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**PREDICTING THE LIKELIHOOD OF PRETRIAL
RE-ARREST AMONG NEW YORK CITY DEFENDANTS:
AN ANALYSIS OF THE 2001 DATASET**

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TABLE OF CONTENTS

LIST OF TABLES	ii
INTRODUCTION	1
METHODOLOGY	2
A. Sampling and Data Sources	2
B. Dependent Variable	5
C. Independent Variables	5
D. Statistical Methods	8
RESULTS	10
A. Defendant Characteristics	10
B. Relationship between Borough of Initial Arrest and Borough of Re-arrest	19
C. Relationship between the Top Initial Arrest Charge and Top Re-arrest Charge	19
Top Charge Severity	19
Top Charge Type	24
D. Regression Analysis of Re-arrest	27
E. A Comparison of the 2001 Re-arrest Model with the 1998 Re-arrest Model	31
F. A Comparison of the Re-arrest Model with the FTA Model	33
SUMMARY AND CONCLUSIONS	38
REFERENCES	42
APPENDIX A	43

LIST OF TABLES

Table 1	Arrest Outcome	4
Table 2	Release Status at Arrest	6
Table 3	Characteristics of Defendants Related Pretrial Regardless of Court of Disposition: A Comparison of the 2001 Sample with the 1998 Sample.....	11
Table 4	Borough of Arrest by Borough of Re-arrest (1998 Dataset).....	20
Table 5	Borough of Arrest by Borough of Re-arrest (2001 Dataset).....	21
Table 6	Severity of Top Initial Arrest Charge by Severity of Top Re-arrest Charge for Defendants Re-arrested Pretrial. (1998 Dataset)	22
Table 7	Severity of Top Initial Arrest Charge by Severity of Top Re-arrest Charge for Defendants Re-arrested Pretrial. (2001 Dataset)	23
Table 8	Type of Top Initial Arrest Charge by Type of Top Re-arrest Charge for Defendants Re-arrested Pretrial. (1998 Dataset).....	25
Table 9:	Type of Top Initial Arrest Charge by Type of Top Re-arrest Charge for Defendants Re-arrested Pretrial. (2001 Dataset).....	26
Table 10:	Multiple Logistic Regression Models Predicting Pretrial Re-arrest	28
Table 11:	A Comparison of the 2001 FTA Model with the 2001 Re-arrest Model	34

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INTRODUCTION

Pretrial release programs, as an alternative to the traditional bail system, have their roots in the bail reform movement of the early 1960s. The "Manhattan Bail Project," set up by the Vera Foundation in October 1961, was among the first demonstration pretrial-release projects in the country. In an attempt to assist indigent defendants by establishing an alternative to the money-bail system, the project used a community-ties model to determine defendant eligibility for pretrial release on own recognizance (ROR). Upon application, defendants who were released on recognizance were found to have low failure-to-appear (FTA) rates. Consequently, the Manhattan Bail Project was considered a great success (Ares et al., 1963). By 1965, 48 jurisdictions had instituted pretrial-release programs modeled after the Vera Project (Thomas, 1976).

As more jurisdictions began to release defendants on their own recognizance, concerns about public safety began to grow. It was generally believed that the bail practices were putting the public's safety at risk by releasing dangerous defendants back to the streets. In response to those concerns, in 1971, the first Federal preventive detention statute was passed. The statute led the District of Columbia's Pretrial Services Agency to adopt a new policy, which allowed for consideration of safety risk, as well as risk of flight.

Currently, almost all of the states and the federal system consider public safety when making pretrial release decisions, and permit more restrictive pretrial release conditions, including preventive detention. The New York State Criminal Procedure Law (CPL) does not permit the explicit consideration of "dangerousness" in the setting of pretrial release conditions. In New York City, the pretrial release recommendations are based on a "risk of flight" model, and are made by the New York City Criminal Justice Agency, Inc. (CJA), which uses a point scale for this purpose.

The concern for the effects of recidivism upon public safety has resulted in many studies on recidivism. However, the knowledge about pretrial recidivism is quite limited and the findings are either inconsistent or not clear. It is also not known whether the findings from the general literature would hold for those released pretrial. Therefore, although the New York State CPL doesn't permit consideration of public safety in making pretrial release decisions, the issue is worthy of inquiry.

At CJA, the likelihood of pretrial recidivism was first examined a few years ago using a random sample of defendants arrested in New York City in 1989. Recently, CJA decided to examine pretrial recidivism on more recent samples of defendants. The data collected in the third quarter of 1998 and first quarter of 2001 for the validation of the point scale were used for that purpose. The results from the re-arrest analysis of 1998 sample were presented in a report submitted to Mayor's Office of the Criminal Justice Coordinator on March 30, 2003. This report presents findings from the analysis of 2001 dataset. The report addresses several research questions. First, do the defendants recommit the same type of offenses? Second, are there consistent predictors of re-arrest across different samples? Third, do the same variables predict both types of pretrial misconduct (FTA and re-arrest)? By answering these questions, the report attempts to fill in the gap in our knowledge of pretrial recidivism.

METHODOLOGY

A. Sampling and Data Sources

Data for the present analysis were drawn from a cohort of arrests made between January 1, 2001 and March 31, 2001, in which the defendants were prosecuted on new charges. The data set excludes cases that were not docketed in the CJA database (UDIIS), unless there was an indication that they were prosecuted as "A" dockets in Manhattan, or as direct indictment¹ (cases for which prosecution information is not available in CJA's database).

¹CJA's database does not contain court data for dockets with the same docket number. Thus, court data for "A" dockets in Manhattan (the designation is used in Manhattan to distinguish between two court cases with the same docket number, one of which receives a suffix "A") were not available for analysis. Felony prosecution in the Supreme Court as the result of a direct

The dataset contained 91,728 docketed arrests.² Six percent of them were given Desk Appearance Tickets (DATs) and the remaining 94 percent were held for arraignment in Criminal Court (summary arrests). DATs were excluded from the study sample.

The primary data source was the CJA database.³ The Criminal Court data were tracked through November 30, 2001.⁴ By that time, 90 percent of the cases had reached a disposition in Criminal Court. The cutoff date for Supreme Court data was January 31, 2002. Approximately 12 percent of the cases had not reached final outcomes by that date. The criminal history information was supplemented with data from New York State Division of Criminal Justice Services (DCJS).⁵

In the first quarter of 2001 dataset, 14 percent of the defendants had multiple arrests. To examine defendant behavior, the arrest-based file was converted into a defendant-based file, where only the defendant's first arrest during the sampling period was taken. This file contained 67,848 defendants. Their arraignment dispositions are presented in Table 1. For comparison purposes, the distribution for the '98 dataset is also provided.

As shown by the table, in the first quarter of 2001, 16 percent of the defendants had their cases dismissed at arraignment. One-third pled guilty and one-half had their cases adjourned for further appearances. These distributions were similar to those found in the third quarter of 1998.⁶

indictment by a grand jury is also unavailable. Arrest information is available for both these types of records, and defendant information may be available for arrests receiving "A" dockets. To the extent that these records could be distinguished from other types of non-docketed arrests, they were retained in the dataset to maintain a complete cohort of prosecuted arrests.

²This number excludes juvenile delinquents whose cases were transferred to Family Court prior to arraignment, non-juvenile cases transferred to Family Court prior to arraignment, and voided arrests.

³ Information about the arrest is provided by an on-line feed from the New York City Police Department.

⁴ If a case had multiple dockets, the Criminal Court information including warrants was pulled from the docket having the most severe affidavit charge (Penal Law severity).

⁵ DCJS did not provide data for sealed cases. The New York City Police Department, DCJS, or any agency providing data bear no responsibility for the methods of analysis used in this report or its conclusions.

⁶ When compared with the '89 dataset, the 2001 dataset behaved quite differently (table for the 1989 dataset is not provided). The dismissal rate for the former was considerably lower than that for the latter. This was also true for defendants who pled guilty at arraignment (23% in 1989 versus 32 percent in 2001). In contrast, the proportion of defendants whose cases were adjourned at arraignment dropped from 70 percent in 1989 to 51 percent in 2001.

Table 1: Arraignment Outcome
(Defendant-based)

ARRAIGNMENT OUTCOME	1998 Sample N=68,281		2001 Sample N=67,848	
	N	%	N	%
NON-DISPOSED	35900	53	34626	51
PLED GUILTY	20811	30	22062	32
DISMISSED	11565	17	11125	16
OTHER ¹	5	0	35	0
TOTAL	68281	100	67848	100

¹Other includes transfer to other borough and family court.

