	92.0
(N)	(311)	(542)	(817)	(268)	(87)	(32)	(366)	(318)	(1581)	(1160)
SIGNIFICANCE		p=.000		p=.001		p=.000		p=.000		p=.000
WHERE MOST SEVERE FINAL DISPOSITION = PLED GUILTY, SENTENCED										
MEAN	40.2	137.1	20.4	87.8	10.2	70.1	18.8	87.6	23.5	113.1
MEDIAN	5.0	114.0	5.5	41.0	4.5	68.5	4.0	63.0	5.0	87.0
(N)	(99)	(322)	(152)	(97)	(20)	(14)	(195)	(184)	(466)	(617)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000
WHERE MOST SEVERE FINAL DISPOSITION = DISMISSED, ACQUITTED										
MEAN	40.6	169.2	82.9	96.3	25.4	74.8	21.4	152.6	63.3	135.8
MEDIAN	22.0	147.0	55.0	85.0	4.0	45.5	5.0	130.0	34.0	111.5
(N)	(160)	(147)	(595)	(143)	(58)	(16)	(140)	(104)	(953)	(410)
SIGNIFICANCE		p=.000		p=.177		p=.018		p=.000		p=.000

low, and includes Criminal Court time in the calculations. Cases disposed in Criminal Court N Parts had significantly faster processing times (citywide N Parts 48.9 days, regular parts 115.9 days, p = .000). Cases disposed in the N Parts were completed much more rapidly than through regular court parts in all boroughs, whether the case resulted in a conviction or dismissal, and regardless of detention status (defendants in detention are processed faster). Thus, for example, cases that were dismissed reached that outcome in an average of 63.3 days in N Parts; the same outcome took twice as long, an average of 135.8 days, in non-N Parts. Criminal Court convictions (i.e., convictions on misdemeanor charges) occurred in an average of only 23.5 days in the N Parts, but 113.1 days in regular parts.

Similarly, N Part cases were disposed in Criminal Court in significantly fewer court appearances than non-N cases (Table 22). Overall, N Part dispositions occurred in a mean of 1.8 adjournments following initial arraignment (median = 1), and non-N cases used twice as many appearances (4.1 adjournments, median = 3).

These data suggest that cases processed through N Parts utilize substantially fewer resources and occur much more rapidly than drug felonies, when the final dispositions occur in the lower court. This may occur for several reasons: First, since all cases are initially adjourned to the N Part from arraignment, the first opportunity for case disposition is in that courtroom. Second, these Parts were established specifically to speed case processing time, and all participants are aware of that goal. Third, N Part judges are handpicked by the borough's admimistrative judges, presumably for their skills at managing large caseloads. Finally, it may be that cases not able to be resolved in the Criminal Court N Part, and thus transferred out to a regular part, are problematic in some way that would lengthen the time to disposition.

However, it is also possible that differences in the types of cases or defendants processed through each court type affect processing time and account for some of the observed differences. We therefore conducted multivariate analyses of Criminal Court pro-

TABLE 22

NUMBER OF ADJOURNMENTS TO DISPOSITION FOR CASES DISPOSED IN CRIMINAL COURT

	BROOKLYN		MANHATTAN		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
MEAN	1.5	4.7	2.1	3.0	1.5	3.8	1.5	3.9	1.8	4.1
MEDIAN	1.0	4.0	2.0	2.0	1.0	3.0	1.0	3.0	1.0	3.0
(N)	(259)	(469)	(747)	(240)	(78)	(30)	(335)	(288)	(1419)	(1027)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000
WHERE MOST SEVERE FINAL DISPOSITION = PLED GUILTY, SENTENCED										
MEAN	1.7	4.6	1.3	2.8	1.4	3.7	1.3	3.2	1.4	3.9
MEDIAN	1	4	1	2	1	3	1	3	1	3
(N)	(99)	(322)	(152)	(97)	(20)	(14)	(195)	(184)	(466)	(617)
SIGNIFICANCE		p=.000		p=.000		p=.002		p=.000		p=.000
WHERE MOST SEVERE FINAL DISPOSITION = DISMISSED, ACQUITTED										
MEAN	1.4	5.0	2.3	3.1	1.6	3.9	1.7	5.0	2.0	4.3
MEDIAN	1	4	2	3	1	3	1	5	2	4
(N)	(160)	(147)	(595)	(143)	(58)	(16)	(140)	(104)	(953)	(410)
SIGNIFICANCE		p=.000		p=.005		p=.007		p=.000		p=.000

cessing time to test the independent effect of court type, controlling for other factors that might be reasonably assumed to affect case length. An ordinary least squares regression model was used for cases that reached final disposition in Criminal Court, and the results summarized in Table 23.[6]

