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**PREDICTING THE LIKELIHOOD OF PRETRIAL
RE-ARREST: AN EXAMINATION OF
NEW YORK CITY DEFENDANTS**

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**March 2003
(Revised October 2005)**

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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. As 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).

The interest in pretrial release also prompted the passage of the Bail Reform Act of 1966, which allowed Federal Court judges to release defendants on their own recognizance prior to trial in non-capital cases (Galvin et al., 1977). The Act stipulated that pretrial release decisions were to be based on the probability that a defendant would fail to appear for subsequent court appearances (i.e., risk of flight). In determining risk of flight, judges were required to consider a defendant's ties to the community and their criminal history, in addition to the nature of the charge and the weight of the incriminating evidence (Clarke, 1988). The guidelines set forth in the 1966 Federal Act served as a model for pretrial release policies in several states.

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. Until

1966, there were no bail laws governing the pretrial detention of dangerous defendants. The prevailing practice was to set excessive cash bail to indirectly achieve the detention of such defendants. The Federal Bail Reform Act of 1966 allowed judges to consider dangerousness when setting bail for defendants who were charged with capital offenses or seeking release pending appeal of their cases. In 1971, Congress passed the first preventive detention law in the United States to be implemented in the District of Columbia. Under that law, defendants charged with “dangerous” or “violent” crimes (including robbery, burglary, rape, assault with a dangerous weapon and sale of narcotics) could be detained pretrial for 90 days upon the determination of a preventive detention hearing that stated there was a substantial probability that the person committed the offense and that no release conditions would reasonably assure the safety of the community (Toborg, 1984). This law led the District of Columbia's Pretrial Services Agency to adopt a new policy for pretrial assessment. More specifically, the new policy allowed for consideration of safety risk, as well as risk of flight.

The Bail Reform Act of 1966 was modified in 1984 to explicitly authorize the use of preventive detention. According to Congress, the changes in the law were in response to the concerns about the alarming number of crimes committed by the persons on release, and to make pretrial release and detention decisions more open and honest (Adair, 1993). Under the law, preventive detention was limited to a “small but identifiable group of particularly dangerous defendants as to whom neither the imposition of stringent release conditions nor the prospect of revocation of release can reasonably assure safety of the community or other persons” (Senate Report, PP 6-7, 1984). In attempting to ensure the safety of both individuals and the community, the law allowed for consideration of both physical and non-physical harms (Adair, 1993).

Congress provided a number of criteria for the determination of dangerousness, including:

- the nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;
- the weight of the evidence against the person;
- the history and circumstances of the person, including:
 - (A) the person’s character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and
 - (B) whether, at the time of the current offense or arrest, the person was on probation, parole, or any other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law, and
- the nature and seriousness of the danger to any person or to the community that would be posed by the person’s release (18 U. S. C. 3142(g)).

The preventive-detention provision of the Bail Reform Act of 1984 was ruled constitutional by the U.S. Supreme Court, in *United States v. Salerno* (Adair, 1993; Clarke, 1988). Currently, almost all of the states and the federal system consider public safety when making pretrial release decisions and permit preventive detention and the imposition of more restrictive pretrial conditions, when the defendant is released. In many jurisdictions, empirically-derived risk-classification schemes assessing risk of flight and risk of safety have been implemented to aid judicial officers in making pretrial release decisions (Goldkamp et al, 1981, Toborg, 1984, Goodman, 1992, Cuvelier and Potts, 1993, Goldkamp et al, 1995).

In New York State, the 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. Although Section 510.30 of the CPL does permit judges to consider the defendant's community ties, mental state, the seriousness of the offense, risk of flight, prior criminal record, and the weight of the evidence against the defendant, the release recommendations currently provided by CJA to the judge are based solely on a defendant's ties to the community. The current recommendation scheme includes the following items:

1. whether there is a working telephone in the defendant's residence;
2. whether the defendant has resided at his or her current address for one and one-half years or longer;
3. whether the defendant expects someone (other than the complainant or defense attorney) at Criminal-Court arraignment;
4. whether the defendant lives with a parent(s), spouse, or common-law spouse of six-months, grandparent, or legal guardian;
5. whether the defendant is employed, in school, or in a job-training program (or some combination of these) full time;
6. whether the defendant's address is in the New York City area (the five boroughs of the City, and Nassau, Suffolk, and Westchester counties).

Defendants having strong community ties are considered good risks to return for scheduled court appearances. The current CJA ROR recommendation scheme for adult defendants (i.e., sixteen years of age or older) consists of four main categories, two of which have subcategories, as follows:

1. "Recommended": Verified Community Ties (defendant must have a verified New York City area address, have items 2, 4, or 5 verified, and have at least two other true items);
2. "Qualified": Unverified Community Ties (defendant has an unverified New York City area address and has three other items assessed in the affirmative);
3. No Recommendation due to:
 - A. Insufficient community ties (less than three items were answered affirmatively)
 - B. Residence outside the New York City area
 - C. Conflicting residence information (defendant and verifier did not agree)
 - D. Incomplete interview;
4. No Recommendation due to:
 - A. Open bench warrant attached to the New York State criminal history sheet
 - B. Criminal history not available
 - C. Bail jumping charge
 - D. For information Only: murder charge
 - E. For information Only: juvenile offender¹

¹In April 1996, based on new research, a separate new recommendation scheme was introduced for juveniles (under sixteen years of age).

The first three categories summarize the strength of the defendant's community- ties. The fourth major category of the risk-assessment scheme consists primarily of excluding from the ROR recommendation those defendants who have demonstrated that they will not show up for scheduled court appearances on a previous, pending case or those for whom the absence of a rap sheet precludes ascertaining that information. Defendants are also excluded if arrested on a bail jumping offense, which may be charged in New York State after a defendant does not return to court for thirty days or more after failing to appear while on bail or ROR. Previous failures to appear, for which the defendant returned to court and the warrant was vacated, do not preclude ROR recommendation on a new arrest.

Some years ago, CJA began a research project to evaluate the predictive ability of its current recommendation scheme in distinguishing "good" risks from "bad" risks for release on recognizance recommendations, and to explore other predictors of FTA. The results from that research indicated that although the various categories of the current recommendation scheme were able to differentiate between good and bad risks for FTA, there was room for improvement. Thus using a 1989 dataset, a number of models were constructed. The best model from that analysis was used to develop a new point scale.

At the completion of the FTA analysis, the Point Scale Project shifted its focus to another form of pretrial misconduct: pretrial recidivism. The study focused on pretrial re-arrest as an indicator of recidivism. A number of models were developed and the findings were compared with those derived from the analysis of pretrial FTA. The objective was to determine whether the same factors influenced both types of pretrial misconduct.

Recently, CJA decided to examine pretrial recidivism among more recent samples of defendants. The data collected in the third quarter of 1998 and first quarter of 2001 will be used for that purpose. This report, done under a contract with the Mayor's Office of the Criminal Justice Coordinator for fiscal year 2003, presents findings from the 1998 sample. Comparisons are made with the findings derived from the 1989 sample.

Review of Literature

The concern for the effects of recidivism upon public safety has resulted in many studies on recidivism. However, most studies focus on the likelihood of recidivism after a sentence has been imposed. This focus is at least partially a result of the emphasis placed upon sentencing policy. Researchers have primarily examined the probability of committing another offense among convicted offenders (e.g., probationers, parolees, or those in community-based treatment programs). And, given the prevalent problem of prison overcrowding, several studies have concentrated on comparing the effectiveness of imprisonment with community-based alternatives (see for example, Geerken and Hayes, 1993; Jones, 1991; Kelly and Ekland-Olson, 1991; LeClair and Guarino-Ghezzi, 1991; Smith and Akers, 1993). There are very few studies of recidivism during the pretrial period. Nonetheless, findings from the general literature, along with those derived from the pretrial examinations, were reviewed to determine what variables may be important to an analysis of re-arrest among New York City pretrial releasees.

Before presenting these findings, it is important to note the difficulty involved in trying to make generalized statements. One reason for this is the inconsistent operationalization of the dependent variable, recidivism. Included among the various measures of recidivism are the following: re-arrests (Belenko et al., 1994; Bureau of Justice Statistics, 1987, June 1988, 1989; February 1992; Clarke and Harrison, 1992; Jones, 1991; Klein and Caggiano, 1986), probation revocation (Bureau of Justice Statistics, 1989), parole violation (Bureau of Justice Statistics, June 1988), reconviction (Belenko et al., 1994; Bureau of Justice Statistics, 1987, 1989; Jones, 1991; Klein and Caggiano, 1986; Rhodes, 1989), and re-incarceration (Belenko et al., 1994; Bureau of Justice Statistics, 1987, 1989; Klein and Caggiano, 1986; Schmidt and Witte, 1988). Some studies contain one measure (e.g., Kelly and Ekland-Olson, 1991; Liberton et al., 1992; Rhodes, 1989), while others have many (e.g., Belenko et al., 1994; Harris, 1994; Smith and Akers, 1993).