The present study focused on defendants whose cases were not completed at Criminal Court arraignment and who were at risk of pretrial re-arrest (i.e., released on ROR or bail prior to the disposition of all charges in Criminal or Supreme Court). Less than one percent of the defendants were classified as juveniles by CJA. They were excluded from the analysis. Table 2 presents the release status for defendants whose cases were adjourned at Criminal Court arraignment. As shown by the table, 62 percent (21,379) of the defendants were released at arraignment; 57 percent were ROR'd and five percent made bail. Another 18 percent (6,251) were released post arraignment prior to the disposition of their case in Criminal or Supreme Court (table not shown). The study sample contained 27,630 defendants. As shown by Table 2, a slightly higher proportion of defendants were ROR'd at arraignment in the 2001 dataset than in the 1998 dataset (57% versus 52%).

B. Dependent Variable

For the present study, pretrial re-arrest was used as a measure of recidivism. The analysis focused on first re-arrest subsequent to release during the case processing of the initial sample arrest. The re-arrest information was limited to those occurring in New York City and that may result in lower re-arrest rates for the study sample. The pretrial re-arrest rate for the 2001 sample was 17 percent.

The 2001 re-arrest model was compared with the FTA model. The dependent variable in the FTA model measured the issuance of a bench warrant prior to the disposition of a case in Criminal or Supreme Court.

C. Independent Variables

A number of variables were examined for their effect on pretrial re-arrest. They included community-ties items, criminal history indicators, type and severity of the top arrest charge,

Table 2: Release Status at Arraignment
(Defendant-based)

RELEASE STATUS	1998 Sample		2001 Sample	
	N	%	N	%
REMAND	424	1	497	2
BAIL SET, NOT MADE	15751	44	12388	36
BAIL MADE	863	2	1709	5
ROR	18770	52	19670	57
TOTAL	35,808	100	34264	100

demographic attributes and case-processing characteristics. Theory and correlation with the dependent variable aided the selection of the independent variables.

The community-ties items contained information on whether the defendants had a working telephone in the residence, the length of time at their current address, whether they had a New York City area address, family ties within the residence, whether they expected someone at their Criminal Court arraignment, and whether they were employed, in school, or in a training program full time at the time of their initial arrest. The criminal history variables provided data on a defendant's prior arrests, prior convictions, open warrants, pending cases, and prior FTA. The top arrest charge "type" was based on its Uniform Crime Reports' (UCR) category. The offenses were categorized into 1) violent, 2) property, 3) drug, 4), public order offenses, and 5) others. These categories were similar to those used by BJS in its various reports on recidivism (Bureau of Justice Statistics, 2002).

The "severity" of the top arrest charge was derived from its New York State Penal Law offense class. The hierarchy from most to least serious severity level was: A felony, B felony, C felony, D felony, A misdemeanor, B misdemeanor, unclassified misdemeanor (U misdemeanor), violations and infractions.

The demographic variables provided information about a defendant's sex, ethnicity and age. The case-processing variables included information on borough of initial arrest, borough of first pretrial re-arrest, time from arraignment to disposition on the initial arrest (case-processing time), time from arraignment to first pretrial re-arrest, type of first release, and court of disposition. The type of first release variable indicated whether a defendant was initially released on own recognizance or by the posting of bail. The court of disposition variable accounted for whether a case was disposed in Criminal Court or was transferred to Supreme Court. Included in the borough of arrest were the five boroughs comprising the City of New York: Brooklyn, Manhattan, Queens, the Bronx, and Staten Island.

D. Statistical Methods

The analysis presented in this report focused on the likelihood of pretrial re-arrest among defendants who were at risk in Criminal Court or Supreme Court. The analysis began by applying the final model from the 1998 sample to the 2001 sample. Then, another model was developed which excluded the variables that lost significance in the 2001 sample. In the next phase, using the 2001 sample, the likelihood of pretrial FTA was examined. It should be noted that the 2001 dataset was previously used to validate an FTA model, which was developed using a 1998 sample. The model was translated into a new point scale and, for policy reasons, did not include defendants' demographics and type and severity of top arrest charge. This model, therefore, could not be compared with the re-arrest model.

Since dependent variables in both FTA and re-arrest analyses were dichotomous (pretrial re-arrest or no re-arrest, pretrial FTA or no FTA), logistic regression analysis was used to develop models. Multiple logistic regression analysis is a statistical technique that is used to test the individual effect of a number of independent variables on a dichotomous dependent variable, while controlling for the other variables in the model. A logistic regression procedure predicts the log-odds (the logit coefficients) of an observation being in one category of the dependent variable versus another. When reporting the results from a logistic regression model, one may also wish to transform the log-odds into odds ratios. This is accomplished by taking the antilog of the logit coefficient. The result is then interpreted as how much the odds of an outcome change, given a specific category of an independent variable. An odds ratio greater than one indicates an increase in the likelihood of an event occurring, and an odds ratio of less than one indicates a decrease in the likelihood of an event occurring. An odds ratio of one indicates the odds remain unchanged (no association between the independent and dependent variable). If the independent variable is continuous, such as age, the odds ratio measures the change in the odds of an outcome given one unit change in the independent variable. For dichotomous independent variables, such as gender, the odds ratio tells us how much the odds of an outcome change when cases are in one category versus another category. If a categorical independent variable has

more than two categories, such as offense type, the odds ratio measures the effect of being in each category of the independent variable versus a specified reference category. In the analysis presented in this report, the effect for each category, except one, was compared to the overall effect of that variable (deviation contrast technique). The last category was specified as the excluded category.

As an example, assume that a dichotomized independent variable is coded "1" if a defendant has a history of failure to appear, and "0" otherwise (no prior FTA). Also assume that the dependent variable, indicating first pretrial re-arrest, is coded "1" if a defendant is re-arrested pretrial and "0" if a defendant is not re-arrested. Estimating a univariate logistic regression model with prior FTA as the only independent variable produces a logit coefficient (log-odds) of .344. This suggests that when the variable of prior FTA changes from 0 to 1, there is an associated increase of .344 in the log-odds of re-arrest. Taking the antilog of the logit coefficient gives an odds ratio of 1.410. This indicates the odds of being re-arrested for defendants with prior FTAs are about 1.4 times greater than that for defendants who do not have a history of failure to appear.

In the present analysis, a .05 level (or less) was used to ascertain whether an observation had a statistically significant effect on the dependent variable. A .05 level of significance means that the observation could have occurred by chance alone five times in 100. The overall ability of all the independent variables in the logistic regression model to predict the outcome variable was measured by examining Nagelkerk R^2 (SPSS, Inc., 1999). This statistic indicates what proportion of the variation in the dependent variable is explained by all the independent variables in the model. Its values range from 0 to 1, with 0 indicating no variation in the dependent variable and 1 suggesting that all the variation in the dependent variable was explained by the independent variables in the model.

RESULTS

A. Defendant Characteristics

Table 3 displays characteristics of defendants from the 2001 sample who were at risk for pretrial re-arrest in either Criminal or Supreme Court. To facilitate comparisons, distributions for the '98 sample are also provided. As shown by the table, the 1998 and 2001 samples did not differ with respect to defendants' demographics. The majority of the defendants in both samples were male. Slightly less than half of the defendants were black, one-third were Hispanic, and the remainder were white or other ethnicity. The median age was 30 years. The average FTA rate dropped from 20 percent in 1998 to 16 percent in 2001.⁷

The two samples differed slightly with respect to their average re-arrest rate, which dropped from 20 percent in 1998, to 17 percent in 2001. In the 1998 sample, defendants initially arrested for a non-violent felony offense had the highest re-arrest rate (23%), followed by defendants charged with a violent felony offense (19%) and defendants with misdemeanor or lesser charges (18%). In the 2001 sample, the re-arrest rates for defendants initially charged with a violent felony offense, and with a non-violent felony offense were virtually the same (16% for the former, 17% for the latter). The re-arrest rate for defendants initially arrested for a misdemeanor or lesser charge was also similar (18%).

In both samples, Brooklyn and Manhattan had the highest proportion of defendants being arrested (approximately 30% in each of these boroughs). One-fifth of the defendants were arrested in the Bronx and 16 percent were arrested in Queens. Staten Island had the lowest number of arrests (4%). In the 2001 sample, 30 percent of the re-arrests were made in Manhattan, followed by Brooklyn (29%), and the Bronx (22%). The comparable numbers for the 1998 sample were 34 percent for Manhattan, 26 percent for Brooklyn, and 23 percent for the Bronx. In both samples, about 14 percent of the defendants were re-arrested in Queens and five percent in Staten Island. Relative to the 1998 sample, the 2001 sample had a slightly lower

⁷Both the re-arrest and FTA rates showed a steady decline since 1989. The average combined-court re-arrest and FTA rates in 1989 were 30 percent and 35 percent, respectively.

