

✓ JUVENILE OFFENDERS IN NEW YORK CITY:
THEIR CHARACTERISTICS AND THE COURSE
OF CASE PROCESSING

NCJRS

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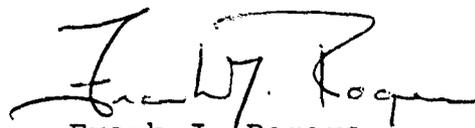
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PREFACE

This report represents a cooperative effort by the New York State Division of Criminal Justice Services and the New York City Criminal Justice Agency to examine the impact of the juvenile offender statute in the five boroughs of New York City. Pooling their research resources, the two organizations have provided a detailed characterization of the juvenile offenders and the processing of their cases by the criminal justice system. We believe this report will be a valuable supplement to the Violent Felony/Juvenile Offender Processing and Disposition Report previously submitted to the Governor and the Legislature by the Division.



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EXECUTIVE SUMMARY

The statistical highlights of this study are as follows:

- There were 1,124 juvenile offender arrests during the nine month period under study
- 43% of the arrests were for Robbery 1^o; 34% of the arrests were for Robbery 2^o; no other crime accounted for more than 6% of the arrested juveniles
- The district attorneys declined to prosecute 17% of those arrested
- The typical juvenile offender was a fifteen year old (67%), black (71%) male (92%)
- 25% of the victims were characterized as "especially vulnerable"
- At arraignment, 45% of the juveniles were released on their own recognizance (ROR), 50% had bail set, and 5% were remanded without bail
- Arraignment release status appears to be related to: seriousness of charge, defendant's sex, and school attendance
- The average bail bond or cash alternative set was \$2,375; the median was \$1,000; these patterns varied from county to county
- Of the cases disposed in Criminal Court, 35% were transferred to Supreme Court, 50% were removed to Family Court and 15% were dismissed; this pattern varied from county to county
- Arson, sodomy or second degree robbery showed the highest Criminal Court removal rates; attempted murder and murder showed the lowest rates
- The rate of indictment for cases transferred to Supreme Court is close to 80%; this figure varied from county to county
- An average of 35 days and a median of 28 days elapsed between Criminal Court arraignment and indictment

- 87% of those cases disposed in Supreme Court have resulted in either a juvenile offender conviction or a plea of guilty to a lesser offense
- The average time elapsed from indictment to Supreme Court disposition was approximately four months; the average time elapsed from disposition to sentencing was 44 days
- 27 youths have been sentenced as juvenile offenders; 15 of these have been sentenced to the minimum term of one-to-three years; the harshest sentence imposed was a five-to-fifteen year term
- 517 cases were removed to Family Court: 435 from Criminal Court, 43 from the grand jury and 39 from Supreme Court
- At first Family Court appearance, 74% of the juveniles were ROR'd, 9% were released on bail, and 17% were remanded
- Of those cases reaching fact-finding in Family Court, 47% resulted in admissions, 25% were dismissed, 16% were adjourned contemplating dismissal (ACD), 10% were withdrawn, and 2% were transferred to other jurisdictions
- 129 removed youths have been "sentenced" by Family Court; 22% of these have been placed in secure facilities; 18% have been placed in other facilities; 48% have received probation
- An average of 55.5 days elapsed between first Family Court appearance and fact-finding; further, an average of 51 days elapsed between fact-finding and "sentencing"
- 12% of those juveniles who secured pretrial release on bail or recognizance failed to appear for a scheduled court appearance in Criminal, Supreme or Family Court
- 53 juveniles were arrested more than once as juvenile offenders

Introduction

On September 1, 1978, a statute became effective in New York State which extended criminal responsibility to thirteen, fourteen, and fifteen year olds arrested for certain violent felonies.* Under the new law, "juvenile offenders" may be prosecuted in the adult criminal justice system. However, the statute also provides that under certain circumstances a juvenile offender case may be removed to the Family Court. Such a removal can occur at virtually any point in the adult court process.

The scope of this report is confined to the 1,124 juveniles offenders arrested in New York City during the nine month period between September 1, 1978 and May 31, 1979. Data were gathered from the State Division of Criminal Justice Services (DCJS), the standard Criminal Justice Agency (CJA) ROR interview form (available for 981 juveniles), Criminal Court calendars, Supreme Court records, Family Court records and the New York City Department of Correction. We wish to express our thanks to these agencies and their staffs for assisting us in our data collection.

* The Juvenile Offender Law was enacted by Chapter 481 of the Laws of 1978 (effective September 1, 1978) and amended by Chapter 411 of the Laws of 1979 (effective August 4, 1979). The law's provisions were effected by extensive amendments to the State Penal Law, Criminal Procedure Law, Family Court Act, and Executive Law. The principal changes affecting processing of these cases in the adult courts are contained in Penal Law, sections 10.00, 30.00, 60.10 and 70.05 and C.P.L. sections 1.20, 180.75, 190.60, 190.71, 210.43, 220.10, 300.50, 310.85, 330.25, 725.00 - 725.20. The reader is advised to consult the full text of the statutes for a comprehensive picture of the legislative scheme.

The purpose of this report is to describe the social and demographic characteristics, as well as the Criminal, Supreme, and Family Court outcomes, for these 1,124 juvenile offenders in New York City. The structure of the report reflects the different aspects and stages of juvenile offender processing. The initial chapter focuses on the period between arrest and arraignment. It presents an analysis by arrest charge and social and demographic characteristics of those arrested with special emphasis on those interviewed by CJA. The second chapter concerns arraignment dispositions, release status and bail amounts. Data concerning case outcomes in the Criminal, Supreme, and Family Courts are presented and analyzed in Chapters Three, Four and Five respectively. Chapter Six provides a detailed analysis of those juvenile offenders who were detained as of their Criminal Court arraignment. The length of detention and the means of securing release are explored with respect to the arrest charge, amount of bail bond or cash alternative set at arraignment, and case disposition. The final chapters describe the small groups of juveniles who failed to appear for scheduled court adjournments or were rearrested.

This report should be considered only as a preliminary analysis of the effects of the new statute. First, it includes in its analysis only those arrests made during the first nine months of the administration of a law which brought about a radical departure from past practices. Patterns of case outcomes and sentences identified in this report are expected to change and new patterns to emerge as both the volume of cases and experience with the law accumulate. In addition, time constraints prevented a full exploration of some of issues suggested by the data. Many of these issues can be addressed by future research if sufficient resources are provided to conduct in-depth interviews with the various criminal justice participants and to review the actual fact patterns of these cases. Nevertheless, it is hoped that this report will be useful in describing the processing of these cases, in preliminarily identifying trends and patterns, and in suggesting areas for further inquiry.

CHAPTER I

ARREST CHARGES, PRE-ARRAIGNMENT PROSECUTORIAL DECISIONS,
AND CHARACTERISTICS OF JUVENILE OFFENDERS

A. ARREST CHARGES

The first stage in the processing of juvenile offenders is arrest and the determination of arrest charges by the police. The juvenile offenders examined by this research were most likely to have been arrested for first degree robbery (43%), a B felony, or second degree robbery (34%), a C felony. No other penal law section accounted for more than 6% of the arrested juveniles.

Borough differences in the distribution of juveniles' most severe arrest charges are relatively small. The proportion of juvenile offenders charged with robbery (first or second degree) varies from 74% in both the Bronx and Staten Island to 81% in Brooklyn.

MOST SEVERE ARREST CHARGE BY BOROUGH OF ARREST

	BROOKLYN		BRONX		MANHATTAN		QUEENS		S.I.		TOTAL	
Robbery 1	174	41%	107	46%	93	41%	91	45%	11	37%	476	43%
Robbery 2	160	38	65	28	79	35	64	32	11	37	379	34
Rape 1	26	6	13	6	15	7	12	6	3	10	69	6
Assault 1	11	3	12	5	13	6	9	4	-	-	45	4
Att. Murder	17	4	6	3	6	3	4	2	1	3	34	3
Murder	5	1	7	3	5	2	5	3	1	3	23	2
Sodomy 1	9	2	12	5	3	1	4	2	1	3	29	3
Arson 2	7	2	10	4	3	1	5	3	1	3	26	2
Burglary 1	4	1	1	*	5	2	3	1	-	-	13	1
Burglary 2	6	1	1	*	1	*	4	2	1	3	13	1
Kidnapping	1	*	-	-	1	*	-	-	-	-	2	*
Other	-	-	1	*	2	1	-	-	-	-	3	*
SUBTOTAL	420	100%	235	100%	226	100%	201	100%	30	100%	1112	100%
Charge Not Available	3		8		1		-		-		12	
TOTAL	423		243		227		201		30		1124	

* Less than 1%. Totals may not sum to 100% due to rounding error.

B. PRE-ARRAIGNMENT PROSECUTORIAL DECISIONS

After arrest, the juvenile is brought to the central booking facility located in the borough of arrest for processing. A district attorney must evaluate the facts to decide how to proceed with the case. If the statutory elements of a juvenile offense are present and the district attorney is satisfied with the evidence, the juvenile will be prosecuted in the adult court system. The district attorney will then prepare for the juvenile's arraignment in Criminal Court.

The district attorney may decline to prosecute a juvenile offender arrest in Criminal Court. In most such cases, the prosecutor has found that the offenses set forth in the juvenile offender statute were not committed but that some other criminal act had occurred. Accordingly, most of these Criminal Court nonprosecutions are sent to Family Court for processing there.

Citywide, the district attorneys declined to prosecute 17% of the juvenile offender arrests in Criminal Court. The remaining cases were arraigned in Criminal Court. However, as shown in the table below, there are differences in the treatment of juvenile cases at this early stage by the district attorneys of New York City's five counties.

For example, the proportion of juvenile cases declined by the district attorney ranged from 3% in Staten Island and 7% in Queens to 25% in the Bronx and 28% in Manhattan. The effect of these borough differences in decisions to prosecute is that the proportion of juvenile arrests that reach Criminal Court arraignment varies by borough of arrest. Thus, more than nine out of ten potential juvenile offenders arrested in Queens but only seven out of ten arrested in Manhattan were arraigned in Criminal Court.

THE PROSECUTOR'S DECISION TO ARRAIGN IN CRIMINAL COURT: BOROUGH OF ARREST

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S.I.</u>		<u>TOTAL</u>	
DECLINED TO PROSECUTE	52	12%	61	25%	64	28%	15	7%	1	3%	193	17%
ARRAIGNED	371	88	182	75	163	72	186	93	29	97	931	83
	423	100%	243	100%	227	100%	201	100%	30	100%	1124	100%

The district attorneys were more likely to decline prosecution for juvenile offender cases when the charge was second degree robbery than for first degree robbery cases: 77 or 20% of the 379 second degree robbery cases were declined prosecution as compared with only 65 or 14% of the 476 first degree robbery cases. Juveniles charged with first degree robbery therefore, comprise a larger proportion (41%) of the cases arraigned than of those declined prosecution (34%) while juveniles charged with second degree robbery represent a larger proportion of cases declined prosecution than of those arraigned (40% versus 32%). The prosecutors were less likely to prosecute cases involving charges of assault (73%) or burglary in the second degree (62%) than charges of sodomy (90%), rape (91%) or murder (96%).

THE PROSECUTOR'S DECISION TO ARRAIGN IN CRIMINAL COURT
BY MOST SEVERE ARREST CHARGE

	<u>DECLINED PROSECUTION</u>		<u>ARRAIGNED</u>		<u>TOTAL</u>	
Robbery 1	65	34% 14%	411	44% 86%	476	42% 100%
Robbery 2	77	40% 20%	302	32% 80%	379	34% 100%
Rape 1	6	3% 9%	63	7% 91%	69	6% 100%
Assault 1	12	6% 27%	33	4% 73%	45	4% 100%
Att. Murder	5	3% 15%	29	3% 85%	34	3% 100%
Murder	1	* 4%	22	2% 96%	23	2% 100%
Sodomy 1	3	2% 10%	26	3% 90%	29	3% 100%
Arson 2	5	3% 19%	21	2% 81%	26	2% 100%
Burglary 1	1	* 8%	12	1% 92%	13	1% 100%
Burglary 2	5	3% 38%	8	1% 82%	13	1% 100%
Kidnapping	-	- -	2	* 100%	2	* 100%
Other	1	* 50%	2	* 50%	3	* 100%
Charge Not Available	12	6% 100%	-	- 100%	12	1% 100%
TOTAL ARRESTED	193	100% 17%	931	100% 83%	1124	100% 100%

* Less than 1% - Totals may not sum to 100% due to rounding error.

C. CJA INTERVIEW

While the case against the juvenile offender is being reviewed, a CJA staff member interviews the juvenile using the same form as is used to assess the community ties of adult defendants awaiting Criminal Court arraignment. This information is provided to the court to assist in making a bail decision.

A total of 981 of the 1124 arrested juvenile offenders were interviewed by CJA. Juveniles are often released from custody before the interview process is completed as a result of a district attorney's decision not to prosecute. For this reason, 92 (48%) of the 193 juveniles whose cases did not reach Criminal Court arraignment were not interviewed by CJA staff. In addition, 51 (5%) of the 931 juveniles arraigned in Criminal Court were not interviewed by CJA; these omissions followed no systematic pattern.

D. DEMOGRAPHIC AND SOCIAL CHARACTERISTICS OF INTERVIEWED JUVENILES

The typical juvenile offender arrest interviewed by CJA was a fifteen year old (67%) black (71%) male (92%). Nine of ten juveniles reported that they lived with at least one of their parents. Three percent (3%) reported that they resided in a non-correctional institution at the time of their arrest. Eighty-two percent of the juveniles reported that they expected someone to appear for them at arraignment.

JUVENILE LIVES WITH:

<u>Parent</u>	<u>Grand- Parent</u>	<u>Legal Guardian Other Relative</u>	<u>Alone/ Friends</u>	<u>Institution</u>	<u>Total</u>
816 (88%)	23 (2%)	52 (6%)	12 (1%)	28 (3%)	931 (100%)
		Residence not available			50
		Not interviewed by CJA			<u>143</u>
		TOTAL			1124

More than one third of the juvenile offenders interviewed by CJA were arrested in Brooklyn. With the exception of juvenile offenders arrested in Manhattan, few interviewed juveniles were arrested outside their borough of residence. Only 3% of juvenile offenders arrested in Brooklyn, and 7% and 14% of those arrested in Bronx and Queens resided outside the borough of arrest. However, a third of the juveniles arrested in Manhattan lived elsewhere.

BOROUGH OF ARREST VERSUS BOROUGH OF RESIDENCE

	<u>BROOKLYN</u>	<u>BRONX</u>	<u>MANHATTAN</u>	<u>QUEENS</u>	<u>S. I.</u>	<u>TOTAL</u>
Borough of Residence is:						
Same	377 97%	193 93%	107 67%	157 86%	23 88%	857 89%
Different	10 3	15 7	53 33	25 14	3 12	106 11
TOTAL	<u>387</u> 100%	<u>208</u> 100%	<u>160</u> 100%	<u>182</u> 100%	<u>26</u> 100%	<u>963</u> 100%
Borough of Residence Not Available	3	3	9	3	-	18
Not Interviewed by CJA	33	32	58	16	4	143
TOTAL ARRESTED	<u>423</u> (38%)	<u>243</u> (21%)	<u>227</u> (20%)	<u>201</u> (18%)	<u>30</u> (3%)	<u>1124</u> (100%)

Most juveniles indicated to CJA that they were not currently on probation or parole (91%) and that they were attending school full-time (90%),* with 70% enrolled in the eighth or ninth grade. In approximately one half of the juvenile arrests, there were either adult or juvenile co-defendants. In 25% of the 774 arrests for which victim information is available the victim was characterized as "especially vulnerable", that is, under the age of twelve, over the age of 65 or handicapped. The victim was female in almost four of every ten incidents leading to a juvenile offender arrest.

The cases of females arrested as juvenile offenders were more likely to be declined for prosecution than those of their male counterparts: 75% of the 87 female arrests were prosecuted in Criminal Court as compared with 84% of the 1033 arrests of male juveniles. However, none of the remaining demographic and social characteristics examined in this research distinguish juvenile offender cases that the district attorney declined to prosecute from those arraigned in Criminal Court. Juvenile offenders whose cases reached Criminal Court arraignment were no more and no less likely to report full-time school attendance, probation or parole status, or to have a codefendant than those whose cases were not prosecuted in adult court.

*CJA interviewers attempt to verify school attendance information by telephoning the contacts provided by each juvenile. School attendance was verified for half of the juveniles who claimed full-time school attendance. For the majority of the remaining cases, the interviewers could not reach the contact prior to arraignment.

CHAPTER II

ARRAIGNMENT DISPOSITION AND RELEASE STATUS

A. ARRAIGNMENT DISPOSITION

As a result of the pre-arraignment decisions discussed in Chapter I, 83% of juvenile offenders reached arraignment in Criminal Court. At arraignment, the court decides how to process the case and determines the pretrial release status of the juvenile. Four alternative arraignment outcomes were possible for the juvenile offenders: dismissal, removal to Family Court, transfer to Supreme Court, or continuation in Criminal Court.* Removal and dismissal divert the juvenile from the adult court system. Removal, dismissal, and transfer each place the juvenile outside the jurisdiction of the Criminal Court. Only 26 juvenile offender cases were removed to Family Court at arraignment. One half were Brooklyn arrests while more than a third were Bronx arrests. Six of the ten juveniles whose cases were dismissed at arraignment were Manhattan arrests. Of the remaining four dismissals, two originated in Queens, one in Brooklyn and one in the Bronx.