In addition, different jurisdictions, time periods, and defendant populations have been analyzed. With regard to jurisdictional differences, focus has often been limited to specific cities

(e.g., New York City, Belenko et al., 1994) or states (e.g., North Carolina, Clarke and Harrison, 1992; Kansas, Jones, 1991). At the same time, there are some studies that have included several jurisdictions (e.g., 11 states, Bureau of Justice Statistics, 1989; the 32 largest counties in 17 states, Bureau of Justice Statistics, February 1992). Differences in the time period under investigation and defendant population utilized are also apparent. For example, Jones (1991) examined re-arrests and re-conviction among offenders sentenced between July of 1983 and June of 1984 to community corrections, probation, or prison. In contrast, a study conducted by the Bureau of Justice Statistics (1987) relied upon a sample of young parolees (between the ages of 17 and 22), who were released from state prisons in 1978. As another example, an evaluation of Kansas' Community Corrections Act looked at non-violent offenders convicted of Class D or E felony offenses with no more than one prior felony conviction (Jones, 1991). Belenko et al. (1994) used a sample of 1989 arrests to determine the likelihood of recidivism for offenders adjudicated in New York City's drug courts and for those processed through standard means.

Generalization is further complicated when the point of case processing and the follow-up period are considered. As previously noted, most studies have analyzed recidivism after conviction and sentencing. However, because all convicted defendants do not receive the same sentence, some researchers have examined the likelihood of re-offending after release from prison (e.g., Bureau of Justice Statistics, June 1988; Schmidt and Witte, 1988), while others have looked at those on probation (Bureau of Justice Statistics, 1989; February 1992). At the same time, examinations exist where both groups of sentenced defendants (i.e., those on probation or parole) were simultaneously considered (Bureau of Justice Statistics, 1993). Also noteworthy is the relative lack of research conducted during the pretrial period (for an exception see Visher and Linster, 1990).

Turning to the follow-up period under investigation, defendants have been tracked for as little as a year (Bureau of Justice Statistics, 1989) to as long as five (Rhodes, 1989) or more years (Bureau of Justice Statistics, 1987). It should be noted, however, that most research contains follow-up periods falling within that range (e.g., Belenko et al., 1994; Bureau of

Justice Statistics, 1989, February 1992; Clarke and Harrison, 1992; Jones, 1991). This is of concern, because longer time periods are likely to show higher rates of recidivism. How this may apply to an analysis of recidivism during a pretrial period, which is not typically of long duration, remains to be seen. Nonetheless, a discussion of findings from past research follows.

Recidivism rates, time to re-arrest, time to prison return

Findings from past research showed that while recidivism rates increased with a lengthened follow-up period, they were highest relatively early on (Hepburn and Albonetti, 1994; Whitehead, 1991; Bureau of Justice Statistics, 1989). Prison-return rates, another indicator of recidivism, have also been examined for released inmates. When using this indicator, the overall rate of recidivism was lower, but the pattern was very similar to that found when measuring re-arrest (Bureau of Justice Statistics, February 1985, 1984). Overall rates of recidivism were slightly lower among probationers (Bureau of Justice Statistics, February 1992).

With regard to pretrial behavior, research has shown very disparate rates of re-arrest. In one study, only three percent of the pretrial releasees were re-arrested (Bureau of Justice Statistics' examination, 1994), whereas in another study, the overall re-arrest rate was 26 percent (Visher and Linster, 1990).

Volume of Crime

Findings from past research suggest that a small proportion of re-arrestees commit a large proportion of offenses (Miranne and Geerken, 1993; Bureau of Justice Statistics, 1992, 1989, 1987). As an example, the 1992 Bureau of Justice Statistics' study of convicted felons placed on probation showed that 34,000 re-arrested felons were accountable for 64,000 new arrests. While the majority (54%) of those re-arrested had only one new arrest, twenty-two percent of the re-arrested probationers had three or more new arrests. It is not known whether either finding holds for pretrial releasees who recidivate.

Type of Offense

The type of offense committed has been found to influence the likelihood of recidivism. However, a definitive conclusion cannot be offered because the impact of specific types of

offenses varies from one study to the next. For example, some have found recidivism rates among probationers to be higher for those charged with drug offenses (Bureau of Justice Statistics, February 1992). Other studies regarding the recidivism of probationers and prison releasees disagree with these findings (Liberton et al., 1992; Whitehead, 1991; Bureau of Justice Statistics, 1987, 1989).

With regard to pretrial recidivism, contradictory findings are derived from two studies. In the first, a pattern similar to that observed among probationers was indicated. The study, conducted in the 75 largest counties in 1988, showed that 19 percent of drug defendants, who were released before the disposition of their case, were re-arrested during the pretrial period (Bureau of Justice Statistics, December 1992). About the same percentage of property offenders were re-arrested (18%). These findings differ greatly from those reported in another study, where defendants charged with a violent offense had the highest rates of pretrial re-arrest (6%) (Bureau of Justice Statistics, 1994). Four percent of those charged with a drug offense and two percent of those charged with a property offense or a public order offense were re-arrested pretrial. The differences among the various categories of defendants were minor.

In their analysis of pretrial failure, Visher and Linster (1990) found that the relationship between offense type and re-arrest varied as the time at risk increased. They found that in the early stages of pretrial release, having a non-drug charge (such as property or violent offense charge) was significantly more predictive of re-arrest than other offense types. However, as time at risk continued, non-drug charges became insignificant predictors and being charged with a drug offense became a significant predictor of re-arrest.

The type of offense at the time of re-arrest

Another question worthy of inquiry is the type of offense for which one is likely to be re-arrested. Do defendants recommit the same types of offenses? Or, alternatively, does the type of re-arrest offense differ from the original?

A study of felons placed on probation from 1986-89 sheds some light on these questions. The findings indicated that those who were re-arrested were most likely to be re-arrested for a

similar offense as the one for which probation had been imposed (Bureau of Justice Statistics, February 1992). Although the likelihood of being charged with a similar offense was evident, the majority of the probationers were not re-arrested for the same offense for which they were serving probation. Using the defendants charged with murder to illustrate this point, 20.8 percent of such offenders were re-arrested -- 4.9 percent for a new murder and 15.9 percent for a different offense (Bureau of Justice Statistics, February 1992).

In another study of probationers, the likelihood of re-arrest for a similar offense held only for certain categories of defendants; probationers with felony or misdemeanor drug charges had an increased probability of re-arrest for another drug offense (Clarke and Harrison, 1992). Among other probationers, however, the pattern was less consistent. To elaborate, the logistic regression analyses indicated that "a property felony charge was associated with an increased probability of re-arrest for a drug offense" and that "a charge for a misdemeanor other than a violent, property, or drug misdemeanor meant an increased probability of re-arrest on drug charges." Thus, specialization may be reserved for a specific category of probationers -- in this case, drug offenders. This may also be the case for those charged with less severe offenses--of defendants convicted of non-violent D or E felonies, 90 percent of those who were re-arrested were charged with D felonies, E felonies, or misdemeanors (Jones, 1991).

A similar conclusion was reached by a Bureau of Justice Statistics' (1987) investigation of young parolees released in 1978. The analysis of these releasees, for example, showed that 41 percent of paroled burglars were re-arrested for burglary within six years of release. Despite the tendency to be re-arrested for the same type of offense, the parolees were often arrested for other crimes as well. This was consistent with what was noted for probationers. As an example, while 59 percent of the paroled property offenders were re-arrested for a property offense, 35 percent were re-arrested for a violent offense (Bureau of Justice Statistics, 1987).

These findings are consistent with those reported for prisoners released in 11 states in 1983 (Bureau of Justice Statistics, 1989). For every type of offender, the likelihood of re-arrest for a similar crime was high. However, those released from prison were also re-arrested for

other offenses. The findings from a five-year follow-up in another study of prisoners released during a six-month period in 1978 revealed that while no specialization in crime type was found, patterns did occur. For example, the offenders who were previously convicted of violent crimes and robbery were the ones most likely to be re-arrested for violent crimes and robbery. And, offenders who were convicted of drug-law violations were especially likely to be re-arrested for such offenses.

