

Executive Director,
Jerome E. McElroy

Director, Research Dept.,
Richard R. Peterson, Ph.D.

Research Brief Editor
& Deputy Director, Research,
Mary T. Phillips, Ph.D.

Graphics & Production,
Raymond P. Caligiure

Administrative Associate,
Annie Su

CJA is a not-for-profit corporation that provides a variety of criminal justice services under a contract with the City of New York. CJA staff interview defendants arrested in New York City, make recommendations for pretrial release, and notify released defendants of upcoming court dates. Within the Agency, the Research Department conducts studies covering a broad array of criminal justice policy concerns. The Research Brief series summarizes the results of some of these studies.

New York City
Criminal Justice Agency, Inc.
52 Duane Street
New York, NY 10007
PHONE: 646 213-2500
FAX: 646 213-2650
WEB: www.nycja.org

The Risk Of Re-Arrest For Serious Juvenile Offenders

By Marian Gewirtz

Previous research focused on juvenile offender (JO) prosecution in Manhattan and Queens Supreme Courts, documenting similar defendant characteristics and arrest and disposition charges in the two boroughs (see *Research Brief #10*). Significant differences were found in the ways cases were prosecuted, yet the research showed virtually no difference between the boroughs in the proportion of juveniles who were re-arrested: more than three quarters of the juveniles in each borough had been re-arrested within four years at risk.

The only differences between Manhattan and Queens in re-arrest were the slightly longer time elapsed prior to the initial re-arrest for the Manhattan JOs and the greater likelihood for their initial re-arrest charge to be a narcotics-related offense.

The current research expands the

data in two ways. First, the research is extended to all five boroughs of New York City. Second, because the seriousness of the initial re-arrest for the JOs in Manhattan and Queens ranged so widely, from narcotics possession and trespass charges through robbery, assault and even homicide charges, we added a second measure of recidivism and tracked the juveniles' time at risk to re-arrest for a violent felony offense (VFO).

Four research questions are addressed:

- How does JO case processing vary by borough?
- How do JO re-arrests differ by borough?
- What other factors affect re-arrest for JOs?
- Given the other factors related to re-arrest, is the borough of prosecution also a significant predictor?

What factors affect re-arrest among juvenile offenders?
How do borough differences affect re-arrest?

This *Research Brief* is adapted from *Recidivism Among Juvenile Offenders in New York City* (2007) by Senior Research Analyst Marian Gewirtz.

The full report is available on the CJA web site:
www.nycja.org/research/research.htm

Deputy Project Director: Elyse J. Revere
Systems Programming: Wayne Nehwadowich, Aida Tejaratchi
Address comments to the author at mgewirtz@nycja.org

Please cite as follows, adapted to your citation style:

Gewirtz, Marian. 2007. "The Risk Of Re-Arrest For Serious Juvenile Offenders." *Research Brief* series, no. 15. New York: New York City Criminal Justice Agency, Inc.

Introduction

The research presented in this report examines the long-term impact of the different court-related experiences of JOs in adult court in the boroughs of New York City. We begin with a comparison of case characteristics, case processing, and re-arrest by borough, adding discussions of the Bronx, Brooklyn, and Staten Island to the already published data for Manhattan and Queens. We then explore the factors associated with the likelihood of re-arrest, elapsed time at risk to the first re-arrest, and elapsed time to the first VFO re-arrest to assess if re-arrest varies by borough after these other factors are taken into account.

Juvenile Offenders (JOs)

New York State's Juvenile Offender (JO) Law was passed as part of the Omnibus Crime Control Bill of 1978 in response to concerns about serious crime committed by young offenders. The JO Law lowered the age of criminal responsibility for juveniles in New York State from age 16, already among the lowest in the country, to age 14 for selected serious felony offenses and to age 13 when the charge was second-degree murder.