Table 3: Characteristics of Defendants Released Pretrial Regardless of Court of Disposition:
A Comparison of the 2001 Sample with the 1998 Sample.

Defendant Characteristics	1998 Sample 28,033		2001 Sample 27,630	
	N	%	N	%
SOCIO-DEMOGRAPHIC ATTRIBUTES				
<u>Sex</u>				
Male	23218	83	23006	83
Female	<u>4791</u>	<u>17</u>	<u>4611</u>	<u>17</u>
Total	28009	100	27617	100
<u>Ethnicity</u>				
Black	13297	47	12665	47
Hispanic	9303	34	9358	34
White	3865	14	3679	14
Other ¹	<u>1424</u>	<u>5</u>	<u>1486</u>	<u>6</u>
Total	27889	100	27188	100
<u>Age at Arrest</u>				
18 and under	3339	12	3140	11
19-20 years	2304	8	2287	8
21-24 years	4003	14	4239	15
25-29 years	4264	15	3942	14
30-34 years	4375	16	3973	14
35- 39 years	3821	14	3768	14
40-78 years	<u>5927</u>	<u>21</u>	<u>6281</u>	<u>23</u>
Total	28033	100	27630	100
Median Age (Years)	30		30	
CASE-PROCESSING CHARACTERISTICS				
<u>Borough of Arrest</u>				
Brooklyn	8345	30	8134	29
Manhattan	8411	30	8106	29
Queens	4686	17	4447	16
Staten Island	1434	5	1195	4
Bronx	<u>5157</u>	<u>18</u>	<u>5748</u>	<u>21</u>
Total	28033	100	27630	100
<u>Borough of Re-Arrest</u>				
Brooklyn	1456	26	1374	29
Manhattan	1917	34	1466	30
Queens	744	13	693	14
Staten Island	280	5	217	5
Bronx	<u>1285</u>	<u>23</u>	<u>1077</u>	<u>22</u>
Total	5682	100	4827	100

Table 3
(contd.)

Defendant Characteristics	1998 Sample N=28,033		2001 Sample N=27,630	
	N	%	N	%
CASE-PROCESSING CHARACTERISTICS				
<u>Type of Court</u>				
Criminal Court	23861	85	24355	88
Supreme Court	<u>4172</u>	<u>15</u>	<u>3275</u>	<u>12</u>
Total	28033	100	27630	100
<u>Type of First Release</u>				
ROR	21895	80	21081	79
Bail	<u>5355</u>	<u>20</u>	<u>5600</u>	<u>21</u>
Total	27250	100	26681	100
<u>Median Time From Arrignment to Disposition (Days)</u>				
	89		87	
<u>Median Time from Arraignment to First Re-Arrest (Days)</u>				
	48		37	
<u>FTA Regardless of Court of Disposition</u>				
Yes	5612	20	4393	16
No	<u>22421</u>	<u>80</u>	<u>23237</u>	<u>84</u>
Total	28033	100	27630	100
<u>Pretrial Re-Arrest (All Offenders)</u>				
Yes	5682	20	4827	17
No	<u>22351</u>	<u>80</u>	<u>22803</u>	<u>83</u>
Total	28033	100	27630	100
<u>Pretrial Re-Arrest Among Violent Felony Offenders</u>				
Yes	1149	19	699	16
No	<u>4774</u>	<u>81</u>	<u>3631</u>	<u>84</u>
Total	5923	100	4330	100
<u>Pretrial Re-Arrest Among Nonviolent Felony Offenders</u>				
Yes	2518	23	1622	17
No	<u>8457</u>	<u>77</u>	<u>8126</u>	<u>83</u>
Total	10975	100	9748	100

Table 3
(contd.)

Defendant Characteristics	1998 Sample N=28,033		2001 Sample N=27,630	
	N	%	N	%
CASE-PROCESSING CHARACTERISTICS				
<u>Pretrial Re-Arrest Among Misdemeanants</u>				
Yes	1987	18	2464	18
No	<u>9062</u>	<u>82</u>	<u>10938</u>	<u>82</u>
Total	11049	100	13402	100
COMMUNITY-TIES ITEMS				
<u>Verified NYC Area Address</u>				
Yes Unverified	15383	58	16930	65
Yes Verified	9101	34	7294	28
No, Unverified	1362	5	1291	5
No Verified	299	1	157	1
Unresolved Conflict	<u>469</u>	<u>2</u>	<u>314</u>	<u>1</u>
Total	26614	100	25986	100
<u>Verified Length of residence of at least 18 months</u>				
Yes Unverified	11057	41	12707	49
Yes Verified	6923	26	5812	22
No, Unverified	5794	22	5518	21
No Verified	2099	8	1433	6
Unresolved Conflict	<u>786</u>	<u>3</u>	<u>539</u>	<u>2</u>
Total	26659	100	26009	100
<u>Verified Family Ties With in Residence</u>				
Yes Unverified	8805	33	9844	38
Yes Verified	7027	26	5714	22
No, Unverified	7979	30	8341	32
No Verified	2252	8	1700	7
Unresolved Conflict	<u>588</u>	<u>2</u>	<u>393</u>	<u>2</u>
Total	26651	100	25992	100
<u>Expects Someone at Arraignment</u>				
Yes	10593	40	9873	38
No	<u>15948</u>	<u>60</u>	<u>16029</u>	<u>62</u>
Total	26541	100	25902	100

Table 3
(contd.)

Defendant Characteristics	1998 Sample N=28,033		2001 Sample N=27,630	
	N	%	N	%
COMMUNITY-TIES ITEMS				
<u>Verified Telephone</u>				
Yes Unverified	10194	38	12482	48
Yes Verified	8657	32	7118	27
No, Unverified	6135	23	5383	21
No Verified	705	3	324	1
Unresolved Conflict	<u>952</u>	<u>4</u>	<u>675</u>	<u>3</u>
Total	26643	100	25982	100
<u>Verified Full Time Employment/ School/ Training</u>				
Yes Unverified	8151	31	9791	38
Yes Verified	4933	18	4236	16
No, Unverified	9067	34	8665	33
No Verified	3640	14	2706	10
Unresolved Conflict	<u>804</u>	<u>3</u>	<u>566</u>	<u>2</u>
Total	26595	100	25964	100
CRIMINAL HISTORY				
<u>First Arrest</u>				
Yes	11733	44	10966	42
No	<u>15226</u>	<u>56</u>	<u>15305</u>	<u>58</u>
Total	26959	100	26271	100
<u>Prior Violent Felony Convictions</u>				
Yes	2096	7	2078	8
No	<u>25937</u>	<u>93</u>	<u>25552</u>	<u>93</u>
Total	28033	100	27630	100
<u>Prior Felony Convictions</u>				
Yes	5710	21	5956	23
No	<u>21110</u>	<u>79</u>	<u>20315</u>	<u>77</u>
Total	26820	100	26271	100
<u>Prior Misdemeanor Convictions</u>				
Yes	7167	27	7520	29
No	<u>19653</u>	<u>73</u>	<u>18751</u>	<u>71</u>
Total	26820	100	26271	100

Table 3
(contd.)

Defendant Characteristics	1998 Sample N=28,033		2001 Sample N=27,630	
	N	%	N	%
CRIMINAL HISTORY				
<u>Open Cases</u>				
Yes	7018	26	6226	24
No	<u>19802</u>	<u>74</u>	<u>20045</u>	<u>76</u>
Total	26762	100	26271	100
<u>Type of Warrant</u>				
<u>Attached to Rap Sheet</u>				
Bench Warrant	1866	7	2413	9
No Bench Warrant	<u>24896</u>	<u>93</u>	<u>23979</u>	<u>91</u>
Total	26762	100	26392	100
<u>Prior FTA</u>				
Yes	7210	26	7127	26
No	<u>20823</u>	<u>74</u>	<u>20503</u>	<u>74</u>
Total	28033	100	27630	100
<u>TOP INITIAL ARREST</u>				
<u>CHARGE SEVERITY</u>				
A Felony	336	1	338	1
B Felony	5822	21	4343	16
C Felony	1810	7	1464	5
D Felony	6321	23	5255	19
E Felony	2616	9	2678	10
A Misdemeanor	8705	31	10317	38
B Misdemeanor	1401	5	1604	6
Other ³	<u>943</u>	<u>3</u>	<u>1481</u>	<u>5</u>
Total	27945	100	27480	100
<u>TOP RE-ARREST</u>				
<u>CHARGE SEVERITY</u>				
A Felony	64	1	41	1
B Felony	1193	22	659	14
C Felony	249	4	185	4
D Felony	605	11	508	11
E Felony	571	10	549	12
A Misdemeanor	2051	37	1864	40
B Misdemeanor	558	10	601	13
Other ³	<u>260</u>	<u>5</u>	<u>286</u>	<u>6</u>
Total	5551	100	4693	100

Table 3
(contd.)