With regard to pretrial behavior, only one study was identified where the effect of the type of arrest offense on the type of re-arrest offense was examined. The analysis focused on those who were released pretrial in 1988, from the 75 largest counties in the United States. The results showed that defendants were often re-arrested for the same type of offense as the one for which they were initially brought into the system (Bureau of Justice Statistics, December 1992). For example, 57 percent of drug defendants were re-arrested on drug charges before their cases were disposed.

Altogether, the above pieces of research present a picture that suggests that defendants are likely to recommit the same offenses as those for which they were originally charged. At the same time, this does not entail offense specialization, because many commit entirely new offenses.

Prior record

A number of studies have examined the effect of prior record on recidivism, and the findings have been uniform from one study to the next (Gendreau et al., 1996). Those with prior records have consistently been found to be more likely to recidivate than those not having a criminal history. Additionally, the likelihood of recidivism increases as one's prior record grows more extensive (Bureau of Justice Statistics, 1987; Clarke and Harrison, 1992; Belenko et al., 1994; Whitehead, 1991; Bureau of Justice Statistics; Hepburn and Albonetti, 1994). The effects of specific types of prior arrests (i.e., violent and drug) were also noted. The results showed that those with prior violent arrests were more likely to be re-arrested than those not having such

arrests. Re-arrest rates were also found to be higher among releasees with prior drug arrests than among those without a drug arrest.

In addition to prior arrests and convictions, prior probation revocations (Bureau of Justice Statistics, 1989; Jones, 1991), prior parole revocations (Bureau of Justice Statistics, 1989; Klein and Caggiano, 1986), prior escapes (Bureau of Justice Statistics, 1989), and prior incarcerations (Bureau of Justice Statistics, 1989; Jones, 1991; Klein and Caggiano, 1986) have been found to increase the likelihood of re-arrest. Furthermore, those with prior records may also be more likely to return to prison (Bureau of Justice Statistics, February 1985).

With regard to re-arrest before case disposition, an analysis of Federal felony defendants released pretrial in 1990 found criminal history to be among the most determinant of the factors examined (Bureau of Justice Statistics, 1994). However, variation was not large: eight percent of the defendants with five or more prior convictions were re-arrested for a new offense while on pretrial release, compared to five percent of those with two to four prior convictions, four percent with one conviction, and two percent with no convictions. The report also noted that those with a history of pretrial failure to appear were more likely to be re-arrested than those who made all of their appearances on previous arrests.

Socio-demographic variables

Age at probation, parole, prison release, or arrest

The age of the defendant has been found to be consistently related to the likelihood of recidivism; the probability of re-arrest or prison return declined as age increased (Belenko et al, 1994; Clarke and Harrison, 1992; Bureau of Justice Statistics, 1994, 1987, 1985).

In addition to looking at a defendant's age for the offense at hand, some researchers have also examined the age at which a defendant was first arrested for its effect on recidivism. The few studies that have done so have produced consistent results; those who were first arrested at an earlier age had higher rates of recidivism (Bureau of Justice Statistics, 1987, 1989). It should be noted, however, that this measure may not be readily available, and age at first arrest may be highly correlated with the age at current arrest.

Race/ethnicity

Findings pertaining to the effect of race/ethnicity on recidivism have been inconsistent. Beginning with the studies that have found an effect, Clarke and Harrison (1992) found that black defendants who were either on probation or released from prison were more likely to be re-arrested than members of other ethnic groups, after controlling for such factors as age, sex, and prior record. Studies on parolees also found that blacks had higher rates of recidivism than whites (Bureau of Justice Statistics, 1987; Hepburn and Albonetti, 1994; Whitehead, 1991). The rate of re-arrest among Hispanics was also higher than that of whites, although less than that observed among blacks (Bureau of Justice Statistics, 1987).

In conjunction with these findings, an examination of all prisoners released in 1983 found that black releasees had higher rates of re-arrest than white releasees (Bureau of Justice Statistics, 1989). This BJS study showed separate distributions for race and ethnicity. That is, for the race variable, black releasees were compared with white releasees. There was not a separate Hispanic category. Thus, when examining race, some Hispanics were classified as white and others were classified as black. With regard to the ethnicity variable, Hispanics were compared with non-Hispanics. Thus, some whites and some blacks were considered to be of Hispanic origin, while others were not.

With regard to pretrial re-arrest, small differences were noted in a study of felony defendants released in 1990 (Bureau of Justice Statistics, 1994). Five percent of the black defendants who gained pretrial release were re-arrested prior to case disposition, compared with two percent of the white defendants. Hispanic defendants were not identified.

In contrast to the findings discussed above, some researchers have failed to find a relationship between race and recidivism (Jones, 1991; Bureau of Justice Statistics, February 1985).

Gender

Unlike race/ethnicity, findings regarding the effect of gender on recidivism have been consistent among probationers, parolees, and prison releasees; men were more likely to be re-arrested than women (Clarke and Harrison, 1992; Bureau of Justice Statistics, 1987, 1989).

With regard to pretrial recidivism, in a study of felony defendants released pretrial in 1990, a difference of only one percentage point was noted between the sexes, with three percent of the sampled males having a re-arrest (Bureau of Justice Statistics, 1994).

Marital Status

Few researchers have examined the effect of a defendant's marital status on recidivism and the findings are not consistent. Reoffending rates (i.e., re-arrest or reconviction) have been found to be lower for defendants who were married/living together than for those who were single (Jones, 1991; Liberton et al., 1992). However, another study failed to find significant differences between those who were married and not married (Bureau of Justice Statistics, 1993). There are no studies of the effect of marital status on pretrial recidivism.

Employment and Education

The effects of employment and educational attainment on recidivism are not clear, because only a handful of researchers have examined these variables. Beginning with a defendant's level of educational attainment, a study of young parolees indicated that individuals who had graduated from high school were less likely to be re-arrested than those who did not complete high school (Bureau of Justice Statistics, 1987). This relationship was also observed in a separate investigation of prisoners of all ages, who were released in 11 states in 1983 (Bureau of Justice Statistics, 1989). However, the level of educational attainment did not predict the likelihood that one would recidivate in a study of re-offending among persons convicted of D and E felonies (Jones, 1991), or in another study of prison return (Bureau of Justice Statistics, February 1985).

With regard to the influence of employment, some researchers have found that not being employed, either regularly (Clarke and Harrison, 1992), or at all (Bureau of Justice Statistics,

February, 1985), at the time of the offense increased the likelihood of recidivism (see also Liberton et al. 1992; Whitehead, 1991). In contrast, Jones (1991) did not find a relationship between employment and recidivism. The effect of education or employment on recidivism during a pretrial period is unknown, as the review yielded no studies.

In sum, the review of the literature suggested that the rate of recidivism varied, depending on how and when it was measured and that a small fraction of the repeat offenders were responsible for a disproportionate number of offenses. Furthermore, certain variables were found to be more consistent predictors of recidivism than others. The literature also pointed out that 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 pretrial releasees. 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. This report examines pretrial recidivism on a 1998 sample of defendants. The findings are compared with those derived from the 1989 sample.

METHODOLOGY

A. Sampling and Data Sources

1989 Sample

Data for the 1989 analysis were drawn from a random sample of 15,359 arrests made in 1989 in which defendants were held by the police until Criminal Court arraignment. Defendants issued a Desk Appearance Ticket were not included in the sample. Because the aim of this research was to examine defendant behavior, the arrest-based sample was converted into a defendant-based sample (n=14,380), where only the defendant's first arrest during the sampling

period was included in the study sample (even if the defendant had multiple arrests).² Predicting the likelihood of pretrial re-arrest was the focus of the study. Therefore, only defendants whose cases were adjourned without disposition at Criminal Court arraignment, who were released pretrial and who were at risk of re-arrest were included in the analysis. A total of 10,075 defendants had their cases continued beyond Criminal Court arraignment (Table 1). Of this number, 5,311 defendants were released on their own recognizance or made bail at Criminal Court arraignment (Table 2). An additional 2,354 defendants were released subsequent to Criminal Court arraignment. The combined-study sample comprised of 7,665 defendants who were released prior to the disposition of their case in either Criminal or Supreme Court. Defendants classified as juvenile offenders by CJA were excluded from the study sample.³ In addition, defendants whose cases were transferred to Family Court or defendants who were extradited were not included in the analysis.