In accordance with the provisions of this law, cases are brought directly to the adult rather than the juvenile court for prosecution. Since then, particularly in recent years, there has been a national movement towards adult prosecution of juveniles, although in many states jurisdiction originates in the juvenile court and the case is transferred to the adult court if deemed appropriate.

Felony Offenses Covered Under the JO Law

Aggravated sexual abuse in the first degree
 Arson in the first degree
 Arson in the second degree
 Assault in the first degree
 Burglary in the first degree
 Burglary in the second degree
 Kidnapping in the first degree
 Attempted kidnapping in the first degree
 Possession of a weapon in the second degree
 Possession of a weapon in the third degree
 Manslaughter in the first degree
 Murder in the second degree
 Attempted murder in the second degree
 Rape in the first degree
 Robbery in the first degree
 Robbery in the second degree
 Sodomy in the first degree

The Study Sample

The study includes all JO cases processed in the Supreme Courts in New York City from 1997 to 2000. Cases that reach the Supreme Court are a subset of the thousands of juvenile arrests with JO-eligible charges that are filtered out of the adult system at preceding stages of prosecution.

Data were collected for re-arrests for new offenses that occurred between the date of the initial arrest and January 31, 2005. We excluded re-arrests that occurred while the juveniles were in pretrial custody pending the disposition of their initial charges because our focus was primarily on the impact of case processing on public safety.

The "At-Risk" Sample

Our measure of recidivism includes re-offenses while the juvenile was at large ("at risk") in the community. Juveniles who had no time at risk, because they were continually in custody, were excluded.

JO Case Characteristics

Juveniles processed in the New York City Supreme Courts varied little by age or gender: Roughly nine of every ten of the juveniles processed in the Supreme Court were male and two thirds were 15, rather than 14, years of age at the time of their arrest.

Citywide, 43% of the juveniles

in this research had at least one prior arrest in the CJA database. Prior arrests were significantly more common among the juveniles processed in Brooklyn (50%) and Staten Island (62%) and less common for those in Queens (37%). Similarly, the mean number of prior arrests was significantly higher in Brooklyn (.98) and

Staten Island (1.45), and significantly lower in Queens (.59), when compared to the rest of the boroughs considered together.

Most of the juveniles were charged with robbery, but the proportion was significantly greater in Manhattan and Queens (79%) than in Brooklyn or the Bronx (67%).

How Does JO Case Processing Vary By Borough?

(a) DETENTION

Most of the youth processed as JOs were detained on bail or remanded with no bail set at Criminal Court arraignment, the first appearance in the lower court (78%). The rate of release was significantly lower for Brooklyn juveniles (16%) and significantly higher for juveniles in Queens (28%) when compared to the other boroughs (data not shown).

Most of the juveniles were unlikely to reach the end of their cases without some time in custody, but borough differences were wide (Figure 1). The proportion of JO cases that were completed with no detention was significantly higher for juveniles processed in Queens (22%) and significantly lower in Brooklyn (8%). Conversely, detention throughout case processing was least likely in Manhattan (14%).

On the other hand, Figure 2 shows that the Manhattan JOs spent more time in detention (mean 217 days, median 180) than did JOs in the other boroughs. In fact, 20% of Manhattan JOs spent more than a year in detention, compared to less than 10% in other boroughs (data not shown). In comparison, JOs processed in Queens and Staten Island spent far less time in detention (means 84 and 68 days respectively; medians 26 and 43). (The differences between Staten Island and other boroughs in Figures 1 and 2 were not statistically significant because of the small number of cases in that borough.)

(b) PROCESSING TIME

JO cases processed in Manhattan took significantly longer to reach disposition (median 171 days), and those processed in Queens (median 67) or Staten Island (median 45) took significantly less time compared to cases in the other boroughs (Figure 3). However, the Queens cases moved significantly more slowly through the Criminal Court (median 36 days) than did their counterparts in the other boroughs.