The final model estimated was reasonably parsimonious and enabled us to explain 20.5% of the variance in Criminal Court processing time using six predictor variables. We entered the independent variables in three blocks: the borough contrast variables (Queens, the borough with the fastest processing time, was the reference category), then prior felony conviction and detention status contrast variables, and finally court part type. Court part type was the best independent predictor of processing time, with the largest partial correlation and standardized coefficient, highest t-statistic, and greatest effect on the adjusted r-square. The unstandardized coefficient indicated that being processed through an N Part reduced processing time by about 85 days, after holding other factors constant.

Other significant independent factors included detention status (being released during the pretrial period significantly lengthened the processing time) and borough (Brooklyn and Manhattan cases took longer to process than Queens).

2. Supreme Court

For cases disposed in Supreme Court we calculated the total case time from Criminal Court arraignment to final Supreme Court disposition. Given the way the N Part generally functions, we expected these times to be dramatically shorter for such cases. Since the N Part defendant has agreed to waive grand jury indictment and plead guilty to a Superior Court Information before the cases gets transferred to the Supreme

[6]While several interim models were tested using a number of independent variables, we were able to estimate a reduced model using the following other independent variables, aside from court part type: borough of prosecution, final disposition type, prior felony conviction, and detention status.

TABLE 23

ORDINARY LEAST SQUARES REGRESSION RESULTS--
CRIMINAL COURT PROCESSING TIME (DAYS)*

Independent Variable	B (S.E.)	Beta (S.E.)	p
Court Part Type (1=N; 0=Non-N)	-85.35 (3.71)	-.437 (.019)	.000
Detention Status (1=Out; 0=In)	19.63 (3.65)	.102 (.019)	.000
Prior Felony Conviction	3.37 (3.91)	.016 (.019)	.389
Bronx	4.41 (8.66)	.020 (.039)	.610
Brooklyn	28.89 (8.61)	.141 (.042)	.001
Manhattan	43.18 (8.42)	.220 (.043)	.000
Constant	94.94 (8.67)	--	.000

Adjusted R Sq. .205

F for Equation 113.261, p=.000

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* Cases completed in Criminal Court only; time from arraignment to final case disposition

Court version of the N Part, the plea process happens quite rapidly. Normally the formal Supreme Court arraignment and felony plea occur on the same day, so the typical processing time in Supreme Court is zero days. In contrast, cases moving through regular Supreme Court processing have a grand jury hearing, an arraignment generally scheduled several weeks after the indictment, and several pretrial appearances in Supreme Court where plea negotiations may occur, motions filed and ruled on, or trials scheduled and conducted.

Table 24A shows the total mean and median total processing times for cases disposed in Supreme Court. The results, as for Criminal Court, indicate dramatically faster mean processing times for N Part cases (13.6 days vs. 151.5 days for non-N cases). These differences hold across borough and after controlling for detention status, prior felony convictions (Table 24B), or charge type (Table 24C). Queens had the fastest N Part (mean 8.3 days), and the Bronx the slowest (mean 16.7 days). The median processing time was 4 days for every borough except the Bronx. N Part cases were much more likely to have been finally disposed at the Supreme arraignment appearance (94.4% compared to 14.9% for non-N cases), so substantial savings in court resources did occur for N Part cases. The mean (median) number of Supreme Court adjournments was .03 (0) for N Part cases and 5.77 (4) for non-N cases.