ARRAIGNMENT DISPOSITION

1) Removed to Family Court	26	2.8%
2) Dismissed	10	1.1
3) Transferred to Supreme Court	1	0.1
4) Continued in Criminal Court	892	96.0
	<hr/>	<hr/>
TOTAL ARRAIGNED	929	100.0%
Arraignment Disposition Not Available:	2	
Declined to prosecute:	193	
	<hr/>	
TOTAL ARRESTED	1124	

*Unlike adults charged with felonies, no juvenile offender can plead guilty to a misdemeanor charge in Criminal Court.

Although juveniles charged with robbery in the first degree (44%) comprised a larger proportion of all juvenile arraignments than those charged with second degree robbery (32%), they do not represent the largest proportion of the cases disposed at arraignment. Four of the ten dismissals and half of the 26 removals involved robbery in the second degree while first degree robbery charges comprised only two of the ten dismissals and a third of the removals. However, the one juvenile whose case was transferred to Supreme Court at arraignment was charged with first degree robbery.

Examination of arraignment dispositions by the sex of the juvenile, school attendance, presence of a codefendant, type of victim and self-reports of probation or parole status did not reveal any consistent patterns, probably because almost all (96%) arraigned cases were continued in Criminal Court at arraignment.

B. ARRAIGNMENT RELEASE STATUS

The arraigning judge must determine a release status for each juvenile offender. Citywide, 45% of the interviewed juveniles who were arraigned in Criminal Court were released on their own recognizance (ROR) at arraignment. Bail was set for an additional 50% of the juveniles, and the remaining 5% were remanded to the Department of Correction with no bail set.* Release status varies markedly by borough of arrest. Juveniles arraigned in Manhattan showed the highest ROR rate (56%), followed by those in Staten Island (50%), Brooklyn (46%), and the Bronx (44%).

*The release status "remand" refers to the pretrial detention of a juvenile for whom no bail is set. The juvenile is held without bail and thus is denied the option of securing release until the next court appearance, at which time the court may reassess the appropriate release status for the juvenile.

In Queens, however, only 35% of the arraigned juveniles were ROR'd; bail was set for the remaining two thirds. Thus, Queens has the highest proportion of juveniles for whom bail was set (63%), as compared with 52%, 47%, and 37% for Brooklyn, Bronx and Manhattan, respectively. While only 2% of the Queens and Brooklyn juveniles and only 4% of those in Brooklyn were remanded, 7% of the juveniles arraigned in Manhattan and 9% of those in the Bronx were denied bail or ROR.

ARRAIGNMENT RELEASE STATUS BY ARREST BOROUGH

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S.I.</u>		<u>TOTAL</u>	
ROR	168	46%	79	44%	86	56%	65	35%	13	46%	411	45%
BAIL SET	191	52	84	47	58	37	116	63	13	46	462	50
REMAND	9	2	16	9	11	7	3	2	2	7	41	5
TOTAL	368	(100%)	179	(100%)	155	(100%)	184	(100%)	28	(99%)	914	(100%)
Release Status Not Available	2		2		2		-		1		7	
Dismissed At Arraignment	1		1		6		2		-		10	
TOTAL ARRAIGNED	371		182		163		186		29		931	
Declined to Prosecute	52		61		64		15		1		193	
TOTAL ARRESTED	423		243		227		201		30		1124	

As anticipated, there appears to be a strong relationship between the most severe arrest charge and arraignment release status. Juvenile offenders charged with the most severe and violent felony offenses were less likely to be ROR'd than those arrested on less serious charges. For example, only one of the 51 juveniles charged with murder or attempted murder and a third who were charged with rape were ROR'd, while 70%, 67% and 56% of those arrested for assault, burglary and second degree robbery were released. Although only 5% of all juvenile offenders were remanded, more than three quarters of those arrested for murder were detained without bail (17 of 22).

ARRAIGNMENT RELEASE STATUS BY MOST SEVERE ARREST CHARGE

	<u>ROR</u>		<u>BAIL SET</u>		<u>REMAND</u>		<u>SUBTOTAL</u>		<u>RELEASE STATUS NOT AVAILABLE</u>		<u>AT ARR.</u>	<u>TOTAL</u>
Robbery 1	167	41%	232	57%	6	2%	405	100%	4	2	411	
Robbery 2	165	56	126	42	6	2	297	100	1	4	302	
Rape 1	21	34	39	63	2	3	62	100	-	1	63	
Assault 1	23	70	9	27	1	3	33	100	-	-	33	
Att.Murder	-	-	27	93	2	7	29	100	-	-	29	
Murder	1	5	4	18	17	77	22	100	-	-	22	
Sodomy 1	11	46	11	46	2	8	24	100	-	2	26	
Arson 2	9	43	9	43	3	14	21	100	-	-	21	
Burglary	8	67	3	25	1	8	12	100	-	-	12	
Other	6	67	2	22	1	11	9	100	2	1	12	
	<u>411</u>	<u>45%</u>	<u>462</u>	<u>50%</u>	<u>41</u>	<u>5%</u>	<u>914</u>	<u>100%</u>	<u>7</u>	<u>10</u>	<u>931</u>	

Arraignment release status was found to vary by both sex and school attendance. Female juveniles showed an ROR rate more than 50% higher than male juveniles (66% versus 44%). Only one of the 41 juveniles remanded at arraignment was female. Although 7.1% of the arraigned juveniles were female, only 2.4% of the remands were female.

ARRAIGNMENT RELEASE STATUS BY GENDER

	<u>ROR</u>		<u>BAIL SET</u>		<u>REMAND</u>		<u>TOTAL</u>	
MALE	368	43%	441	52%	40	5%	849	100%
FEMALE	43	66	21	32	1	2	65	100%
TOTAL	<u>411</u>	<u>45%</u>	<u>462</u>	<u>50%</u>	<u>41</u>	<u>5%</u>	<u>914</u>	<u>100%</u>
Release Status Not Available							7	
Dismissed at Arraignment							10	
TOTAL ARRAIGNED							<u>931</u>	

The interviewed juvenile offenders who reported to CJA that they were not attending school at the time of their arrest were less likely to be released on recognizance (30%) than their counterparts who claimed full-time school attendance (47%). There was little difference in release rates between cases that involved "especially vulnerable" victims (45%) and cases that did not (47%). However, the presence of a female victim appears to reduce the likelihood of release on recognizance; 48% of the arraigned juveniles whose victims were male were released as compared to 40% of those with female victims.

Presence of a co-defendant and probation or parole status were not related to the release decision. Nor did the release status of the juveniles vary by any of the indicators (except school attendance) used by CJA to assess an adult defendant's community ties: length of residence, telephone in residence, type of family unit, and the outcome of attempts to verify this information.

An examination of release rates by month of arrest yields no clear trends. The proportion of arraigned juveniles released on recognizance climbed from 49% during the first two months that the new law was in effect to 55% in November. The rate dropped to 39% in December and returned to 50% in January. February's rate (36%) was the lowest of the nine months encompassed by this research but marks the beginning of a four month upward trend to 38% in March, 41% in April and 46% in May.

C. BAIL BOND AMOUNTS AND CASH ALTERNATIVES SET AT ARRAIGNMENT

The amount of bail judges set for interviewed juvenile offenders is significant because it affects the defendant's likelihood of securing release. Here we examine the lowest monetary condition set for the juvenile: the amount of the cash alternative, if one is provided, or the bail bond amount if no cash alternative is set. Citywide, the average amount set for juvenile offenders at arraignment was \$2375 and the median was \$1000. Bail was under \$500 for almost a quarter of the juveniles, \$500 or less for almost half, \$1500 or less for two thirds and \$2500 or less for more than three quarters of the interviewed juvenile offenders. On the other hand, the lowest monetary condition judges set was \$5000 or more for almost a fifth of the juveniles and \$10,000 or more for 7% of the juveniles.

The bail setting patterns differed by borough of arrest. For example, the average and median bail amounts set in the Bronx (\$2695 and \$1500) and Queens (\$3490 and \$1000) were higher than those in Manhattan (\$2356 and \$1000) or Brooklyn (\$1628 and \$500).

Juvenile offenders arrested in Queens were the least likely to have bail set under \$500 and the most likely to have bail set at \$5000 or more (16% and 27%). Brooklyn judges were far more likely to set bail at \$500 or less (56%) for juvenile offenders than the judges of other boroughs. Manhattan and Brooklyn juveniles were least likely to have bail of \$5000 or more (13%). On the other hand, while Bronx judges set bail at under \$500 in 27% of their cases, the Bronx was also second only to Queens in the proportion for whom bail was set at \$5000 or more (22% and 27%).

LOWEST MONETARY CONDITION:

CASH ALTERNATIVE AMOUNT IF SET OR BAIL BOND BY BOROUGH OF ARREST

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S. I.</u>		<u>TOTAL</u>	
AVERAGE	\$1628		\$2695		\$2356		\$3490		\$1361		\$2375	
MEDIAN	\$ 500		\$1500		\$1000		\$1000		\$ 375		\$1000	
Under \$500	53	28%	22	27%	11	19%	19	16%	6	46%	111	24%
\$500	53	28	10	12	9	16	22	19	4	31	98	22
\$750	5	3	-	-	2	4	-	-	-	-	7	2
\$1000	26	14	8	10	9	16	17	15	-	-	60	13
\$1500	7	4	9	11	8	14	8	7	-	-	32	7
\$2000	3	2	1	1	2	4	3	3	-	-	9	2
\$2500	15	8	10	12	7	12	10	8	2	15	44	10
\$3000	1	*	-	-	-	-	3	3	-	-	4	
\$3500	2	1	3	4	-	-	3	3	-	-	8	2
\$4000	-	-	-	-	1	2	-	-	-	-	1	*
\$5000	16	8	8	10	1	2	17	15	-	-	42	9
\$7500	1	*	2	3	1	2	2	2	-	-	6	1
\$10,000	5	3	5	6	4	7	11	9	1	8	26	6
\$15,000	1	*	3	4	-	-	-	-	-	-	4	
\$25,000	1	*	-	-	1	2	-	-	-	-	2	*
\$100,000	-	-	-	-	-	-	1	*	-	-	1	*
	189	100%	81	100%	56	100%	116	100%	13	100%	455	100%
Bail Amount not Available	2		3		2		-		-		7	
TOTAL BAIL SET	191		84		58		116		13		462	

* Less than 1%. Totals may not sum to 100% due to rounding error.

As anticipated, judges tended to set higher bail for juveniles charged with murder, attempted murder or rape than for juveniles charged with other offenses. The high average bail amount for juveniles charged with arson is accounted for primarily by one juvenile in this category who was held on bail of \$100,000. Just as juveniles charged with robbery in the second degree showed a high ROR rate at arraignment, juveniles charged with second degree robbery for whom bail was set show the lowest average and median amount set.

LOWEST MONETARY CONDITION:
CASH ALTERNATIVE AMOUNT IF SET OR BAIL BOND AMOUNT BY MOST SEVERE ARREST CHARGE

	ROBBERY 1		ROBBERY 2		RAPE 1		ASSAULT		MURDER/ ATT.MURDER		ARSON		SODOMY		OTHER		TOTAL	
AVERAGE	\$1814		\$1300		\$3764		\$2068		\$6455		\$12917		\$1427		\$1750		\$2375	
MEDIAN	\$ 500		\$ 500		\$1500		\$1500		\$5000		\$ 500		\$1000		\$1000		\$1000	
Under \$500	56	24%	38	31%	7	18%	3	33%	2	6%	3	33%	2	18%	-	-	111	24%
\$500	60	26	27	22	3	8	-	-	4	13	2	22	2	18	-	-	98	22
\$750	2	*	-	-	3	8	-	-	-	-	-	1	9	1	20%	-	7	2
\$1000	23	10	24	20	3	8	1	11	3	10	1	11	2	18	3	60	60	13
\$1500	18	8	6	5	4	10	3	33	-	-	-	1	9	-	-	32	7	7
\$2000	6	3	2	2	1	3	-	-	-	-	-	-	-	-	-	9	2	2
\$2500	25	11	13	11	1	3	1	11	2	7	-	-	2	18	-	44	10	10
\$3000	3	1	-	-	1	3	-	-	-	-	-	-	-	-	-	4	1	1
\$3500	7	3	-	-	-	-	-	-	-	-	1	11	-	-	-	8	2	2
\$4000	1	*	-	-	-	-	-	-	-	-	-	-	-	-	-	1	*	*
\$5000	15	7	8	7	8	20	-	-	9	29	-	-	1	9	1	20	42	9
\$7500	3	1	1	*	-	-	-	-	2	7	-	-	-	-	-	6	1	1
\$10,000	10	4	2	2	7	18	1	11	5	16	1	11	-	-	-	26	6	6
\$15,000	1	*	-	-	1	3	-	-	2	7	-	-	-	-	-	4	1	1
\$25,000	-	-	-	-	-	-	-	-	2	7	-	-	-	-	-	2	*	*
\$100,000	-	-	-	-	-	-	-	-	-	-	1	11	-	-	-	1	*	*
	230	100%	121	100%	39	100%	9	100%	31	100%	9	100%	11	100%	5	100%	455	100%
Bail Not Available	2		5		-		-		-		-		-		-	-	7	
TOTAL BAIL SET	232		126		39		0		31		9		11		5		462	

* Less than one percent. Totals may not sum to 100% due to rounding error.

D. RELEASE ON BAIL AT ARRAIGNMENT

Fifty five (12%) of the 455 juvenile offenders for whom the arraigining court set bail secured release by posting bail at arraignment. Although bail-setting practices differed markedly by borough of arrest, the proportion of juveniles who made bail at arraignment shows little variation, ranging from 10.5% to 13.1%. However, the proportion of juveniles who secure release on bail at arraignment is strongly related to the amount of the monetary condition set. A third (32%) of the 111 juveniles for whom the lowest amount was under \$500 were released on bail at arraignment as compared to a tenth of the 98 juveniles in the \$500 category and only 4% of the 246 whose bail was set above \$500. The average amount of the lowest monetary conditions set for juveniles who posted bail at arraignment was \$721 while the comparable figure for juveniles detained on bail was \$2609.

CRIMINAL COURT DISPOSITION

A. CRIMINAL COURT DISPOSITION RATE

The course of each arraigned juvenile offender case was followed through the records of Criminal Court until September 1, 1979. As of that date, not all of the arraigned juvenile cases had reached final Criminal Court disposition. By "disposition" we mean here the conclusion of proceedings in Criminal Court, not necessarily a final case outcome. Citywide, more than nine of every ten juvenile offender cases arraigned in Criminal Court had reached final Criminal Court disposition by the close of data collection. Seventeen of the 51 cases still pending in Criminal Court (eleven in Manhattan, four in Brooklyn, and one each in the Bronx and Queens) had not reached disposition because the juveniles failed to appear for their scheduled court appearances and had not returned since that date. Juveniles who fail to appear in court are discussed in Chapter VII.

PROPORTION OF JUVENILES WHOSE CASES HAVE REACHED DISPOSITION IN CRIMINAL COURT

	BROOKLYN		BRONX		MANHATTAN		QUEENS		S. I.		TOTAL	
DISPOSED	354	96%	179	98%	144	89%	171	91%	28	100%	876	94%
PENDING	16	4	3	2	17	11	15	9	-	-	51	6
Missing Criminal Court Disposition	370	100%	182	100%	161	100%	186	100%	28	100%	927	100%
	1		-		2		-		1		4	
TOTAL ARRAIGNED	371		182		163		186		29		931	
Declined to Prosecute	52		61		64		15		1		193	
TOTAL ARRESTED	423		243		227		201		30		1124	

B. CRIMINAL COURT DISPOSITIONS FOR ARRAIGNED JUVENILE OFFENDERS

The only final dispositions available to Criminal Court judges for juvenile offenders are removal to Family Court, dismissal, or transfer to Supreme Court for felony prosecution. Since juvenile

offenders are only "criminally responsible" for the charges enumerated in the statute, which are all felonies, juvenile offenders cannot enter misdemeanor pleas in Criminal Court.

Among arraigned juvenile offenders whose cases have reached Criminal Court disposition, 35% were transferred to Supreme Court, 50% were removed to Family Court and 15% were dismissed in Criminal Court. Comparison by borough shows marked differences. For example, 25% of the juvenile offender cases arraigned in Manhattan, 30% of those in the Bronx, and 32% of those arraigned in Brooklyn were transferred to Supreme Court while more than half of Queens (53%) and Staten Island (50%) cases were similarly continued in the adult system. At the same time, the proportion of Queens (33%) and Staten Island (43%) cases removed to Family Court is substantially lower than the citywide average. The proportion of dismissals of juvenile offender cases in Manhattan (27%) was twice the rate in the Bronx (11%), Queens (13%) and Brooklyn (15%).