Some of the borough differences in case processing can be attributed to the use of SCIs (superior court information) in Queens. An SCI is the functional equivalent of an indictment and is usually used to expedite felony pleas. Since the plea is negotiated while the case is still under lower court jurisdiction, the cases remain longer in the lower court. However, since the date the plea is entered is the first day in the Supreme Court as well, usually there is no pretrial period in the upper court. Nearly half of the Queens JO cases included in this research reached the upper court by SCI rather than indictment.

Figure 1

Detention Status Through Disposition By Borough

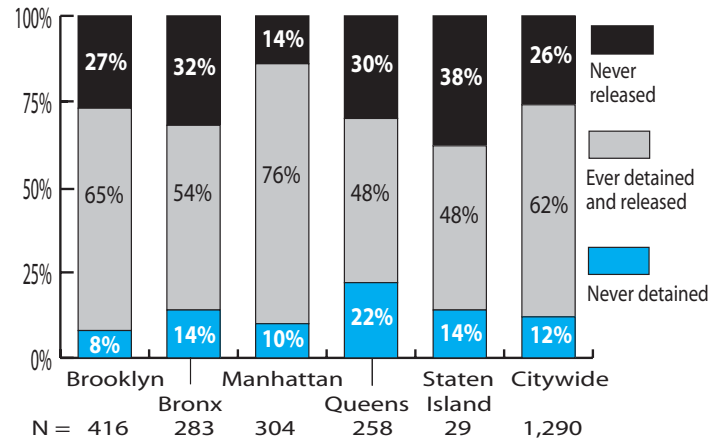


Figure 2

Length Of Detention In Days By Borough
(Mean and median number of days)

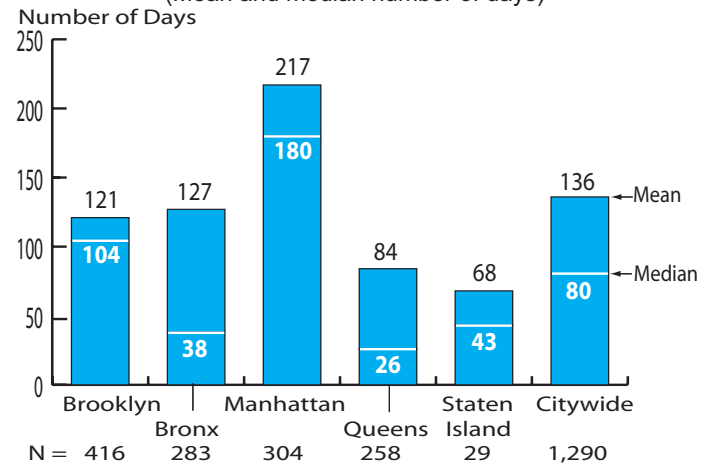
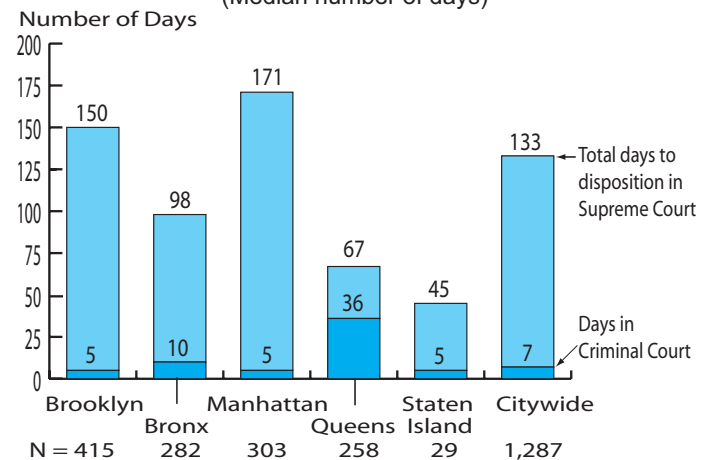


Figure 3

Processing Time To Disposition By Borough
(Median number of days)



JO Case Processing (continued)

(c) SENTENCING

Nearly all of the JO cases resulted in conviction (92%) or were transferred to the Family Court for further processing (3%, data not shown).