To assess the independent effects of court part type on Supreme Court processing time we estimated regression models using similar sets of predictor variables and procedures as described above for Criminal Court (Table 25). N Parts again had the strongest relationship with Supreme Court processing time, with the unstandardized coefficient indicating that processing through an N Part reduced time to disposition by 136 days. In contrast to the Criminal Court processing time model, however, all the factors in the model had significant effects on Supreme Court time. Having a prior felony conviction or being out of detention was associated with longer processing time after other factors were controlled for, and compared to Queens cases, Manhattan cases were disposed more

TABLE 24A

PROCESSING TIME IN DAYS FROM CRIMINAL COURT ARRAIGNMENT
TO SUPREME COURT DISPOSITION

	BROOKLYN		MANHATTAN		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
MEAN	14.5	172.5	14.6	124.4	8.3	141.0	16.7	186.8	13.6	151.5
MEDIAN	4.0	122.0	4.0	79.0	4.0	95.5	6.0	146.0	4.0	104.0
(N)	(328)	(679)	(297)	(765)	(277)	(348)	(275)	(285)	(1177)	(2077)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000
CRIMINAL COURT ARRAIGNMENT RELEASE STATUS= IN										
MEAN	10.0	163.5	7.1	114.2	7.2	137.7	10.6	176.0	8.7	144.6
MEDIAN	4.0	113.5	4.0	68.5	4.0	94.0	5.0	119.0	4.0	97.0
(N)	(263)	(546)	(221)	(472)	(235)	(275)	(196)	(189)	(915)	(1482)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000
CRIMINAL COURT ARRAIGNMENT RELEASE STATUS= OUT										
MEAN	32.6	209.6	36.4	140.8	14.7	153.4	31.9	207.9	30.6	168.8
MEDIAN	25.0	154.0	14.0	87.0	7.0	108.0	26.0	175.0	2.0	119.0
(N)	(65)	(133)	(76)	(292)	(42)	(73)	(79)	(96)	(262)	(594)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000

TABLE 24B

PROCESSING TIME IN DAYS FROM CRIMINAL COURT ARRAIGNMENT TO SUPREME COURT DISPOSITION CONTROLLING FOR PRIOR FELONY CONVICTIONS

NO PRIOR FELONY CONVICTIONS

	BROOKLYN		MANHATTAN		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
MEAN	16.3	163.0	16.8	114.8	8.0	135.6	17.5	176.5	14.5	143.2
MEDIAN	4.0	116.0	4.0	64.0	4.5	92.5	5.5	133.0	5.0	96.0
(N)	(258)	(423)	(184)	(459)	(224)	(216)	(206)	(187)	(872)	(1285)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000

PRIOR FELONY CONVICTION

MEAN	5.8	187.8	11.3	141.4	10.0	150.6	14.8	206.3	10.8	165.9
MEDIAN	4.0	133.5	4.0	100.0	4.0	103.0	6.0	178.0	4.0	116.0
(N)	(58)	(226)	(107)	(282)	(50)	(131)	(67)	(98)	(282)	(737)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000

TABLE 24C

PROCESSING TIME IN DAYS FROM CRIMINAL COURT ARRAIGNMENT TO SUPREME COURT DISPOSITION CONTROLLING FOR CHARGE TYPE

SALE

	BROOKLYN		MANHATTAN		QUEENS		BRONX		CITYWIDE	
	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N	N Part	Non-N
MEAN	13.7	167.8	15.1	121.8	8.2	140.0	16.9	186.0	13.5	148.6
MEDIAN	4.0	116.5	4.0	77.0	4.0	99.5	5.0	144.0	4.0	102.0
(N)	(271)	(574)	(265)	(689)	(255)	(318)	(257)	(271)	(1048)	(1852)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.000		p=.000

POSSESSION

MEAN	18.2	198.1	10.4	147.5	9.8	151.4	15.1	200.6	14.4	174.9
MEDIAN	5.0	138.0	4.0	97.0	4.0	68.5	10.0	180.5	5.0	119.0
(N)	(57)	(105)	(32)	(76)	(22)	(30)	(18)	(14)	(129)	(225)
SIGNIFICANCE		p=.000		p=.000		p=.000		p=.001		p=.000