Defendant Characteristics	1998 Sample N=28,033		2001 Sample N=27,630	
	N	%	N	%
CRIMINAL HISTORY				
<u>TOP INITIAL ARREST</u>				
<u>CHARGE TYPE</u>				
Violent	10355	37	8943	32
Property	3778	13	4056	15
Drug	7309	26	6344	23
Public-Order	3281	12	3995	15
Other	<u>3222</u>	<u>12</u>	<u>4292</u>	<u>16</u>
Total	27945	100	27630	100
<u>TOP RE-ARREST CHARGE</u>				
<u>TYPE</u>				
Violent	960	17	861	18
Property	887	15	720	15
Drug	2084	37	1492	31
Public-Order	671	12	624	13
Other	<u>1072</u>	<u>19</u>	<u>1130</u>	<u>23</u>
Total	5674	100	4827	100

¹ Other includes Asian, American Indian, and others.

² OTHER includes Unclassified Misdemeanors, Violations, Infractions, and charges outside the N.Y. State Penal Law and Vehicle and Traffic Law (e.g., Administrative and Public Health Codes).

proportion of defendants with cases disposed in Supreme Court (12% versus 15%).⁸ In both samples, an overwhelming majority was released on recognizance. The median case processing time from arraignment to case disposition was 87 days. In the 2001 at-risk sample, the median time from arraignment to first pretrial re-arrest dropped from 48 days to 37 days.

Examining the community ties items, an overwhelming majority of the defendants in both samples reported living at a New York City area address. Three-fifths reported living with someone at the time of their arrest. Relative to the '98 sample, a slightly higher proportion of the defendants in the '01 sample reported living at their current address for 18 months or longer, being employed, in school, or in a training program, and having a working telephone in the residence or a cellular phone (71% versus 67% for length of time at current address, 54% versus 49% for full-time activity, and 75% versus 70% for having a phone). In both samples, about two-fifths expected a relative or friend at arraignment. With regard to differences between “yes” and “yes verified” categories for the community-ties variables, the proportion of defendants with affirmative, but unverified responses increased in the 2001 sample.⁹

The two samples were very similar with respect to the various measures of a defendant's criminal history. To be more specific, in both the 1998 and 2001 at-risk samples, slightly less than three-fifths of the defendants had been arrested previously. Slightly more than one-fourth had been convicted previously on misdemeanor charges and one-fifth had a prior felony conviction(s). Seven percent had a prior violent felony conviction(s). One-fourth had a history of FTA prior to the sample arrest. One-fourth of the defendants had one or more cases open at the

⁸A comparison with the 1989 dataset showed a steady decline in the proportion of defendants whose cases were disposed in Supreme Court. In the 1989 sample, 23 percent of the defendants had their cases disposed to Supreme Court.

⁹Comparisons were also made with the 1989 sample, which indicated a steady decline in the verification efforts by CJA, with the exception of the telephone variable. For the telephone variable, the 1989 and 1998 samples did not differ with respect to defendants whose affirmative responses were verified. However, in the 2001 sample, the proportion of such defendants decreased slightly (by five percentage points). The three samples did not differ with respect to the distribution of defendants with “no verified” responses, with the exception of having a telephone in the residence and being employed, in a school, or a training program full time. Starting with the former, in 1989, seven percent of the defendants were recorded as “no verified.” The corresponding numbers for the 1998 and 2001 samples were three percent and one percent, respectively. For the latter, no difference was found between 1989 and 1998 sample with respect to the proportion of defendants with “no verified” responses. However, the proportion of such defendants dropped from 15 percent in 1989 to ten percent in 2001.

time of the sample arrest, and less than one-tenth had a bench warrant attached to their rap sheet.¹⁰

Three-fifths of the defendants in the 1998 sample and one-half of the 2001 sample were initially arrested for felony charges, primarily B and D felonies. In the 2001 sample, the proportion of defendants arrested for B felonies decreased from 21 percent in 1998 to 16 percent. In addition, a slight decrease was observed in the proportion of defendants arrested for D felonies (23% in 1998, 19% in 2001). In contrast, the proportion of defendants arrested for an A misdemeanor increased from 31 percent in 1998 to 38 percent in 2001.¹¹

The two samples differed somewhat with respect to the type of offenses for which defendants were arrested. In 2001, the proportion of defendants arrested for violent offenses decreased from 37 percent in 1998 to 32 percent. For drug offenses, the decrease was from 26 percent in 1998 to 23 percent in 2001.¹² Minor differences were found with respect to other offense types.

Table 3 also presents the distribution of defendants by type and severity of re-arrest charge. As can be seen, the proportion of defendants re-arrested for a felony decreased from 48 percent in 1998 to 42 percent in 2001. Furthermore, in the 2001 sample, there was a decrease in the proportion of B felony re-arrests. This may be attributed to a decline in the proportion of defendants re-arrested for drug offenses (31% in 2001 versus 37 percent in 1998).

¹⁰In comparison to the '89 sample, the 1998 and 2001 samples reflected a decrease in the proportion of defendants with respect to various measures of criminal history, with the exception of having prior arrests and prior violent felony convictions. For example, the proportion of defendants with open cases at the time of arrest decreased from 38 percent in 1989 to 26 percent in 1998 and 24 percent in 2001. For prior misdemeanor convictions, the numbers for the 1989 sample was 32 percent. Continuing further, in 1989, 14 percent of the defendants had a bench warrant attached to their NYSID. The proportion of defendants with prior FTA also decreased from 33 percent in 1989 to 26 percent in 2001.

¹¹In comparison to the '89 sample, the '98 and '01 samples showed a slight decrease in the proportion of defendants arrested for B and D felonies. In contrast, from 1989 to 2001, there was a substantial increase in the number of defendants arrested for A misdemeanors. In 1989, one-fifth of the defendants were arrested for A misdemeanors, versus 31 percent in 1998 and 37 percent in 2001. This may be attributed to an increase in arrests involving quality of life offenses.

¹²In the '89 sample, 29 percent of the defendants were arrested for violent crimes. The proportion of such defendants increased in the '98 sample, and then decreased in the '01 sample. The '01 and '98 samples differed substantially from the 1989 sample with respect to the proportion of defendants arrested for property offenses, ranging from 13 percent for the '01 sample and 21 percent for the '89 sample. The comparable figure for the '98 sample was 12 percent. Finally, relative to the '89 sample, the proportion of defendants charged with drug offenses decreased by five percentage points in the '98 sample and eight percentage points for the '01 sample.

To summarize the findings from this section, the 1998 and 2001 sample were quite similar with respect to their characteristics, with the exception of slight differences in the type and severity of the top arrest charge, pretrial FTA, and pretrial re-arrest.

B. Relationship between Borough of Initial Arrest and Borough of Re-arrest

Tables 4 and 5 display the bivariate relationship between borough of initial arrest and borough of first re-arrest for those re-arrested pretrial in the two samples. As shown by the tables, an overwhelming majority in both samples were re-arrested in the same borough where the initial arrest occurred, ranging from 81 percent in Manhattan to about 90% in Staten Island and the Bronx in 2001. The percentages for the 1998 sample ranged from 81 percent in Manhattan to 93 percent in Staten Island.

C. Relationship between the Top Initial Arrest Charge and Top Re-arrest Charge

Top Charge Severity

Tables 6 and 7 show the degree of overlap between the severity of the top initial arrest charge (sample arrest) and the severity of the top re-arrest charge, for those who were re-arrested pretrial. In the 2001 at-risk sample, half of the defendants who were initially arrested for felonies were re-arrested for felony offenses. This was slightly lower than that reported for the 1998 sample where 54 percent of the defendants with a felony arrest charge were re-arrested for a felony.¹³ In contrast, defendants with non-felony initial arrest charges were less likely to have been re-arrested for a felony offense. However, the specific severity of the charge was not constant. In both of the samples, the largest degree of consistency was observed for the A-misdemeanors, where approximately half of the defendants were re-arrested with an offense of the same statutory severity. The overlap for the B-felony category decreased from 43 percent in 1998 to 33 percent in 2001. For the other categories, there was less overlap.

¹³ A comparison with the 1989 sample showed a steady decline in the proportion of defendants charged with a felony at the time of initial arrest and re-arrest. In 1989, of those who were re-arrested, 58 percent with a felony as the initial arrest charge were re-arrested for felony offenses.