The primary data source was the CJA database.⁴ Database information was supplemented with data from the New York City Police Department (NYPD), the New York State Office of Court Administration (OCA, for supplementary case outcome data), the New York City Department of Correction (DOC, for detention and release data), and the New York State Division of Criminal Justice Services (DCJS, for detailed criminal history data).⁵

² The pretrial arrests subsequent to the first arrest (the sample arrest) were excluded from the sample. Of these subsequent arrests, the first one would be included in the dependent variable as the study focused on only the first pretrial re-arrest.

³ Juvenile offenders, the official designation for those under the age of 16 years who are treated as adults, comprise less than one percent of all interviews conducted by CJA. In April 1996, based on new research, a separate new recommendation scheme was introduced for juveniles (Phillips, 1999).

⁴ CJA maintains a computerized database containing arrest and case-processing information about most New York City arrestees. Data are collected during a pre-arraignment interview, which is used to ascertain community-ties information and make a recommendation for release on recognizance at the defendant's first court appearance. In 1989, court information on all interviewed defendants was gathered from the Criminal and Supreme Court calendars. Defendants were not interviewed if they were arrested solely on bench warrants, given summonses, or charged solely with prostitution offenses. Although arrestees issued Desk Appearance Tickets (DATs) were not interviewed by CJA, police arrest and Criminal Court information for them was included in the CJA database. However, those issued DATs were excluded from the arrest-based sample and thus from the analysis.

⁵ DCJS, NYPD, OCA, and DOC bear no responsibility for the methods of analysis used in this report or its conclusions. It should also be noted that the criminal history information provided by DCJS excluded sealed cases.

Table 1: Arraignment Outcome
(Defendant-based)

ARRAIGNMENT OUTCOME	1989 Dataset N=14,380		1998 Dataset N=68,281	
	N	%	N	%
NON-DISPOSED	10075	70	35900	53
PLED GUILTY	3318	23	20811	30
DISMISSED	571	4	11565	17
OTHER ¹	18	0	5	0
NOT PROSECUTED	373	3	NA	NA
TOTAL	14355	100	68281	100

¹Other includes transfer to other borough and family court.

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

RELEASE STATUS	1989 Dataset		1998 Dataset	
	N	%	N	%
REMAND	101	1	424	1
BAIL SET, NOT MADE	4663	46	15751	44
BAIL MADE	224	2	863	2
ROR	5087	51	18770	52
TOTAL	10,075	100	35808	100

1998 Sample

Data for the 1998 analysis were drawn from a cohort of 89,524 arrests made between July 1, 1998 and September 30, 1998, 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,⁶ or as direct indictments, or cases for which prosecution information is not available in CJA’s database (Eckert and Curbelo, 2000). The primary data source was the CJA database.⁷ The Criminal Court data were tracked through August 6, 1999.⁸ By that time, 98 percent of the cases had reached final dispositions. The cutoff date for Supreme Court data was September 22, 1999. 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). In order to be consistent with the ’89 sample, defendants given Desk Appearance Tickets and JOs were excluded from the ’98 sample. Furthermore, the arrest-based sample was converted into a defendant-based sample, where only the defendant’s first arrest during the sampling period was included in the study sample.

In the 1998 sample, 53 percent of the defendants had their cases continued beyond Criminal Court arraignment, which was 17 percentage points lower than the proportion for the ’89 sample (Table 1). Table 2 shows that of those cases that were adjourned, 19,633 defendants were released at arraignment. An additional 8,400 defendants were released prior to the

⁶ CJA’s database does not contain court data for dockets with the same docket number. Thus, court data for “A” dockets in Manhattan (the designation 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 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. Where the court information could be determined from other sources, it was added to the data set.

⁷ Information about the arrest is provided by an on-line feed from the New York City Police Department.

⁸ In the 1998 sample, if a case had multiple dockets, the Criminal Court information including warrants was pulled on the docket having most severe affidavit charge (Penal Law severity). In the 1989 sample, the most severe docket was defined as the one with the most severe first final disposition. In addition, information pertaining to pretrial Criminal Court warrants was collected on the docket with the latest final disposition.

disposition of their cases in Criminal or Supreme Court. To be specific, the analysis focused on 28,033 defendants whose cases were adjourned at Criminal Court arraignment and who were at risk of pretrial recidivism in either Criminal Court or Supreme Court.

B. Dependent Variable

The commonly used measures of recidivism include re-arrest, re-conviction, and re-incarceration. All of these measures have their limitations. For example, re-arrest would only capture offenses that result in an arrest. Similarly, not all re-arrests result in a re-conviction. The absence of a re-conviction does not necessarily mean that the offense was not committed. Finally, not all re-convicted defendants are re-incarcerated, which would result in an under-estimation of recidivism.

For the present study, pretrial re-arrest was used as a measure of recidivism. Despite its limitations, it seemed to be the most useful indicator of recidivism--it would capture most of the reported offenses. 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 that may result in lower re-arrest rates for the study sample. The pretrial re-arrest rate for the 1998 sample was 20 percent, which was substantially lower than that reported for the 1989 sample (30%).

C. Independent Variables

A number of variables were examined for their statistical effects on pretrial re-arrest. Prior research and correlation with the dependent variable guided the selection of the independent variables. These variables included information on a defendant's community ties, criminal history, top arrest charge severity, type of offense, socio-demographic attributes, and case-processing characteristics.

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 offense type was based on its Uniform Crime Reports' (UCR) category. The offenses were recoded 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, 1983). See Appendix A for a description of offense types.

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), 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 focused on the likelihood of pretrial re-arrest among defendants who were at risk in Criminal Court or Supreme Court. Since the dependent variable was dichotomous (pretrial re-arrest or no re-arrest), logistic regression analysis was used to construct 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. Theory and correlation with the dependent variable aided the selection of the independent variables.

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 telephone in the residence and living at a New York City area address for the current analysis (yes, yes verified, no, no verified, unresolved conflict), 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 (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 one hundred. 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 (Norusis, 1990). 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 all the variation in the dependent variable was explained by the independent variables in the model.

RESULTS

A. Defendant Characteristics

Table 3 presents characteristics of defendants who were at risk for re-arrest in either Criminal or Supreme Court. To facilitate comparison, the findings for the '89 sample are also provided. As with the '89 sample, the majority of the defendants in the 1998 combined-court sample were male. The distribution of the ethnicity of defendants in the 1998 sample was similar to the distribution of this variable in the 1989 sample. Almost half of the defendants were black, one-third were Hispanic, and the remainder were white or other ethnicity. The median age for the 1998 sample was slightly higher (30 years old) than the median age for the 1989 sample (27 years old).

There was a shift in the proportion of defendants arrested in Brooklyn and Manhattan from 1989 to 1998. In the 1989 sample, 34 percent of the defendants were arrested in Manhattan

Table 3: Characteristic of Defendants Released Pretrial Regardless of Court of Disposition:
A Comparison of the 1998 Sample with the 1989 Sample.

Defendant Characteristics	1989 Sample N=7,665		1998 Sample 28,033	
	N	%	N	%
SOCIO-DEMOGRAPHIC ATTRIBUTES				
<u>Sex</u>				
Male	6652	88	23218	83
Female	938	12	4791	17
Total	7590	100	28009	100
<u>Ethnicity</u>				
Black	3816	50	13297	47
Hispanic	2671	35	9303	34
White	947	12	3865	14
Other ¹	231	3	1424	5
Total	7665	100	27889	100
<u>Age at Arrest</u>				
18 and under	972	13	3339	12
19-20 years	741	10	2304	8
21-24 years	1396	18	4003	14
25-29 years	1594	21	4264	15
30-34 years	1293	17	4375	16
35- 39 years	725	10	3821	14
40-78 years	938	12	5927	21
Total	7659	100	28033	100
Median Age (Years)	27		30	
CASE-PROCESSING CHARACTERISTICS				
<u>Borough of Arrest</u>				
Brooklyn	2080	27	8345	30
Manhattan	2618	34	8411	30
Queens	1242	16	4686	17
Staten Island	178	2	1434	5
Bronx	1547	20	5157	18
Total	7665	100	28033	100
<u>Type of Court</u>				
Criminal Court	5887	77	23861	85
Supreme Court	1774	23	4172	15
Total	7661	100	28033	100
<u>Type of First Release</u>				
ROR	6598	86	21895	80
Bail	1063	14	5355	20
Total	7661	100	27250	100

Table 3
(contd.)