CRIMINAL COURT DISPOSITION BY BOROUGH OF ARREST

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S. I.</u>		<u>TOTAL</u>	
Removed to Family Court from Criminal Court*	190	54%	107	60%	69	48%	59	34%	12	43%	437	50%
Dismissed in Criminal Court**	52	15	19	11	39	27	22	13	2	7	134	15
Transferred to Supreme Court from Criminal Court	112	32	53	30	36	25	90	53	14	50	305	35
	<u>354</u>	<u>101%</u>	<u>179</u>	<u>101%</u>	<u>144</u>	<u>100%</u>	<u>171</u>	<u>100%</u>	<u>28</u>	<u>100%</u>	<u>876</u>	<u>100%</u>
Pending Criminal Court Disposition	16		3		17		15		-		51	
Disposition Not Available	<u>1</u>		<u>-</u>		<u>2</u>		<u>-</u>		<u>1</u>		<u>4</u>	
TOTAL ARRAIGNED	371		182		163		186		29		931	

- * Includes two Queens juveniles whose cases were presented to the grand jury after Criminal Court removal to Family Court.
- ** Includes five juveniles whose cases were presented to the grand jury after Criminal Court dismissal (four Brooklyn and one Queens arrest).

decision. Higher bail was set at arraignment for juveniles whose cases were subsequently transferred to Supreme Court (average of \$3002, median of \$1500) than for juveniles whose cases were dismissed (\$1905 and \$500) or removed to Family Court (\$1906 and \$500). The lowest bail amounts were set for juveniles whose cases were still pending in Criminal Court at the close of data collection (\$1421 and \$500) which suggests that these cases are more likely to be dismissed or removed than transferred.

LOWEST MONETARY CONDITION:
AVERAGE AND MEDIAN AMOUNT BY CRIMINAL COURT DISPOSITION

	<u>DISMISSED IN CRIMINAL COURT</u>	<u>REMOVED TO FAMILY COURT</u>	<u>TRANSFERRED TO SUPREME COURT</u>	<u>PENDING IN CRIMINAL COURT</u>	<u>TOTAL</u>
Average	\$1905	\$1906	\$3002	\$1421	\$2378
Median	\$ 500	\$ 500	\$1500	\$ 500	\$1000
Number of Juveniles	56	166	204	26	452
Bail Amount Not Available	2	3	3	-	8
TOTAL BAIL SET	58	169	207	26	460
Bail Not Set	66	267	95	23	451
Release Status Not Available	-	1	3	2	6
		Dismissed at Arraignment Disposition Not Available			10 4
		TOTAL ARRAIGNED			931

E. RELEASE STATUS AT CRIMINAL COURT DISPOSITION

Almost six of every ten juvenile offenders whose cases were transferred to Supreme Court or removed to Family Court had secured release on recognizance by the time their cases reached Criminal Court disposition. A quarter of the 447 juveniles detained at arraignment were subsequently ROR'd and almost a fifth posted bail prior to Criminal Court disposition. Of the 411 juveniles who were ROR'd at arraignment only six were detained as of Criminal Court disposition. Six of the 53 juveniles who made bail at arraignment had their release condition lowered to ROR by the time of their final Criminal Court appearance and one was remanded.

Juvenile offenders whose cases are removed to Family Court are far more likely to be ROR'd as of their final Criminal Court appearance (74%) than those whose cases are transferred to Supreme Court (38%). Only 14% of the juveniles whose cases were removed were detained on bail or remanded as of their final Criminal Court appearance as compared to 42% among cases transferred to Supreme Court. Although few juveniles were remanded, it is surprising to note that 50% of all cases remanded as of Criminal Court disposition were removed to Family Court. However, remands comprised equivalent proportions (6%) of removed and transferred cases.

RELEASE STATUS AT FINAL CRIMINAL COURT APPEARANCE
BY CRIMINAL COURT DISPOSITION

	<u>ROR</u>	<u>BAIL MADE</u>	<u>BAIL NOT MADE</u>	<u>REMAND</u>	<u>TOTAL</u>
Removed to Family Court	312 74%	51 12%	35 8%	26 6%	424 100%
Transferred to Supreme Court	112 38	57 20	105 36	17 6	291 100
	424 59%	108 15%	140 20%	43 6%	715 100%
		Dismissed			134
		Pending			51
		Release Status Not Available			27
		Disposition Not Available			4
		TOTAL ARRAIGNED			931

F. LENGTH OF TIME BETWEEN ARRAIGNMENT AND CRIMINAL COURT DISPOSITION

An average of more than 21 days and a median of 11 days elapsed between Criminal Court arraignment and Criminal Court disposition. Examination of the relationship between the type of Criminal Court disposition and the time which elapsed between arraignment and dismissal, removal or transfer suggests that cases that ultimately reach Supreme Court move more quickly toward Criminal Court disposition than cases that are removed to Family Court. Removals, in turn, proceed faster than cases that are dismissed in Criminal Court.

DAYS FROM ARRAIGNMENT TO CRIMINAL COURT DISPOSITION BY DISPOSITION

	<u>REMOVED TO FAMILY COURT</u>	<u>DISMISSED IN CRIMINAL COURT</u>	<u>TRANSFERRED TO SUPREME COURT</u>	<u>TOTAL DISPOSED</u>
Average	21.2	26.3	18.4	21.1
Median	13.5	18.0	7.0	11.0
Number of Juveniles	408	113	249	770
Days Not Available	29	21	56	106
TOTAL DISPOSED	437	134	305	876
		Pending Disposition not Available		51 4
		TOTAL ARRAIGNED		931

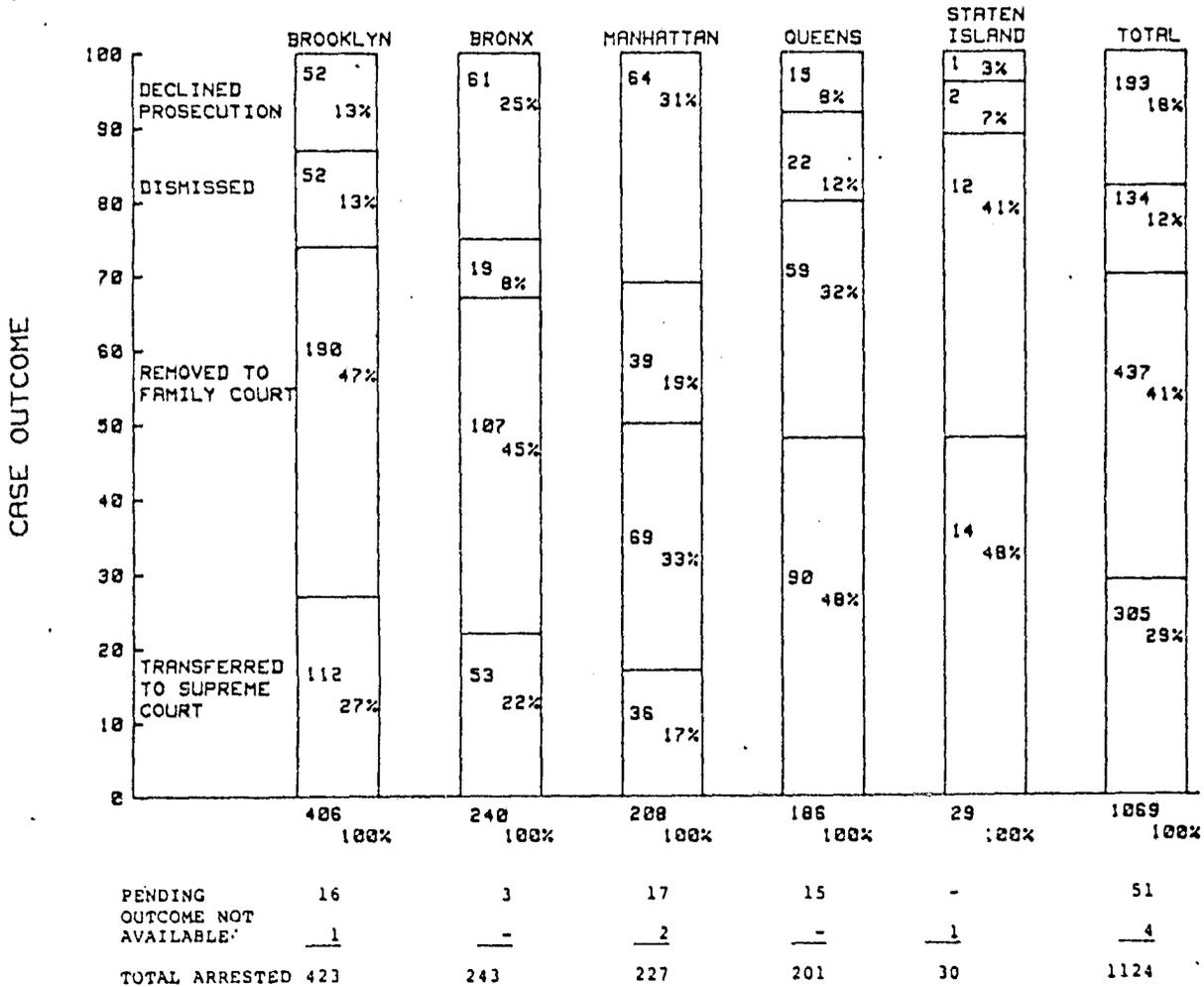
Analysis of Criminal Court case duration by borough of arrest indicates that Manhattan juvenile offender cases take approximately twice as long to reach a Criminal Court disposition as those processed in other boroughs. Brooklyn cases, despite their greater volume, reached Criminal Court disposition somewhat more quickly than juvenile offender cases in other boroughs. As might be expected, the cases of juvenile offenders who were released on bail or recognizance at arraignment generally proceed more slowly to Criminal Court disposition than the cases of other juveniles; adjournments are scheduled at shorter intervals for detained defendants.

G. SUMMARY: PROSECUTORIAL AND CRIMINAL COURT OUTCOMES

Citywide, seven of every ten juvenile offender arrests for which prosecutorial or Criminal Court outcomes were available did not reach Supreme Court. These include cases declined by the district attorney before arraignment (18%) as well as those processed in Criminal Court until dismissal (12%) or removal to Family Court (41%). An examination of the proportion of cases which reached Supreme Court by borough of arrest again reveals substantial variation. Queens and Staten Island cases show the highest proportion of juvenile offender arrests reaching Supreme Court (48%), while Brooklyn (27%), the Bronx (22%) and Manhattan (17%) show lower proportions of cases transferred

to the higher court. The dispositions for the cases that did not reach Supreme Court also distinguish Manhattan from other boroughs. While almost five of every ten Brooklyn and Bronx juvenile offender arrests and a third of the Queens arrests were removed to Family Court from Criminal Court, barely a fifth of Manhattan arrests were removed. At the same time, a third of the Manhattan arrests were cases the district attorney declined to prosecute as compared with a quarter of the Bronx arrests, an eighth of those in Brooklyn, and a twelfth of the Queens arrests.

SUMMARY OF PROSECUTORIAL AND CRIMINAL COURT OUTCOMES:



SUPREME COURT

A. CASES TRANSFERRED TO SUPREME COURT

As discussed earlier in this report, the cases of 312 (34%) of the 931 juvenile offenders arraigned in Criminal Court (28% percent of all arrests) were transferred to the Supreme Court for further processing. Brooklyn (37%) and Queens (30%) cases comprise the majority of cases transferred to the higher court while the Bronx, Manhattan and Staten Island contributed 17%, 11%, and 5%, respectively. Queens and Staten Island transferred the largest proportion of their cases to Supreme Court while Manhattan transferred the smallest proportion.

PROPORTION OF CASES TRANSFERRED TO SUPREME COURT
BY BOROUGH ARREST

	<u>BROOKLYN*</u>	<u>BRONX</u>	<u>MANHATTAN</u>	<u>QUEENS**</u>	<u>S. I.</u>	<u>TOTAL</u>
Proportion of Arrests Transferred to Supreme Court	116/423 27%	53/243 22%	36/227 16%	93/201 46%	14/30 47%	312/1124 28%
Proportion of Arraigned Cases Transferred to Supreme Court	116/371 31%	53/182 29%	36/163 22%	93/186 50%	14/29 48%	312/931 34%
Distribution of Cases Transferred to Supreme Court	37%	17%	12%	30%	4%	100% (312)

* Brooklyn includes four cases transferred to the Grand Jury after Criminal Court dismissal.

** Queens includes one case transferred to the Grand Jury after Criminal Court dismissal and two cases transferred after removal to Family Court.

Although 312 juvenile offender cases were transferred to the Supreme Court, case records were not located for 34 cases.* Thus, this section focuses on the 278 juvenile offenders whose records were found in Supreme Court.

* Case records were not found for seven Brooklyn, five Bronx, four Manhattan, seventeen Queens, and one Staten Island juvenile. The lag time between transfer and grand jury disposition may account for some of this discrepancy. Other records were inaccessible because the juveniles were scheduled for court appearances. In addition, cases removed from Supreme Court to Family Court were difficult to track in a systematic manner because case records are physically forwarded to Family Court.

B. GRAND JURY OUTCOME

The grand jury failed to indict 57 (21%) of the juveniles whose cases reached grand jury outcome (33 in Brooklyn, two in the Bronx, three in Manhattan, eight in Queens and one in Staten Island). Fourteen of the cases that were not indicted were dismissed and 43 were removed to Family Court. Eight cases were still pending indictment at the close of data collection on August 15, 1979. Excluding those still pending grand jury action, the rate of indictment among cases transferred to Supreme Court is close to 80%.

Brooklyn (31%) and Queens (22%) show the highest proportion of cases that the grand jury failed to indict. The grand jury failed to return an indictment for only 9% of Manhattan cases, 8% of Staten Island cases and 4% of Bronx cases. However, while almost 90% of the Brooklyn failures to indict were removed to Family Court, 56% of the Queens failures to indict were dismissed. If a grand jury finds that the juvenile did not commit a juvenile offense but did commit another crime for which he may be adjudicated a juvenile delinquent, the grand jury can vote to remove the case to Family Court. Beside indicting for a juvenile offense or voting to request removal, the grand jury may dismiss the charges. However, even though a case has been dismissed by the Criminal Court or by the grand jury, a complainant may have the option of pursuing Family Court action.

GRAND JURY OUTCOME BY BOROUGH OF ARREST

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S. I.</u>		<u>TOTAL</u>	
FAILED TO INDICT:												
Dismissed	4	4%	-	-	-	-	10	14%	-	-	14	5%
Removed	29	27	2	4	3	9%	8	11	1	8%	43	16
	33	31%	2	4%	3	9%	18	25%	1	8%	57	21%
INDICTED	74	69	44	96	29	91	54	75	12	92	213	79
Pending Jury Outcome	107	100%	46	100%	32	100%	72	100%	13	100%	270	100%
	2		2		-		4		-		8	
TOTAL SUPREME COURT	109		48		32		76		13		278	

An average of 35 and median of 28 days elapsed between Criminal Court arraignment and indictment. Bronx cases, followed by those in Brooklyn, proceeded to indictment faster than those arrested in other boroughs. There was little difference by charge in the number of days until indictment save that the cases of juveniles charged with murder proceed substantially faster than those of other juveniles.

AVERAGE AND MEDIAN NUMBER OF DAYS FROM CRIMINAL COURT ARRAIGNMENT TO
INDICTMENT BY BOROUGH OF ARREST

	<u>BROOKLYN</u>	<u>BRONX</u>	<u>MANHATTAN</u>	<u>QUEENS</u>	<u>S. I.</u>	<u>TOTAL</u>
AVERAGE	35.1	23.4	44.8	37.9	38.2	35.1
MEDIAN	28.5	19.0	34.5	30	39.5	28.5
Number of Juveniles	70	38	26	52	12	198
Days Not Available	4	6	3	2	-	15
TOTAL INDICTED	74	44	29	54	12	213

AVERAGE AND MEDIAN NUMBER OF DAYS FROM CRIMINAL COURT ARRAIGNMENT TO
INDICTMENT BY MOST SEVERE ARREST CHARGE

	<u>AVERAGE</u>	<u>MEDIAN</u>	<u>NUMBER OF JUVENILES</u>	<u>DAYS NOT AVAILABLE</u>	<u>TOTAL INDICTED</u>
Robbery 1	35.8	28.5	98	7	105
Robbery 2	34.6	27.5	46	3	49
Att. Murder	36.0	29.5	16	1	17
Murder	22.3	11.5	12	2	14
Rape	36.6	37.5	13	-	13
Arson	23.2	21.0	4	-	4
Sodomy	43.3	61.0	3	-	3
Assault	61.7	66.0	3	2	5
Burglary	<u>38.7</u>	<u>36.0</u>	<u>3</u>	<u>-</u>	<u>3</u>
TOTAL	38.2	35.1	198	15	213

C. RELEASE STATUS

Thirty of the 93 (32%) juveniles who were detained as of their transfer to Supreme Court secured release (25 on bail and five on recognizance) as of their arraignment in the higher court. At the same time, however, nine (8%) of the 107 juveniles who were released pending arrival in Supreme Court (eight on recognizance and one on bail) were detained at arraignment there. Overall, at the time of transfer to Supreme Court over 50% of the juveniles had secured pretrial release; by the time of Supreme Court arraignment, almost two thirds had been released.