1998 Dataset

Table 4: Borough of Arrest by Borough of Re-arrest
N=5,682

BOROUGH OF ARREST	BOROUGH OF RE-ARREST											
	BROOKLYN		MANHATTAN		QUEENS		STATEN ISLAND		BRONX		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%
Brooklyn	1309	85	104	7	92	6	13	1	27	2	1545	100
Manhattan	95	5	1684	81	72	4	10	1	218	11	2079	100
Queens	38	6	30	5	564	87	0	0	13	2	645	100
Staten Island	5	2	7	3	3	1	256	93	3	1	274	100
Bronx	9	1	92	8	13	1	1	0	1024	90	1139	100
Total	1456	26	1917	34	744	13	280	5	1285	23	5682	100

2001 Dataset

Table 5: Borough of Arrest by Borough of Re-arrest
N=4,827

BOROUGH OF ARREST	BOROUGH OF RE-ARREST											
	BROOKLYN		MANHATTAN		QUEENS		STATEN ISLAND		BRONX		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%
Brooklyn	1264	86	92	6	71	5	17	1	23	2	1467	100
Manhattan	54	3	1273	81	64	4	10	1	171	11	1572	100
Queens	36	6	18	3	550	88	3	1	19	3	626	100
Staten Island	8	4	7	3	0	0	187	90	5	2	207	100
Bronx	12	1	76	8	8	1	0	0	859	90	955	100
Total	1374	29	1466	30	693	14	217	5	1077	22	4827	100

Table 6: Severity of Top Initial Arrest Charge by Severity of Top Re-arrest Charge for Defendants Re-arrested Pretrial
N=5,682

SEVERITY OF TOP INITIAL ARREST CHARGE	SEVERITY OF TOP RE-ARREST CHARGE												Total			
	A Felony		B Felony		C Felony		D Felony		E Felony		A misd.		Other		N	%
	N	%	N	%	N	%	N	%	N	%	N	%	N	%		
A Felony	2	4	13	28	3	6	8	17	1	2	13	28	7	15	47	100
B Felony	23	2	663	43	55	3	128	8	55	3	461	30	175	11	1560	100
C Felony	4	1	66	18	34	9	48	13	32	9	116	31	70	19	370	100
D Felony	11	1	160	15	56	5	162	15	137	12	393	36	175	16	1094	100
E Felony	2	1	49	9	31	6	73	14	117	22	204	38	56	11	532	100
A Misdemeanor	15	1	198	12	51	3	151	10	202	13	734	46	238	15	1589	100
Other ¹	7	2	44	13	18	5	33	10	27	8	117	34	96	28	342	100
Subtotal	64		1193		248		603		571		2038		817			
Total by Severity									2108		2038		817			

¹ OTHER includes B misdemeanors, Unclassified misdemeanors, Violations, Infractions, and charges outside the N.Y. State Penal Law and Vehicle and Traffic Law (e.g., Administrative and Public Health Codes).

2001 Dataset

Table 7: Severity of Top Initial Arrest Charge by Severity of Top Re-arrest Charge for Defendants Re-arrested Pretrial
N=4,667

SEVERITY OF TOP INITIAL ARREST CHARGE	SEVERITY OF TOP RE-ARREST CHARGE												Total N %			
	A Felony		B Felony		C Felony		D Felony		E Felony		A misd.				Other	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
A Felony	5	19	11	42	0	0	3	12	0	0	4	15	3	12	26	100
B Felony	11	2	243	33	30	4	66	9	41	6	213	29	127	17	731	100
C Felony	3	1	37	14	22	9	49	19	19	7	74	29	53	21	257	100
D Felony	6	1	99	13	42	6	133	17	93	12	253	33	137	18	763	100
E Felony	1	0	33	7	22	5	46	9	119	24	193	40	75	15	489	100
A Misdemeanor	13	1	187	10	53	3	177	9	242	13	923	49	309	16	1904	100
Other ¹	2	0	49	10	16	3	32	6	30	6	189	38	179	36	497	100
Subtotal	41		659		185		506		544		1849		883			
Total by Severity									1935		1849		883			

¹ OTHER includes B misdemeanors, Unclassified misdemeanors, Violations, Infractions, and charges outside the N.Y. State Penal Law and Vehicle and Traffic Law (e.g., Administrative and Public Health Codes).

Top Charge Type

The bivariate relationship between the top initial arrest charge type and the top re-arrest charge type is displayed in Tables 8 and 9. In both samples, there was more of an overlap for some offense types than others, particularly among those arrested for drug, other, and property offenses. In 2001, of those who were initially arrested for a drug offense, almost three-fifths (59%) were re-arrested pretrial for the same type of offense. This was six percentage points lower than that reported for the 1998 sample (64%). With respect to defendants initially charged with “other” offenses, almost half were re-arrested for the same offenses in the 2001 sample. The comparable number for the 1998 sample was 41 percent. In both samples, slightly less than one-third (29% in 1998 and 32% in 2001) were charged with public order offenses, both at the time of initial arrest and re-arrest. In both samples, among those initially arrested for property offenses, one-third were re-arrested for the same offense. In both 1998 and 2001, one-fourth of the defendants initially arrested for a violent offense were re-arrested for the same type. In addition to re-committing the same offense, defendants in each of the offense type committed entirely new offenses.

1998 Dataset

Table 8: Type of Top Initial Arrest Charge by Type of Top Re-arrest Charge for Defendants Re-arrested Pretrial
N=5,646

TYPE OF TOP INITIAL ARREST CHARGE	TYPE OF TOP RE-ARREST CHARGE											
	VIOLENT		PROPERTY		DRUG		PUBLIC ORDER		OTHER		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%
Violent	439	25	263	14	426	24	218	12	434	25	1780	100
Property	130	16	287	35	176	22	101	12	118	15	812	100
Drug	192	10	175	9	1222	64	125	7	207	11	1921	100
Public Order	110	18	83	14	154	25	178	29	86	14	611	100
Other	85	16	71	14	103	20	48	9	215	41	522	100
Total	956	17	879	15	2081	37	670	12	1060	19	5646	100

2001 Dataset

Table 9: Type of Top Initial Arrest Charge by Type of Top Re-arrest Charge for Defendants Re-arrested Pretrial
N=4,827

TYPE OF TOP INITIAL ARREST CHARGE	TYPE OF TOP RE-ARREST CHARGE											
	VIOLENT		PROPERTY		DRUG		PUBLIC ORDER		OTHER		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%
Violent	363	26	165	12	314	22	151	11	411	29	1404	100
Property	117	17	244	35	135	19	92	13	109	16	697	100
Drug	140	11	149	12	743	59	96	8	143	11	1271	100
Public Order	119	18	75	11	144	22	209	32	116	18	663	100
Other	122	15	87	11	156	20	76	10	351	44	792	100
Total	861	18	720	15	1492	31	624	13	1130	23	4827	100

D. Regression Analysis of Re-arrest

To identify consistent predictors of re-arrest across different samples, the variables that were found to predict re-arrest in the 1998 sample were applied to the 2001 sample of at-risk defendants. Before entering them into a multiple logistic regression model, their correlation with pretrial re-arrest was examined. The correlation matrix revealed that all of the variables from the 1998 model were significantly correlated with pretrial re-arrest, with the exception of the type of first release prior to the disposition of a case in Criminal or Supreme Court. Due to its insignificance, the type of first release was dropped from the analysis. Table 10 displays the logistic regression models for the two samples. First, the findings from the 2001 model are presented. Then, comparisons are made with the 1998 model.

The variables included in the 2001 model contained information on community-ties, criminal history, charge type and severity, demographics, and case-processing characteristics.¹⁴ Beginning with the community-ties variables, having a telephone in the residence, and being employed, in school, or in a training program full-time significantly predicted the likelihood of pretrial re-arrest. To be specific, defendants with a “yes, unverified” response to having a telephone, or a “yes, verified” response to being engaged in a full-time activity were less likely to be re-arrested than defendants with the average effect of these variables. In contrast, the odds of being re-arrested pretrial were higher among defendants with “no, no verified” responses to the telephone variable or a “no, unverified” response to the full-time activity variable. Living at a New York City area address did not prove to be a statistically significant predictor of the likelihood of pretrial re-arrest.

With respect to the criminal history variables, defendants having prior arrests, prior misdemeanor convictions, open cases, and a history of FTA were more likely to be re-arrested pretrial than defendants who did not have such a history. The prior felony conviction variable

¹⁴Due to fewer defendants with no verified responses for the telephone variable, this category was collapsed with the no category. For the same reason, the no verified and unresolved conflict categories for the New York City area address variable were collapsed with the no category.