TABLE 25

ORDINARY LEAST SQUARES REGRESSION RESULTS--
SUPREME COURT PROCESSING TIME (DAYS)*

Independent Variable	B (S.E.)	Beta (S.E.)	p
Court Part Type (1=N; 0=Non-N)	-135.96 (4.87)	-.443 (.016)	.000
Detention Status (1=Out; 0=In)	34.65 (5.50)	.103 (.016)	.000
Prior Felony Conviction	25.16 (5.10)	.081 (.016)	.000
Bronx	23.08 (7.60)	.059 (.019)	.002
Brooklyn	21.73 (6.64)	.068 (.021)	.001
Manhattan	-18.85 (6.68)	-.060 (.021)	.005
Constant	128.62 (6.10)	--	

Adjusted R Sq. .225

F for Equation 157.91, p=.000

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* Total time from Criminal Court arraignment to Supreme Court disposition

rapidly and Brooklyn and the Bronx cases more slowly. The model explained 22.5% of the variance in Supreme Court processing time.

F. COMPARISONS WITH AP-6 FELONY WAIVER PART

The Bronx AP-6 court acts as a felony waiver part, similar in function to the N Parts though not limited to drug cases. During 1989, to relieve overcrowding in the Bronx N Part, drug felony arrests arraigned on weekends were adjourned to part AP-6 instead of N. If the felony waiver offer was accepted, the plea would be taken in the Supreme Court version of AP-6, called Part C. We were interested in whether drug cases processed through a waiver courtroom with other felonies would have similar outcomes as N Part cases.

Generally, we found similar disposition, sentencing, and processing time patterns between the two parts in the Bronx. Felony conviction rates were the same in Bronx N and AP-6/C parts (43.6% and 44.4%, respectively). Tables 26 through 30 summarize the data. The AP-6/C parts did have a slightly lower rate of Criminal Court dismissals compared with Bronx N Parts (19.8% compared with 23.6%), but this difference was significant only when controlling for defendants with prior felony convictions (Table 26A). Among this group, the AP-6/C parts had a somewhat higher misdemeanor conviction rate (45.3%) compared with Bronx N parts (38.1%), and a lower Criminal Court dismissal rate (16.8% in AP-6/C, 26.7% in N parts). A similar pattern held after controlling for drug sale cases (Table 26B).

The percentage of defendants without prior felony convictions that receive sentences of imprisonment for felony convictions is almost identical in the two court parts (66.7% in N and 68.4% in AP-6/C; see Table 27)). But the Bronx N Part was significantly more likely to impose split sentences of jail and probation (27.5% in N Parts and 8.7% in AP-6/C), whereas the AP-6/C parts were more likely to give sentences of straight proba-

TABLE 26A

FINAL DISPOSITIONS FOR THE BRONX AND AP6

	BRONX		AP6
	N	Non-N	AP6/C
ALL CASES			
Convicted of Felony	43.6 %	42.4 %	44.4
Convicted of Misdemeanor	32.8	35.6	35.6
Dismissed In Criminal Court	23.6	19.5	19.8
Dismissed in Supreme Court	-	2.5	0.2
	100.0 %	100.0 %	100.0
Pending/Warrant Ordered/Other	7.8 %	14.6 %	1.9
(N)	(641)	(602)	(856)
CONTROLLING FOR PRIOR FELONY CONVICTIONS:			
NO PRIOR FELONY CONVICTIONS			
Convicted of Felony	47.2 %	41.8 %	47.6
Convicted of Misdemeanor	30.4	38.2	31.4
Dismissed In Criminal Court	22.4	18.2	20.7
Dismissed in Supreme Court	-	1.8	0.3
	100.0 %	100.0 %	100.0
Pending/Warrant Ordered/Other	8.7 %	17.7 %	2.5
(N)	(450)	(407)	(595)
PRIOR FELONY CONVICTIONS			
Convicted of Felony	35.2 %	43.8 %	37.9
Convicted of Misdemeanor	38.1	30.3	45.3
Dismissed In Criminal Court	26.7	21.9	16.8
Dismissed in Supreme Court	-	3.9	--
	100.0 %	100.0 %	100.0
Pending/Warrant Ordered/Other	5.4 %	8.2 %	--
(N)	(186)	(194)	(256)