RELEASE STATUS SET AT SUPREME COURT ARRAIGNMENT

	ROR		BAIL MADE		BAIL NOT MADE		REMAND		TOTAL	
Release Status at Transfer:										
ROR	63	91%	-	-	7	13%	1	6%	71	36%
		89%				10%		7%		100%
Bail Made	1	2	34	57%	1	2	-	-	36	18
		3%		94%		3%				100%
Bail Not Made	5	7	24	41	44	79	3	19	76	38
		7%		31%		58%		4%		100%
Remand	-	-	1	2	4	6	12	75	17	8
				6%		24%		70%		100%
	69	100%	59	100%	56	100%	16	100%	200	100%
	-	-	-	1	-	-	-	1	-	1
	69		59		57		16		201	
Status at Arraignment Not Available									8	
Pending Arraignment									4	
TOTAL INDICTED									213	

The ROR rate at Supreme Court arraignment was highest in Brooklyn (46%) and Staten Island (58%) and lowest in the Bronx (12%). Bronx juveniles were about twice as likely to be detained at Supreme Court arraignment as juveniles in other boroughs. Juveniles charged with second degree robbery showed the highest rate of ROR at arraignment (54%), and those charged with murder were unlikely to be ROR'd. Juveniles charged with murder also show the lowest rate of release on bail (7%), followed by those charged with rape (15%). Although few (8%) juveniles were remanded, 57% of those charged with murder were detained with no bail set.

RELEASE STATUS AT SUPREME COURT ARRAIGNMENT
BY BOROUGH OF ARREST

	BROOKLYN		BRONX		MANHATTAN		QUEENS		S. I.		TOTAL	
ROR	31	46%	5	12%	9	31%	17	33%	7	58%	69	35%
Bail Made	17	25	11	28	10	34	19	37	2	17	59	29
Bail Not Made	18	26	19	48	7	25	10	19	3	25	57	28
Remand	2	3	5	12	3	10	6	11	-	-	16	8
	68	100%	40	100%	29	100%	52	100%	12	100%	201	100%
Release Status Not Available	3		4		-		1		-		8	
Pending Arraignment	3		-		-		1		-		4	
TOTAL INDICTED	74		44		29		54		12		213	

RELEASE STATUS AT SUPREME COURT ARRAIGNMENT
BY MOST SEVERE ARREST CHARGE

	<u>ROR</u>		<u>BAIL MADE</u>		<u>BAIL NOT MADE</u>		<u>REMAND</u>		<u>TOTAL</u>		<u>STATUS NOT AVAILABLE</u>	<u>PENDING ARRAIGNMENT</u>
Robbery 1	35	35%	29	29%	30	31%	5	5%	99	100%	3	3
Robbery 2	25	54	12	26	8	17	1	3	46	100	2	1
Att. Murder	3	18	8	47	6	35	-	-	17	100	-	-
Murder	-	-	1	7	5	36	8	57	14	100	-	-
Rape	2	15	2	15	7	55	2	15	13	100	-	-
Other	4	33	7	59	1	8	-	-	12	100	3	-
	<u>69</u>	<u>34%</u>	<u>59</u>	<u>29%</u>	<u>57</u>	<u>28%</u>	<u>16</u>	<u>8%</u>	<u>201</u>	<u>100%</u>	<u>8</u>	<u>4</u>

The release status set at Supreme Court arraignment was later amended for a quarter of the arraigned juveniles. The release status was made more severe for eighteen percent of the juveniles released on bail or recognizance but was made less severe for thirty percent of those detained at arraignment. Only seven juveniles experienced multiple changes in release status while their cases were pending in Supreme Court.

CHANGES IN RELEASE STATUS IN SUPREME COURT

	<u>RELEASE STATUS AT SUPREME COURT ARRAIGNMENT:</u>											
	<u>ROR</u>		<u>BAIL MADE</u>		<u>BAIL NOT MADE</u>		<u>REMAND</u>		<u>TOTAL</u>			
No Change	49	71%	51	90%	38	67%	9	53%	147	74%		
Less Restrictive	-	-	3	5	14	24	7	47	24	12		
More Restrictive	13	19	3	5	4	7	-	-	21	11		
Multiple Changes	7	10	-	-	1	2	-	-	7	3		
	<u>69</u>	<u>100%</u>	<u>57</u>	<u>100%</u>	<u>57</u>	<u>100%</u>	<u>16</u>	<u>100%</u>	<u>199</u>	<u>100%</u>		
	-		2		-		-		2			
	<u>69</u>		<u>59</u>		<u>57</u>		<u>16</u>		<u>201</u>			

D. SUPREME COURT DISPOSITIONS

The cases of half of the indicted juvenile offenders reached disposition before August 15, 1979. Again, strong borough differences are apparent in the proportion of cases disposed in Supreme Court. More than three quarters of Brooklyn cases but barely a quarter of those processed in Queens were still pending disposition.

PROPORTION OF CASES PENDING SUPREME* COURT DISPOSITION

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S.I.</u>		<u>TOTAL</u>	
Pending	58	78%	18	41%	15	52%	13	24%	4	33%	108	50%
Disposed	16	22	26	59	14	48	41	76	8	67	105	50%
TOTAL INDICTED	74	100%	44	100%	29	100%	54	100%	12	100%	213	100%

Almost nine of every ten juvenile offender cases disposed in Supreme Court have resulted in a criminal conviction or a juvenile delinquency finding. Throughout this section, "conviction" refer to both criminal convictions for juvenile offenses and findings of juvenile delinquency for lesser charges. A total of 84 juveniles pleaded guilty while seven were tried and found guilty. Staten Island (100%) has the highest conviction rate followed by the Bronx (96%) and Queens (85%). The Brooklyn rate is 81%, and Manhattan is 71%. Here it is important to note that only sixteen Brooklyn and fourteen Manhattan cases have reached disposition at all.

SUPREME COURT DISPOSITIONS BY BOROUGH OF ARREST

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S.I.</u>		<u>TOTAL</u>	
Pled Guilty *	13	81%	23	88%	9	64%	33	80%	6	75%	84	80%
Tried, Found Guilty	-	-	2	8	1	7	2	5	2	25	7	7
Dismissed	2	13	1	4	-	-	5	12	-	-	8	8
Removed to Family Court for Fact Finding	1	6	-	-	4	29	1	3	-	-	6	5
TOTAL DISPOSED	16	100%	26	100%	14	100%	41	100%	8	100%	105	100%
Pending	58		18		15		13		4		108	
	74		44		29		54		12		213	

* Includes juveniles who pled guilty to juvenile offender charges or lesser charges.

Half of the convicted juveniles were arrested on first degree robbery charges and an additional quarter were arrested for second degree robbery. Only a quarter of all the juveniles were actually convicted of the more severe robbery charge but more than four of every ten were convicted of the lesser robbery charge. In addition, 89 of the juveniles were convicted of felonies not defined as juvenile offenses; these cases were removed to Family Court.

Close to four months elapsed between indictment and disposition in Supreme Court. Brooklyn and Bronx cases reached disposition faster, on the average, than cases indicted in the other boroughs.

AVERAGE AND MEDIAN DAYS FROM INDICTMENT
TO DISPOSITION BY BOROUGH OF ARREST

	<u>BROOKLYN</u>	<u>BRONX</u>	<u>MANHATTAN</u>	<u>QUEENS</u>	<u>S.I.</u>	<u>TOTAL</u>
AVERAGE	106.8	103.1	124.2	135.7	159.4	125.3
MEDIAN	77.0	109	121	144.0	159	126
	13	20	11	41	8	93
Days Not Available	<u>3</u>	<u>6</u>	<u>3</u>	<u>-</u>	<u>-</u>	<u>12</u>
TOTAL DISPOSED	16	26	14	41	8	105

E. SENTENCES IN SUPREME COURT

Half of the juveniles (30) whose cases reached sentencing in Supreme Court were removed to Family Court at that point for sentencing in the juvenile court. Of the remaining cases, 27 were given terms of imprisonment and only four were granted probation. While the number of sentenced juveniles is too small for cross-borough comparisons, it may be important to note that more than two thirds of the Queens cases were removed to Family Court for sentencing.

SUPREME COURT SENTENCES BY BOROUGH OF ARREST

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S. I.</u>		<u>TOTAL</u>	
Jail	7	88%	9	60%	1	25%	9	28%	1	50%	27	44%
Probation	-	-	-	-	3	75	1	3	-	-	4	7
Removed for Family Court Disposition (Sentence)	1	12	6	40	-	-	22	69	1	50	30	49
	<u>8</u>	<u>100%</u>	<u>15</u>	<u>100%</u>	<u>4</u>	<u>100%</u>	<u>32</u>	<u>100%</u>	<u>2</u>	<u>100%</u>	<u>61</u>	<u>100%</u>
Pending Sentence	5		10		6		3		6		30	
TOTAL CONVICTED	13		25		10		35		8		91	

SUPREME COURT SENTENCES BY DISPOSITION CHARGE

	<u>JAIL</u>		<u>PROBATION</u>		<u>REMOVED FOR FAMILY COURT DISPOSITION (SENTENCE)</u>		<u>SUBTOTAL</u>		<u>PENDING SENTENCE</u>	<u>TOTAL CONVICTED</u>
Robbery 1	7	88%	1	12%	-	-	8	100%	15	23
Robbery 2	13	46	3	11	12	43%	28	100	9	37
Robbery 3	-	-	-	-	9	100	9	100	-	9
Att. Murder	2	100	-	-	-	-	2	100	3	5
Assault 1	2	67	-	-	1	33	3	100	-	3
Manslaughter	1	50	-	-	1	50	2	100	1	3
Other	1	14	-	-	6	86	7	100	2	9
Charge Not Available	1	50	-	-	1	50	2	100	-	2
	<u>27</u>	<u>44%</u>	<u>4</u>	<u>7%</u>	<u>30</u>	<u>30%</u>	<u>61</u>	<u>100%</u>	<u>30</u>	<u>91</u>

An average of 44 and median of 36 days elapsed between disposition and sentence in Supreme Court. Although the number of juveniles for whom this data is available remains too small for conclusive analysis, Queens cases seem to reach sentencing faster than cases in other boroughs. Perhaps this finding is attributable to the high proportion of Queens juveniles removed to Family Court for sentencing.

The four juveniles granted probation were given five year terms. More than half of the juveniles sentenced to imprisonment were sentenced to one to three years. For almost a fifth of the juveniles the minimum term was three years or more. One juvenile was sentenced to a five-to-fifteen year term.

LENGTH OF SENTENCE IN SUPREME COURT

	<u>NUMBER OF JUVENILES</u>	
1 - 3 years	15	55%
1 1/2 - 4 1/2 years	1	4
1 2/3 - 5 years	2	7
2 - 6 years	3	11
2 1/3 - 7 years	1	4
3 - 9 years	2	7
3 1/3 - 10 years	2	8
5 - 15 years	1	4
	<u>27</u>	<u>100%</u>

CHAPTER V
FAMILY COURT

This chapter focuses on the 432 juvenile offenders whose cases were removed by the Criminal Court (365), Grand Jury (31) or Supreme Court (36) to Family Court and whose case records were found in Family Court.* Six of the cases removed from Supreme Court were removed for fact finding and 30 for disposition (sentencing) only.

The terminology used in Family Court for the processing of cases differs from that used in adult criminal proceedings. The term "fact-finding" refers to the stage at which it is determined whether a juvenile has committed the offenses charged; the equivalent moment in an adult case is when a plea is entered or trial concluded and a judgement rendered. The term "disposition" refers to the stage at which a penalty could be imposed; in the adult system this would be called "sentencing."

* A total of 517 cases were removed to Family Court: 435 from Criminal Court, 43 from the grand jury and 39 from Supreme Court (6 for disposition, 30 for sentencing, and 3 for which records could not be located in either court). Two additional cases removed from Criminal Court were subsequently sent to the Grand Jury and are not included here. 85 juveniles whose cases were removed to Family Court from Criminal Court could not be located in Family Court. For some of these cases, the Petition Supervisor did not receive any information and therefore could not assign Family Court docket numbers to them. Other records were inaccessible because the cases were scheduled for court appearances. The lag time between removal from Criminal or Supreme Court and arrival in Family Court also accounts for part of this discrepancy.

A. CHARGES ENTERING FAMILY COURT

The juvenile offenders whose cases were removed to Family Court were most likely to have been arrested on first degree (37%) or second degree (41%) robbery charges. The distribution of arrest charges for these cases is comparable to the charge distribution for all arrested juveniles presented at the beginning of this report. Analysis of the arrest charge distribution by type of removal reveals that cases removed by the grand jury are less likely to involve robbery charges (55%) than Criminal Court removals (81%). Grand jury removals show a high concentration of assault and attempted murder charges. These charges account for over a quarter of the cases removed from the grand jury but only three percent of those removed from Criminal Court.

DISTRIBUTION OF ARREST CHARGES FOR FAMILY COURT CASES

REMOVED FROM:	CRIMINAL COURT		GRAND JURY		SUPREME COURT FOR:				TOTAL	
					FACT FINDING	DISPOSITION (SENTENCE)				
Robbery 1	141	39%	7	23%	4	66%	9	30%	161	37%
Robbery 2	153	42	10	32	1	17	13	43	177	41
Rape 1	27	7	2	6	1	17	-	-	30	7
Assault 1	11	3	5	16	-	-	2	7	18	4
Arson 2	11	3	1	3	-	-	2	7	14	3
Sodomy 1	11	3	2	6	-	-	-	-	13	3
Burglary 1	6	2	-	-	-	-	1	3	7	2
Murder	2	1	1	3	-	-	2	7	5	1
Att. Murder	1	*	3	10	-	-	1	3	5	1
Burglary 2	1	*	-	-	-	-	-	-	1	*
Kidnapping	1	*	-	-	-	-	-	-	1	*
	365	100%	31	100%	6	100%	30	100%	432	100%

* Less than 1%. Totals may not sum to 100% due to rounding error.

Arrest charges were reduced prior to removal for 28% of the juvenile offender cases. The proportion of charges reduced before removal shows substantial variation by arrest charge. The charges against each of the five juveniles charged with murder and four of the

five charged with attempted murder were reduced prior to removal as were the charges against 41% of the 29 juveniles charged with rape. On the other hand, there were no charge reductions for the 11 juveniles arrested on sodomy charges.

PROPORTION OF ARREST CHARGES REDUCED BEFORE REMOVAL TO FAMILY COURT BY MOST SEVERE ARREST CHARGE

<u>MOST SEVERE ARREST CHARGE</u>	<u>REMOVAL CHARGE SAME AS ARREST CHARGE</u>	<u>REMOVAL CHARGE LOWER THAN ARREST CHARGE</u>	<u>TOTAL</u>	<u>PROPORTION OF CHARGES REDUCED</u>
Robbery 1	116	45	161	28%
Robbery 2	134	43	177	24
Rape	17	12	29	41
Att. Murder	1	4	5	80
Murder	0	5	5	100
Sodomy	11	0	11	0
Assault 1	12	6	18	33
Arson 1	10	4	14	29
Burglary 1	3	3	6	50
Burglary 2	1	0	1	0
Kidnapping	1	0	1	0
	<u>306</u>	<u>122</u>	<u>428</u>	<u>28%</u>
			Removal Charge Not Available 4	
			<u>TOTAL FAMILY COURT 432</u>	

Juvenile offender cases removed from Supreme Court or grand jury are reduced more frequently than those removed by Criminal Court: removal charges were lower than arrest charges for two thirds of these cases while less than a quarter of Criminal Court removals showed charge reductions.

PROPORTION OF ARREST CHARGES REDUCED BEFORE REMOVAL TO FAMILY COURT BY TYPE OF REMOVAL

	<u>REMOVAL CHARGE SAME AS ARREST CHARGE</u>	<u>REMOVAL CHARGE LOWER THAN ARREST CHARGE</u>	<u>TOTAL</u>	<u>PROPORTION OF CHARGES REDUCED</u>
Criminal Court	283	79	362	22%
Grand Jury	11	19	30	63%
Supreme Court:				
For Fact Finding	10	20	30	67%
For Disposition (Sentence)	<u>2</u>	<u>4</u>	<u>6</u>	<u>67</u>
	<u>306</u>	<u>122</u>	<u>428</u>	<u>28%</u>
			Removal Charge not Available 4	
			<u>TOTAL FAMILY COURT 432</u>	

The table below presents the charges of juvenile offenders when they reached Family Court. Removed juvenile offenders are most likely to enter Family Court charged with robbery. While the arrest charge was first or second degree robbery for almost eight of every ten (78%) removed juveniles, less than seven of every ten (68%) were charged with these robbery offenses when they reached Family Court. The charge distributions differ by type of removal, reflecting increased charge reductions in the higher court. Almost three quarters of the juveniles removed from Criminal Court but only half of those removed from Supreme Court and a third of the grand jury removals were charged with robbery when they arrived in Family Court.