Defendant Characteristics	1989 Sample N=7,665		1998 Sample N=28,033	
	N	%	N	%
CASE-PROCESSING CHARACTERISTICS				
Median Time From Arrignment to Disposition (Days)	95		89	
Median Time from Arraignment to First Re-Arrest (Days)	48		48	
FTA Regardless of Court of Disposition				
Yes	2700	35	5612	20
No	<u>4960</u>	<u>65</u>	<u>22421</u>	<u>80</u>
Total	7660	100	28033	100
COMMUNITY TIES ITEMS				
Verified NYC Area Address				
Yes Unverified	3724	50	15383	58
Yes Verified	2910	39	9101	34
No, Unverified	420	6	1362	5
No Verified	88	1	299	1
Unresolved Conflict	<u>296</u>	<u>4</u>	<u>469</u>	<u>2</u>
Total	7438	100	26614	100
Verified Length of residence of at least 18 months				
Yes Unverified	2609	35	11057	41
Yes Verified	2244	30	6923	26
No, Unverified	1615	22	5794	22
No Verified	532	7	2099	8
Unresolved Conflict	<u>466</u>	<u>6</u>	<u>786</u>	<u>3</u>
Total	7466	100	26659	100
Verified Family Ties With in Residence				
Yes Unverified	2117	28	8805	33
Yes Verified	2424	33	7027	26
No, Unverified	2062	28	7979	30
No Verified	543	7	2252	8
Unresolved Conflict	<u>320</u>	<u>4</u>	<u>588</u>	<u>2</u>
Total	7466	100	26651	100
Expects Someone at Arraignment				
Yes	3338	45	10593	40
No	<u>4111</u>	<u>55</u>	<u>15948</u>	<u>60</u>
Total	7449	100	26541	100

Table 3
(contd.)

Defendant Characteristics	1989 Sample N=7,665		1998 Sample N=28,033	
	N	%	N	%
COMMUNITY TIES ITEMS				
<u>Verified Telephone</u>				
Yes Unverified	1180	16	10194	38
Yes Verified	2410	32	8657	32
No, Unverified	2892	39	6135	23
No Verified	539	7	705	3
Unresolved Conflict	<u>451</u>	<u>6</u>	<u>952</u>	<u>4</u>
Total	7472	100	26643	100
<u>Verified Full Time Employment/ School/ Training</u>				
Yes Unverified	1797	24	8151	31
Yes Verified	1570	21	4933	18
No, Unverified	2643	35	9067	34
No Verified	1116	15	3640	14
Unresolved Conflict	<u>336</u>	<u>5</u>	<u>804</u>	<u>3</u>
Total	7462	100	26595	100
CRIMINAL HISTORY				
<u>First Arrest</u>				
Yes	3281	43	11733	44
No	<u>4287</u>	<u>57</u>	<u>15226</u>	<u>56</u>
Total	7568	100	26959	100
<u>Prior Violent Felony Convictions</u>				
Yes	701	9	2096	7
No	<u>6867</u>	<u>91</u>	<u>25937</u>	<u>93</u>
Total	7568	100	28033	100
<u>Prior Felony Convictions</u>				
Yes	1727	23	5710	21
No	<u>5841</u>	<u>77</u>	<u>21110</u>	<u>79</u>
Total	7568	100	26820	100
<u>Prior Misdemeanor Convictions</u>				
Yes	2382	31	7167	27
No	<u>5186</u>	<u>69</u>	<u>19653</u>	<u>73</u>
Total	7568	100	26820	100

Table 3
(contd.)

Defendant Characteristics	1989 Sample N=7,665		1998 Sample N=28,033	
	N	%	N	%
<u>Open Cases</u>				
Yes	2884	38	7018	26
No	<u>4684</u>	<u>62</u>	<u>19802</u>	<u>74</u>
Total	7568	100	26762	100
<u>Type of Warrant</u>				
<u>Attached to Rap Sheet</u>				
Bench Warrant	1047	14	1866	7
No Bench Warrant	<u>6373</u>	<u>86</u>	<u>24896</u>	<u>93</u>
Total	7420	100	26762	100
<u>Prior FTA</u>				
Yes	2507	33	7210	26
No	<u>5061</u>	<u>67</u>	<u>20823</u>	<u>74</u>
Total	7568	100	28033	100
<u>TOP INITIAL ARREST</u>				
<u>CHARGE SEVERITY</u>				
A Felony	158	2	336	1
B Felony	1905	25	5822	21
C Felony	814	11	1810	7
D Felony	2152	28	6321	23
E Felony	633	8	2616	9
A Misdemeanor	1524	20	8705	31
B Misdemeanor	93	1	1401	5
Other ³	<u>379</u>	<u>5</u>	<u>943</u>	<u>3</u>
Total	7658	100	27945	100
<u>TOP RE-ARREST</u>				
<u>CHARGE SEVERITY</u>				
A Felony	42	2	64	1
B Felony	626	28	1193	22
C Felony	192	9	249	4
D Felony	448	20	605	11
E Felony	179	8	571	10
A Misdemeanor	679	30	2051	37
B Misdemeanor	67	3	558	10
Other ³	<u>33</u>	<u>2</u>	<u>260</u>	<u>5</u>
Total	2266	100	5551	100

Table 3
(contd.)

Defendant Characteristics	1989 Sample N=7,665		1998 Sample N=28,033	
	N	%	N	%
<u>TOP INITIAL ARREST</u>				
<u>CHARGE TYPE</u>				
Violent	2200	29	10355	37
Property	1628	21	3778	13
Drug	2388	31	7309	26
Public-Order	878	12	3281	12
Other	<u>564</u>	<u>7</u>	<u>3222</u>	<u>12</u>
Total	7658	100	27945	100
<u>TOP RE-ARREST CHARGE</u>				
<u>TYPE</u>				
Violent	462	20	960	17
Property	647	28	887	15
Drug	860	37	2084	37
Public-Order	185	8	671	12
Other	<u>158</u>	<u>7</u>	<u>1072</u>	<u>19</u>
Total	2312	99	5674	100

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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).

and 27 percent of the defendants were arrested in Brooklyn, and in the 1998 sample the same proportion of defendants were arrested in Manhattan as in Brooklyn (30% and 30%, respectively). The two samples did not differ with respect to the proportion of defendants arrested in the remaining boroughs. Fewer cases were transferred to Supreme Court in 1998 than in 1989 (15% versus 23%). The median time from arraignment to disposition dropped from 95 days in 1989 to 89 days in 1998. In both samples, the median time from arraignment to first pretrial re-arrest was 48 days.

Examining the community ties items, approximately 90 percent of the defendants in both the 1989 and the 1998 combined-court samples reported living in the New York City area. Almost two-thirds of the defendants in both samples reported living at their current address for 18 months or longer, and approximately three-fifths of the defendants in both samples, reported living with someone at the time of their arrest. A slightly lower proportion of defendants in the 1998 sample expected someone at arraignment compared to the 1989 sample (40% versus 45%). There was a substantial increase in the proportion of defendants in the 1998 sample (71%) who reported having a telephone in their residence, compared to the 1989 sample (48%). In both the samples, almost one-half of the defendants reported being employed, in school, or in a training program full time.

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 1998, ranging from 22 percentage points for having a telephone in the residence to 5 percentage points for the family-ties variable. In contrast, with the exception of the telephone variable, the proportion of defendants who were categorized as “yes verified” decreased slightly, ranging from 7 percentage points for the family-ties variable to 3 percentage points for the full-time activity variable.

The two samples did not differ with regard to the proportion of defendants who had been arrested previously (57% for the '89 sample, 56 percent for the '98 sample). However, in comparison to the '89 sample, the proportion of defendants with respect to the other measures of

criminal history decreased in the '98 sample, ranging from 12 percentage points for open cases to 2 percentage points for prior felony convictions.

The majority of the defendants in both the 1989 and 1998 samples were arrested for felony charges, primarily B and D felonies. The proportion of defendants charged with an A misdemeanor increased from 20 percent in 1989 to 31 percent in 1998. This may be attributed to an increase in arrests involving quality-of-life offenses. In 1998, there was a shift in the types of offenses defendants were charged with. For example, the proportion of defendants charged with violent crimes increased from 29 percent in 1989 to 37 percent in 1998. In contrast, relative to the '89 sample, the proportion of defendants charged with property or drug offenses in the '98 sample decreased by 8 percentage points and 5 percentage points, respectively.