Table 10: Multiple Logistic Regression Models Predicting Pretrial Re-arrest

Variable	1998 Model N=24997			2001 Model N=24652		
	Logit Coefficient	Significance Level	Odds Ratio	Logit Coefficient	Significance Level	Odds Ratio
SOCIO-DEMOGRAPHIC ATTRIBUTES						
SEX (Male)	0.455	0.000	1.576	0.324	0.000	1.383
AGE	-0.031	0.000	0.969	-0.035	0.000	0.966
ETHNICITY						
Excluded Category: Other						
White	-0.022	0.648	0.978	-0.091	0.073	0.913
Black	0.134	0.000	1.144	0.177	0.000	1.194
Hispanic	0.046	0.209	1.047	0.083	0.027	1.086
CASE-PROCESSING CHARACTERISTICS						
BOROUGH OF INITIAL ARREST						
Excluded Category: Bronx						
Brooklyn	0.063	0.073	1.065	0.148	0.000	1.159
Manhattan	-0.001	0.970	0.999	-0.022	0.545	0.979
Queens	-0.153	0.001	0.858	-0.045	0.311	0.956
Staten Island	0.154	0.026	1.167	0.042	0.590	1.043
TYPE OF FIRST RELEASE (ROR)	0.230	0.000	1.259			
CASE-PROCESSING TIME	0.008	0.000	1.008	0.007	0.000	1.007
COURT OF DISPOSITION (SUPREME COURT)	0.016	0.782	1.016	-1.408	0.000	0.245
COMMUNITY TIES ITEMS						
TELEPHONE¹						
Excluded Category: Unresolved Conflict						
Yes	-0.213	0.000	0.808	-0.232	0.000	0.793
Yes Verified	0.015	0.822	1.015	-0.003	0.972	0.997
No, No Verified	0.190	0.000	1.209	0.137	0.006	1.147
EMPL/SCHOOL/TRAINING						
Excluded Category: Unresolved Conflict						
Yes	-0.151	0.011	0.859	-0.078	0.260	0.925
Yes Verified	-0.275	0.000	0.759	-0.278	0.000	0.757
No	0.305	0.000	1.356	0.311	0.000	1.365
No Verified	0.067	0.224	1.069	0.047	0.467	1.049
NYC AREA RESIDENCE²						
Excluded Category: No/No Verified/Unresolved Conflict						
Yes	0.113	0.015	1.120	0.065	0.209	1.067
Yes Verified	-0.027	0.673	0.973	-0.056	0.479	0.946

TABLE 10
(contd.)

Variable	1998 Model N=24997			2001 Model N=24997		
	Logit Coefficient	Significance Level	Odds Ratio	Logit Coefficient	Significance Level	Odds Ratio
CRIMINAL HISTORY						
Prior Arrests	0.486	0.000	1.626	0.429	0.000	1.535
Prior Misdemeanor Convictions	0.304	0.000	1.355	0.315	0.000	1.370
Prior Felony Convictions	0.097	0.036	1.102	0.053	0.262	1.054
PRIOR FTA	0.397	0.000	1.488	0.381	0.000	1.463
OPEN CASES	0.219	0.000	1.245	0.242	0.000	1.274
TOP ARREST CHARGE SEVERITY						
Excluded Category: B Misd/ Other						
A Felony	-0.665	0.000	0.514	-0.664	0.000	0.515
B Felony	0.212	0.000	1.236	0.008	0.887	1.008
C Felony	0.063	0.354	1.065	0.145	0.053	1.156
D Felony	0.096	0.053	1.101	0.057	0.293	1.058
E Felony	0.225	0.000	1.253	0.244	0.000	1.276
A Misdemeanor	0.217	0.000	1.243	0.224	0.000	1.251
Top Arrest Charge Type						
Excluded Category: Other						
Violent	-0.128	0.000	0.879	-0.128	0.000	0.880
Property	0.039	0.378	1.039	-0.089	0.042	0.915
Drug	0.191	0.000	1.210	0.183	0.000	1.201
Public Order	-0.042	0.365	0.959	-0.029	0.505	0.972

Nagelkerke R² for the 1998 Model = 23%

Nagelkerke R² for the 2001 Model = 18%

¹Due to an insufficient number of defendants with no verified responses, this category was collapsed with the no category.

²Due to an insufficient number of defendants, the no verified and unresolved conflict categories were collapsed with the no category.

did not attain statistical significance.

In the 2001 model, the severity of the top charge at the initial arrest had a statistically significant effect on the likelihood of re-arrest. The likelihood of pretrial re-arrest was lower among defendants initially arrested for an A felony. In contrast, the odds of pretrial re-arrest were higher among defendants arrested for an E felony or an A misdemeanor. With respect to the type of offense, defendants arrested on drug offenses were more likely to be re-arrested pretrial than defendants with the mean effect of that variable, whereas defendants charged with violent and property offenses at the time of initial arrest were less likely to be re-arrested.¹⁵

An examination of demographic variables indicated that, all else being equal, the probability of re-arrest was higher for male, black, and Hispanic defendants. The likelihood of being re-arrested pretrial decreased with age. Turning to variation in case-processing characteristics, the likelihood of re-arrest increased with case processing time. The borough where the initial arrest occurred also proved relevant: the likelihood of pretrial re-arrest was higher among defendants initially arrested in Brooklyn. Finally, the likelihood of re-arrest was higher for cases disposed in Criminal Court than for cases disposed in Supreme Court. It should be noted that only 11 percent of the defendants in the at-risk sample had their cases disposed in Supreme Court.

The statistically significant variables were further examined in terms of the size of their effect on the likelihood of re-arrest. The logit coefficients for these variables suggested that criminal history variables were among the strongest predictors of pretrial re-arrest. The beta coefficients for prior arrests, prior FTA and prior misdemeanor convictions were $B=.43$, $B=.38$ and $B=.31$, respectively. A defendant's gender ($B=.32$) and being engaged in a full-time activity (B for the no category= $.31$) also had strong effects on the likelihood of pretrial re-arrest.

Table 10 also presents the odds ratios for the variables in the model. In this model, the odds ratio for a variable reflected a change in odds of being re-arrested pretrial after controlling

¹⁵ The bivariate analysis showed that defendants charged with an A misdemeanor drug offense had a higher re-arrest rate than defendants charged with a B felony drug offense (29% versus 17%) (data not shown).

for the effects of all of the other variables in the model. As shown by Table 10, the odds of being re-arrested pretrial were 1.54 times higher for defendants who had been arrested previously than the odds for defendants with no prior arrests. The odds ratios for those with prior FTA, prior misdemeanor convictions, and a “no, unverified” response to the full-time activity variable were 1.46, 1.37 and 1.36, respectively. The odds of being re-arrested pretrial for male defendants were 1.38 times higher than that for female defendants. The total amount of variance explained by the model (as expressed with Nagelkerke’s R^2) was 18 percent.

E. A Comparison of the 2001 Re-arrest Model with the 1998 Re-arrest Model

To determine whether there had been a change in the prediction of re-arrest over time, the 2001 model was compared with the 1998 model. Table 10 shows that with the exception of living at a New York City area address, prior felony convictions and court of disposition, all of the variables were useful in predicting re-arrest in both samples.¹⁶ In the 1998 model, living at a New York City area address was a significant but weak predictor of re-arrest (B for the yes category=.11, odds ratio=1.12). In the 2001 sample, when examined separately, both prior arrests and prior felony convictions were significantly related with pretrial re-arrest. However, when they were simultaneously controlled for (Table 10), only prior arrests attained statistical significance. The variable controlling for the court of disposition was significant in the 2001 model only; the likelihood of being re-arrested pretrial was lower among defendants whose cases were disposed in Supreme Court.¹⁷

A comparison of the statistically significant variables for the two models revealed differences in the interpretation of some of the variables. Beginning with the community-ties variables, in the 2001 model, the likelihood of re-arrest was lower for defendants with “yes,

¹⁶Living at a New York City area address was not a statistically significant predictor of re-arrest in the 1989 model. Prior felony convictions were found to be a significant predictor of re-arrest when prior arrests were not included in the model.

¹⁷The court of disposition variable was also found to be a statistically significant predictor of re-arrest in the 1989 sample; the odds of re-arrest were higher in Criminal Court.

verified” responses to the full-time activity variable. In comparison, in the 1998 sample, this was true regardless of verification.