DISTRIBUTION OF REMOVAL CHARGES:

REMOVED FROM	CRIMINAL COURT		GRAND JURY		SUPREME COURT FOR: DISPOSITION				TOTAL	
					FACT	FINDING	(SENTENCE)			
Robbery 1	133	37%	2	7%	1	17%	1	3%	137	32%
Robbery 2	132	36	8	27	3	50	13	44	156	37
Robbery 3	11	3	2	7	-	-	10	33	23	5
Rape 1	18	5	-	-	1	17	-	-	19	4
Sodomy 1	15	4	1	3	-	-	-	-	16	4
Assault 1	12	3	2	7	-	-	1	3	15	4
Assault 2	2	*	4	13	1	17	-	-	7	2
Assault 3	9	2	1	3	-	-	-	-	10	2
Arson 2	10	3	-	-	-	-	-	-	10	2
Arson 3	-	-	1	3	-	-	2	7	3	1
Sexual Misconduct	5	1	1	3	-	-	-	-	6	1
Petit Larceny	2	*	3	10	-	-	-	-	5	1
Burglary 1	4	1	-	-	-	-	-	-	4	1
Burglary 2	2	*	-	-	-	-	-	-	2	*
Burglary 3	-	-	-	-	-	-	2	7	2	*
Grand Larceny	-	-	2	7	-	-	-	-	2	*
Poss. Stol. Prop.	1	*	-	-	-	-	-	-	1	*
Weapons	1	*	1	3	-	-	-	-	2	*
Reckless Endang.	2	*	-	-	-	-	-	-	2	*
Att. Murder	2	*	-	-	-	-	-	-	2	*
Manslaughter	-	-	1	3	-	-	1	3	2	*
Unlawful Impris.	-	-	1	3	-	-	-	-	1	*
Sexual Abuse	1	*	-	-	-	-	-	-	1	*
	362	100%	30	100%	6	100%	30	100%	428	100%
Charge Not Available	3		1		-		-		4	
TOTAL FAMILY COURT	365		31		6		30		432	

* Less than 1% totals may not sum to 100% due to rounding error.

B. ELAPSED TIME FROM REMOVAL ORDER TO FIRST FAMILY COURT APPEARANCE

An average of over eight days elapsed between the Criminal Court, Grand Jury or Supreme Court removal order and the first appearance in Family Court. The average and median number of days between removal and first Family Court appearance was greater for Manhattan and Brooklyn juvenile offenders than for those arrested in Queens and the Bronx.

DAYS FROM REMOVAL ORDER TO FIRST FAMILY COURT APPEARANCE
BY BOROUGH OF ARREST

	<u>BROOKLYN</u>	<u>BRONX</u>	<u>MANHATTAN</u>	<u>QUEENS</u>	<u>S. I.</u>	<u>TOTAL</u>
Average	8.6	6.6	11.0	6.7	14.4	8.3
Median	7.0	2.0	10.0	3.0	9.5	6.0

Number of Juveniles	169	99	58	81	14	421
Days Not Available	<u>2</u>	<u>4</u>	<u>4</u>	<u>1</u>	<u>-</u>	<u>11</u>
TOTAL FAMILY COURT	171	103	62	82	14	432

C. RELEASE STATUS

This section examines the release status set for removed juvenile offenders for whom case records could be located in Family Court. However, the release status at removal was generally available only for juveniles removed from Criminal Court. Therefore, Supreme Court and grand jury removals are excluded from comparisons between the release status set at removal and the status at the first Family Court appearances.

Three quarters of the removed juveniles were ROR'd at their first Family Court appearance. Juveniles whose cases were removed from Criminal Court were more likely to be ROR'd (79%) than those

removed from the Grand Jury (60%) or from Supreme Court (48%). The proportion of cases remanded by the Family Court also varies by type of removal: 15% of Criminal Court removals but almost a quarter of the removals from the higher court were remanded at the first Family Court appearance.

RELEASE STATUS AT FIRST FAMILY COURT APPEARANCE
BY TYPE OF REMOVAL

	GRAND JURY		SUPREME COURT FOR FACT FINDING		DISPOSITION (SENTENCE)		SUBTOTAL HIGHER COURT		CRIMINAL COURT		TOTAL FAMILY COURT	
ROR	18	60%	1	20%	11	41%	30	48%	277	79%	307	74%
BAIL MADE	3	10	3	60	11	41	17	28	21	6	38	9
REMAND*	9	30	1	20	5	18	15	24	53	15	68	17
	30	100%	5	100%	27	100%	62	100%	351	100%	413	100%
Release Status Not Available	1		1		3		5		9		14	
Dismissed at First Family Court Appearance	-		-		-		-		5		5	
	31		6		30		67		365		432	

* Seven juveniles remanded at the First Family Court Appearance (three who entered on ROR and four who were remanded) were remanded to the supervision of a facility other than Spofford, New York City, a secure detention facility for juvenile delinquents. All of these cases were Criminal Court removals.

The Family Court changed the release conditions for only 53 (15%) of the Criminal Court removals. Thirty juveniles for whom bail had been set in Criminal Court (eighteen who posted bail and twelve who were detained) were ROR'd in Family Court, as were five juveniles who had been remanded. On the other hand, eighteen juveniles who had

secured release (three on bail and fifteen on recognizance) were remanded at the first Family Court appearance.* Sixteen of the juveniles who entered Family Court detained on bail were remanded. In all, 94% of the juveniles who were released before their first Family Court appearance remained released. Of those detained prior to their arrival in Family Court, 36% were released after the jurisdiction changed.

RELEASE STATUS AT REMOVAL BY RELEASE
STATUS AT FIRST FAMILY COURT APPEARANCE

	<u>AT REMOVAL:</u>		<u>BAIL</u>		<u>REMAND*</u>	<u>TOTAL</u>				
	<u>ROR</u>	<u>BAIL MADE</u>	<u>NOT MADE</u>							
At First Family Court Appearance:										
ROR	242	94% 87%	18	46% 7%	12	39% 4%	5	21%	277	79% 100%
Bail Made	-	-	18	46% 86%	3	10% 14%	-	-	21	6% 100%
Bail Not Made	-	-	-	-	-	-	-	-	-	-
Remand**	15	6% 28%	3	8% 6%	16	51% 30%	19	79% 36%	53	15% 100%
	257	100% 73%	39	100% 11%	31	100% 9%	24	100% 7%	351	100% 100%
Family Court Status Not Available	2		1		1		-		4	
Dismissed at First Appearance	4		-		1		-		5	
TOTAL CRIMINAL COURT REMOVALS	263		40		33		24		360	
									Supreme Court Removals	36
									Grand Jury Removals	31
										427

- * Includes seven juveniles whose cases were removed to Family Court at Criminal Court arraignment and who were remanded to Spofford at that time. It may be of interest to note that 67 of the juveniles whose cases were removed to Family Court were detained at JODC at Criminal Court arraignment.
- ** Seven juveniles remanded at the first Family Court appearance (three who entered on ROR and four who were remanded) were remanded to the supervision of a facility other than Spofford, New York City's secure detention facility for juvenile delinquents.

* Seven juveniles remanded at the first Family Court appearance (three who entered on ROR and four who were remanded) were remanded to the supervision of a facility other than Spofford, New York City's secure detention facility for juvenile delinquents.

D. JUVENILE OFFENDER CASES IN FAMILY COURT

Juvenile offender cases were tracked in Family Court until August 15, 1979. As of that date, about a fifth (79 arrests) of the 425 cases for which case status was available were still pending disposition. Queens and Staten Island Family Courts show the highest proportion of disposed cases (93%) while Brooklyn shows the lowest (76%).

PROPORTION OF CASES PENDING AS OF AUGUST 15, 1979
BY BOROUGH OF ARREST

	BROOKLYN		BRONX		MANHATTAN		QUEENS		S. I.		TOTAL	
Pending Fact Finding	40	24%	20	20%	12	20%	6	7%	1	7%	79	19%
Pending Disposition (Sentence)	127	76	82	80	48	80	76	93	13	93	346	81
	167	100%	102	100%	60	100%	82	100%	14	100%	425	100%
Not Available	4		1		2		-		-		7	
TOTAL FAMILY COURT	171		103		62		82		14		432	

E. FAMILY COURT OUTCOMES

Citywide, 318 juvenile offender cases removed to Family Court for adjudication are known to have reached an outcome. In almost half of those cases the juveniles admitted at a fact-finding hearing that they had committed an act which would constitute a crime if committed by an adult. These juveniles were then scheduled for disposition after a presentence investigation. A quarter of the cases were dismissed and a sixth were adjourned in contemplation of dismissal

(ACD). The prosecutor withdrew the charges against a tenth of the juveniles* and six cases were transferred to another borough for adjudication or sent back to Criminal Court because the removal forms were improperly prepared.

An examination of the disposition by borough of arrest again reveals strong differences. Manhattan and Bronx cases show the lowest rate of adjournment in contemplation of dismissal (4% and 7%) and the highest proportion of cases in the admitted category (67% and 66%). The dismissal rate was markedly higher in Staten Island (58%) and Brooklyn (37%) than in Manhattan (21%) or Queens and the Bronx (both 13%).

FAMILY COURT FACT FINDINGS BY BOROUGH OF ARREST

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S.I.</u>		<u>TOTAL</u>	
Admitted	39	31%	50	66%	32	67%	22	40%	5	42%	148	47%
Dismissed	47	37	10	13	10	21	7	13	7	58	81	25
ACD	22	17	5	7	2	4	22	40	-	-	51	16
Withdrawn	17	13	10	13	2	4	3	5	-	-	32	10
Transferred	2	2	1	1	2	4	1	2	-	-	6	2
	<u>127</u>	<u>100%</u>	<u>76</u>	<u>100%</u>	<u>48</u>	<u>100%</u>	<u>55</u>	<u>100%</u>	<u>12</u>	<u>100%</u>	<u>318</u>	<u>100%</u>
Pending	40		20		12		5		1		78	
Removal After Plea in Supreme Court	1		6		-		22		1		30	
Case Status Not Available	<u>3</u>		<u>1</u>		<u>2</u>		<u>-</u>		<u>-</u>		<u>6</u>	
TOTAL FAMILY COURT	171		103		62		82		14		432	

* Charges appear to have been withdrawn when it was discovered that the defendant was 16 years of age or older at the time of the alleged offense. The cases were then returned to Criminal Court for adult prosecution.

Although there are few cases, the data suggest that juveniles whose cases are removed after transfer to the higher court are more likely to admit to their charges than those removed directly from Criminal Court.

FAMILY COURT FACT FINDINGS BY TYPE OF REMOVAL

	<u>CRIMINAL COURT</u>		<u>GRAND JURY</u>		<u>SUPREME COURT</u>		<u>TOTAL</u>	
Admitted	133	46%	12	57%	3	60%	148	47%
Dismissed	79	27	2	9	-	-	81	25
ACD	45	15	5	24	1	20	51	16
Withdrawn	31	11	1	5	-	-	32	10
Transferred	4	1	1	5	1	20	6	2
	<u>292</u>	<u>100%</u>	<u>21</u>	<u>100%</u>	<u>5</u>	<u>100%</u>	<u>318</u>	<u>100%</u>
Pending Fact Finding	67		10		1		78	
Removed After Plea in Supreme Court	-		-		30		30	
Case Status Not Available	6		-		-		6	
TOTAL SUPREME COURT	365		31		36		432	

Citywide, an average of 55.5 days elapsed between the first Family Court appearance and the fact finding in the juvenile offender cases. Bronx cases, followed by those in Queens, proceeded most quickly to fact finding while Brooklyn and Manhattan cases made slower progress.

DAYS FROM FIRST FAMILY COURT APPEARANCE TO FACT FINDING BY BOROUGH OF ARREST

	<u>BROOKLYN</u>	<u>BRONX</u>	<u>MANHATTAN</u>	<u>QUEENS</u>	<u>S. I.</u>	<u>TOTAL</u>
AVERAGE	69.7	33.4	67.3	44.7	42.0	55.5
MEDIAN	62.5	21	61	34.5	3.5	50

Number of Juveniles	120	65	41	54	12	292
Fact Finding Outcome Not Available	7	11	7	1	-	26
Pending	40	20	12	5	1	78
Removal After Plea in Supreme Court	1	6	-	22	1	30
Case Status Not Available	3	1	2	-	-	6
TOTAL FAMILY COURT	171	103	62	82	14	432

The most severe removal charge was reduced for a third of the juvenile offenders whose cases reached final outcome in Family Court. Although 79% of the removed juvenile offender cases which reached fact finding in Family Court showed first or second degree robbery as the most severe arrest charge, and 70% entered Family Court with these charges, only 52% of the juvenile delinquency findings were entered for first or second degree robbery charges.

DISTRIBUTION OF ARREST, REMOVAL AND FACT FINDING CHARGES FOR JUVENILES WHOSE CASES REACHED FACT FINDING IN FAMILY COURT**

	Arrest Charges		Removal Charges		Fact Finding Charges	
Robbery 1	120	38%	108	34%	62	20%
Robbery 2	131	41%	113	36%	100	32%
Robbery 3	-	-	13	4%	24	8%
Rape 1	19	6%	13	4%	13	4%
Rape 2	-	-	-	-	1	*
Sodomy 1	11	3%	12	4%	10	3%
Assault 1	14	4%	12	4%	9	3%
Assault 2	-	-	6	2%	6	2%
Assault 3	-	-	9	3%	20	6%
Arson 2	12	4%	10	3%	5	2%
Arson 3	-	-	1	*	1	*
Arson 4	-	-	-	-	3	1%
Sexual Misconduct	-	-	4	1%	4	1%
Petit Larceny	-	-	1	*	9	3%
Burglary 1	6	2%	4	1%	1	*
Burglary 2	-	-	1	*	1	*
Burglary 3	-	-	-	-	1	*
Grand Larceny	-	-	2	*	18	6%
Possible Stolen Prop.	-	-	1	*	6	2%
Weapons	-	-	2	*	1	*
Kidnapping	1	*	-	-	-	-
Reckless Endang.	-	-	2	*	4	1%
Att. Murder	1	*	1	*	-	-
Murder	3	-	-	-	-	-
Manslaughter	-	-	1	*	-	-
Unlawful Imprison.	-	-	1	*	1	*
Sexual Abuse	-	-	1	*	3	1%
Crim. Neglig. Homo.	-	-	-	-	1	*
Trespass	-	-	-	-	1	*
Crim. Mischief	-	-	-	-	3	1%
Crim. Tampering	-	-	-	-	1	*
	<u>318</u>	<u>100%</u>	<u>318</u>	<u>100%</u>	<u>309</u>	<u>100%</u>

Fact Finding Charge Not Available 9
318

* Less than 1%. Totals may not sum to 100% due to rounding error.

** An additional 10 juveniles were removed to Family Court after Supreme Court disposition for Family Court disposition (sentencing) only.

F. FAMILY COURT DISPOSITION (SENTENCES)

Almost eight of every ten of the 176 juveniles who were removed to Family Court from Supreme Court have been disposed. As shown below, almost half of the juveniles were sentenced to probation and an additional 12% had their cases dismissed or adjourned in contemplation of dismissal or received suspended judgments. Half of the juveniles

who received probation were given one year and a third were given two years. The 51 remaining juveniles (40%) were placed in detention facilities. More than half of those placed were assigned to non-secure facilities. Eighty five percent of the juveniles who were sentenced to detention facilities were placed for 18 months or more.

Although the breakdown of disposition types by borough of arrest leaves too few juveniles in each borough to draw clear conclusions, it may be of importance to note that Queens shows the highest proportion of juveniles given placements (50%) and the lowest proportion who received probation (41%).

FAMILY COURT DISPOSITION (SENTENCE) TYPES BY BOROUGH OF ARREST

	BROOKLYN		BRONX		MANHATTAN		QUEENS		S.I.		TOTAL	
PLACEMENT												
Non-Secure	4	14%	6	13%	2	11%	7	22%	-	-	19	15%
Secure	3	10	12	27	4	22	8	25	1	20%	28	22
Not Available	<u>3</u>	<u>10</u>	-	-	-	-	<u>1</u>	<u>3</u>	-	-	<u>4</u>	<u>3</u>
SUB TOTAL	10	34%	18	40%	6	33%	16	50%	1	20%	51	40%
PROBATION	16	55	22	49	10	56	13	41	1	20	62	48
Dismissed/ACD	2	7	3	7	-	-	3	9	2	40	10	8
Suspended Judgement	<u>1</u>	<u>4</u>	<u>2</u>	<u>4</u>	<u>2</u>	<u>11</u>	-	-	<u>1</u>	<u>20</u>	<u>6</u>	<u>4</u>
TOTAL	29	100%	45	100%	18	100%	32	100%	5	100%	129	100%
Type Not Available	<u>3</u>		<u>2</u>		<u>1</u>		<u>2</u>		<u>-</u>		<u>8</u>	
TOTAL DISPOSED (SENTENCED)	32		47		19		34		5		137	
Pending Disposition (Sentence)	<u>8</u>		<u>9</u>		<u>13</u>		<u>10</u>		<u>1</u>		<u>41</u>	
Total Admitted or Removed after Plea in Supreme Court	40		56		32		44		6		178	
Dismissed, ACD, Withdrawn or Transferred at Fact Finding	88		26		16		33		7		170	
Pending Fact Finding	40		20		12		5		1		78	
Case Status Not Available	<u>3</u>		<u>1</u>		<u>2</u>		<u>-</u>		<u>-</u>		<u>6</u>	
TOTAL FAMILY COURT	171		103		62		82		14		432	

Although only a small number of cases reached the disposition stage in Family Court, the findings here suggest that cases removed by the grand jury or by the Supreme Court after disposition there are more likely to result in secure detention placement than those which are removed from Criminal Court.