In both of the samples, of those who were re-arrested, slightly more than one-third were charged with drug offenses. The percentage of defendants re-arrested for property offenses dropped from 28 percent in 1989 to 15 percent in 1998. In contrast, more defendants were re-arrested for "other" offenses in the 1998 sample than in the 1989 sample (19% vs. 7%).

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

Top Charge Severity

Tables 4 and 5 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 both of the samples, defendants who were initially arrested for felonies were more likely to have been re-arrested for felonies than for misdemeanor or lesser charges. There was less overlap in 1998 than in 1989 (54% versus 72%). Continuing with charge severity, defendants with non-felony initial arrest charges were less likely to have been re-arrested for felony offenses. Tables 4 and 5 also show that despite the overlap, 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. A considerable amount of overlap was also found for

1989 Dataset

Table 4: Severity of Top Initial Arrest Charge by Severity of Top Re-arrest Charge for Defendants Re-arrested Pretrial
N=2,265

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	%
A Felony	4	14	11	38	3	10	6	21	0	0	4	14	1	4	29	100
B Felony	17	3	306	46	43	6	103	15	29	4	151	23	20	3	699	100
C Felony	2	1	51	20	45	18	63	25	13	5	63	25	16	6	253	100
D Felony	10	2	117	21	52	9	175	31	58	10	135	24	24	4	571	100
E Felony	4	2	35	17	14	7	41	20	49	23	62	30	4	2	209	100
A Misdemeanor	2	1	97	20	35	7	56	12	29	6	243	50	25	5	487	100
Other ¹	3	6	9	19	0	0	4	9	1	2	20	43	10	21	47	100
Subtotal			626		192		448		179		678		100			
Total by Severity	42						448		1487		678		100			

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).

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

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).

the B-felony category; among persons who were initially arrested for B felonies, more than two-fifths were re-arrested for a B felony offense. For the other categories, there was less overlap.

Top Charge Type

Tables 6 and 7 display the bivariate relationship between the top initial arrest charge type and the top re-arrest charge type, for those who were re-arrested pretrial. In both of the samples, there was more of an overlap for some offense types than others, particularly among those arrested for drug, other, and property offenses. For those who were initially arrested for a drug offense, almost two-thirds were re-arrested pretrial for the same type of offense. In the 1989 sample, among those who were initially arrested for property offenses, slightly more than half were re-arrested for the same offense. The proportion went down in 1998 where one-third of the offenders initially charged with a property offense were re-arrested for the same offense. In 1989, slightly more than one third of the violent offenders were re-arrested on the same offense. The comparable number for the 1998 sample was 25 percent. In addition to re-committing the same offense, many defendants in each of the offense types committed entirely new offenses, ranging from 34 percent for drug offenders to 79 percent for defendants initially arrested for “other” offenses.

1989 Dataset

Table 6: Type of Top Initial Arrest Charge by Type of Top Re-arrest Charge for Defendants Re-arrested Pretrial
N=2,311

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	213	37	133	23	134	23	44	7	59	10	583	100
Property	94	15	313	53	101	17	50	8	34	6	592	100
Drug	94	11	119	14	552	66	31	4	36	4	832	100
Public Order	52	24	65	29	39	18	54	24	11	5	221	100
Other	9	11	17	21	34	41	6	7	17	21	83	100
Total	462	20	647	28	860	37	185	8	157	7	2311	100

1998 Dataset

Table 7: 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

C. Regression Analysis of Re-arrest

Table 8 displays the logistic regression models for the 1989 and 1998 samples (see Appendix B for coding of variables). Below, the findings from the 1998 model are first presented alone. Comparisons are then made with the 1989 model.

The 1998 model controlled for the community-ties variables, criminal history indicators, charge type and severity, defendant's demographics, and case-processing characteristics. Beginning with the community ties variables, having a telephone in the residence, living at a New York City area address, 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, and defendants with "yes" or "yes, verified" responses 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, defendants with negative responses to the telephone variable, or "no, unverified" responses to the full-time activity variable were more likely to be re-arrested pretrial. When controlling for the other variables in the model, defendants categorized as "yes, unverified" on the New York City area address variable were more likely to be re-arrested than defendants with the mean effect of that variable. Since information on re-arrests occurring outside the New York City area was not available, one must be cautious when interpreting this finding.

With respect to the criminal history variables, defendants having prior arrests, prior misdemeanor convictions, prior felony convictions, open cases, and a history of FTA were all more likely to be re-arrested pretrial than defendants who did not have such a history.⁹

In the 1998 model, the severity of the top charge at initial arrest had a statistically significant effect on the likelihood of re-arrest. The odds of pretrial re-arrest were lower among defendants arrested for an A felony. In contrast, defendants initially arrested for B felonies, E

⁹Prior felony convictions included both violent and non-violent convictions. Initially, these two types of convictions were examined separately. Both proved to be significant predictors of pretrial re-arrest and therefore were collapsed in the final model.

Table 8: Multiple Logistic Regression Model Predicting Pretrial Re-arrest

Variable	1989 Model N=7,265			1998 Model N=24,999		
	Logit Coefficient	Significance Level	Odds Ratio	Logit Coefficient	Significance Level	Odds Ratio
TELEPHONE						
Excluded Category: Unresolved Conflict						
Yes	-0.276	0.000	0.759	-0.213	0.000	0.808
Yes Verified	-0.046	0.600	0.955	0.015	0.822	1.015
No, No Verified	0.094	0.095	1.098	0.190	0.000	1.209
EMPL./SCHOOL/TRAINING						
Excluded Category: Unresolved Conflict						
Yes	-0.134	0.102	0.874	-0.151	0.011	0.859
Yes Verified	-0.391	0.000	0.677	-0.275	0.000	0.759
No	0.284	0.000	1.329	0.305	0.000	1.356
No Verified	0.055	0.484	1.057	0.067	0.224	1.069
NYC AREA RESIDENCE						
Excluded Category: No/No Verified/Unresolved						
Yes	0.010	0.876	1.010	0.113	0.015	1.120
Yes Verified	-0.070	0.413	0.932	-0.027	0.673	0.973
BOROUGH OF INITIAL ARREST						
Excluded Category: Bronx						
Brooklyn	0.074	0.273	1.077	0.063	0.073	1.065
Manhattan	0.148	0.021	1.159	-0.001	0.970	0.999
Queens	0.208	0.008	1.231	-0.153	0.001	0.858
Staten Island	-0.333	0.063	0.717	0.154	0.026	1.167
SEX	0.282	0.003	1.326	0.455	0.000	1.576
AGE	-0.044	0.000	0.957	-0.031	0.000	0.969
ETHNICITY						
Excluded Category: Other						
White	-0.202	0.022	0.817	-0.022	0.648	0.978
Black	0.122	0.056	1.129	0.134	0.000	1.144
Hispanic	0.161	0.017	1.175	0.046	0.209	1.047
TYPE OF FIRST RELEASE	0.549	0.000	1.732	0.230	0.000	1.259
CASE-PROCESSING TIME	0.006	0.000	1.006	0.008	0.000	1.008
COURT OF DISPOSITION	-0.357	0.000	0.700	0.016	0.782	1.016
PRIOR FTA	0.429	0.000	1.535	0.397	0.000	1.488

TABLE 8
(contd.)

Variable	1989 Model N=7,265			1998 Model N=24,999		
	Logit Coefficient	Significance Level	Odds Ratio	Logit Coefficient	Significance Level	Odds Ratio
TOP ARREST CHARGE SEVERITY						
Excluded Category: B Misd/ Other						
A Felony	-1.032	0.000	0.356	-0.665	0.000	0.514
B Felony	0.265	0.001	1.304	0.212	0.000	1.236
C Felony	0.204	0.029	1.226	0.063	0.354	1.065
D Felony	0.050	0.493	1.051	0.096	0.053	1.101
E Felony	0.342	0.001	1.408	0.225	0.000	1.253
A Misdemeanor	0.410	0.000	1.507	0.217	0.000	1.243
PRIOR ARRESTS						
				0.486	0.000	1.626
PRIOR MISDEMEANOR CONVICTIONS						
	0.555	0.000	1.742	0.304	0.000	1.355
PRIOR FELONY CONVICTIONS						
	0.141	0.053	1.151	0.097	0.036	1.102
OPEN CASES						
	0.637	0.000	1.892	0.219	0.000	1.245
TOP ARREST CHARGE TYPE						
Excluded Category: Other						
Violent	-0.190	0.003	0.827	-0.128	0.000	0.879
Property	0.177	0.009	1.193	0.039	0.378	1.039
Drug	0.158	0.018	1.171	0.191	0.000	1.210
Public Order	0.018	0.829	1.018	-0.042	0.365	0.959

Nagelkerke R² for the 1989 Model = 28%

Nagelkerke R² for the 1998 Model = 23%

felonies, or A misdemeanors were more likely to be re-arrested pretrial. With respect to the type of offense, those arrested on drug offenses were more likely to be re-arrested pretrial than defendants with the mean effect of that variable. In contrast, defendants charged with a violent offense at the time of initial arrest were less likely to be re-arrested.