TABLE 26B

FINAL DISPOSITIONS FOR THE BRONX AND AP6
CONTROLLING FOR CHARGE TYPE

	BRONX		AP6
	N	Non-N	AP6/C
SALE			
Convicted of Felony	46.3 %	48.6 %	48.3
Convicted of Misdemeanor	30.6	29.7	32.9
Dismissed In Criminal Court	23.1	19.6	18.5
Dismissed in Supreme Court	-	2.1	0.3
	100.0 %	100.0 %	100.0
Pending/Warrant Ordered/Other	8.0 %	15.1 %	2.2
(N)	(565)	(511)	(736)
POSSESSION			
Convicted of Felony	23.6 %	8.8 %	20.8
Convicted of Misdemeanor	48.6	67.5	51.7
Dismissed In Criminal Court	27.8	18.8	27.5
Dismissed in Supreme Court	-	5.0	--
	100.0 %	100.0 %	100.0
Pending/Warrant Ordered/Other	5.3 %	12.1 %	--
(N)	(76)	(91)	(120)

TABLE 27

SUPREME COURT SENTENCE TYPE FOR CASES WITH NO PRIOR FELONY CONVICTIONS

	BRONX		AP 6	
	N	Non-N	Non-N	AP6/C
Imprisonment	66.7 %	79.1 %	80.5 %	68.4 %
Split Jail/Prison	27.5	8.5	5.6	8.7
Probation	2.6	11.6	13.3	19.4
Other	3.3	0.8	0.6	3.6
(N)	(153)	(129)	(338)	(253)
		chi sq.=.000		chi sq.=.002
Sale				
Imprisonment	68.3 %	79.0 %	81.1 %	69.8 %
Split Jail/Prison	25.4	8.9	5.6	8.5
Probation	2.8	11.3	13.0	18.3
Other	3.5	0.8	0.3	3.4
(N)	(142)	(124)	(323)	(235)
		chi sq.=.000		chi sq.=.002
Possession				
Imprisonment	45.5 %	80.0 %	66.7 %	50.0 %
Split Jail/Prison	54.5	--	6.7	11.1
Probation	--	20.0	20.0	33.3
Other	--	--	6.7	5.6
(N)	(11)	(5)	(15)	(18)
		chi sq.=.059		chi sq.=.772

tion (19.4% receiving probation in AP-6, only 2.6% in Bronx N). This same pattern was observed after controlling for charge type (Table 27).

Some other small sentencing differences were found. Criminal Court jail sentences were somewhat higher in AP-6 (154.9 days) compared with the N Part (120.2 days), although this difference was not significant (p=.112). In Supreme Court the minimum prison sentences were about equal in Bronx N parts and AP-6/C parts (15.5 months and 15.0 months, respectively), with no differences after controlling for prior felony convictions or charge type (Table 28).

Since Bronx AP-6 parts are felony waiver parts similar to N Parts, we expected processing time between the two to be roughly equivalent. Criminal Court processing time was similar in AP-6 parts and N Parts, controlling for release status at arraignment (16.5 and 15.3 days for those detained, and 31.5 and 28.3 days for those released, for AP-6 and N Part respectively; see Table 29). These figures contrast sharply with Bronx regular parts, where Criminal Court processing time was 117.6 days for defendants released at arraignment and 115.4 days for those detained. Supreme Court processing time was slightly longer in AP-6/C parts (4.8 days) compared with Bronx N parts (2.7 days) (Table 30A). This difference may reflect the effects of Supreme Court drug possession cases, which had an average processing time of 19.2 days in the AP-6/C part, compared to 0 days in the Bronx N part (Table 30B).