PLACEMENT	CRIMINAL COURT		GRAND JURY		SUPREME COURT FOR FACT FINDING		FAMILY COURT DISPOSITION (SENTENCE)		TOTAL	
Non-Secure	15	15%	2	20%	-	-	2	10%	19	15%
Secure	18	18	3	30	-	-	7	35	28	22
Not Available	4	4	-	-	-	-	-	-	4	3
SUBTOTAL	37	37%	5	50%	-	-	9	45%	51	40%
Probation	50	51	5	50	-	-	7	35	62	48
Dismissed/ACD	6	6	-	-	-	-	4	20	10	8
Suspended Judgment	6	6	-	-	-	-	-	-	6	4
TOTAL	99	100%	10	100%	-	-	20	100%	129	100%
Type Not Available	6		2		-	-	-	-	8	
TOTAL DISPOSED (SENTENCED)	105		12		-	-	20		137	
Pending Disposition (Sentence)	27		1		3		10		41	
Total Admitted Or Removed After Plea in Supreme Court	132		13		3		30		178	
Dismissed, ACD, Withdrawn or Transferred at Fact Finding	160		8		2		-		170	
Pending Fact Finding	67		10		1		-		78	
Case Status Not Available	6		-		-		-		6	
TOTAL FAMILY COURT	365		31		6		30		432	

An average of 51 days and a median of 43 days elapsed between fact finding and disposition and in Family Court. The differences between boroughs appear to be minor.

AVERAGE AND MEDIAN DAYS FROM FACT FINDING* TO
FAMILY COURT DISPOSITION (SENTENCE), BY BOROUGH OF ARREST

	<u>BROOKLYN</u>	<u>BRONX</u>	<u>MANHATTAN</u>	<u>QUEENS</u>	<u>S. I.</u>	<u>TOTAL</u>
AVERAGE	45.0	50.3	58.4	54.1	35.5	50.8
MEDIAN	40.5	42.5	41.5	34.5	28.5	43
Number of Juveniles	24	44	16	30	4	118
Days Not Available	<u>8</u>	<u>3</u>	<u>3</u>	<u>4</u>	<u>1</u>	<u>19</u>
TOTAL DISPOSED (SENTENCED)	32	47	19	34	5	137

* For juveniles whose cases were removed from Supreme Court after disposition there for disposition (sentencing) in Family Court, the number of days was calculated from first Family Court appearance.

The term of the disposition imposed by the Family Court was available for only 20 of the 28 juveniles placed in secure facilities and 16 of the 19 placed in non-secure facilities. The terms ranged from three months to five years, with three quarters given eighteen months of detention. The length of probation ranged from three months to two years. Half of the 60 juveniles in this category were to remain on probation for one year and an additional 38% were given two years probation.

LENGTH OF DISPOSITION (SENTENCE) IN FAMILY COURT*

	<u>SECURE PLACEMENT</u>		<u>NON-SECURE PLACEMENT</u>		<u>TYPE NOT AVAILABLE</u>	<u>TOTAL PLACEMENT</u>		<u>PROBATION</u>		<u>TOTAL</u>	
3 Months	1	5%	-	-	-	1	3%	2	3%	3	3%
6 Months	1	5	-	-	-	1	3	3	5	4	4
12 Months	-	-	1	6%	1	2	5	31	52	33	33
Up to 18 Months	1	5	1	6	-	2	5	-	-	2	2
18 Months	13	65	13	82	2	28	72	1	2	29	29
1-3 Years	-	-	1	6	-	1	3	-	-	1	1
2 Years	-	-	-	-	-	-	-	23	38	23	23
3 Years	1	5	-	-	-	1	3	-	-	1	1
Up to 3½ Years	1	5	-	-	-	1	3	-	-	1	1
5 Years	<u>2</u>	<u>10</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2</u>	<u>5</u>	<u>-</u>	<u>-</u>	<u>2</u>	<u>2</u>
	20	100%	16	100%	3	39	100%	60	100%	99	100%

Length of Disposition Not Available	<u>8</u>	<u>3</u>	<u>1</u>	<u>12</u>	<u>2</u>	<u>14</u>
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TOTAL DISPOSITIONS WITH PLACE- MENT OR PROBATION	28	19	4	51	62	113
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Disposition: Other	16
Disposition Type Not Available	8
Pending Disposition	<u>39</u>

TOTAL ADMITTED OR REMOVED FROM
SUPREME COURT FOR FAMILY COURT DISPOSITION 176

CHAPTER VI

PRETRIAL DETENTION AND POST-ARRAIGNMENT RELEASE

This chapter discusses the length of pretrial detention and type of release secured by the 446 interviewed juvenile offenders who were held at the Department of Correction's Juvenile Offender Detention Center (JODC) as of Criminal Court arraignment. The vast majority of these juveniles (412 or 92%) were held on bail while the remaining detainees (34 or 8%) were remanded at arraignment with no bail set. The seven remanded juveniles whose cases were removed to Family Court at arraignment are not included in this chapter. They were housed at Spofford House, the City's secure detention facility for juvenile delinquents.*

Throughout the following discussion, detention time is measured from the date of Criminal Court arraignment until release from JODC by any means -- ROR, the making of bail, or case disposition. Detention prior to Criminal Court arraignment is excluded from the calculations.

The data also exclude detention time resulting from the revision of release conditions in the direction of greater stringency; i.e., a remand replacing ROR or a bail-made release, or bond/cash alternative set higher than can be made replacing an ROR or bail-made release condition. It should also be noted that rearrests constitute, in this chapter, new cases, and the detention time is accounted for accordingly.

* As of July 9, 1979 all juvenile offenders except those charged with A-1 felonies are housed at Spofford.

A. LENGTH OF DETENTION

The detained juvenile offenders spent an average of 15 days in JODC. However, the median number of days detained is 6. Four of every ten juveniles were detained 3 days or less, two thirds were detained one week or less, and more than seven of every ten detained juveniles were held for two weeks or less. At the same time, one of every five juveniles was held more than a month, one of every six was held more than two months, and one of every eight spent more than three months in detention as of August 1, 1979. It is important to note that this report includes juveniles arrested through May 31, 1979. No juvenile arrested in May could be detained for more than two months as of the first of August when data collection ceased. The length of detention data presented here therefore understate both average detention and the proportion of juveniles who are held more than two months.

LENGTH OF DETENTION AT JODC

Number of Days	Status as of August 1, 1979		Number of Juveniles	Percent of Total	Cumulative Percent
	Detained	Not Detained			
1-3	-	172	172	40.0%	40.0%
4	-	42	42	9.8	49.8
5	-	38	38	8.8	58.6
6	-	23	23	5.4	64.0
7	-	13	13	3.0	67.0
8-14	-	23	23	5.4	72.4
15-21	-	12	12	2.8	75.2
22-29	-	12	12	2.8	78.0
30-44	-	9	9	2.1	80.1
45-59	-	14	14	3.3	83.4
60-89	3	11	14	3.3	86.7
90-119	4	9	13	3.0	89.7
120-179	11	9	20	4.7	94.4
180-282	17	7	24	5.6	100.0
	35	394	429	100.0%	
Detention Days Not Available			17		
TOTAL DETAINED AT JODC AT ARRAIGNMENT			446		

Over a third of the juvenile offenders detained at JODC arraignment were Brooklyn arrests and almost three of every ten detainees were Queens arrests. Bronx arrests account for less than a fifth of the detained juveniles while Manhattan arrests account for little more than one of every ten detainees. Although Bronx arrests represent a relatively small proportion of all juvenile detainees, the average and median lengths of detention for these juveniles are about 50% longer than for juveniles in any other borough and about three times the citywide figures. Brooklyn juveniles show the lowest average and median detention. Detained juveniles arrested in the Bronx were most likely to be detained eight days or more (53%) as compared with 39% in Queens and 26% in both Manhattan and Brooklyn.

LENGTH OF DETENTION BY BOROUGH OF ARREST

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S. I.</u>		<u>TOTAL</u>	
AVERAGE	18.9		45.8		36.3		32.6		44.7		29.8	
MEDIAN	3		8		5		5		4		5	
1 - 7 Days	133	78%	40	47%	46	74%	60	61%	9	69%	288	67%
8 or More Days	37	22	46	53	16	26	38	39	4	31	141	33
	<u>170</u>	<u>100%</u>	<u>86</u>	<u>100%</u>	<u>62</u>	<u>100%</u>	<u>98</u>	<u>100%</u>	<u>13</u>	<u>100%</u>	<u>429</u>	<u>100%</u>
Days Detained Not Available	7		3		2		4		1		17	
TOTAL DETAINED AT ARRAIGNMENT	177		89		64		102		14		446	

Thirty eight percent (38%) of the juvenile offenders detained at arraignment were held on bail of \$500 or less and just over a fifth were held on \$750 to \$1500. The lowest monetary condition set for 14% of the detained juveniles was between \$2000 and \$4000 while bail of \$5000 or more was set for an additional 18% of the detained juveniles. The remaining 8% detained at arraignment were remanded with no monetary condition set.

As shown in the table below, the mean (54 days) and median (13 days) length of detention for juveniles with bail set at \$5000 or more is about three times greater than for juveniles for whom lower bail was set at arraignment. The mean (123 days) and median (118 days) are highest for juveniles who were remanded at arraignment. Similarly, three quarters of the remanded juveniles and more than half of those with bail of \$5000 or more set at arraignment were detained more than a week as compared with less than a third of the juveniles in the \$750-\$1500 and \$2000-\$4000 category and only 17% of those with \$500 or less bail set.

LENGTH OF DETENTION BY LOWEST MONETARY CONDITION SET AT ARRAIGNMENT

	<u>\$500 Or Less</u>		<u>\$750 - \$15,000</u>		<u>\$2,000- \$4,000</u>		<u>\$5,000 Or More</u>		<u>REMAND</u>		<u>TOTAL</u>	
AVERAGE	15.1		19.5		18.1		53.9		123.2		31.5	
MEDIAN	3		4.5		4		13		117.5		4.5	
1 - 7	134	83%	64	69%	41	69%	36	47%	8	25%	283	67%
8 or More	27	17	29	31	18	31	41	53	24	75	139	33
	161	100%	93	100%	59	100%	77	100%	32	100%	422	100%
	Amount Not Available											7
	Length of Detention Not Available											17
	TOTAL DETAINED AT ARRAIGNMENT											446

Almost half of all detained juvenile offenders were charged with first degree robbery at arrest and an additional quarter were arrested on second degree robbery charges. More than one of every ten detained juveniles was charged with murder or attempted murder. Robbery offenses account for only six of every ten juveniles detained beyond a week while murder and attempted murder comprise more than two of every ten juveniles who did not secure release within a week of their arraignments.

Juveniles charged with murder show a particularly high rate of detention beyond one week; three quarters of them spent more than eight days in detention. More than half of the juveniles charged with attempted murder, arson or sodomy were detained beyond a week. The average (138.5 days) and median (124.5 days) length of detention for juvenile offenders charged with murder is markedly greater than the comparable figures for those charged with any other offenses.

Juveniles charged with first degree robbery spent an average of 25 days in detention while those charged with robbery in the second degree were detained an average of 20 days. The median detention for these charge categories was four days and three days, respectively. The arrest charge associated with the shortest detention is assault, for which the average was six days and the median three days. Only one of the nine juvenile offenders charged with assault was held more than one week.

LENGTH OF DETENTION BY MOST SEVERE ARREST CHARGE

	<u>1 - 7 DAYS</u>		<u>8 OR MORE DAYS</u>		<u>TOTAL</u>	<u>AVERAGE</u>	<u>MEDIAN</u>
Robbery 1	147	51% 72%	57	40% 28%	204	48% 100%	25.2 4.0
Robbery 2	81	28% 75%	27	19% 25%	108	25% 100%	19.9 3.0
Rape	23	8% 68%	11	8% 32%	34	8% 100%	43.7 5.0
Murder	5	2% 25%	16	11% 75%	20	5% 100%	138.5 124.5
Att. Murder	12	4% 43%	15	11% 57%	28	6% 100%	43.5 18.5
Assault 1	8	3% 89%	1	1% 11%	9	2% 100%	5.9 3.0
Sodomy	5	2% 42%	7	5% 58%	12	3% 100%	35.2 11.5
Arson	4	1% 44%	5	4% 66%	9	2% 100%	31.3 17.0
Other	3	1% 60%	2	1% 40%	5	1% 100%	8.6 4.0
	<u>288</u>	<u>100%</u> 67%	<u>141</u>	<u>33%</u>	<u>429</u>	<u>100%</u> 100%	<u>31.8</u> 4.5
Length of Detention Not Available					17		
TOTAL DETAINED AT ARRAIGNMENT					<u>446</u>		

The length of detention is related to the Criminal Court disposition of the proceedings against the juvenile. Juveniles whose cases are transferred to the Supreme Court comprise increasing proportions of detained juveniles held for lengthier periods of time. These juveniles comprise about a third of the juveniles detained less than a week but represent three quarters of the juveniles detained one month or more. Similarly, juveniles whose cases are eventually removed to

Family Court comprise almost half of the under one week detainees but less than a tenth of those detained more than a month. Almost 90% of detained juveniles whose cases were removed, dismissed or are still pending in Criminal Court were detained less than a week as compared to only 43% of the transfers to Supreme Court. Thus, the average (58 days) and median (14 days) length of detention was substantially longer for transferred juveniles than for those whose cases were removed (eight days and three days), dismissed (six days and three days) or still pending in Criminal Court (both three days).

LENGTH OF DETENTION AT JODC BY CRIMINAL COURT DISPOSITION

	<u>PENDING IN CRIMINAL COURT</u>		<u>DISMISSED IN CRIMINAL COURT</u>		<u>REMOVED TO FAMILY COURT</u>		<u>TRANSFERRED TO SUPREME COURT</u>		<u>TOTAL</u>	
AVERAGE	3.4		5.7		7.6		57.9		31.8	
MEDIAN	3.0		3.0		3.0		14		4.5	
1 - 3 days	13	65% 3%	29	54% 17%	73	49% 43%	56	28% 33%	171	40% 100%
4 - 7 days	6	30% 5%	18	34% 16%	58	39% 50%	33	16% 39%	115	27% 100%
8 - 30 days	1	5% 2%	3	6% 6%	11	7% 23%	33	16% 69%	48	11% 100%
31 - 60 days	-	-	2	4% 2%	4	3% 17%	17	8% 74%	23	5% 100%
61 or more	-	-	1	2% 1%	3	2% 4%	66	32% 94%	70	17% 100%
	20	100% 5%	53	100% 12%	149	100% 35%	205	100% 48%	427	100% 100%
	Disposition Not Available									2
	Length of Detention Not Available									17
	TOTAL DETAINED AT ARRAIGNMENT									446

Length of detention was also examined by the stage in the court process at which release was secured. As shown below, eight of every ten short-term detainees (one week or less) secured release in Criminal Court. Those who secured release after longer detention (one month or more) were more likely to be released between Criminal Court and Supreme Court or in the higher court.

LENGTH OF DETENTION BY CASE STATUS WHEN RELEASED

	<u>1 - 3 DAYS</u>		<u>4 - 7 DAYS</u>		<u>8 - 30 DAYS</u>		<u>31 - 60 DAYS</u>		<u>MORE THAN 2 MONTH</u>		<u>TOTAL</u>	
In Criminal Court	135	85%	87	78%	16	36%	4	20%	1	1%	243	60%
Between Criminal and Supreme Court	-	-	6	5	10	22	2	10	-	-	18	4
In Supreme Court	-	-	-	-	5	11	8	40	15	22	28	7
In Family Court	6	4	9	8	9	20	1	5	2	3	27	7
Not Released*	18	11	10	9	5	11	5	25	50	74	88	22
	159	100%	112	100%	45	100%	20	100%	68	100%	404	100%
	Length of Detention Not Available										17	
	Status Not Available										25	
	TOTAL DETAINED AT ARRAIGNMENT										446	

* Throughout this chapter, the "Not Released" category includes both juveniles who were detained until the disposition of their cases as well as those detained as of August 1, 1979, the close of data collection on detention.