For the juveniles who were convicted, the likelihood of a sentence that includes imprisonment was highest in Brooklyn: Half of the juveniles convicted in Brooklyn were sentenced to incarceration, compared to 44% and 37% in the Bronx and Manhattan, respectively, and only 29% in Queens (Figure 4).

There were wide borough differences in sentence lengths (Figure 5). For example, 10% of juveniles sentenced to any imprisonment in Queens were sentenced to time served, compared to 5% of those in the Bronx and none elsewhere. Definite sentences of one year or less accounted for none of the JO cases in Manhattan and about a quarter of the cases in Brooklyn and Queens, compared to 31% in the Bronx, and 53% of the very small number of cases sentenced to imprisonment in Staten Island. More than half of Manhattan sentences, but only 15% to 26% of sentences in other boroughs, were for a minimum of at least two years imprisonment.

How Do JO Re-Arrests Differ By Borough?

Most of the JOs in this research who were at risk for four years were re-arrested. Re-arrest rates ranged from 75% among Queens JOs to 80% among Manhattan JOs (data not shown) — not a statistically significant difference.

However there were significant borough differences in the time to re-arrest and in the re-arrest charge, as illustrated in Figures 6, 7, and 8. For example, re-arrest tended to occur slightly later for juveniles whose sample cases were processed in Manhattan (Figure 6).

Figure 4
Percent Sentenced To Imprisonment By Borough
(Convicted cases)

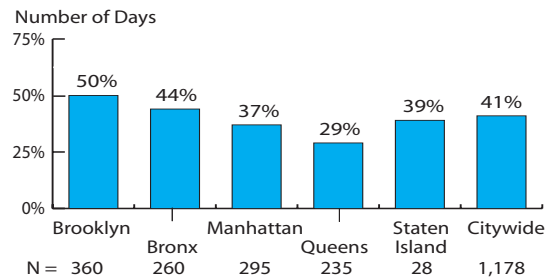
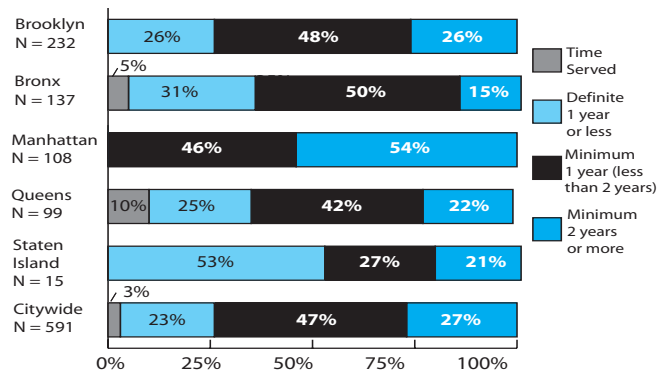


Figure 5
Sentence Length By Borough
(Cases sentenced to incarceration)



The mean time to re-arrest was 427 days (median 347) for re-arrested Manhattan JOs, compared to 374 days (median 258) in the other boroughs combined.

Re-arrested JOs initially processed in Brooklyn were more likely to be charged with a felony at the first re-arrest (58%, Figure 7) than were those in other boroughs (49%). Also, drug offenses were significantly more common among first re-arrests for JOs in the Bronx (40%, Figure 8) than in the other boroughs (25%), and less common in Brooklyn (23% compared to 31%, not shown).