Thus the data for the Bronx suggest that drug cases processed through "mixed" felony waiver parts had similar outcomes as in the N Parts. The greater use of split sentences in AP-6 may reflect the sentencing policies of that particular judge or the plea bargaining policies of the prosecutor's bureau overseeing that courtroom. Whether the sentencing differences can be attributed to the particular case mix in AP-6 cannot be determined from these data. One might have expected that drug cases would be treated relatively leniently in AP-6 (i.e. receive more straight probation sentences than N Part cases) because of the reciprocal effects of more serious non-drug felonies processed

TABLE 28

MINIMUM SUPREME COURT SENTENCE

	BRONX		AP6	
	N	Non-N	Non-N	AP6/C
Mean	15.5	24.8	22.4	15.0
Median	12.0	18.0	18.0	12.0
(N)	(156)	(173)	(500)	(252)
Significance		p=.000		p=.558 *
CONTROLLING FOR PRIOR FELONY CONVICTIONS:				
No Prior Felony Convictions				
Mean	10.8	15.7	14.5	11.2
Median	12.0	12.0	12.0	12.0
(N)	(100)	(101)	(269)	(173)
Significance		p=.000		p=.467
Prior Felony Convictions				
Mean	24.0	37.6	31.7	23.2
Median	24.0	30.0	30.0	24.0
(N)	(55)	(72)	(229)	(79)
Significance		p=.012		p=.585
CONTROLLING FOR CHARGE TYPE:				
Sale				
Mean	15.5	25.1	22.5	14.9
Median	12.0	18.0	18.0	12.0
(N)	(149)	(168)	(485)	(239)
Significance		p=.000		p=.504
Possession				
Mean	15.4	14.6	18.8	16.4
Median	12.0	12.0	18.0	12.0
(N)	(7)	(5)	(15)	(13)
Significance		p=.892		p=.857

* T-Test Between Bronx and AP6/C

TABLE 29

PROCESSING TIME FOR CASES DISPOSED IN CRIMINAL COURT

	BRONX		
	N	Non-N	AP 6
Mean	21.4	107.2	22.5
Median	5.0	89.0	4.0
(N)	(367)	(323)	(468)
Significance		p=.000	p=.727 *
Release Status At Arraignment: IN			
Mean	15.3	115.4	16.5
Median	4.0	97.0	4.0
(N)	(194)	(142)	(278)
Significance		p=.000	p=.749
Release Status At Arraignment: OUT			
Mean	28.3	117.6	31.5
Median	15.0	97.0	18.0
(N)	(173)	(155)	(189)
Significance		p=.000	p=.547

* T-Test Between Bronx N and AP6

TABLE 30A

PROCESSING TIME IN SUPREME COURT

	BRONX		AP 6	
	N	Non-N	Non-N	AP6/C
Mean	2.7	163.6	170.9	4.8
Median	0.0	112.0	120.0	0.0
(N)	(275)	(285)	(759)	(368)
Significance		p=.000		p=.337*
Criminal Court Arraignment Release Status = Out				
Mean	1.9	187.4	194.2	2.1
Median	0.0	129.5	136.0	0.0
(N)	(89)	(96)	(227)	(139)
Significance		p=.000		p=.940
Criminal Court Arraignment Release Status = In				
Mean	2.7	122.5	119.5	1.0
Median	0.0	22.0	36.0	0.0
(N)	(171)	(52)	(152)	(209)
Significance		p=.000		p=.374
CONTROLLING FOR PRIOR FELONY CONVICTIONS:				
No Prior Felonies				
Mean	2.7	148.7	159.0	4.6
Median	0.0	98.0	104.5	0.0
(N)	(206)	(187)	(448)	(274)
Significance		p=.000		p=.448
Prior Felonies				
Mean	2.8	192.1	187.4	5.4
Median	0.0	164.5	146.0	0.0
(N)	(67)	(98)	(305)	(93)
Significance		p=.000		p=.558

* T-Test Between Bronx N and AP6/C

TABLE 30B

PROCESSING TIME IN SUPREME COURT
CONTROLLING FOR CHARGE TYPE

	BRONX		AP 6	
Sale	N	Non-N	Non-N	AP6/C
Mean	2.9	163.6	170.2	3.8
Median	0.0	112.0	119.0	0.0
(N)	(257)	(271)	(720)	(345)
Significance		p=.000		p=.636
Possession				
Mean	0.0	164.1	183.5	19.2
Median	0.0	119.5	147.0	0.0
(N)	(18)	(14)	(39)	(23)
Significance		p=.001		p=.328

through that part. Further research would be necessary, along with courtroom observations and participant interviews, to determine the reasons for these sentencing differences. Nonetheless, the data suggest that it may not be necessary to isolate drug cases in order to achieve the benefits of N Parts.