Length of detention was also examined separately for juveniles who secured release on recognizance, release on bail, or who were not released either until case disposition or after data gathering was completed. Almost nine of every ten detained juveniles who were ROR'd subsequent to arraignment and almost two thirds of the juveniles who made bail subsequent to arraignment were released within one week. Three quarters of the juveniles who did not secure release on bail or on recognizance were detained more than one week.

LENGTH OF DETENTION BY TYPE OF RELEASE SECURED

	<u>1 - 3 DAYS</u>		<u>4 - 7 DAYS</u>		<u>8 - 30 DAYS</u>		<u>31 - 60 DAYS</u>		<u>MORE THAN 2 MONTHS</u>		<u>TOTAL</u>	
ROR	74	47%	76	68%	11	24%	3	15%	6	9%	170	42%
		43%		45%		67%		20%		4%		100%
BAIL MADE	67	42	26	23	29	65	12	60	12	18	146	36
		46%		18%		20%		8%		8%		100%
NOT RELEASED	18	11	10	9	5	11	5	25	50	73	88	22
		20%		17%		67%		6%		57%		100%
	159	100%	112	100%	45	100%	20	100%	68	100%	404	100%
	Length of Detention not Available										17	
	Type of Release Not Available										25	
	TOTAL DETAINED AT ARRAIGNMENT										446	

Among the juveniles detained one to three days, equivalent proportions secured release on recognizance (47%) and release on bail (42%). However, two thirds of the four-to-seven day detainees secured release on recognizance. Juveniles who were detained more than a week were at least twice as likely to secure release on bail as release on recognizance.

B. TYPE OF RELEASE SECURED

More than four of every ten juveniles detained at arraignment eventually secured release on recognizance, a third posted bail and more than two of every ten were not released until case disposition or were still detained at the close of data collection.

Borough differences in the types of release secured by detained juvenile offenders are of interest because of their magnitude. While little more than a quarter of detained Bronx juveniles and only a third of those in Queens or Staten Island were ROR'd subsequent to arraignment, almost half the Brooklyn juvenile detainees and more than half of Manhattan juvenile detainees were subsequently released on their own recognizance. The proportion of detained juveniles who secured release on bail also varies by borough. Only a fifth of Manhattan detainees as compared with almost forty percent citywide made bail after Criminal Court arraignment. When juveniles subsequently released on bail or own recognizance are examined together, Brooklyn shows the highest rate of release (88%) followed by Manhattan (78%) and Queens (77%). The combined release rate is far lower for the Bronx (66%). Conversely, the proportion of detainees who were not released prior to disposition ranged from 12% in Brooklyn to 34% in the Bronx.

TYPE OF RELEASE SECURED BY ARREST BOROUGH

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S. I.</u>		<u>TOTAL</u>	
ROR'd.	76	48%	25	28%	36	56%	33	34%	4	33%	174	42%
Bail Made	62	40	33	38	14	22	40	42	3	25	152	36
Not Released	19	12	30	34	14	22	23	24	5	42	91	22
	157	100%	88	100%	64	100%	96	100%	12	100%	417	100%
Type of Release Not Available	20		1		-		6		2		29	
TOTAL DETAINED AT ARRAIGNMENT	177		89		64		102		14		446	

The proportion of detained juvenile offenders who made bail subsequent to arraignment (37%) is related to the amount of bail set at arraignment. Half of the detained juveniles who were held on \$500 or less eventually posted bail as compared with little more than a quarter of the juveniles held on \$5000 or more. The bail amount is similarly related to the proportion of juveniles who did not secure pretrial release before the close of data collection or until their cases were disposed. However; the proportion of detainees who secured post-arraignment release on recognizance does not vary by the amount of bail set at arraignment.

LOWEST MONETARY CONDITION:

CASH ALTERNATIVE AMOUNT SET OR BAIL BOND BY TYPE OF RELEASE SECURED

	<u>\$500</u> <u>Or Less</u>		<u>\$750-</u> <u>\$1500</u>		<u>\$2000 -</u> <u>\$4000</u>		<u>\$5000</u> <u>or More</u>		<u>REMAND</u>		<u>TOTAL</u>	
ROR'd.	63	40%	41	47%	26	46%	28	38%	12	35%	170	42%
Bail Made	79	51	30	35	20	35	21	28	-	-	150	37
Not Released	14	9	16	18	11	19	25	34	22	65%	88	21
	<u>156</u>	<u>100%</u>	<u>87</u>	<u>100%</u>	<u>57</u>	<u>100%</u>	<u>74</u>	<u>100%</u>	<u>34</u>	<u>100%</u>	<u>408</u>	<u>100%</u>
											Amount Not Available	9
											Type of Release Not Available	29
											TOTAL DETAINED AT ARRAIGNMENT	446

Detained juveniles charged with arson (50%) or with robbery in the second degree (49%) showed the highest rates of subsequent release on recognizance. Those charged with assault (60%) or attempted murder (52%) were most likely to secure release on bail. Only one of the 21 juveniles detained at arraignment who was charged with murder posted bail and almost two thirds of these juveniles did not secure pretrial release.

MOST SEVERE ARREST CHARGE BY TYPE OF RELEASE SECURED

	<u>ROR'd</u>		<u>BAIL MADE</u>		<u>NOT RELEASED</u>		<u>TOTAL</u>	
Robbery 1	87	44%	81	41%	30	15%	198	100%
Robbery 2	50	49	34	33	19	18	103	100
Rape	15	46	8	24	10	30	33	100
Att. Murder	6	22	14	52	7	26	27	100
Murder	7	33	1	5	13	62	21	100
Sodomy	2	20	3	30	5	50	10	100
Arson	5	50	2	20	3	30	10	100
Assault	-	-	6	60	4	40	10	100
Other	2	40	3	60	-	-	5	100
	<u>174</u>	<u>42%</u>	<u>152</u>	<u>36%</u>	<u>91</u>	<u>22%</u>	<u>417</u>	<u>100%</u>

Type of Release Not Available 29

TOTAL DETAINED AT ARRAIGNMENT 446

Detained juvenile offenders whose cases were removed to Family Court show a higher ROR rate (61%) than those whose cases were transferred to Supreme Court (28%), although the Supreme Court cases show a higher bail made rate (45% versus 26%). A greater proportion of Supreme Court (26%) than Family Court (13%) cases were detained until final disposition or until the close of data collection. Cases dismissed in Criminal Court show a relatively low ROR; a surprisingly high (36%) proportion of these juveniles were detained until dismissal. The types of release secured by these juveniles are not as discrepant as they appear when viewed in light of the earlier finding regarding their length of detention: detained juveniles whose cases are dismissed in Criminal Court spend an average of only 5.7 and median of 3 days in detention. All of the juveniles whose cases were pending Criminal Court disposition secured pretrial release, suggesting that these cases are unlikely to be transferred to Supreme Court.

release rate for detained juveniles arrested in the Bronx (42%) is substantially lower than the citywide proportion.

CASE STATUS WHEN RELEASED BY BOROUGH OF ARREST

	<u>BROOKLYN</u>		<u>BRONX</u>		<u>MANHATTAN</u>		<u>QUEENS</u>		<u>S. I.</u>		<u>TOTAL</u>	
In Criminal Court	107	68%	37	42%	44	69%	57	60%	6	50%	251	60%
Between Criminal and Supreme Court	10	6	3	3	-	-	6	6	-	-	19	4
In Supreme Court	10	6	7	8	5	8	5	5	1	8	28	7
In Family Court	11	8	11	13	1	1	5	5	-	-	28	7
Not Released	<u>19</u>	<u>12</u>	<u>30</u>	<u>34</u>	<u>14</u>	<u>22</u>	<u>23</u>	<u>24</u>	<u>5</u>	<u>42</u>	<u>91</u>	<u>22</u>
	157	100%	88	100%	64	100%	96	100%	12	100%	417	100%
Status Not Available	<u>20</u>		<u>1</u>		<u>-</u>		<u>6</u>		<u>2</u>		<u>29</u>	
TOTAL DETAINED AT ARRAIGNMENT	177		89		64		102		14		446	

The table below displays the relationship between bail amount and the stage in the court process at which release was secured. Juveniles with lower bail amounts (\$2000 or less) are more likely to be released in Criminal Court than those with higher bail or who were remanded. Three quarters of the juveniles with bail of \$500 or less and two thirds of those in the \$750 to \$1500 category secured pretrial release in Criminal Court as compared to less than four of every ten whose bail was \$500 or higher and barely a quarter of the juveniles who were remanded. Similarly, remanded juveniles were most likely to remain in detention until disposition or beyond the close of data gathering.

LOWEST MONETARY CONDITION:
 CASH ALTERNATIVE IF SET OR BAIL AMOUNT AT
 ARRAIGNMENT BY CASE STATUS WHEN RELEASED

	\$500 OR LESS		\$750 - \$1500		\$2000- \$4000		\$5000 OR MORE		REMAND		TOTAL	
In Criminal Court	116	75%	59	67%	35	62%	28	38%	8	23%	246	60%
Between Criminal and Supreme Court	7	4	6	7	1	2	5	7	-	-	19	5
In Supreme Court	9	6	2	2	7	12	9	12	1	3	28	7
In Family Court	10	6	5	6	3	5	7	9	3	9	28	7
Not Released	14	9	16	18	11	19	25	34	22	65	88	21
	156	100%	88	100%	57	100%	74	100%	34	100%	409	100%
											9	
											28	
											446	

Case Status Not Available 9
 Amount Not Available 28
 TOTAL DETAINED AT ARRAIGNMENT 446

An examination of case status when released by most severe arrest charge indicates that detained juveniles charged with murder (28%), attempted murder (30%) or sodomy (30%) are unlikely to secure release while their cases are in Criminal Court. Juveniles charged with attempted murder showed the highest rate of release in Supreme Court (22%) and between Criminal and Supreme Court while their cases were pending indictment (18%). Juveniles in the rape (15%) and arson (20%) charge categories were most likely to be detained until their release in Family Court.

CASE STATUS WHEN RELEASED BY MOST SEVERE ARREST CHARGE

	IN CRIMINAL COURT		BETWEEN CRIMINAL AND SUPREME COURT		IN SUPREME COURT		IN FAMILY COURT		NOT RELEASED		TOTAL	
Robbery 1	134	68%	6	3%	18	9%	10	5%	30	15%	198	100%
Robbery 2	71	69	4	4	2	2	7	7	19	18	103	100
Rape	15	46	2	6	1	3	5	15	10	30	33	100
Att. Murder	8	30	5	18	6	22	1	4	7	26	27	100
Murder	6	28	-	-	1	5	1	5	13	62	21	100
Sodomy	3	30	1	10	-	-	1	10	5	50	10	100
Arson	5	50	-	-	-	-	2	20	3	30	10	100
Assault	5	50	1	10	-	-	-	-	4	40	10	100
Other	4	80	-	-	-	-	1	20	-	-	5	100
	251	60%	19	5%	28	7%	28	7%	91	22%	417	100%
											29	
											446	

Case Status Not Available 29
 TOTAL DETAINED AT ARRAIGNMENT 446

CHAPTER VII
FAILURES TO APPEAR

Release from pretrial custody on personal recognizance or on bail entails a promise by the defendant that he or she will return to court voluntarily for every hearing date the court has established. The breaking of that promise normally results in the issuance of a bench warrant authorizing the defendant's arrest in order to compel attendance. If bail, either cash or bond, had been posted, the defendant risks forfeiture of his (or a third party's) money. For an adult criminal, an additional charge, bail-jumping, could be pressed by the prosecutor. This chapter discusses failure to appear rates and the factors that are related to failure to appear among juvenile offenders. The failure to appear or warrant rate is calculated as the proportion of juveniles who secured release on bail or recognizance for whom bench warrants were issued for a missed appearance. The abbreviation "FTA" will be used as shorthand for "failure to appear." Juveniles who miss a scheduled court appearance but for whom no bench warrant is issued are not tallied here as failures to appear.

A total of 89 (11.8%) of the 755 juveniles who secured pretrial release on bail or recognizance failed to appear for a scheduled court adjournment.* Five of these juveniles failed to appear in both Criminal and Supreme Courts, and one missed appearances in both Criminal and Family Courts. Criminal Court appearances were missed by 33 juveniles, Family Court appearances by 36 juveniles, and 26 missed a Supreme Court appearance. The juveniles who failed to appear in Criminal Court represent 5.9% of all juveniles released there while the rate of failure to appear was 9.5% in Family Court and 16.9% in Supreme Court.

* Appearance histories were unavailable for an additional 50 juveniles who secured pretrial release.

Strong borough differences are evident in the proportion of juveniles who failed to appear. Overall, only 4.8% of Bronx juveniles failed to appear as compared to 12.7%, 13.0% and 13.6% in Brooklyn, Queens and Staten Island, respectively, and 15.8% of Manhattan juveniles. The Manhattan failures occurred principally while the cases were within the jurisdiction of Criminal Court. Manhattan juveniles comprise less than a quarter of Criminal Court releases citywide but represent almost half of all juveniles who failed to appear in the lower court. The Manhattan FTA rate in that court (13.7%) is more than three times the combined rate for the remaining boroughs (3.9%). At the same time, the Manhattan FTA rates in Supreme (10.0%) and Family (5.6%) Courts are substantially lower than the citywide figures (16.9% and 9.5%). In Brooklyn, the Bronx and Staten Island, the FTA rate was highest in Supreme Court while in Queens the rate was highest in Family Court.

FAILURE TO APPEAR RATE BY BOROUGH OF ARREST

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Brooklyn	11/221	5.0%	15/60	25.0%	18/156	11.5%	39/308	12.7%
Bronx	3/105	2.9%	1/21	4.8%	4/90	4.4%	7/146	4.8%
Manhattan	16/117	13.7%	2/20	10.0%	3/54	5.6%	21/133	15.8%
Queens	3/96	3.1%	5/43	11.6%	11/72	15.3%	19/146	13.0%
Staten Island	0/19	0.0%	3/10	30.0%	0/8	0.0%	3/22	13.6%
	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755*	11.8%

* Throughout this chapter, the six juveniles (five in Brooklyn and one in the Bronx) who failed to appear in two courts are tallied only once in the total. The number of juveniles released in Family and Supreme Court do not sum to the Criminal Court total nor do the number of juveniles released in each court sum to the grand total because of overlaps and exclusions. For example, many juveniles released in Criminal Court never reached Family or Supreme Court and many were also released in Family or Supreme Court.

An examination of failure to appear rates within arrest charge categories indicates that juveniles charged with first degree robbery (14.6%) are more likely to fail to appear than those charged with second degree robbery (10.9%) who in turn show a higher FTA rate than juveniles charged with all other offenses (7.4%). However, only juveniles charged with first degree robbery showed a particularly high FTA rate in Criminal Court. In Supreme Court, the FTA rate was higher for juveniles charged with second than with first degree robbery.

FAILURE TO APPEAR RATE BY MOST SEVERE ARREST CHARGE

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Robbery 1	19/237	8.0%	13/79	16.5%	19/143	13.3%	49/336	14.6%
Robbery 2	9/211	4.3%	8/40	20.0%	13/158	8.2%	28/256	10.9%
All Other	5/110	4.5%	5/35	14.3%	4/79	5.1%	12/163	7.4%
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

Females show a slightly higher FTA rate (13.8%) than males (11.6%). The greatest difference occurred in Family Court where the female FTA rate (18.5%) was more than twice that of the males (8.8%). There was no difference in Supreme Court, and males (6.1%) showed a higher rate than females (4.3%) in Criminal Court.

FAILURE TO APPEAR RATES BY GENDER

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Male	31/1512	6.1%	25/148	16.9%	31/353	8.8%	81/697	11.6%
Female	2/46	4.3%	1/6	16.7%	5/27	18.5%	8/58	13.8%
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

Juveniles who reported to CJA during their interview that they were currently on parole or probation were more than twice as likely to fail to appear (21.7%) as juveniles who reported no current parole or probationary status (10.4%). This factor was more strongly related to failure to appear in Family Court (24.7% versus 7.4%) than in

Criminal Court (9.4% versus 5.3%). In Supreme Court, the effect is reversed (12.5% versus 17.1%). However, about half as many Supreme Court releases as Criminal or Family Court releases had reported that they were currently on probation or parole.

FAILURE TO APPEAR RATES BY SELF-REPORTS OF JUVENILES
PROBATION OR PAROLE STATUS

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
On Probation or Parole	3/32	9.4%	2/16	12.5%	9/35	25.7%	13/60	21.7%
Not on Probation or Parole	25/474	5.3%	22/129	17.1%	23/311	7.4%	65/628	10.4%
	28/506	5.6%	24/145	16.6%	32/346	9.2%	78/688	11.3%
Not Available	7/52	-	2/9	-	4/34	-	11/67	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

Like adult defendants, juveniles with relatively stable residences, full-time occupations (i.e., schooling), and with friends and relatives to vouch for them are more likely to consistently attend court than those lacking such community ties. Length of residence at a single address makes a difference. In each court, the juveniles who reported less than a year's residence showed a higher FTA rate than those reported a year or more at their current address. The overall difference was 9.2 percentage points. However, this factor was more strongly related to FTA rates in Criminal Court (13.5% versus 3.3%) than in Family Court (13.5% versus 8.4%) and showed only a 3.1% percentage difference in Supreme Court.