Changes were also observed in the interpretation of the some of the demographic and case-processing variables. In the 1998 model, only one category of the ethnicity variable attained statistical significance; the likelihood of re-arrest was higher among blacks. In the 2001 sample, when compared with defendants with the mean effect of the variable, the odds of being re-arrested pretrial were higher for black and Hispanic defendants. With regard to the borough of initial arrest, in 1998 defendants initially arrested in Queens were less likely to be re-arrested. In contrast, when compared with the mean effect of that variable, defendants arrested in Staten Island were more likely to be re-arrested pretrial. In the 2001 model, the effect of being arrested in Queens and Staten Island lost statistical significance. However, the effect of being arrested in Brooklyn became significant--these defendants were more likely to be re-arrested than defendants with the average effect of that variable. The type of first release variable was included in the 1998 model only. In the 1998 sample, its effect on the likelihood of re-arrest was not consistent. When examined in a univariate logistic regression model, defendants released on recognizance were less likely to be re-arrested than defendants released on bail (table not shown). The relationship was reversed when other variables were included in the model--the probability of re-arrest was lower among defendants who were released on bail (Table 10). In the 2001 sample, it was not found to be significantly correlated with pretrial re-arrest and, therefore, was excluded from the multivariate analysis.

In both models, top offense type and severity were significantly related with re-arrest. However, differences were observed in the interpretation of the individual categories. Beginning with the offense type, the effect of being arrested on property offenses was not statistically significant in the 1998 model. In the 2001 model, property offenders were less likely to be re-arrested than those with the mean effect of the variable. Regarding the offense severity, the effect of being arrested on a B felony was statistically significant in the 1998 model--these

defendants were more likely to be re-arrested than those with the mean effect of that variable. This category lost significance in the 2001 model.

Finally, the values of R^2 for the two models were examined. The comparison suggested that the proportion of the variance explained by all of the independent variables was higher for the 1998 model than for the 2001 model (23% vs. 18%).

In sum, most of the variables that were significant in the 1998 sample remained significant in the 2001 model. Nonetheless, differences were observed in the interpretation of the some of the variables.

F. A Comparison of the Re-arrest Model with the FTA Model

To answer whether the same variables would predict both types of pretrial failure (pretrial FTA and pretrial re-arrest), a model predicting the likelihood of pretrial FTA for the 2001 sample of at-risk defendants was developed. In addition to all of the variables from the re-arrest model, the FTA model controlled for two additional community-ties variables, which were found to have a statistically significant effect on the likelihood of FTA in the 1998 and 2001 point scale analyses--expecting someone at arraignment and living at a New York City area residence. The re-arrest model was also re-estimated. The variables that lost significance in the 2001 sample (Table 10) were dropped from the re-estimated model. These variable included living at a New York City area address and prior arrests.¹⁸ Table 11 presents both the final re-arrest and FTA models for the 2001 sample. The table shows that the two models differed with respect to a number of variables. Furthermore, for variables that were useful in predicting both outcomes, the interpretation for some was altered, depending upon the type of failure under scrutiny. The findings are presented as follows:

¹⁸As mentioned earlier, when prior arrests and prior felony convictions were simultaneously controlled for, only prior arrests attained statistical significance. Since the variable reflecting prior felony convictions was a more certain indicator of defendant's criminal history, it was retained in the re-estimated model.

Table 11: A Comparison of the 2001 FTA Model with the 2001 Re-arrest Model

Variable	2001 FTA Model			2001 Re-arrest Model		
	Logit Coefficient	Significance Level	Odds Ratio	Logit Coefficient	Significance Level	Odds Ratio
TELEPHONE¹						
Excluded Category: Unresolved Conflict						
Yes,	-0.182	0.001	0.833	-0.209	0.000	0.811
Yes Verified	0.044	0.644	1.045	-0.044	0.522	0.957
No, No Verified	0.279	0.000	1.321	0.152	0.001	1.165
EMPL/SCHOOL/TRAINING						
Excluded Category: Unresolved Conflict						
Yes	-0.085	0.249	0.918	-0.060	0.340	0.942
Yes Verified	-0.262	0.000	0.769	-0.315	0.000	0.730
No	0.200	0.006	1.222	0.341	0.000	1.406
No Verified	0.014	0.846	1.014	0.042	0.493	1.043
NYC AREA RESIDENCE²						
Excluded Category: No, No Verified, Unresolved Conflict						
Yes	-0.046	0.374	0.955	--	--	--
Yes Verified	-0.408	0.000	0.665	--	--	--
EXPECTS SOMEONE AT ARRAIGNMENT						
	-0.270	0.000	0.763	--	--	--
BOROUGH OF ARREST						
Excluded Category: Bronx						
Brooklyn	0.021	0.570	1.022	0.142	0.000	1.153
Manhattan	-0.065	0.070	0.937	-0.043	0.221	0.958
Queens	-0.116	0.013	0.891	-0.056	0.209	0.946
Staten Island	0.289	0.000	1.335	0.072	0.350	1.075
SEX (Male)						
	0.074	0.163	1.077	0.362	0.000	1.436
AGE						
	-0.022	0.000	0.978	-0.035	0.000	0.965
ETHNICITY						
Excluded Category: Other						
White	-0.132	0.010	0.876	-0.095	0.059	0.910
Black	0.147	0.000	1.159	0.198	0.000	1.219
Hispanic	0.112	0.003	1.119	0.096	0.010	1.101
TYPE OF FIRST RELEASE (ROR)						
	0.613	0.000	1.845	--	--	--
COURT OF DISPOSITION (Supreme Court)						
	0.011	0.869	1.011	-1.407	0.000	0.245
CASE PROCESSING TIME						
	0.006	0.000	1.006	0.007	0.000	1.007
PRIOR FTA						
	0.782	0.000	2.185	0.440	0.000	1.553
OPEN CASES						
	0.225	0.000	1.252	0.364	0.000	1.439

TABLE 11
(contd.)

Variable	2001 FTA Model			2001 Re-arrest Model		
	Logit Coefficient	Significance Level	Odds Ratio	Logit Coefficient	Significance Level	Odds Ratio
TOP ARREST CHARGE SEVERITY						
Excluded Category: B Misd/ Other						
A Felony	0.014	0.924	1.014	-0.694	0.000	0.500
B Felony	-0.169	0.003	0.844	0.008	0.894	1.008
C Felony	-0.170	0.030	0.844	0.144	0.055	1.155
D Felony	-0.063	0.223	0.939	0.052	0.338	1.053
E Felony	-0.030	0.638	0.970	0.237	0.000	1.268
A Misdemeanor	0.228	0.000	1.256	0.229	0.000	1.257
PRIOR MISDEMEANOR CONVICTIONS	0.053	0.307	1.054	0.430	0.000	1.538
PRIOR FELONY CONVICTIONS	0.011	0.824	1.011	0.111	0.019	1.117
TOP ARREST CHARGE						
Excluded Category: Other						
Violent	-0.209	0.000	0.811	-0.137	0.000	0.872
Property	0.088	0.048	1.092	-0.099	0.022	0.905
Drug	0.163	0.000	1.178	0.192	0.000	1.212
Public Order	0.094	0.030	1.099	-0.032	0.455	0.969

Nagelkerke R² for the 2001 Re-Arrest Model = 17%

Nagelkerke R² for the 2001 FTA Model = 15%

¹Due to an insufficient number of defendants with no verified responses, this category was collapsed with the no category.

²Due to an insufficient number of defendants, the no verified and unresolved conflict categories were collapsed with the no category. This variable was not significant in the rearrest model.

First, more community-ties variables predicted FTA than re-arrest. To be specific, holding all other variables constant, having a telephone in the residence/cellular phone, residing in the New York City area, expecting someone at arraignment, and being employed, in school, or in a training program full-time were significantly related to the likelihood of pretrial FTA. Only two of them were statistically significant in the re-arrest model--having a telephone in the residence/cellular phone and being engaged in a full-time activity.

Second, more criminal-history variables were significantly related with pretrial re-arrest than with pretrial FTA. Having prior felony convictions, prior misdemeanor convictions, open cases and prior FTA increased the chances that a defendant would be re-arrested pretrial. Only two of those variables predicted the likelihood of pretrial FTA; consistent with the findings from the re-arrest model, defendants with prior FTA and open cases were more likely to fail to appear for scheduled court appearances.¹⁹ An examination of the logit coefficients revealed that prior FTA was a stronger predictor of pretrial FTA than pretrial re-arrest ($B=.78$ vs. $.44$). In contrast, open cases was a stronger predictor of the likelihood of re-arrest than FTA ($B=.36$ vs. $.22$).

Third, the two models behaved differently with respect to several demographic attributes and case-processing characteristics. For example, gender was a significant predictor of pretrial re-arrest only. Males were more likely to be re-arrested than females. The type of first release was included in the FTA model only. The likelihood of failure was lower among defendants who were released on bail. The borough of initial arrest predicted both types of pretrial misconduct, with some differences in interpretation. Defendants arrested in Queens were less likely to fail to appear, whereas defendants arrested in Staten Island were more likely to fail to appear pretrial. In the re-arrest model, the re-arrest rates were higher for defendants initially arrested in Brooklyn. Defendants in the other categories had no significant effect on the likelihood of pretrial re-arrest. For both re-arrest and FTA models, the chances that a defendant would either not appear for scheduled court appearances or be re-arrested prior to case disposition were

¹⁹In initial analysis, prior arrest was found to be a significant predictor of FTA. Since it was correlated with open cases, it was not included in the final FTA model.

higher when the defendant was younger, rather than older. In both models, black and Hispanic defendants were more likely to FTA, or to be re-arrested, than defendants with the mean effect of that variable. White defendants had a lower probability of failure to appear for scheduled court appearances. The variable controlling for the court of disposition was significant in the re-arrest model only; the likelihood of being re-arrested pretrial was lower among defendants whose cases were disposed in Supreme Court.