V. CONCLUSIONS

Our analyses of the processing of drug felonies in New York City during 1989 demonstrate the substantial savings in processing time and court resources that can accrue through the use of N Parts. This quicker case resolution was observed in all boroughs and across all disposition types. Since there were no gross or obvious differences between the defendants or cases disposed in N or non-N Parts, these data would suggest that procedural differences account for most of the savings in disposition time. Our multivariate analyses of the factors that affect lower and upper court processing time confirm the strong independent effect of N Part processing.

There were also significant differences in case disposition patterns in the different court types. The much higher dismissal rates in lower court N Parts suggests two possibilities: One, that N Parts are used as "dumping grounds" for weak drug felonies, and that these cases would have been quickly dismissed even if handled through regular procedures. However, the close congruence in case and defendant characteristics between N and regular part cases make this somewhat unlikely. The second, more plausible reason is that since all drug felonies are initially adjourned to the N Part after arraignment, the first opportunity for dismissal of a weak case occurs in that court part. The especially high dismissal rate in the Manhattan N Part may imply weaker felony drug arrests in that borough.

The substantial variation in disposition and sentencing patterns in the four

boroughs illustrates the different ways in which N Parts can be used. However, the general pattern of more rapid processing and greater use of probation sentences holds across boroughs. It seems fairly clear that rapid felony convictions are achieved in the N Parts by offering defendants pleas with probation sentences or shorter prison sentences than might be obtained in regular court parts. Queens, which had the highest N Part felony conviction rate, also showed a high rate of probation sentences and the largest difference in minimum prison sentence length. In contrast, the two boroughs with the lowest rate of N Part felony convictions (Manhattan and the Bronx), had relatively low percentages of Supreme Court probation sentences, and less of a spread between N and non-N Part minimum sentences. Of course, since only about one quarter of all felony convictions occurred in the Parts, defendants are apparently not perceiving these offers as particularly attractive. Without an experimental design in which cases are randomly assigned to N or regular processing, it is difficult to ascertain what types of dispositions and sentences would have occurred for N Part cases in the absence of such a court type.

As we continue analyzing the case outcome data and conduct interviews, courtroom observations, and case studies, we expect to learn more about why N Part processing differs across boroughs, and what factors and decision processes control the ultimate outcomes of a case. Through this research, we also hope to determine why the N Part utilization rates are not higher than they are. What are the perceptions of defendants and defense attorneys about the prosecutors' plea offers in the N Parts? What are the costs and benefits to defendants of not accepting the felony waiver offer? How much more severe are plea offers in regular court parts, following grand jury indictment? How important is the role of the N Part judge in achieving quick resolution of cases? Answers to these questions will help us to identify the salient characteristics of the "model" N Part -- a courtroom that achieves rapid dispositions that are appropriate to the types of cases and defendants, and that maintains basic standards of justice.

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APPENDIX

A. SAMPLING DESIGN

The specification of the sampling design proceeded in several stages:

1. Determining the case selection criteria

A review of the originally planned design, of the data available in the defendant database of the NYC Criminal Justice Agency, and of prior research on drug case processing was conducted. In order to achieve the analytic objectives of the project, it was decided to select cases eligible for the research sample based on the following criteria:

> arraigned in New York City (excluding the borough of Richmond) between January 1 and December 31, 1989
>
> arraigned on a charge of B-felony drug sale or B-felony drug possession

A total of 31,105 cases were identified in the CJA database that met these two criteria.

2. Determining the court part of disposition

The next task was to examine the case outcomes and determine in which type courtroom the case was finally adjudicated. This required two steps: (a) determining all the N Parts that were in operation during the year 1989 in New York City; this was done by examining court calendars and court clerk documents and memos, and (b) identifying the court appearance at which a final disposition occurred and determining the court part for that appearance. Because New York has a two-tiered court system, this had to be done in two iterations: first, we identified the lower ("Criminal") Court final disposition and court part, and second, if the case was transferred to the upper ("Supreme") Court for adjudication, we searched for the final disposition and court part in Supreme Court. Case identification flags were initially set in the database to identify each case as (a) reaching