Figure 6

Number of Days To Re-Arrest
(Cases with a re-arrest within 4 years at risk)

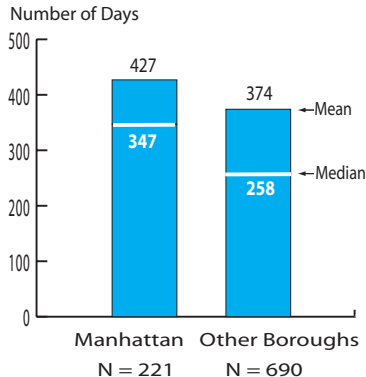


Figure 7

Felony Charge At 1st Re-Arrest
(Cases with a re-arrest within 4 years at risk)

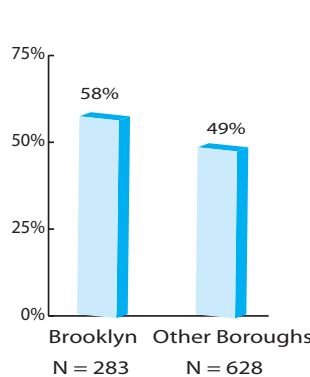
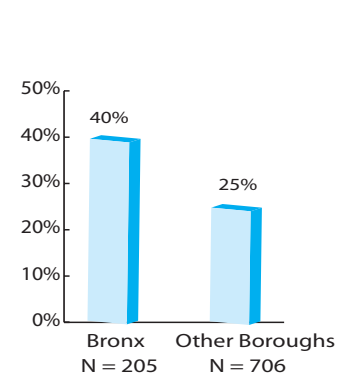


Figure 8

Drug Charge At 1st Re-Arrest
(Cases with a re-arrest within 4 years at risk)

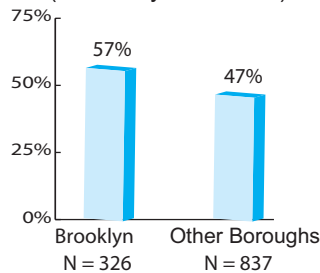


JO Re-Arrests (continued)

Given that the initial arrest was a violent felony offense (VFO) for each of the juveniles included in this research, it is not surprising that the charges at re-arrest were also frequently violent. Half of the juveniles who were at risk for four years or more were re-arrested for a VFO within that time. However, the number of days at risk before the first VFO re-arrest was about two months longer (mean 454 days, median 331) than the time to the initial re-arrest.

Figure 9 shows that Brooklyn juveniles were significantly more likely to be re-arrested for a VFO within four years at risk (57%) than were juveniles in other boroughs considered together (47%). The difference was

Figure 9
VFO Charge At 1st Re-Arrest
(Within 4 years at risk)

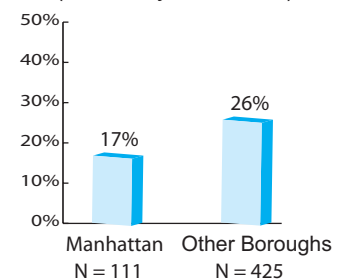


also significant for shorter periods of time at risk.

Another borough difference was found in the type of VFO re-arrest charge (**Figure 10**). Robbery offenses were the most common VFO re-arrest charges in all boroughs, but JOs initially processed in Manhat-

tan were significantly less likely than those in other boroughs to be charged with felony-level assault charges (including murder and attempted murder) at the first VFO re-arrest (17% in Manhattan, compared to 26% in the other boroughs combined).

Figure 10
Homicide Or Felony Assault Charge
At VFO Re-Arrest
(Within 4 years at risk)



What Other Factors Affect Re-Arrest For JOs?

Most of the borough differences that we have identified thus far concern the type of charge at re-arrest: Brooklyn JOs were more likely to be charged with a felony and less likely to be charged with a narcotics offense at the first re-arrest; the first re-arrest charge was more likely to be narcotics-related for Bronx JOs; and the offense at the first VFO re-arrest was less likely to be a homicide or serious assault charge for Manhattan juveniles.

However, two borough differences address the incidence or timing of re-arrest: The time to the first re-arrest was initially longer in Manhattan and VFO re-arrest rates were higher in Brooklyn. Those analyses did not account for other factors that might also affect re-arrest, so multivariate techniques were used to examine the effects of many factors simultaneously.