Fourth, the severity of the top initial arrest charge significantly predicted both types of pretrial failure. In both models, the likelihood of pretrial failure was higher among defendants arrested for an A misdemeanor. There were some differences in the interpretation of the other categories. In the FTA model, defendants arrested on C felonies were less likely to FTA than defendants with the mean effect of the variable. This category was not statistically significant in the re-arrest model. Defendants arrested on an E felony had a significant effect on the likelihood of re-arrest only.

Fifth, the type of top initial arrest charge significantly predicted both outcomes. Nonetheless, slight differences were observed in the interpretation of the individual categories. For example, in the FTA model, defendants arrested for property, drug or public order offenses had higher FTA rates. In the re-arrest model, property offenders were less likely to be re-arrested, whereas drug offenders were more likely to be re-arrested pretrial. The effect of being arrested on a public order offense was not significant in the re-arrest model. In both models, the odds of pretrial failure were lower for defendants initially arrested for violent offenses.

To summarize, although several variables predicted both outcomes, some were statistically significant in one model only. Furthermore, the strength and interpretation for some of the variables changed.

SUMMARY AND CONCLUSIONS

The present research shows a consistent decline in the pretrial re-arrest rate since 1989. In 1989, 30 percent of the at-risk defendants were re-arrested pretrial. The numbers for the 1998 and 2001 samples were 20 percent and 17 percent, respectively. Furthermore, the re-arrest rate for defendants initially charged with a violent felony offense dropped from 19 percent in 1998 to 17 percent in 2001. In the 1998 sample, defendants initially arrested for a non-violent felony offense had the highest re-arrest rate (23%), followed by defendants charged with a violent felony offense (19%) and defendants with misdemeanor or lesser charges (18%).

In the 2001 sample, the re-arrest rate for defendants initially charged with a violent felony offense (16%) was similar to those arrested for a non-violent felony offense (17%), or a misdemeanor or lesser severity offense (18%). Our research shows that the median time from arraignment to first pretrial re-arrest also declined from 48 days in 1989 and 1998, to 37 days in 2001. The proportion of defendants re-arrested for felonies also decreased from 67 percent in 1989 to 40 percent in 2001. The comparable number for the 1998 sample was 52 percent. In the 2001 sample, slightly less than one-third of the re-arrests were made for drug offenses. This was somewhat lower than that reported for the 1989 and 1998 samples where more than one-third of the re-arrests were made for those offenses. In the 2001 at-risk sample, half of the re-arrested defendants who were initially arrested for a felony were re-arrested for a felony. This was slightly lower than that reported for the 1998 (54%) and 1989 (58%) samples. The bivariate relationship between the top initial arrest charge type and top re-arrest charge type suggested that there was more of an overlap for some offense types than others. Furthermore, in addition to being re-arrested for the same offense, defendants in each of the offense types were arrested on entirely new offenses.

The present research identified variables that were consistent predictors of pretrial re-arrest in the 1998 and 2001 samples. Almost all of them were significantly related with the likelihood of pretrial recidivism in the 1989 model. Some of them were examined previously in

studies on recidivism in general. However, how they would behave during the pretrial period was unknown. The findings pertaining to their effect on pretrial re-arrest are summarized below.

1. In both the 1998 and 2001 samples, defendants with a criminal history were more likely to be re-arrested pretrial than defendants without a criminal history. This was consistent with findings derived from the general literature and those from pretrial recidivism (Gendreau et al., 1996; Bureau of Justice Statistics, 1994).

2. Previous research suggested that the type of offense influenced the likelihood of recidivism. However, a definitive conclusion could not be offered here, as the impact of specific types of offenses varied from one study to the next. In both the 1998 and 2001 models, the type of offense at the time of initial arrest had a significant effect on the likelihood of re-arrest. However, the two samples differed somewhat with respect to the specific type of offense. In both the 1998 and 2001 models, defendants initially arrested for violent offenses were less likely to be re-arrested pretrial than defendants with the mean effect of that variable. In contrast, the likelihood of re-arrest was higher among defendants initially arrested for drug offenses. In the 1998 model, being arrested on property offenses had no significant effect on the likelihood of re-arrest. In the 2001 model, they were less likely to be re-arrested than defendants with the mean effect of the offense type variable.

3. The two models suggested higher re-arrest rates among blacks. Review of the literature pertaining to the effect of race/ethnicity did not offer consistent findings, as some studies found a significant relationship between blacks and recidivism (Hepburn and Albonetti, 1994; Clarke and Harrison, 1992, Whitehead, 1991) while others failed to find such an effect (Jones, 1991).

4. In both the 1998 and 2001 models, gender was significantly related to pretrial recidivism: males were more likely to be re-arrested than females. This was consistent with previous research (Clarke and Harrison, 1992; Bureau of Justice Statistics, 1987, 1989).

5. Consistent with prior research, in both samples, age at the time of initial arrest was found to be a significant predictor of re-arrest. Older defendants were less likely to be re-arrested pretrial

than younger defendants (Belenko et al., 1994; Clarke and Harrison, 1992; Bureau of Justice Statistics, 1994, 1987, 1985).

6. In both samples, being employed, in school, or in a training program full-time contributed significantly to predicting pretrial re-arrest. The effect of employment or education on recidivism in previous studies is not clear, as only a few researchers have examined these variables. Some researchers have found a significant relationship between unemployment and likelihood of recidivism (Clarke and Harrison, 1992; Liberton et al., 1992, Whitehead, 1991, Bureau of Justice Statistics, 1985), while others did not find such an effect (Jones, 1991).

7. The borough of initial arrest contributed significantly to the likelihood of pretrial re-arrest: defendants initially arrested in Brooklyn were more likely to be re-arrested than defendants with the mean effect of that variable. This variable is unique to data collected on New York City defendants and therefore its effect could not be compared with previous research.

8. Having a telephone in the residence was a significant predictor of re-arrest in both the 1998 and 2001 samples. This variable has not been examined previously and therefore its effect on recidivism is not known.

The variables from the 2001 re-arrest model were compared with the 2001 FTA model. The goal was to determine whether the same variables were useful in predicting both outcomes. It was found that the two models differed on a number of predictor variables. More community-ties variables contributed significantly to the prediction of pretrial FTA than re-arrest. In contrast, more criminal history variables were observed to predict pretrial re-arrest than pretrial FTA. For the variables that predicted both outcomes, the interpretation for some of the variables was altered, depending upon the type of failure analyzed.

Altogether, these findings suggest that while both types of pretrial failure share certain similarities, they are empirically distinct events. In other words, knowing what predicts pretrial FTA may not be adequate when attempting to discern what predicts pretrial re-arrest. Thus, researchers and policymakers should be cautious when making inferences concerning who is likely to "fail" during the course of case processing; one type of failure may not be the same as

the other. In jurisdictions where assessing the risk of pretrial danger is allowed, the findings contained herein may be instrumental to researchers and administrators interested in conducting research and/or constructing predictive instruments assessing potential pretrial “dangerousness,” as is often defined as the risk of (pretrial) re-arrest.

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APPENDIX A

RECODING OF OFFENSE TYPES

Violent offenses include murder, non-negligent manslaughter, negligent manslaughter, forcible rape, robbery, aggravated assault, simple assault and kidnapping.

Property offenses include burglary, larceny-theft, arson, motor vehicle theft, possession of burglar's tools, embezzlement, fraud, forgery and counterfeiting, and stolen property.

Drug offenses include: A) sale/manufacture of controlled substance including opium, cocaine or derivatives, marijuana, synthetic narcotics and other dangerous drugs, and B) use/possession of controlled substance including opium, cocaine or derivatives, marijuana, synthetic narcotics and other dangerous drugs.

Public-order offenses include coercion, criminal mischief, fraud, gambling, offenses against public order, bribery, promoting prostitution, prostitution, patronizing prostitutes, extortion, offense against family, disorderly conduct, liquor-law violation, public narcotic intoxication, sex offenses (excluding forcible rape and prostitution) and use/possession of dangerous weapons.

The other category consists of all other offenses not included in the aforementioned categories but which are included in the UCR codes.