An examination of the demographic variables indicated that all else being equal, the probability of re-arrest was higher for male and black defendants. The likelihood of being re-arrested pretrial decreased with age.

Turning to variation in case-processing characteristics, type of first release was significantly associated with the likelihood of pretrial re-arrest. However, its effect 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 higher among defendants who were released on recognizance (Table 8). As shown by Table 8, 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 Staten Island. In contrast, defendants initially arrested in Queens were less likely to be re-arrested than defendants with the mean effect of that variable. The court of disposition variable was not found to be a statistically significant predictor of re-arrest in the 1998 sample of at-risk defendants.

The statistically significant variables were further examined in terms of their effect on the likelihood of re-arrest. The logit coefficients for these variables suggested that prior arrests ($B=.49$), gender ($B=.46$), prior FTA ($B=.40$) and prior misdemeanor convictions ($B=.30$) were among the strongest predictors of pretrial re-arrest. The open-case variable ($B=.22$) was found to be a moderate predictor of re-arrest.

Table 8 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 for the effects of all of the other variables in the model. As shown by Table 8, the odds of being

re-arrested pretrial were 1.63 times higher for defendants who had been arrested previously than the odds for defendants with no prior arrests. The odds of being re-arrested pretrial for male defendants were 1.58 times higher than that for female defendants. The odds ratios for having prior FTA and prior misdemeanor convictions were 1.49 and 1.36, respectively. The total amount of variance explained by the model (as expressed with Nagelkerke's R^2) was 23 percent.

D. A Comparison of the 1998 Re-arrest Model with the 1989 Re-arrest Model

To determine whether there had been a change in the prediction of re-arrest over time, the 1998 model was compared with the 1989 model. Table 8 shows that with the exception of living at a New York City area address and court of disposition, all of the variables were useful in predicting re-arrest in both of the models.¹⁰ Living at a New York City area address was not found to be a statistically significant predictor of re-arrest in the 1989 model. The variable controlling for the court of disposition was significant in the 1989 model only; the likelihood of being re-arrested pretrial was higher among defendants whose cases were disposed in Criminal Court.

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 1989 model, defendants categorized as “yes, verified” on the full-time activity variable were less likely to be re-arrested than defendants with the mean effect. In comparison, in the 1998 sample, this was true regardless of verification. In the 1989 model, only one category of having a telephone in the residence was significantly related to pretrial re-arrest; defendants with “yes, unverified” responses were less likely to be re-arrested than defendants with the mean effect of that variable. In the 1998 sample, defendants in the “yes, unverified” category, and in the collapsed category of “no, unverified” and “no, verified” responses had significant effects on the likelihood of pretrial re-arrest.

¹⁰ The 1989 model did not control for prior arrests. If prior arrests were included, prior felony convictions became insignificant. Since the variable reflecting prior felony convictions was a more certain measure of defendant's criminal history, it was included in the final model.

Changes were also observed in the interpretation of some of the demographic and case-processing variables. In the 1989 sample, when compared with defendants with the mean effect of the ethnicity variable, the odds of being re-arrested pretrial were lower for white defendants and higher for Hispanic defendants. In the 1998 model, only one category of this variable attained statistical significance; the likelihood of re-arrest was higher among blacks. With regard to the borough of initial arrest, in 1989, defendants initially arrested in Manhattan and Queens were more likely to be re-arrested. In the 1998 model, the effect of being arrested in Queens remained significant. However, the direction of the relationship was reversed; these defendants were less likely to be re-arrested. The effect of being arrested in Staten Island also became significant in the 1998 model. When compared with the mean effect of that variable, these defendants were more likely to be re-arrested. In the 1998 model, defendants initially arrested in Manhattan had no significant effect on the likelihood of pretrial re-arrest. The interpretation of the other community ties variables did not differ between the two models.

Differences were also observed in the statistical significance of the individual categories of the severity and type of the top arrest charge at the initial arrest. Beginning with the severity, in the 1989 model, the likelihood of being re-arrested pretrial was higher among defendants initially arrested for a C felony. This category did not attain statistical significance in the 1998 model. No differences were observed in the interpretation of the other categories. The two models behaved similarly with respect to the charge type variable, with the exception of the effect of the property offenders. They were more likely to be re-arrested in the 1989 sample only.

The two models were further examined with respect to the size of logit coefficients for the significant independent variables. The comparison revealed that the effects of criminal history variables on the likelihood of pretrial re-arrest were somewhat stronger in the 1989 model than in the 1998 model (B= .56 vs. B=.30 for prior misdemeanor convictions, B=.64 vs. B=.22 for open cases).¹¹

¹¹The logit coefficients for open cases decreased somewhat when the prior arrest variable was included in the 1989 model (B=.442 for open cases, table not shown). However, it still had a larger effect on the likelihood of pretrial re-arrest in 1989 than in 1998.

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 1989 model than for the 1998 model (28% vs. 23%).

In sum, most of the variables that were significant in the 1989 sample remained significant in the 1998 model. Nonetheless, differences were observed in the interpretation of some of the variables. This was not surprising, as changes were observed in defendant's population and case-processing characteristics from 1989 to 1998.

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

A comparison of the 1998 re-arrest model with the 1998 FTA model indicated that while most variables were useful in predicting both outcomes, some were relevant to one outcome only (Table 9). Furthermore, the interpretation for some of the significant variables was altered, depending upon the type of failure under scrutiny. The findings are presented below:

First, with the exception of expecting someone at arraignment, all of the community ties variables predicting FTA proved to be significant predictors of re-arrest. These variables included having a telephone in the residence, residing in the New York City area, and being employed, in school, or in training program full time. When analyzing each variable individually however, differences in interpretation were found. In the FTA analysis, when controlling for the other variables in the model, defendants with affirmative responses to living at a New York City area address were less likely to FTA than defendants with the mean effect of that variable. The direction of the relationship was reversed in the analysis of re-arrest; defendants categorized as "yes, unverified" responses were more likely to be re-arrested than defendants with the mean

Table 9: A Comparison of the 1998 FTA Model with the 1998 Re-arrest Model

Variable	1998 FTA Model			1998 Re-arrest Model		
	Logit Coefficient	Significance Level	Odds Ratio	Logit Coefficient	Significance Level	Odds Ratio
TELEPHONE						
Excluded Category: Unresolved Conflict						
Yes,	-0.296	0.000	0.744	-0.213	0.000	0.808
Yes Verified	-0.021	0.755	0.979	0.015	0.822	1.015
No, No Verified	0.324	0.000	1.383	0.190	0.000	1.209
EMPL./SCHOOL/TRAINING						
Excluded Category: Unresolved Conflict						
Yes	0.041	0.479	1.042	-0.151	0.011	0.859
Yes Verified	-0.313	0.000	0.731	-0.275	0.000	0.759
No	0.300	0.000	1.350	0.305	0.000	1.356
No Verified	-0.016	0.768	0.984	0.067	0.224	1.069
EXPECTS SOMEONE AT ARRAIGNMENT	-0.281	0.000	0.755	--	--	--
NYC AREA RESIDENCE						
Excluded Category: No, No Verified, Unresolved Conflict						
Yes	-0.162	0.000	0.850	0.113	0.015	1.120
Yes Verified	-0.252	0.000	0.778	-0.027	0.673	0.973
BOROUGH OF ARREST						
Excluded Category: Bronx						
Brooklyn	0.076	0.026	1.079	0.063	0.073	1.065
Manhattan	-0.110	0.001	0.896	-0.001	0.970	0.999
Queens	-0.223	0.000	0.800	-0.153	0.001	0.858
Staten Island	0.442	0.000	1.556	0.154	0.026	1.167
SEX	-0.007	0.876	0.993	0.455	0.000	1.576
AGE	-0.023	0.000	0.978	-0.031	0.000	0.969
ETHNICITY						
Excluded Category: Other						
White	-0.076	0.108	0.927	-0.022	0.648	0.978
Black	0.198	0.000	1.219	0.134	0.000	1.144
Hispanic	0.091	0.013	1.095	0.046	0.209	1.047
TYPE OF FIRST RELEASE	0.786	0.000	2.194	0.230	0.000	1.259
COURT OF DISPOSITION	0.005	0.931	1.005	0.016	0.782	1.016
CASE PROCESSING TIME	0.007	0.000	1.007	0.008	0.000	1.008
PRIOR FTA	0.787	0.000	2.196	0.397	0.000	1.488
OPEN CASES	0.232	0.000	1.261	0.219	0.000	1.245

TABLE 9
(contd.)