final disposition in a Criminal Court or Supreme Court N Part (total N=9,194), (b) cases that left Criminal Court from an N Part but were finally disposed in a Supreme Court regular part (N=11,572), (c) cases that were finally disposed in a Criminal or Supreme Court regular part (N=5,477), (d) cases that left Criminal Court from a regular part and were finally disposed in a Supreme Court N part (N=10; these cases were deleted from the sample, (e) cases transferred from Criminal to Supreme Court from an N Part, but for which final disposition information was unavailable in the CJA database -- these data were later retrieved from the NY State Court system computer in order to determine the court part of final disposition (N=2,421), (f) the equivalent to (e), but transferred from a regular court part (N=115) -- these cases were subsequently deleted from the final research sample, (g) cases transferred from Criminal to Supreme Court from an N Part, then returned back to the lower court for final disposition (N=298), and (h) cases transferred from Criminal to Supreme Court from a regular Part, then returned back to the lower court for final disposition (N=282).

3. Selecting the random sample

Because further data collection from the Court computer system was necessary to make a final determination of the disposition part for some of the cases (categories e, g, and h above), samples of these cases had to be included in the research sample at this point to assure that all N and regular court part cases had an equal probability of being selected for the final random sample. Although the original proposed design called for 5,000 randomly selected cases for the case processing analyses, the unanticipated complexities of the movement of cases back and forth between the lower and upper courts led us to increase sample sizes in order to assure capture of sufficient numbers of cases processed in all possible configurations. The Bronx AP-6 cases were also included in the final research sample as a second comparison group: drug cases processed through a felony waiver part not exclusively devoted to drug cases (N=1,736). The following stratified

random samples were drawn from the above case categories, for a total of 8,011 cases (including the "AP-6" cases from the Bronx:

(a) 2,500 cases (27% random sample)
(b) 1,500 cases (13% random sample)
(c) 1,500 cases (27% random sample)
(e) 650 cases (27% random sample)
(g) 75 cases (25% random sample)
(h) 50 cases (18% random sample)

This stratified random sampling procedure yielded a total of 2,500 definite N Part cases, 3,000 definite regular part cases, 650 cases transferred to Supreme Court with final disposition part to be determined, 125 cases returned from Supreme Court to Criminal Court with final disposition part to be determined, and 1,736 AP-6 comparison cases.

After receiving data from the NY State Office of Court Administration for cases missing Supreme Court outcomes in the CJA database, we were able to determine the final court part for cases in subcategory (e). The cases returned to Criminal Court (categories (g) and (h) were combined with categories (b) and (c) respectively. In addition, four cases were duplicates of other cases in the sample and were dropped from the final analysis file. The final sample sizes and sample categories were as follows:

N Part 2,759
Non-N Part 3,241
AP-6 Bronx.....1,736
Missing court part 271

8,007

B. DEFINITION OF DATA ELEMENTS

Once the research sample was selected, general analysis plans were developed for the description of sample case and defendant characteristics and the analysis of case processing outcomes (including processing time, dispositions, and sentences). The data fields for arrest, defendant, and Criminal and Supreme Court processing necessary to conduct these analyses were then specified, and category codes developed. The fields were retrieved from various files in the CJA database and the data transferred to a research data file. [7]

C. DATA COLLECTION AND DATA CLEANING

For the 8,007 cases in the research sample, the arrest, defendant, and court processing data were extracted from the CJA database. Specifications for missing data and consistency checks were written and programmed, and quality control reports generated. Problem cases were corrected using source documents and corrections input into specially written case update screens.

For cases missing Supreme Court outcome data, tapes were written and data extracted from the OCA database. A total of 1,350 cases were missing all or key Supreme Court data elements. A conversion scheme was developed to translate the OCA fields into the equivalent data definitions from the CJA database so that these data would be consistent with those already obtained for the bulk of the cases. The OCA data were then recoded, missing data and consistency checks run, and the final raw data file created.

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[7]Because Supreme Court processing data are gathered from different source documents with different information than the Criminal Court data, and are maintained in separate database files on the CJA computer, they were accessed separately, afer extracting, cleaning, and recoding of the Criminal Court data were completed.