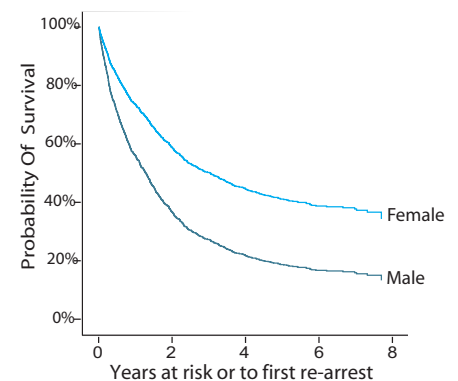
Gender, criminal history, offense type, and type of attorney were each associated with re-arrest among juvenile offenders. Likelihood of re-arrest was higher for males with longer criminal histories who were charged

with robbery in the first degree on the sample case, and who were represented by public counsel.

Community ties factors (such as residence, living arrangements, school attendance, or expecting someone at arraignment) had no significant effect on re-arrest, nor did release status, bail amount, or length of detention. Type and length of sentence could not be included in the analyses because many JOs were re-arrested before they were sentenced on their sample case.

The effect of gender on likelihood of re-arrest is illustrated in **Figure 11**. The curved lines compare the probability of survival without re-arrest for males and females over

Figure 11
Probability Of Survival Over Time
By Gender (At-risk cases)



time, given the other predictive factors. At time zero, 100% of both groups survived with no re-arrest. As time at risk elapsed, the probability of survival decreased for both males and females, but remained lower for males than for females. For example, the estimated proportion of males still surviving without re-arrest after 6 years was about 17%, compared to about 39% for females (given the other factors with a significant effect on re-arrest).

Cox Regression

Cox proportional hazards regression is the multivariate statistical technique used to model the likelihood of survival without a re-arrest over time. Cox regression permits inclusion of all JOs who were at risk for re-arrest for any period of time.

Given The Other Factors That Are Related To Re-Arrest Among JOs, Does The Borough Of Prosecution Affect Re-Arrest?

Figure 12 illustrates the probability of survival without re-arrest on any charge by borough of initial prosecution. The lines are very close to one another, reflecting the absence of significant borough differences once other factors were accounted for in the multivariate analysis. Survival decreased (the hazard of re-arrest rose) for cases in each borough at a roughly equal rate.

The Cox regression model predicting survival rates by borough to the first VFO re-arrest was very similar to the model predicting survival to the first re-arrest on any charge, with one difference: Two of the borough variables were significant in the VFO model. Juveniles initially processed in the Supreme Court in Brooklyn and in Queens had a significantly higher risk of re-arrest for a VFO than did juveniles in the other boroughs, after taking into account the effects of the other significant explanatory variables.

Figure 13 illustrates the probability of survival without re-arrest on a VFO charge, by borough. For example, after 4 years at risk the estimated proportion of JOs who survived without a VFO re-arrest was about 52% for Brooklyn and Queens, compared to about 59% for those in the Bronx, 62% for Manhattan, and 70% for the small number of juveniles processed in Staten Island. This means that, given the juveniles' gender, criminal history, charge, and type of legal representation, 48% of those initially prosecuted in Brooklyn or Queens but 41% or less of those in the other boroughs were likely to be re-arrested for a VFO charge (did not survive) within 4 years at risk.

Cox regression analysis has improved our understanding of borough differences in re-arrest. The earlier (bivariate) analysis found that only Brooklyn JOs had a significantly higher risk of re-arrest for a VFO. Once the effects of other significant factors were taken into account, the multivariate analyses showed that the risk of re-arrest for a VFO was significantly higher in both Brooklyn and Queens.

We conclude that the borough of prosecution did not have a significant effect on JO recidivism when all re-arrest charges were considered. However, borough of prosecution did affect re-arrest for a VFO. Juveniles processed in Brooklyn and Queens were significantly more likely to be re-arrested for a VFO than were juveniles processed in other boroughs.