Variable	1998 FTA Model			1998 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	-0.604	0.000	0.547	-0.665	0.000	0.514
B Felony	-0.040	0.448	0.961	0.212	0.000	1.236
C Felony	-0.026	0.707	0.974	0.063	0.354	1.065
D Felony	0.088	0.073	1.092	0.096	0.053	1.101
E Felony	0.114	0.071	1.120	0.225	0.000	1.253
A Misdemeanor	0.298	0.000	1.347	0.217	0.000	1.243
PRIOR ARRESTS	--	--	--	0.486	0.000	1.626
PRIOR MISDEMEANOR CONVICTIONS	--	--	--	0.304	0.000	1.355
PRIOR FELONY CONVICTIONS	--	--	--	0.097	0.036	1.102
TOP ARREST CHARGE TYPE						
Excluded Category: Other						
Violent	-0.221	0.000	0.802	-0.128	0.000	0.879
Property	0.103	0.016	1.108	0.039	0.378	1.039
Drug	0.245	0.000	1.277	0.191	0.000	1.210
Public Order	-0.028	0.536	0.972	-0.042	0.365	0.959

effect of the variable. This was not surprising, as the information pertaining to re-arrests was limited to the five boroughs of New York City.

With regard to being engaged in a full-time activity, when compared with the mean effect of the variable, defendants with “yes, verified” responses were less likely to FTA. In the re-arrest model, this was true regardless of verification. In both models, defendants with negative, unverified responses had a significant effect on the outcome variable.

Expecting someone at arraignment was a significant predictor of FTA only, and therefore was not included in the final re-arrest model.

Second, the two models differed with respect to the statistical significance of various criminal-history variables. Having prior arrests, prior misdemeanor convictions, prior felony convictions, open cases and prior FTA increased the chances that a defendant would be re-arrested pretrial. Only two of those five criminal-history indicators were included in the final FTA model--open cases and prior FTA. An examination of the logit coefficients for these variables showed that prior FTA was a stronger predictor of the likelihood of FTA than re-arrest. The logit coefficient for this variable in the FTA model was twice its size in the re-arrest model (.79 vs. .40). The two models did not differ with respect to the strength of the open-case variable.

Third, with the exception of gender, the same demographic attributes and case-processing characteristics predicted both types of pretrial misconduct. To be specific, for both the 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 higher when the defendant was younger, rather than older. Furthermore, borough of initial arrest and ethnicity predicted both types of failure. However, there were some differences in the interpretation of the effect of individual categories. Defendants arrested in Manhattan and Queens were less likely to fail to appear, whereas defendants arrested in Brooklyn and Staten Island were more likely to fail to appear pretrial. In the re-arrest model, the re-arrest rates were lower for defendants initially arrested in Queens and higher for defendants initially arrested in Staten Island. Defendants initially arrested in Brooklyn or Manhattan had no significant effect on the likelihood of pretrial

re-arrest. An examination of the logit coefficients for the borough of arrest variable indicated that its effect was slightly stronger on pretrial FTA than on re-arrest.

In the FTA model, the likelihood of failure was higher among blacks and Hispanics. In the re-arrest model, the odds of being re-arrested pretrial were higher among blacks only. Hispanic defendants had no significant effect on the likelihood of being re-arrested pretrial. Type of release was a statistically significant, but inconsistent predictor of re-arrest. Its effect was much stronger in the FTA model than in the re-arrest model. The effect of gender was not significant in the FTA model. In the re-arrest model, males were significantly more likely to be re-arrested than females.

Fourth, the severity of the top initial arrest charge significantly predicted both types of pretrial failure, with some differences found in predictive ability and interpretation. The likelihood of FTA was lower among defendants arrested for A felonies and higher among defendants arrested for A misdemeanors. In comparison, the odds of being re-arrested pretrial were lower for defendants arrested initially arrested for A felonies and higher for defendants initially arrested for B felonies, E felonies or A misdemeanors.

Fifth, the type of top initial arrest charge significantly predicted both outcomes. Nonetheless, slight differences were observed in the interpretation of the individual categories. In the FTA model, defendants arrested for property or drug offenses had higher FTA rates. In the re-arrest model, only one of these two offenses attained statistical significance; defendants initially arrested for drug offenses were more likely to be re-arrested pretrial. In both models, the odds of pretrial failure were lower for defendants initially arrested for violent offenses.

To summarize, although most of the 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

This research identified a number of factors that significantly predicted pretrial re-arrest. Some of them were examined previously in studies on recidivism in general. However, how they would perform during the pretrial period was unknown. The findings pertaining to their effect on pretrial re-arrest are summarized below.

1. In both the 1989 and 1998 models, 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.
2. Previous research suggested that the type of offense influenced the likelihood of recidivism. A definitive conclusion could not be offered here, as the impact of specific types of offenses varied from one study to the next. The current research showed that the type of offense at the time of initial arrest had a significant effect on the likelihood of pretrial re-arrest. However, the two samples differed with respect to the specific type of offense. In the 1989 model, defendants initially arrested for property and drug offenses were more likely to be re-arrested than defendants with the mean effect of the offense type. In the 1998 model, the odds of being re-arrested pretrial were higher only among defendants initially charged with drug offenses. In both models, the odds of pretrial re-arrest were lower among violent offenders.
3. The 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, while others failed to find such an effect. This was also true for the current research. In the 1989 analysis, the odds of being re-arrested pretrial were higher among Hispanic defendants. In the 1998 analysis, the likelihood of pretrial re-arrest was higher among blacks.
4. As found in the previous research, gender was significantly related to pretrial recidivism: males were more likely to be re-arrested than females.
5. As pointed out by the literature, the probability of being re-arrested decreased as the age of the defendant at the time of initial arrest increased.

6. 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.

In addition to the variables mentioned above, this research controlled for a number of other variables. Some of them are unique to data collected on New York City defendants. They include living at a New York City area address and borough of initial arrest. Other variables such as having a telephone in the residence and court of disposition have not been examined previously and therefore their effect on recidivism is not known.

The re-arrest model was compared to the FTA model to determine whether the same variables were useful in predicting the likelihood of both outcomes. It was found that the two models were quite similar with respect to the predictor variables, with the exception of the criminal history variables. 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 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 it 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.

APPENDIX B: Coding of Variables for Regression Models

Variable	Codes	Variable	Codes
PRETRIAL RE-ARREST		BOROUGH OF ARREST	
No	0	Brooklyn	1
Yes	1	Manhattan	2
		Queens	3
PRETRIAL FTA		Staten Island	4
No	0	Bronx	5
Yes	1		
TELEPHONE		TIME FROM ARRAIGNMENT TO DISPOSITION	Days
Yes	1		
Yes Verified	2	TYPE OF FIRST RELEASE	
No, No Verified	3	Bail	0
Unresolved Conflict	5	ROR	1
EMPL/SCHOOL/TRAINING		PRIOR MISDEMEANOR CONVICTIONS	
Yes	1	No	0
Yes Verified	2	Yes	1
No	3		
No Verified	4	PRIOR FELONY CONVICTIONS	
Unresolved Conflict	5	No	0
NYC AREA ADDRESS		Yes	1
Yes	1	PRIOR FTA	
Yes Verified	2	No	0
No, No Verified, Unresolved Conflict	3	Yes	1
SEX		OPEN CASES	
Female	0	No	0
Male	1	Yes	1
AGE	Years	TOP ARREST CHARGE SEVERITY	
ETHNICITY		A Felony	1
Black	1	B Felony	2
White	2	C Felony	3
Hispanic	3	D Felony	4
Other	4	E Felony	5
TOP ARREST CHARGE TYPE		A Misdemeanor	6
Violent	1	B/U Misdemeanor/Others	7
Property	2	COURT OF DISPOSITION	
Drug	3	Criminal Court	0
Public Order	4	Supreme Court	1
Other	5		