FAILURE TO APPEAR RATES BY LENGTH OF RESIDENCE
AT CURRENT ADDRESS

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Less than a year	12/89	13.5%	5/26	19.2%	7/52	13.5%	22/124	17.7%
A year or more	14/420	3.3%	19/118	16.1%	25/299	8.4%	54/569	9.5%
	26/509	5.1%	24/144	16.7%	32/351	9.1%	76/693	11.0%
Not Available	7/49	-	2/10	-	4/29	-	13/62	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

Juveniles who did not report full-time school attendance were more than three times as likely to fail to appear as their counterparts who indicated that they were attending school at the time of their arrest (30.0% versus 9.4%). Again, this factor is most strongly related to failure to appear in Criminal Court where those not in school were more than five times as likely to miss a scheduled appearance. These juveniles were three times more likely to skip a Family Court appearance and almost twice as likely to miss an appearance in Supreme Court.

FAILURE TO APPEAR RATES BY SELF-REPORTS OF SCHOOL ATTENDANCE

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
In School	19/453	4.2%	18/119	15.1%	24/309	7.8%	57/608	9.4%
Not In School	8/42	19.0%	5/18	27.8%	8/33	24.2%	19/64	30.0%
	27/495	5.5%	23/137	16.8%	32/342	6.1%	76/672	11.3%
Not Available	6/63	-	3/17	-	4/38	-	13/83	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

During the CJA interview, juveniles were asked whether they expected someone other than the police or an attorney to attend their Criminal Court arraignment. The FTA rate among juveniles who did not expect anyone (20.0%) was twice the rate among juveniles who expected someone to attend (9.8%). The significance of this expectation element is apparent in Criminal Court (14.9% versus 4.0%) and Family Court (20.0% versus 7.6%) but not evident in Supreme Court (11.5% versus 17.6%).

FAILURE TO APPEAR RATES BY WHETHER THE JUVENILES EXPECT SOMEONE OTHER THAN POLICE OR ATTORNEYS TO ATTEND THEIR CRIMINAL COURT ARRAIGNMENTS

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Expect	17/424	4.0%	21/119	17.6%	23/301	7.6%	56/574	9.8%
Do not expect	11/74	14.9%	3/26	11.5%	9/45	20.0%	22/110	20.0%
	28/498	5.6%	24/145	17.2%	32/346	9.2%	78/684	11.4%
Not Available	5/60	-	2/9	-	4/34	-	11/71	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

CJA staff attempt to verify community ties information by communicating with a contact provided by the juvenile. Juveniles for whom no information could be verified were twice as likely to fail to appear (16.2%) as their counterparts for whom at least one element was verified (7.8%). The relationship between the outcome of verification attempts and failure to appear is strong in both Criminal (10.4% versus 2.3%) and Supreme Court (21.9% versus 12.8%) but is weaker in Family Court (10.4% versus 8.1%).

FAILURE TO APPEAR RATES BY VERIFICATION
OF LENGTH OF RESIDENCE

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Verified	7/288	2.4%	10/75	13.3%	13/196	6.6%	29/389	7.5%
Not Verified	21/213	9.9%	14/66	21.2%	18/146	12.3%	48/295	16.3%
	28/501	5.6%	24/141	17.0%	31/342	9.1%	77/684	11.3%
Not Available	5/57	-	2/13	-	5/38	-	12/71	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

FAILURE TO APPEAR RATES BY VERIFICATION
OF WHO THE JUVENILES LIVE WITH

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Verified	9/306	2.9%	10/78	12.8%	15/209	7.2%	33/415	8.0%
Not Verified	19/195	9.7%	14/63	22.2%	16/133	12.0%	44/269	16.4%
	28/501	5.6%	24/141	17.0%	31/342	9.1%	77/684	11.2%
Not Available	5/57	-	2/13	-	5/38	-	12/71	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

FAILURE TO APPEAR RATES BY VERIFICATION
OF SCHOOL ATTENDANCE

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Verified	7/279	2.5%	7/68	10.3%	14/189	7.4%	27/374	7.2%
Not Verified	21/219	9.6%	17/72	23.6%	17/151	11.3%	50/307	16.3%
	28/498	5.6%	24/140	17.1%	31/340	9.1%	77/681	11.3%
Not Available	5/60	-	2/14	-	5/40	-	12/74	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

FAILURE TO APPEAR RATES BY VERIFICATION OF CURRENT ADDRESS

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Verified	9/307	2.9%	11/80	13.8%	16/210	7.6%	34/417	8.2%
Not Verified	18/193	9.3%	13/61	21.3%	15/132	11.4%	43/267	16.1%
	27/500	5.4%	24/141	17.0%	31/342	9.1%	77/684	11.2%
Not Available	6/58	-	2/13	-	5/38	-	12/71	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

FAILURE TO APPEAR RATES BY VERIFICATION
BY PHONE IN RESIDENCE

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
Verified	8/287	2.8%	10/72	12.9%	17/202	8.4%	34/394	8.6%
Not Verified	20/213	9.4%	14/69	20.3%	14/140	10.0%	43/289	14.9%
	28/500	5.6%	24/141	17.0%	31/342	9.1%	77/683	11.3%
Not Available	5/58	-	2/13	-	6/38	-	12/72	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

FAILURE TO APPEAR RATES BY VERIFICATION
OF COMMUNITY TIES INFORMATION

	<u>CRIMINAL COURT</u>		<u>SUPREME COURT</u>		<u>FAMILY COURT</u>		<u>TOTAL</u>	
None Verified	20/192	10.4%	14/64	21.9%	14/134	10.4%	43/266	16.2%
At Lease One Verified	7/309	2.3%	10/78	12.8%	17/211	8.1%	33/421	7.8%
	27.501	5.4%	24/142	16.9%	31/345	9.0%	76/687	11.1%
Not Available	6/57	-	2/12	-	5/35	-	13/68	-
TOTAL	33/558	5.9%	26/154	16.9%	36/380	9.5%	89/755	11.8%

CHAPTER VIII

REARRESTS

A total of fifty-three juveniles were arrested more than once as juvenile offenders during the period covered by this report.* Forty-seven were arrested twice and six were arrested three times. For all of the multiple arrests, the new charge was usually robbery in the first or second degree. Ninety percent of the rearrests were for charges which were the same as or more severe than the first arrest.

MOST SEVERE ARREST CHARGES ON FIRST AND SECOND
JUVENILE OFFENDER ARRESTS

SECOND ARREST	FIRST ARREST						TOTAL
	Rob.1	Rob.2	Att.Mur.	Ass.1	Arson 1	Burg.2	
Robbery 1	10	9	2	2	-	-	23
Robbery 2	5	12	-	-	1	1	19
Att.Murder	2	1	-	-	-	-	3
Rape 1	3	2	-	-	-	-	5
Sodomy 1	1	-	-	-	-	-	1
N/A	<u>1</u>	<u>1</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2</u>
TOTAL	22	25	2	2	1	1	53
	More Severe		24	47%			
	Same		22	43			
	Less Severe		5	10			
			51	100%			
	N/A		2				
	TOTAL		53				

CASES ARRESTED THREE TIMES

<u>1st</u>	<u>2nd</u>	<u>3rd</u>
Rob. 1	Rob. 1	Rob. 1
Burg. 2	Rob. 2	Rob. 2
Rob. 2	Rob. 1	Rob. 2
Rob. 2	Rob. 1	Rob. 2
Rob. 1	Sod. 1	Arson 2
Arson 2	Rob. 2	Rob. 1

* Six additional juveniles were rearrested for offenses allegedly committed prior to their incarceration as juvenile offenders and are not included here.

Not all of the multiple arrests resulted in a prosecution on each of the two or three arrest occasions. For example, an individual arrested on juvenile offender charges three times might have been prosecuted on the first and the third arrest (not the second) or the second and third (not the first) and so on. In actuality, the district attorney declined to prosecute the charges for nine first arrests, six second arrests and one third arrest. The remaining cases were arraigned in Criminal Court:

The release status set for juveniles on rearrest tended to be more restrictive than at the initial arraignments. The difference is most evident for juveniles charged with first degree robbery. Although more than half of the juveniles charged with robbery 1 at first arrest were ROR'd, only 18% of those charged with this offense at rearrest were released without bail being set. The four juveniles arraigned on a third arrest were all detained by remand or failure to post bail.

RELEASE STATUS AT CRIMINAL COURT ARRAIGNMENT

	<u>FIRST ARREST</u>													
	<u>ROB.1</u>	<u>ROB.2</u>	<u>ATT.MURDER</u>	<u>ASSLT.1</u>	<u>BURGL.2</u>	<u>ARSON 2</u>	<u>TOTAL</u>							
ROR	10	56%	10	45%	-	-	-	-	1	100%	1	100%	22	50%
Bail Made	-	-	3	14	-	-	-	-	-	-	-	-	3	7
Bail Held	8	44	9	41	2	100%	-	-	-	-	-	-	19	43
Remand	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	18	100%	22	100%	2	100%	-	-	1	100%	1	100%	44	100%
Declined Prosecution	4		3		-		2		-		-		9	
TOTAL	22		25		2		2		1		1		53	
	<u>SECOND ARREST</u>													
	<u>ROB.1</u>	<u>ROB.2</u>	<u>ATT.MURDER</u>	<u>RAPE 1</u>	<u>SOD.1</u>	<u>NOT AVAILABLE</u>	<u>TOTAL</u>							
ROR	4	18%	7	47%	-	-	-	-	-	-	-	-	11	25%
Bail Made	1	5	1	7	-	-	-	-	-	-	-	-	2	5
Bail Held	17	77	7	47	2	100%	4	100%	1	100%	-	-	31	70
Remand	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SUBTOTAL	22	100%	15	100%	2	100%	4	100%	1	100%	-	-	44	100%
Dismissed at Arraignment	-		1		-		1		-		-		2	
Not Available	1		-		-		-		-		-		1	
TOTAL	23		16		2		5		1		-		47	
Declined Prosecution	-		3		1		-		-		2		6	
TOTAL	23		19		3		5		1		2		53	

THIRD ARREST

	<u>ROBBERY 1</u>	<u>ROBBERY 2</u>	<u>ARSON 2</u>	<u>TOTAL</u>
Bail Held	1	2	-	3
Remand	-	-	1	1
SUBTOTAL	<u>1</u>	<u>2</u>	<u>1</u>	<u>4</u>
Dismissed at Arraignment	-	1	-	1
TOTAL ARRAIGNED	<u>1</u>	<u>3</u>	<u>1</u>	<u>5</u>
Declined Prosecution	<u>1</u>	<u>-</u>	<u>-</u>	<u>1</u>
TOTAL	<u>2</u>	<u>3</u>	<u>1</u>	<u>6</u>

The high rate of detention upon rearrest is a reflection of the bail amounts set for these juveniles at arraignment. Both the average and the median bail amounts are substantially higher for the second arrest than at an initial arrest. (\$2,945 and \$1,500 on second arrest compared with \$1,359 and \$500 on first).

Due to the lower ROR rate, juveniles were detained substantially longer on the second or third arrest than on their first arrest as a juvenile offender. This pattern of more severe treatment at subsequent arrests follows the defendants through Criminal Court. On first arrest, twenty-four (24) juveniles were removed to Family Court and twelve were transferred to Supreme Court. When the same thirty-six were later rearrested, only fifteen were removed to Family Court and nineteen were transferred to Supreme Court.

LENGTH OF DETENTION

	<u>FIRST ARREST</u>		<u>SECOND ARREST</u>		<u>THIRD ARREST</u>	
<u>AVERAGE</u>						
Detained at Arraignment	3.6		31.7		47.3	
TOTAL ARRAIGNED	1.5		21.8		37.8	
<u>MEDIAN</u>						
Detained at Arraignment	3		5		91	
TOTAL ARRAIGNED	0		3		4	
Not Detained	26	59%	14	31%	1	20%
1 - 5 days	14	32	18	40	2	40
7 - 21 days	4	9	5	11	1	20
22 - 99 days	-	-	5	11	-	-
100 or More	-	-	3	7	1	20
TOTAL	<u>44</u>	<u>100%</u>	<u>45</u>	<u>100%</u>	<u>5</u>	<u>100%</u>
Days Not Available	-		2		-	
TOTAL ARRAIGNED	<u>44</u>		<u>47</u>		<u>5</u>	
Declined Prosecution	<u>9</u>		<u>6</u>		<u>1</u>	
TOTAL	<u>53</u>		<u>53</u>		<u>6</u>	

CRIMINAL COURT DISPOSITION

	<u>FIRST ARREST</u>		<u>SECOND ARREST</u>		<u>THIRD ARREST</u>	
Pending	1	2%	1	2%	-	-
Family Court	24	55	15	33	2	40%
Supreme Court	12	27	19	41	1	20
Dismissed	7	16	11	24	2	40
SUBTOTAL	<u>44</u>	<u>100%</u>	<u>46</u>	<u>100%</u>	<u>5</u>	<u>100%</u>
Not Available	-		.1		-	
TOTAL ARRAIGNED	<u>44</u>		<u>47</u>		<u>5</u>	
Declined Prosecution	<u>9</u>		<u>6</u>		<u>1</u>	
TOTAL	53		53		6	

The release status of defendants at the time of Criminal Court disposition follows closely the pattern set at arraignment, indicating that the high rate and length of detention for defendants at their second and third arrest is not wholly attributable to decisions made at Criminal Court arraignment. Two thirds of the rearrested juveniles secured ROR in Criminal Court on their first arrest but only one third were released on second arrest.

RELEASE STATUS AT FINAL CRIMINAL COURT APPEARANCE

	<u>FIRST ARREST</u>		<u>SECOND ARREST</u>		<u>THIRD ARREST</u>	
ROR	21	64%	12	37%	3	75%
Bail Made	8	24	5	16	-	-
Bail Held	4	12	15	47	1	25
Remand	-	-	-	-	-	-
SUBTOTAL	<u>33</u>	<u>100%</u>	<u>32</u>	<u>100%</u>	<u>4</u>	<u>100%</u>
Status Not Available	<u>4</u>		<u>4</u>		<u>-</u>	
TOTAL CONTINUED AT ARRAIGNMENT	37		36		4	
Disposed at Arraignment	<u>7</u>		<u>11</u>		<u>1</u>	
Declined Prosecution	<u>9</u>		<u>6</u>		<u>1</u>	
TOTAL	53		53		6	

It is difficult to draw any definite conclusions about the outcome of fact finding and dispositions (sentences) in Family Court because of the small number of rearrested juveniles. However, it appears that on rearrest a juvenile who is removed to Family Court is less likely to be ACD'd, dismissed or to have the charges withdrawn. Analysis of Supreme Court dispositions and sentences also suffers from too few juveniles for findings to be conclusive.

FAMILY COURT FACT FINDING

	<u>FIRST ARREST</u>		<u>SECOND ARREST</u>		<u>THIRD ARREST</u>	
Pending	3	15%	4	34%	-	-
Admitted	2	10	4	34	-	-
ACD	1	5	-	-	-	-
Dismissed	7	35	1	8	1	100%
Withdrawn	5	25	1	8	-	-
Warrant Ordered	1	5	1	8	-	-
Removed After Disposition in Supreme Court	1	5	1	8	-	-
TOTAL FAMILY COURT	20	100%	12	100%	1	100%
Declined Prosecution	9		6		1	
Not Found in Family Court	6		6		2	
Not Removed	18		29		2	
TOTAL REARRESTS	53		53		6	

TYPE OF FAMILY COURT DISPOSITION (SENTENCE)

	<u>FIRST ARREST</u>	<u>SECOND ARREST</u>	<u>THIRD ARREST</u>
Placement Secure	-	3	-
Placement Unknown	1	-	-
Probation	1	2	-
TOTAL DISPOSED (SENTENCED)	2	5	-
ACD, Dismissed, Withdrawn	12	2	1
Pending Disposition (Sentence)	1	-	-
Pending Fact Finding	5	5	-
Not Found in Family Court	6	6	2
Declined Prosecution	9	6	1
Not Removed	18	29	2
TOTAL CASES	53	53	6

The median length of time between arrests was 39 days. More than half of the rearrests occurred while a previous court case was in progress. Of this group, 80% were rearrested while on pretrial release on recognizance.

AT REARREST, THE PREVIOUS CASE WAS:

	<u>SECOND ARREST</u>	<u>THIRD ARREST</u>
PENDING IN --		
Criminal Court	13	1
Family Court	11	-
Supreme Court	8	1
	<u>32</u>	<u>2</u>
No Longer Pending	9	2
Declined Prosecution	9	-
Status Not Available	3	2
	<u>53</u>	<u>6</u>

AT REARREST, THE JUVENILE HAD SECURED PRETRIAL RELEASE ON:

	<u>SECOND ARREST</u>	<u>THIRD ARREST</u>
ROR	25	1
Bail	6	1
Status Not Available	<u>1</u>	<u>-</u>
TOTAL REARRESTED WHILE ON PRETRIAL RELEASE	32	2

END