Figure 12
Probability Of Survival Over Time
By Borough (At-risk cases)

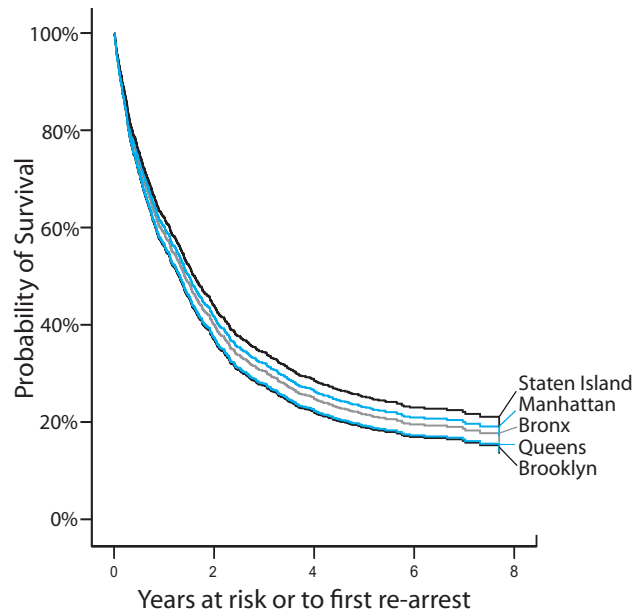
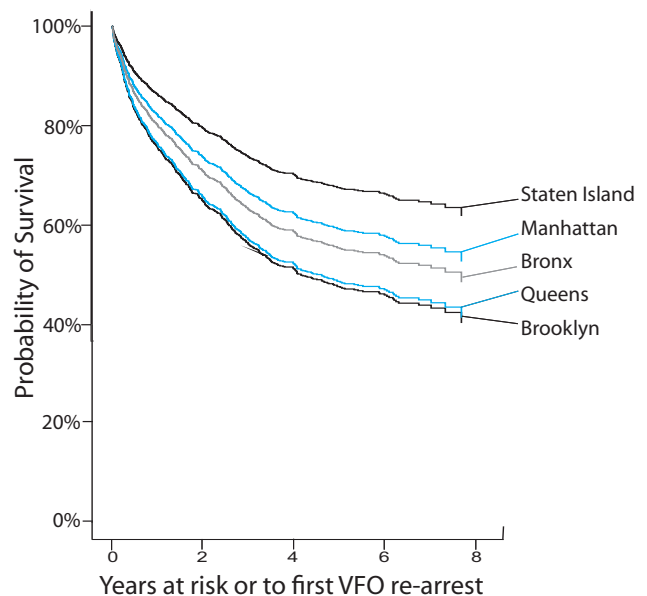


Figure 13
Probability Of Survival Over Time
With No Re-Arrest On A VFO Charge
By Borough (At-risk cases)



SUMMARY AND CONCLUSIONS

This research documents marked borough differences in the processing of juvenile offender cases in the Supreme Courts across the five boroughs of New York City. Some borough differences in re-arrest were also found, particularly regarding re-arrest for a VFO, but also concerning the charges at the first re-arrest and at the first VFO re-arrest. In other ways, re-arrests for JOs were similar across the boroughs.

Re-arrest rates were high citywide. More than three quarters of the juveniles were re-arrested, and half were re-arrested for a VFO, within four years at risk. It is important to keep in mind, however, that the juveniles included in this research are those facing the most serious charges. Nearly three quarters were charged with first- or second-degree robbery entering the upper court, and an additional 8% entered the upper court charged with murder, attempted murder, or manslaughter. More than nine of every ten of these juveniles were convicted and half were sentenced to imprisonment.

The data indicate that juveniles processed in Manhattan were less likely to be re-arrested shortly after their initial release than juveniles processed in other boroughs, although the overall re-arrest rate was not lower for Manhattan juveniles. Manhattan also differed from other boroughs in that, among JOs re-arrested for a VFO, the re-arrest was less likely to be on a homicide or felony assault charge.

On the other hand, Brooklyn juveniles were re-arrested for more serious offenses than were their counterparts in other boroughs. They were more likely to be charged with a felony and less likely to be charged with a narcotics offense at re-arrest. (Narcotics charges were most common among re-arrested Bronx JOs.) Brooklyn juveniles were also significantly more likely to be re-arrested for a VFO than were juveniles in other boroughs.

This finding was confirmed by the multivariate analyses, which further showed that Queens as well as Brooklyn had a significantly higher rate of VFO re-arrests, once other significant factors were taken into account.

These borough variations represent the only difference in the predictors of re-arrest on any charge compared to the predictors of re-arrest on a VFO charge. The other predictive factors equally affected both measures of re-arrest: probability of re-arrest was higher for males, for juveniles initially prosecuted for first-degree robbery, for those with a greater number of prior arrests, and for those represented by a public defense attorney.

The study findings do not address why likelihood of a VFO re-arrest was higher in Brooklyn and Queens, especially since these boroughs are not similar to one another in terms of any of the case-processing factors examined in this research. However, the ways in which re-arrests in Manhattan differed from other boroughs—in the timing of the first-re-arrest and the nature of the re-arrest charge—may be related to the Manhattan Supreme Court’s emphasis on placing juveniles in alternative-to-incarceration (ATI) programs under court supervision. This may not only delay the initial re-arrest but also may reduce the likelihood of re-arrest for the most serious offenses.

To increase our understanding of youth re-arrest, future research should examine borough differences in ATI participation among New York City JOs and should explore any characteristics of ATI participation that might be associated with lower risks of re-arrest, especially for a VFO. The impact of borough differences in case processing could be assessed if future research focused on re-arrest after the initial JO case was disposed and any incarcerative sentences were served.

POLICY IMPLICATIONS

- The extremely high rates of re-arrest and of re-arrest for a violent felony offense suggest the importance of continuing to seek ways to reduce recidivism among youth.
- The Manhattan model of youth prosecution may offer a window of opportunity for intervention to reduce recidivism. Future research should assess which aspects of the Manhattan model are associated with longer time at risk before re-arrest and with lower rates of re-arrest for homicide and felony assault charges.
- The Supreme Court in Brooklyn has begun to expand juvenile placements in alternative-to-incarceration programs, making it more similar to Manhattan. This will present an opportunity in the future to examine if JO re-arrest patterns in Brooklyn also become more similar to those in Manhattan.
- To better understand the role of guns and other weapons in violent youth crime, future research at CJA will explore the relationship between re-arrest and the use of weapons among JOs.



Research Brief from

No. 15 (September 2007)

The Risk Of Re-Arrest For Serious Juvenile Offenders

Forthcoming:

No. 16 (January 2008) Likelihood Of Pretrial Re-Arrest For A Violent Felony Offense
by Qudisia Siddiqi, Ph.D.

Most recently published in this series:

- No. 14 (May 2007): *Bail, Detention, & Nonfelony Case Outcomes* (Phillips)
- No. 13 (January 2007): *An Evaluation of CJA's New Release-Recommendation System* (Siddiqi)
- No. 12 (September 2006): *Pretrial Outcomes For Domestic Violence Defendants* (Peterson)
- No. 11 (April 2006): *New York's Gun Court Initiative: A Pilot Program Study* (Solomon)
- No. 10 (December 2005): *Assessing the Impact of Differing Models of Youth Crime Prosecution* (Gewirtz)
- No. 9 (August 2005): *Prosecutors' Bail Requests and the CJA Release Recommendation* (Phillips)
- No. 8 (April 2005): *Pretrial Re-Arrest Among New York City Defendants* (Siddiqi)
- No. 7 (December 2004): *Manhattan's Specialized Domestic Violence Court* (Peterson)

www.nycja.org/research/research.htm



Research Brief from

No. 15 (September 2007)

The Risk Of Re-Arrest For Serious Juvenile Offenders

The New York City Criminal Justice Agency, Inc.
52 Duane Street
New York, NY 10007

TO: