



Criminal Court of the City of New York
Office of the Administrative Judge

Arraignment Bar Code Scanning Project Final Report to Hon. Juanita Bing Newton

Submitted by Justin Barry
July 24, 2008

Executive Summary

Criminal Court of the City of New York conducted a comprehensive timestamp study of its arraignment operations in Kings and New York Counties from April to December, 2007. The purpose of the study was to measure the efficiency of these operations and to make recommendations that would help reduce overall arrest-to-arraignment times.

The study tracked six discrete stages of the Court's arraignment process. The Court's technology department, after developing a comprehensive software application, set up scanners in the arraignment clerks' offices and courtrooms. Most court papers in each county followed the six stages, but the scanning application was written to accommodate cases that did not follow a typical path. Clerk supervisor's computers were equipped with a scanner to handle special cases. In order to gauge the effect of opening and closing courtrooms and back office operations, the protocols called for supervisors to indicate the beginning and end of back office shifts and courtroom sessions. Courtroom staff also scanned times that judges took and left the bench. While the primary design of the system was to gather data on on-line arrest cases, staff also measured the progress of Desk Appearance Ticket (DAT) cases, since the processing and calling of these cases impact the processing of on-line arrest cases.

An analysis of the data collected showed several significant points including the following.

- The court process required to complete the steps from docketing to arraignment for a new cases takes about one hour less in Kings County than it does in New York County. Nonetheless the times to complete Kings County's arrest-to-arraignment process are consistently higher than those of New York.
- Cases arraigned during weekend day sessions take significantly longer to complete than cases arraigned during weekdays and all night sessions. This effect is significant in New York County. Most of the weekend day delay is attributable to an increase in the amount of time between completion of the Court back office staff work and the production of the defendant in the holding area which are located adjacent to the courtroom.
- Arraignment volume, that is, the number of cases in the system, is the most significant driving force in the amount of time necessary to bring a case from

docketing to arraignment. This is especially clear from this study's analysis of time and volume of arraignments by day of the week. The stage of the process that experiences the highest degree of negative effect of increased volume is prisoner production, i.e., the higher the volume, the more time it takes to deliver a defendant to the holding area behind the courtroom.

- “Holding a Case Over” to the next arraignment session can have a significant detrimental effect on the time in which a case progresses through the arraignment process. These “holdovers” also have a serious impact on the average “docketing-to-arraigned” times for all the cases measured over the course of the study.
- The data shows that in Kings County, the Court process takes an average of five hours and nineteen minutes. Slightly more than half of all cases in Kings are delivered to the Court to start the docketing-to-arraignment process within 22 hours from arrest. The remaining cases are submitted to the Court when they are more than 22 hours old. It is therefore inevitable that the average arrest-to-arraignment time is in excess of the twenty-four hour mandate. Contrast this to New York County, where the court process is slightly longer, delivery time shorter and arrest-to-arraignment time is well under twenty-four hours.

Purpose

Facing an increase in arrest filings in Brooklyn and Manhattan over the previous two years and a concomitant increase in arrest-to-arraignment times, New York City Criminal Court implemented a project to measure the efficiency of its arraignment process from the time a case is first delivered to Court staff until it is arraigned. The goal of the project was to gather data on the time it takes to complete various stages of the Court's arraignment process, analyze the data and determine any improvements that could reduce overall arrest-to-arraignment times. Criminal Court chose to implement the project in Kings and New York Counties because of these two Counties' high arraignment volumes and the differing degrees of success these Counties have had in meeting the court-mandated goal of arraigning cases within twenty-four hours of arrest. Moreover, each county's arraignment process operates differently and court administrators believed a qualitative and quantitative comparison of the two might provide insight for increased system efficiencies.

Criminal Court developed a computer system using bar code scanning devices and a custom written software program and database to allow Court staff to record timestamps at critical stages in the arraignment process. Administrative Judge Juanita Bing Newton authorized the project on a temporary basis, asking arraignment staff to gather data for a specified period of time in each of the two counties. Implemented as a management tool to gain a better understanding of the Court's arraignment process, Court staff designed the program as a temporary data gathering instrument, to be discontinued after enough data was gathered to allow for a detailed analysis of the process and recommendations for improvements.

Program Design

In October 2006, the Administrative Judge's Office asked the Criminal Court technology department to develop a data gathering system that would timestamp cases as they progressed through critical stages of the Court's arraignment process. To minimize disruption of the process, the system would need to be highly automated and require little extra work on the part of an already over-taxed arraignment staff. Timestamps would be collected in a database that would allow Court administrators to analyze the results and make recommendations to increase the efficiency of arraignment operations. Court staff engaged in different parts of the arraignment process would collect timestamps by simply scanning a docket number bar code already affixed to every court paper. A computer connected to the bar code scanner would communicate with a software application on a central server developed by Associate LAN Administrator Cristian Hanganu.

After intensive discussion with court staff in both counties it was determined that the application would record six (6) discrete stages of the arraignment process.

The technology department set up scanners in the arraignment clerks' office and courtrooms. While most court papers in each county would follow these six stages, the scanning application was written to handle cases that did not follow a typical path. Clerk supervisor's computers would be equipped with a scanner to handle special cases.¹ In order to gauge the effect of opening and closing courtrooms and back office operations, supervisors would also be asked to indicate the beginning and end of back office shifts and courtroom sessions. Courtroom staff would also scan times that judges took and left the bench. While the primary design of the system would be to gather data on on-line arrest cases, staff would also measure the progress of Desk Appearance Ticket (DAT) cases, since processing and calling these cases impacts the processing of on-line arrest cases. Primary timestamps and stages for each county follow:

Primary Brooklyn Timestamps

1. Docketing - Papers received from NYPD in arraignment back office, organized and docket number bar code affixed. All research is performed and cases are initialized in CRIMS.
2. Courtroom Ready - Papers are received in courtroom by uniformed court staff.
3. Attorney Notified - Court officer notifies defense attorney that defendant is produced and is ready for interview.
4. Notice Filed - Attorney files notice of appearance on case.
5. Case Called – Case is called and defendant appears before judge.
6. Defendant Arraigned – Arraignment process complete.

Brooklyn Stages [Five (5) major stages]

1. Docketing to Courtroom Ready – The period of time it takes Criminal Court back office staff to prepare a case so that it is ready for the courtroom, after receiving it from the New York Police Department (NYPD) Breakdown Room. Court clerical staff typically docket, initialize the case in the CRIMS database, screen for drug court eligibility and search outstanding warrants and open cases. Court clerical staff is typically responsible for most of the work completed during this stage.

¹ Examples of these types of special cases include those where a private attorney filed a notice of appearance, where an attorney was reassigned and those where the prosecutor declined to prosecute.

2. Courtroom Ready to Attorney Notified – This stage measures the time period from the back office delivery of court papers to the courtroom to notification of defense attorney that defendant is available for interview. After an arraignment clerk delivers papers to the “utility” court officer, the Court then notifies NYPD that the case is ready and they should bring defendant to the interview area behind the courtroom. Except for the short period of time required for court officers to match court papers and NYPD movement slips, most of the time elapsed during this stage is spent awaiting production of the defendant in the Court’s feeder pens.
3. Attorney Notified to Notice Filed – This stage measures the time it takes for defendant’s attorney to interview, compile information and answer ready on the case. Once NYPD notifies Court staff that they have brought defendant to the interview area behind the courtroom, Court staff hand the paperwork to defense counsel and notify them that the defendant is present and ready for interview. The defense attorney then interviews the defendant. The attorney may also conference the case with the prosecutor and make phone calls to family, friends and/or witnesses in an effort to gather further information. When the attorney is ready to have a defendant’s case called, he/she will file a notice of appearance with court staff. The defense attorney is typically responsible for most of the work completed during this stage.
4. Notice Filed to Case Called – The time it takes for the Court to call a case after the attorney indicates that a case is ready to be heard. Court staff will put the court papers in the queue of cases ready to be arraigned. Once the case nears the head of the queue, NYPD will bring the defendant to the courtroom. Volume of ready cases awaiting arraignment governs the period of time spent during this stage.
5. Case Called to Arraigned – The time it takes to complete the actual court hearing and arraign a defendant after the case has been called. This stage of the process is typically controlled by the Court.

Primary Manhattan Timestamps

1. Docketing – Papers received from NYPD, organized and docket number bar code affixed.
2. Completed Initialization – All research is performed, cases are initialized in CRIMS, and papers are ready to be sent to the courtroom.
3. Attorney Notified – Court officer notifies defense attorney that defendant is produced and is ready for interview.

4. Notice Filed – Attorney files notice of appearance on case.
5. Case Called – Case is called and defendant appears before judge.
6. Defendant Arraigned – Arraignment process complete.

Manhattan Stages [Five (5) major stages]

1. Docketing to Initialized – The period of time it takes Criminal Court back office staff to prepare a case so that it is ready for the courtroom after receiving it from the New York Police Department (NYPD) Breakdown Room. Court clerical staff typically docket, initialize the case in the CRIMS database, screen for drug court eligibility and search for outstanding warrants and open cases. Court clerical staff is typically responsible for most of the work completed during this stage.
2. Initialized to Attorney Notified – The period of time from when Court back office staff notify Department of Corrections (DOC) staff that court papers are ready until DOC officers bring the defendant to the interview area behind the designated courtroom. This stage measures the time it takes DOC to produce the defendant for attorney interview.
3. Attorney Notified to Notice Filed – This stage measures the time it takes for defendant's attorney to interview, compile information and answer ready on the case. Once DOC notifies Court staff that they have brought defendant to the interview area behind the courtroom, Court staff hand the paperwork to defense counsel and notify him/her that the defendant is present and ready for interview. The defense attorney then typically interviews the defendant and may also speak with the prosecutor about the case and make phone calls to family, friends and/or witnesses in an effort to gather further information. When the attorney is ready to have the defendant's case called, he/she will file a notice of appearance with court staff. The defense attorney is typically responsible for most of the work completed during this stage.
4. Notice Filed to Case Called – The time it takes for the Court to call a case after the attorney indicates that the case is ready to be heard. Court staff will put the court papers in the ready queue. Once the case reaches the head of the queue, NYPD will bring the defendant to the courtroom. Volume of ready cases awaiting arraignment governs the period of time spent during this stage.
5. Case Called to Arraigned – The time it takes to complete the actual court hearing and arraign a defendant after the case has been called. This stage of the process is typically controlled by the Court.

The second major stage measures different processes in the two counties, because the arrest-to-arraignment process itself is different. In Manhattan, arraignment back office staff directly notify DOC that a case is ready, while in Brooklyn a case will first be delivered to the courtroom and wait until courtroom personnel match the court paperwork to a NYPD prisoner movement slip.

It should also be noted that the system was designed to measure stages between any timestamp and to be flexible enough to measure cases that do not follow the typical path. For instance, the system measures holdovers at any stage of the process, cases that the prosecutor declines to prosecute and multiple calls at the actual arraignment stage.

Planning and Implementation

Designed to cause minimal disruption to the arrest-to-arraignment process and maximize ease of use, the program was specially designed by Criminal Court technology staff. Cristian Hanganu created the software program that would translate bar code scans into database entries and set up the server to accept a database called ArraignTime. Mr. Hanganu also designed various safeguards into ArraignTime to ensure that staff did not inadvertently miss critical scans or stages of the process. In order for Court supervisors to identify weak spots and exclude erroneous data, the program was designed to automatically notify supervisors and administrators of all scanning errors at the end of each arraignment shift. Once the program and database had been created, technology staff purchased and placed additional computers, monitors and bar code scanners in the arraignment back offices and courtrooms.

Court administration chose to implement the project in two phases starting first in Brooklyn and expanding to Manhattan only after all impediments had been resolved with the Brooklyn process. Technology and administration staff conducted extensive training for all arraignment back office and courtroom staff, including those working nights and weekends. The first week of live scanning was monitored closely and administrative and technology staff was present at every shift to help with implementation and troubleshooting. In both counties, it took approximately one month to troubleshoot and solve all technical and training issues.

Brooklyn staff started scanning data into the ArraignTime database on April 16, 2007. Manhattan started scanning on June 25, 2007. Scanning ended on the last day of Term 13, December 30, 2007.

Final Data

Court staff collected data in the ArraignTime application for almost eight and one-half (8½) months in Brooklyn and a little more than six (6) months in Manhattan.

For the last six months of the study data was collected concurrently from the two sites.

NYC Criminal Court has offered the data collected by this project to its partners in the arraignment process. The Mayor's Office of the Criminal Justice Coordinator has reviewed all of the data collected and has engaged Criminal Court in ongoing discussions concerning its import.

Overall Times and Aggregated Averages

Chart 1 shows the average arrest-to-arraignment times over the course of the week for Kings and New York Counties for the time period that they each participated in the study. This average time is reported by the New York City Police Department's Criminal Justice Bureau and shows averages for the entire arrest-to-arraignment period not just the period between docketing and arraignment which is the subject of this report. Chart 2 shows the average amount of time that it takes a case to advance from docketing through arraignment. Overall average times of all shifts in a county are listed first, followed by the average times for each type of session.²

Chart 3 and Chart 4 show the aggregated average time it takes to complete the five (5) major stages measured by ArraignTime in Kings and New York counties, respectively. Aggregated average times are shown for weekday, weekend days, weeknight and weekend night sessions.³

Chart 5 and Chart 6 show the average time it takes to complete the five (5) major stages measured by ArraignTime in Kings and New York counties, respectively. Aggregated average times are shown for the two arraignment courtrooms in each county regardless of the type of session (i.e., day, night or weekend). Courtroom 1 in each county holds calendars designated as "AR 1," "AR3," and "AR4." Courtroom 2 in each county holds calendars designated as "AR2," "AR3a," and "AR 4a."⁴

² Arraignment parts in New York and Kings Counties generally are scheduled to operate sixteen to seventeen hours each day (day arraignments operate 9:00 am to 5:00 pm, 8:30 am to 5:00 pm or 8:00am to 5:00 pm and night arraignments operate 5:00 pm to 1:00 am). Arraignment back office operations generally open earlier and close later than the actual courtrooms. The average elapsed time includes holdover times for those cases that are not completed during the shift when they were docketed and had to wait for a subsequent shift to be arraigned. This holdover has the potential to add significantly to arraignment time if a case is held over from the night session to the next day arraignment session.

³ Aggregated average times reflect only the 5 major stages measured in ArraignTime. Charts 2 and 3 do not include average times for other stages (e.g., multiple calls, DATs, etc.).

⁴ Populations seen in each of the courtrooms vary. For instance in Brooklyn, only males eighteen years of age and older are typically seen in Courtroom 2 because of limitations in the feeder pen areas. Also, lower level offenses are typically tracked to Courtroom 2. During times of lower volume, each courthouse only uses Courtroom 1.

Chart 1

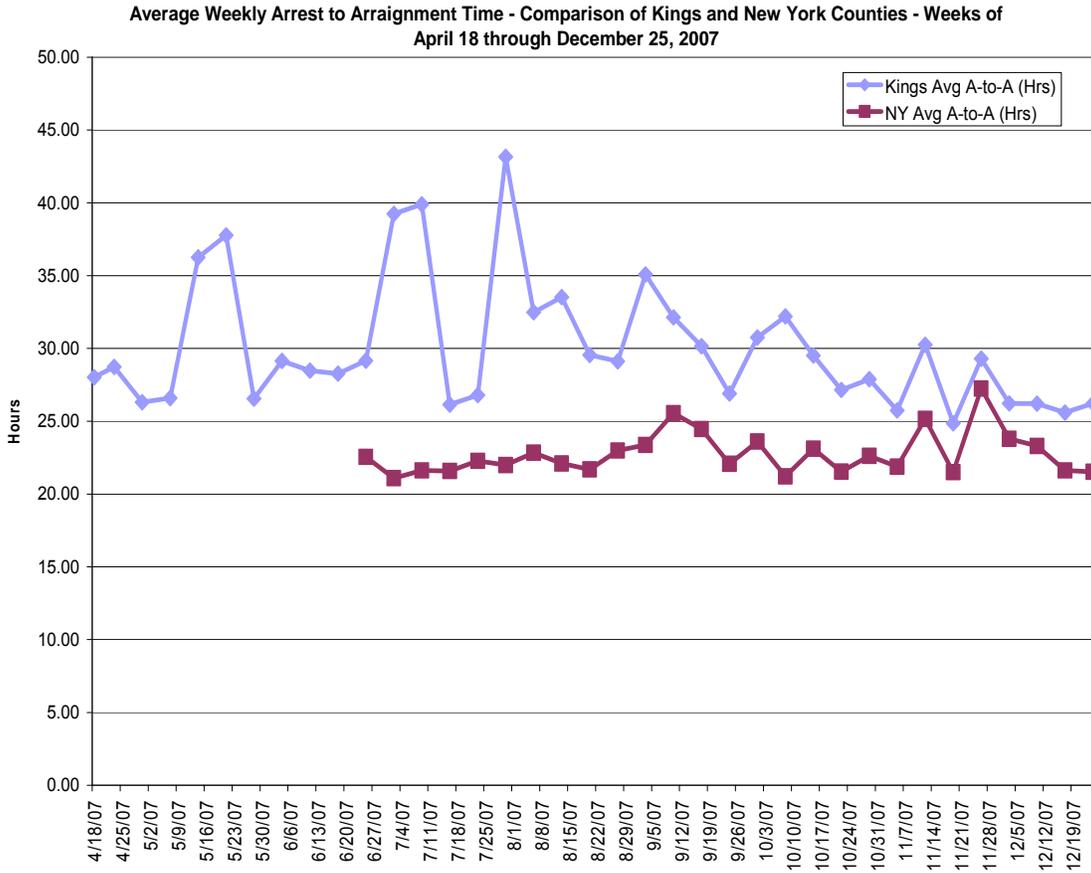


Chart 2

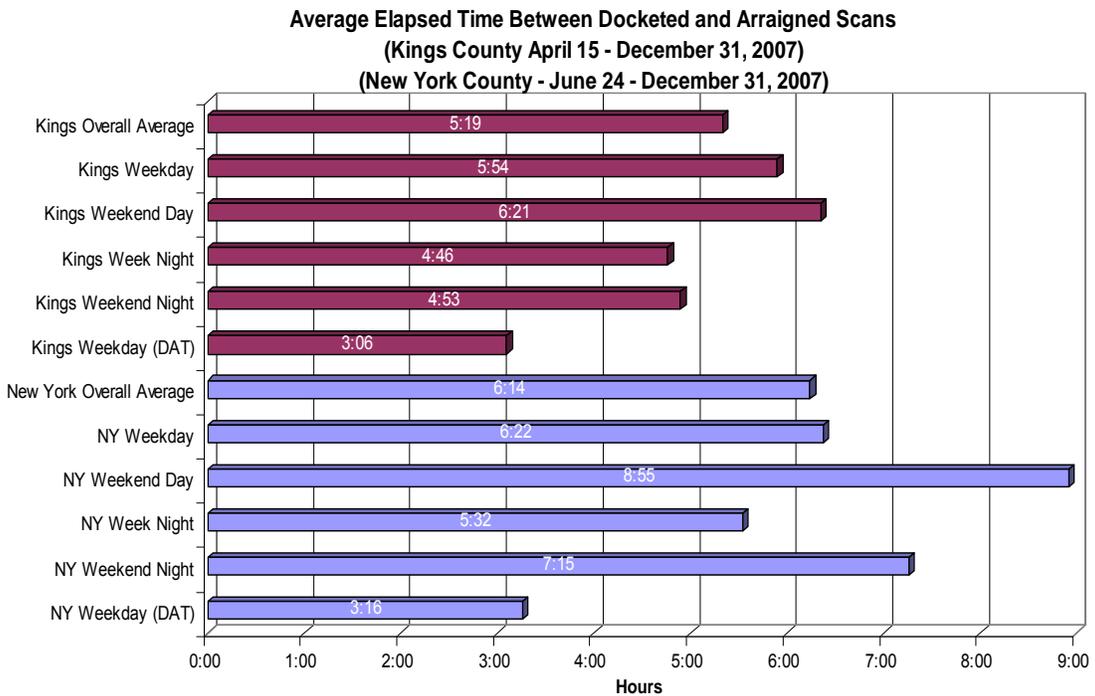


Chart 3

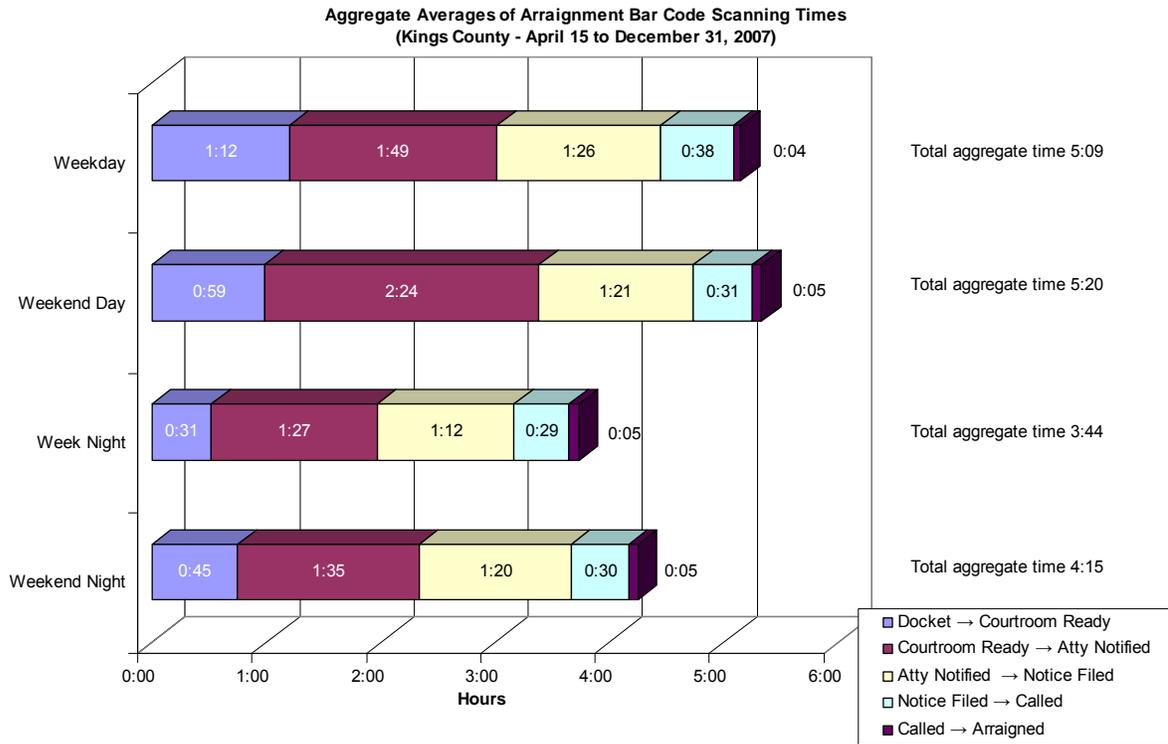


Chart 4

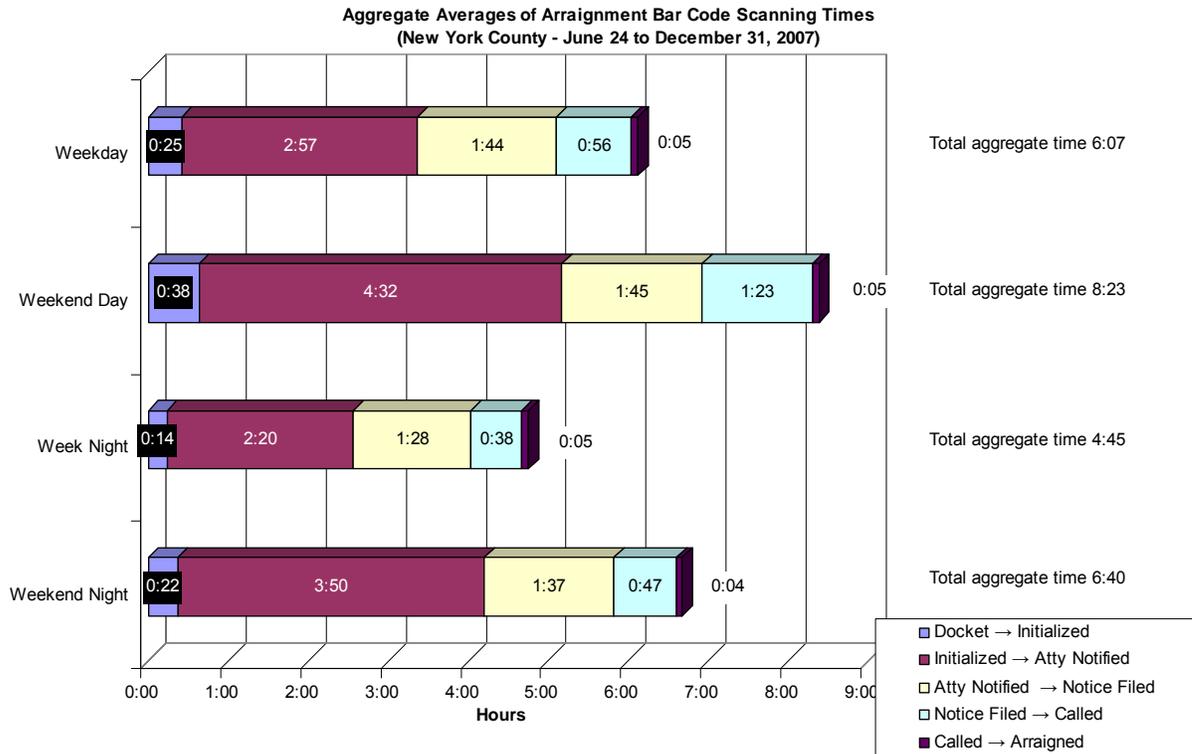


Chart 5

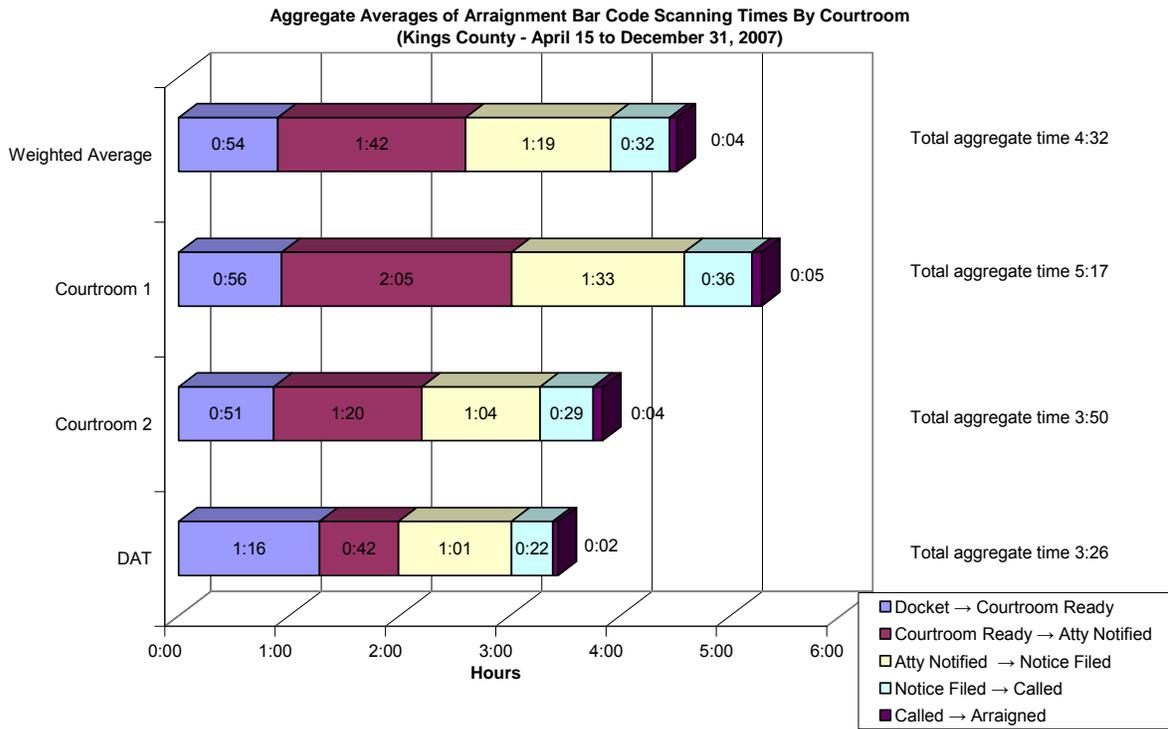
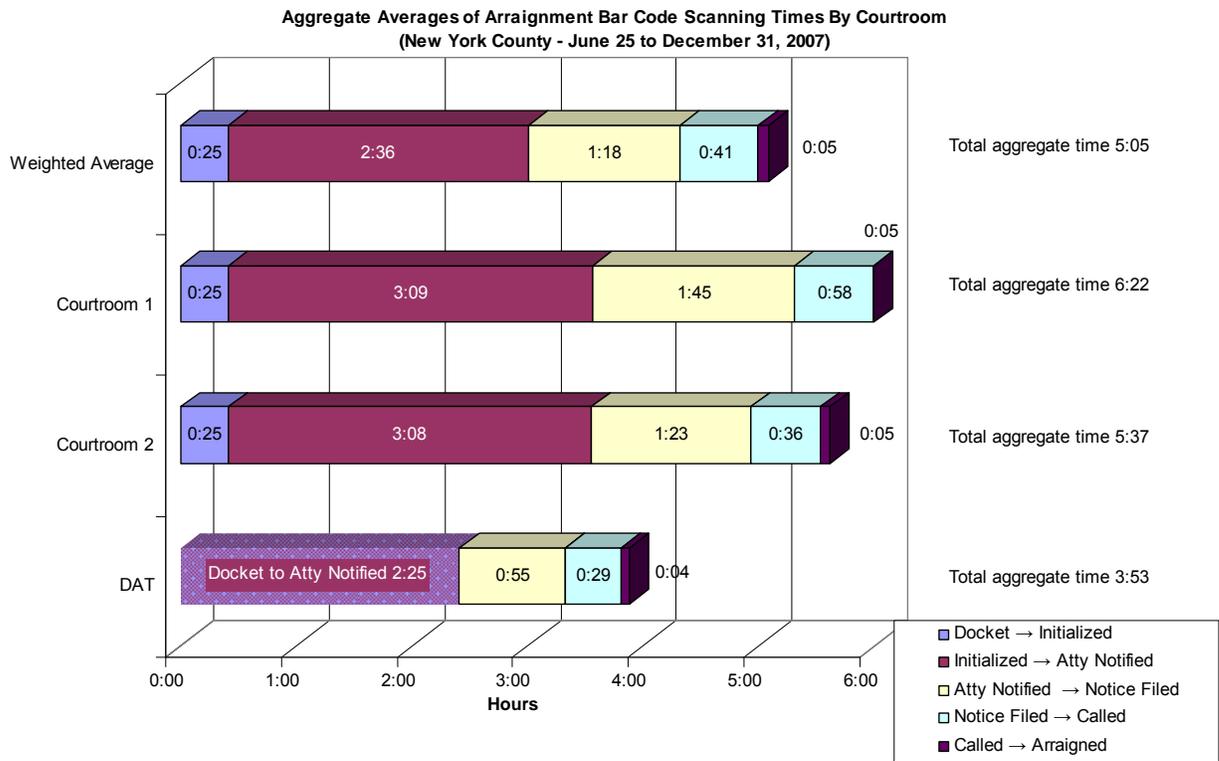


Chart 6



Analysis

New York and Kings Counties have developed different ways of managing the arrest-to-arraignment process and a direct comparison of these different processes is not of particular use. In New York, DOC takes responsibility for housing defendants in the courthouse after the fingerprinting and photographing of defendants has been completed. In Kings, NYPD manages the custody of defendants for the entire arraignment process. In New York, complaints are completed, sworn and delivered along with the criminal history report and Criminal Justice Agency (CJA) bail recommendation to the arraignment clerk's office one to three hours quicker than the same papers are delivered to the arraignment clerks in Brooklyn.⁵ Because of this one to three hour lead time, Court arraignment clerks can docket and initialize a case before DOC has brought a defendant to one of the feeder pens in close proximity to the courtroom. When the arraignment clerks notify DOC that a case is ready for an attorney interview, DOC must still bring the defendant from one of its more distant feeder pens. In Kings, because it typically takes one to three hours longer to deliver the complete set of court papers to the arraignment clerk, NYPD has had more time to bring defendants to feeder pens closer to the courtroom. The advantage of the New York process is that it allows the court to start processing and preparing court papers even before the defendant is ready for production. The result, however, is that the average time that it takes to produce a defendant after the court receives the "ready" papers is longer in New York than in Brooklyn. The overall result, as shown in Chart 1, seems to indicate that New York process works more efficiently and results in a more timely arrest-to-arraignment process.

Worth noting at the outset of any analysis of this data is that while the study is measuring the period of time between when the papers are first presented to the arraignment clerks and when a defendant is finally arraigned, well over half this total period of time is spent waiting for the defendant to be produced for attorney interview and the attorney interview itself. In Brooklyn, an average of three hours and one minute is spent waiting for defendant production and interview, out of a total aggregated average of four hours and thirty-two minutes.⁶ In New York County, an average of four hours and forty-one minutes is spent waiting for defendant production and interview, out of a total aggregated average of six hours and seven minutes.⁷

Charts 3 and 4 show the aggregated averages of each of the stage of the Court's arraignment process by the type of arraignment session (i.e., weekday, weeknight, weekend day and weekend night). In both New York and Kings, the first three stages of weeknight arraignments were completed significantly faster

⁵ See *Criminal Justice Bureau Arrest/Arraignment Indicators*, Prepared by the Statistical Analysis Unit/Criminal Justice Bureau on a monthly basis.

⁶ See Chart 5

⁷ See Chart 6

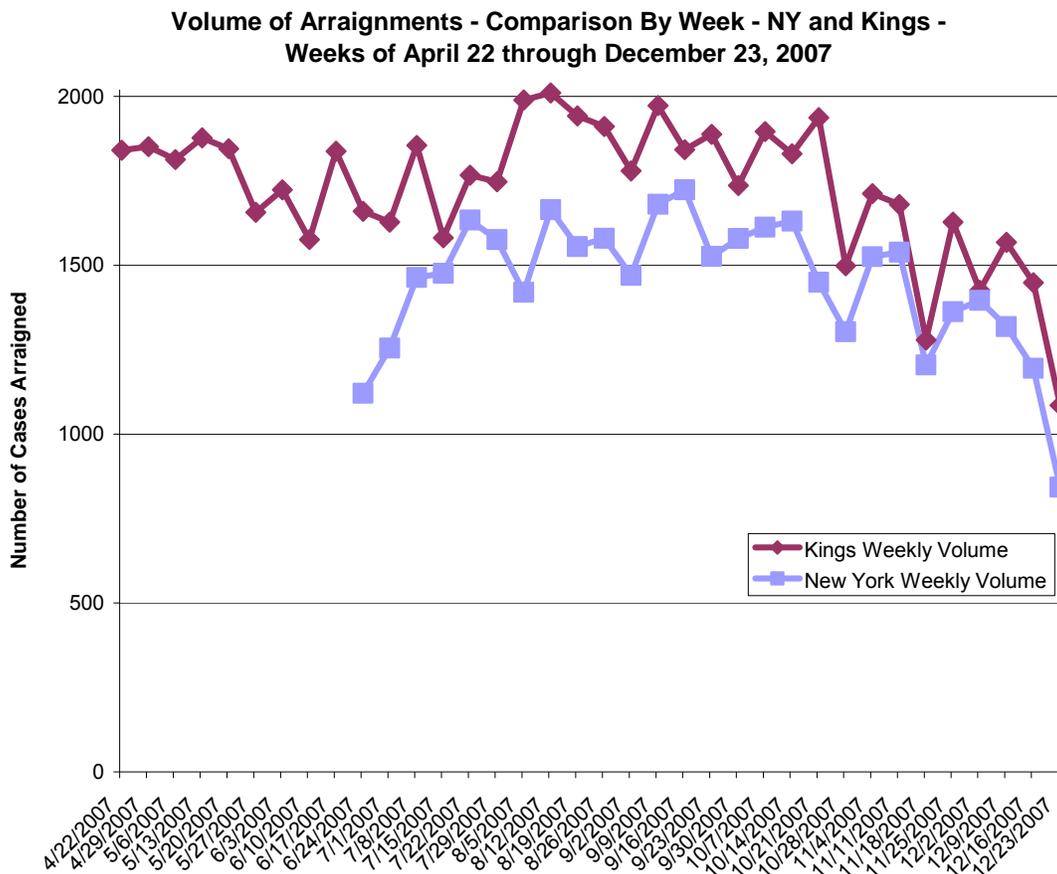
than other types of sessions. In both counties, the second and third stages of weekend day arraignments took significantly longer to complete than the same stages on weekdays, weeknights and weekend nights.

Charts 5 and 6 show the aggregated averages for the two courtrooms that operate in both counties. In both counties, cases tracked to Courtroom 2 typically complete the arraignment stages significantly quicker than cases tracked to Courtroom 1. There are a number of reasons for this disparity. Both counties only use both courtrooms during periods of higher volume. In periods of lighter volume only one courtroom may be operating. In Kings, Courtroom 2 hears many of the County's less serious misdemeanor and violation arraignments.

Arraignment Volume

Chart 7 shows the volume of arraignments in both Kings and New York counties during a given week period over the course of the study.

Chart 7



Elapsed Time

Chart 8 shows a comparison of the average elapsed time between docketing and arraignment during a given week period for all shifts and courtrooms for Kings and New York counties. Charts 9 and 10 show the average elapsed time between docketing and arraignment during a given week period for all shifts and courtrooms along with the volume of cases for the same weekly period for Kings and New York counties, respectively. Charts 11 through 14 compare these average times in Kings County by the type of arraignment session and courtroom where the session took place. Charts 15 through 18 compare these average times in New York County by the type of arraignment session and courtroom where the session took place.

Chart 8

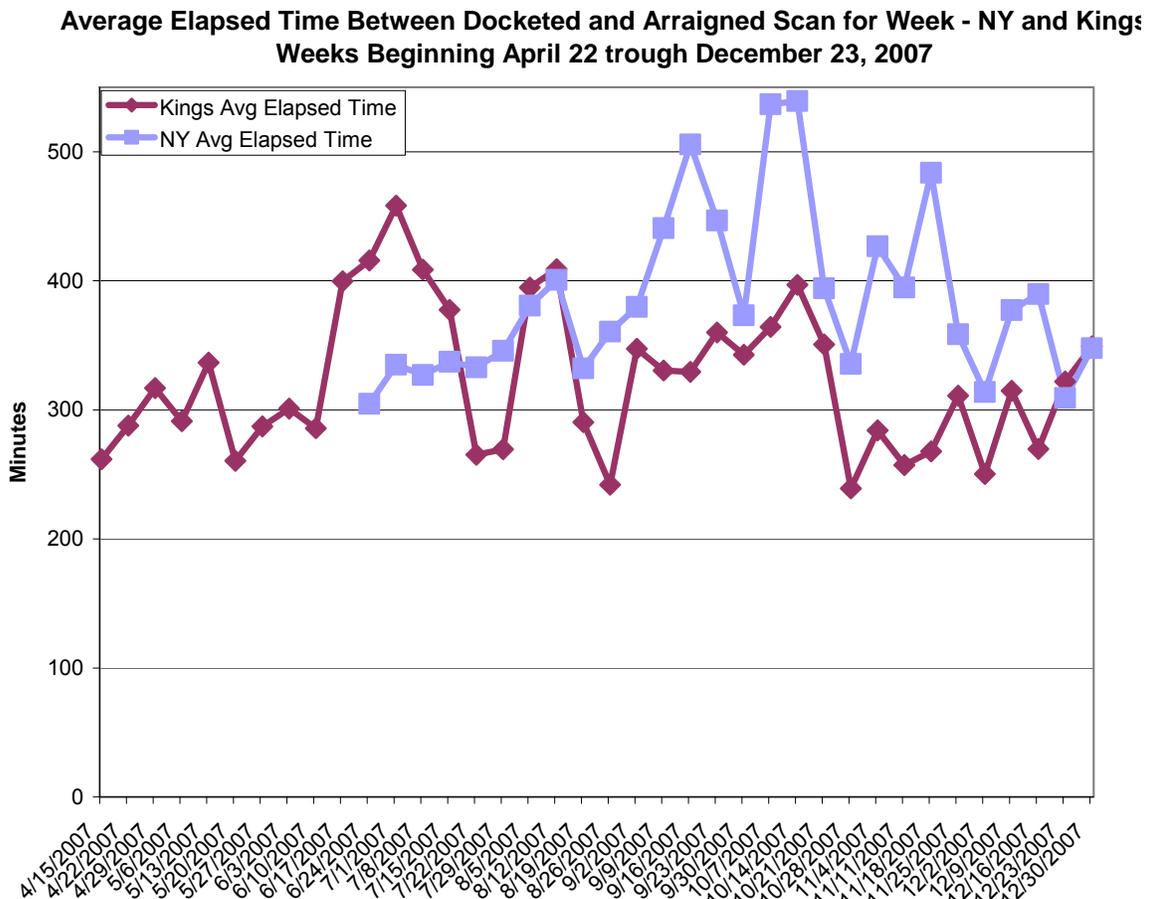


Chart 9

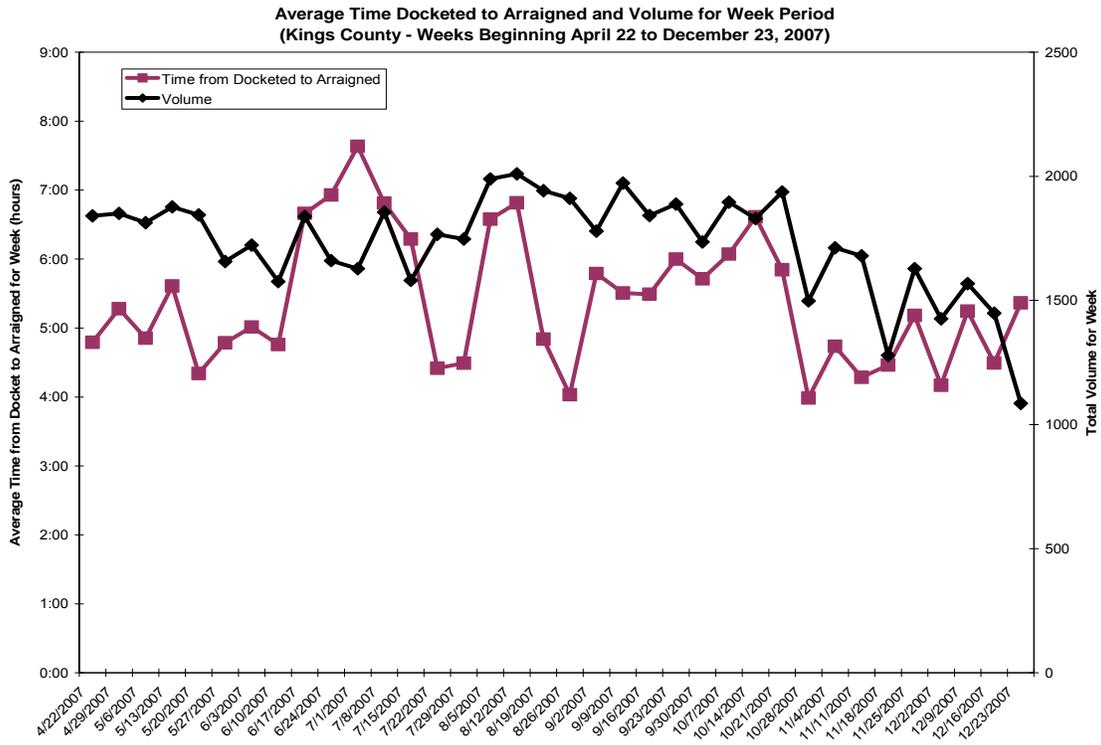


Chart 10

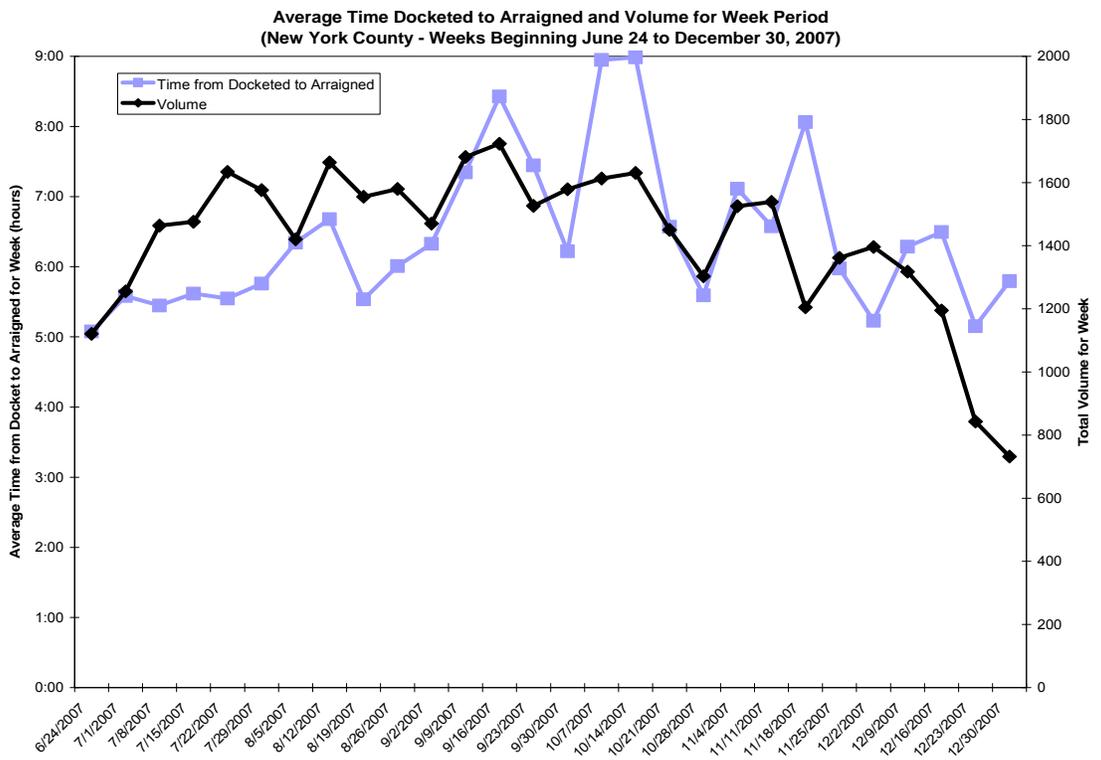


Chart 11

Average Elapsed Time from Docketing to Arraignment in Weekday Arraignment Parts
Kings County - Week of April 15 through December 23, 2007

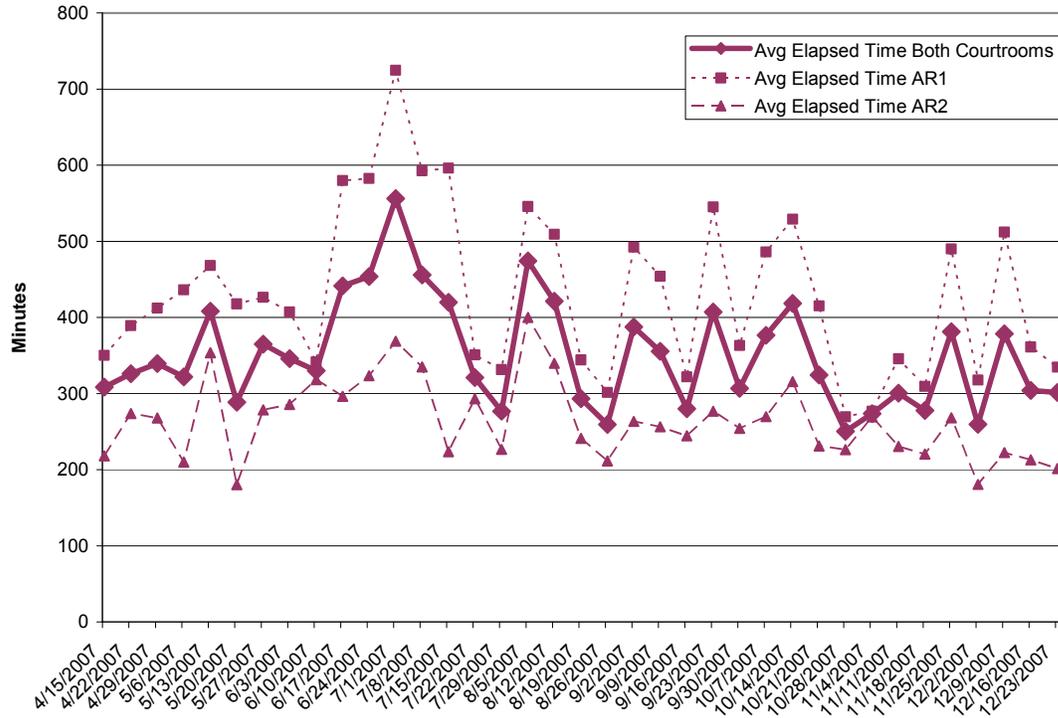


Chart 12

Average Elapsed Time from Docketing to Arraignment in Weeknight Arraignment Parts
Kings County - Week of April 15 through December 23, 2007

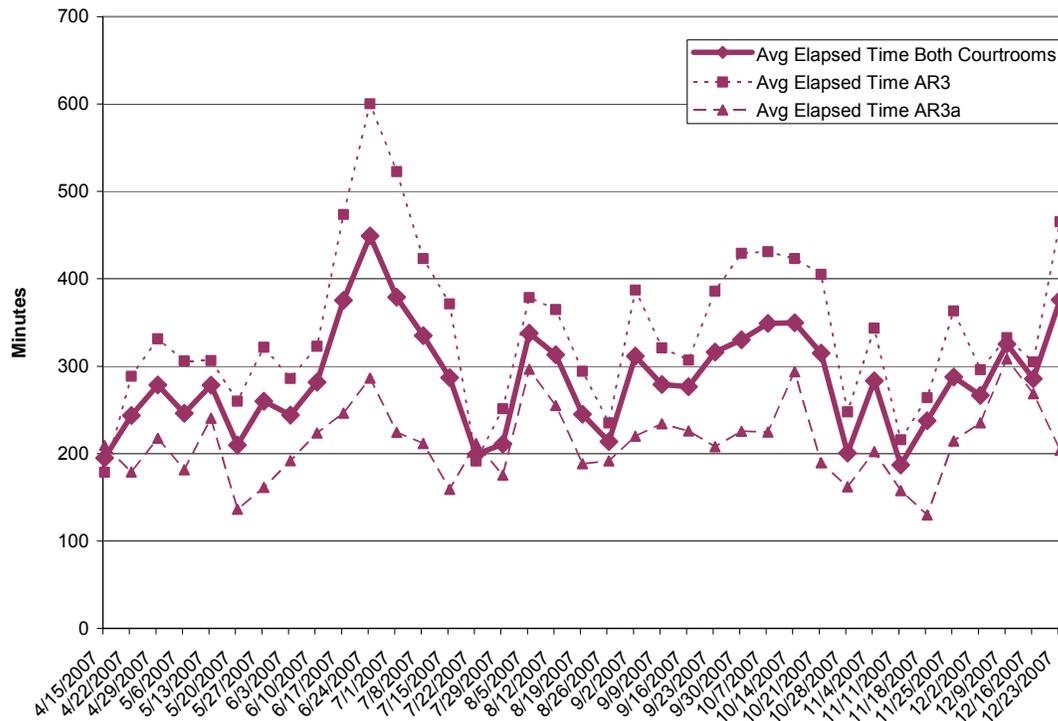


Chart 13

Average Elapsed Time from Docketing to Arraignment-Weekend Day Arraignment Parts
Kings County - Week of April 15 through December 23, 2007

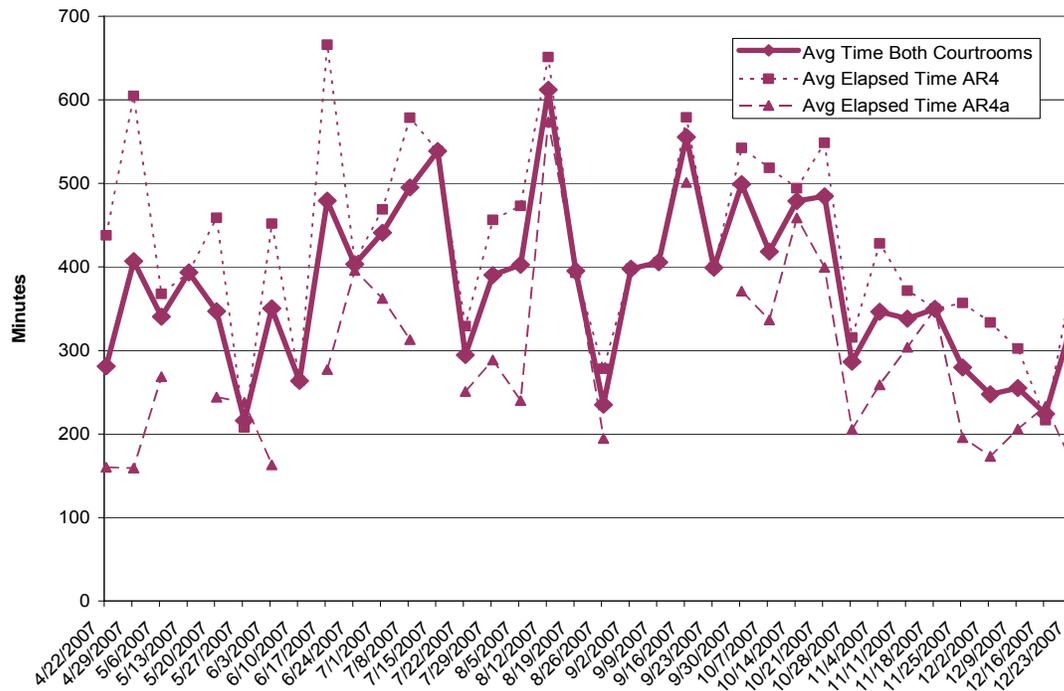


Chart 14

Average Elapsed Time-Docketing to Arraignment-Weekend Night Arraignment Parts
Kings County - Week of April 15 through December 23, 2007

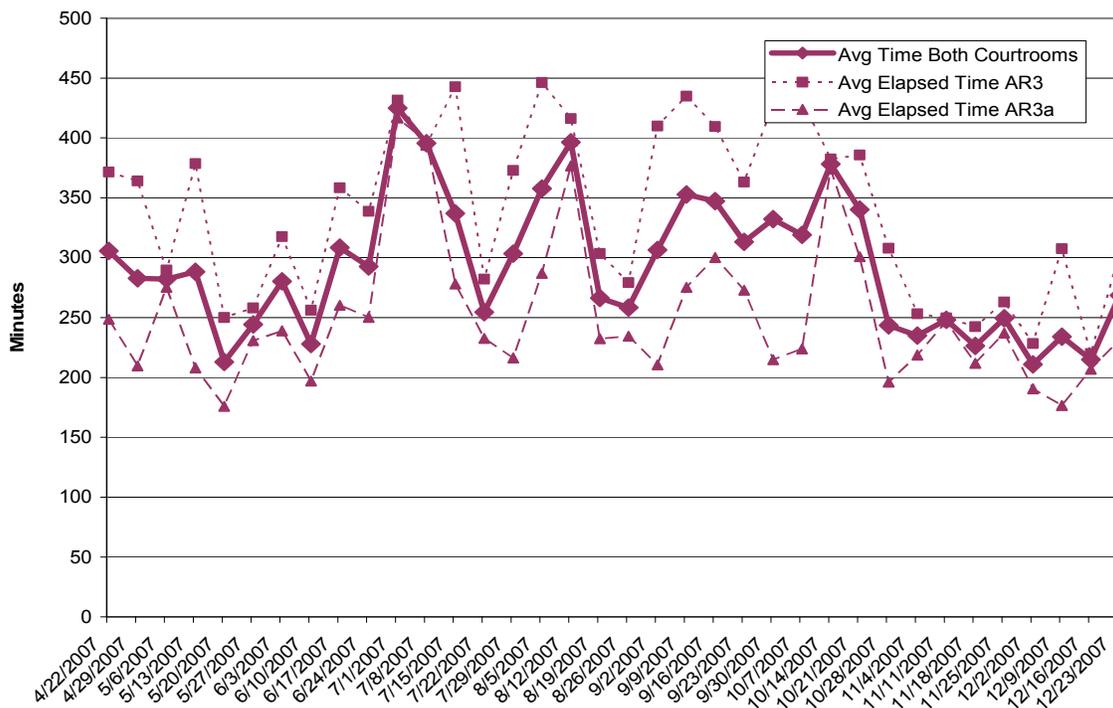


Chart 15

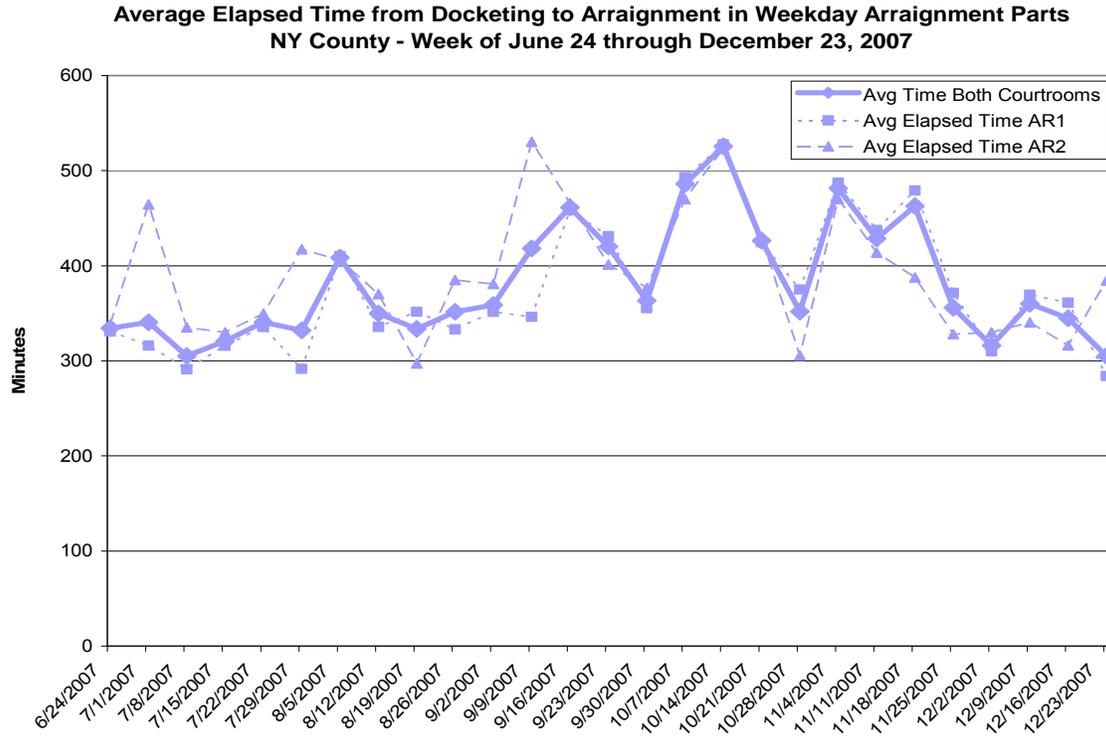


Chart 16

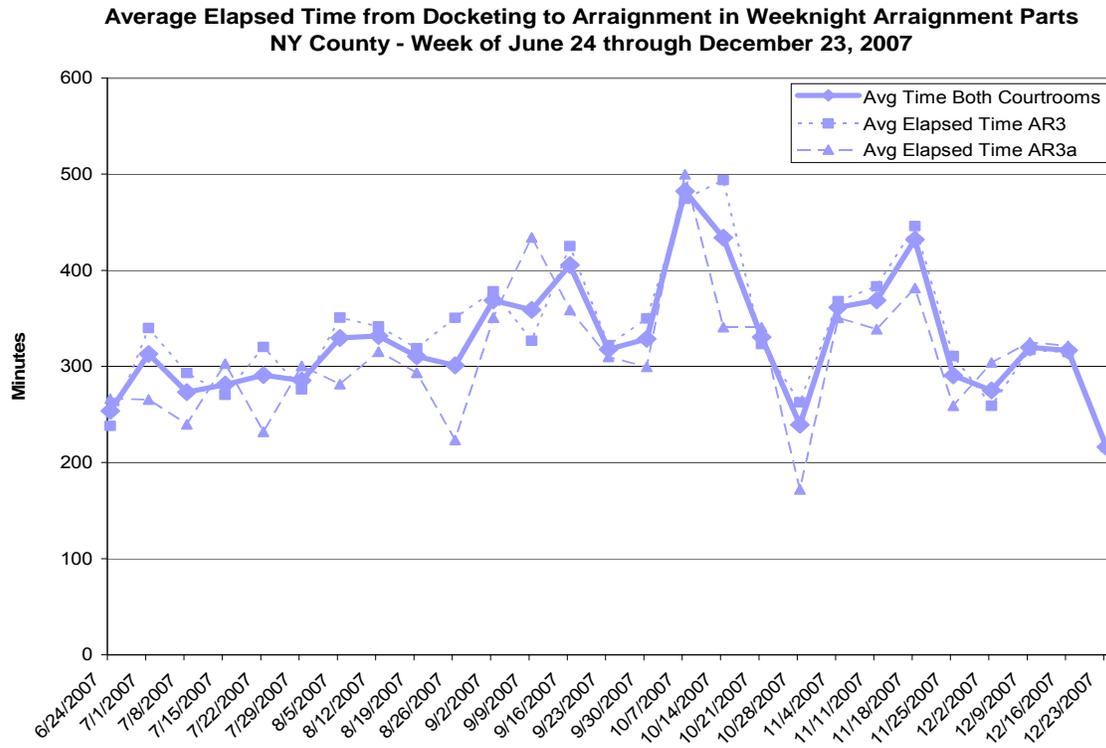


Chart 17

Average Elapsed Time - Docketing to Arraignment in Weekend Day Arraignment Part
 NY County - Week of June 24 through December 23, 2007

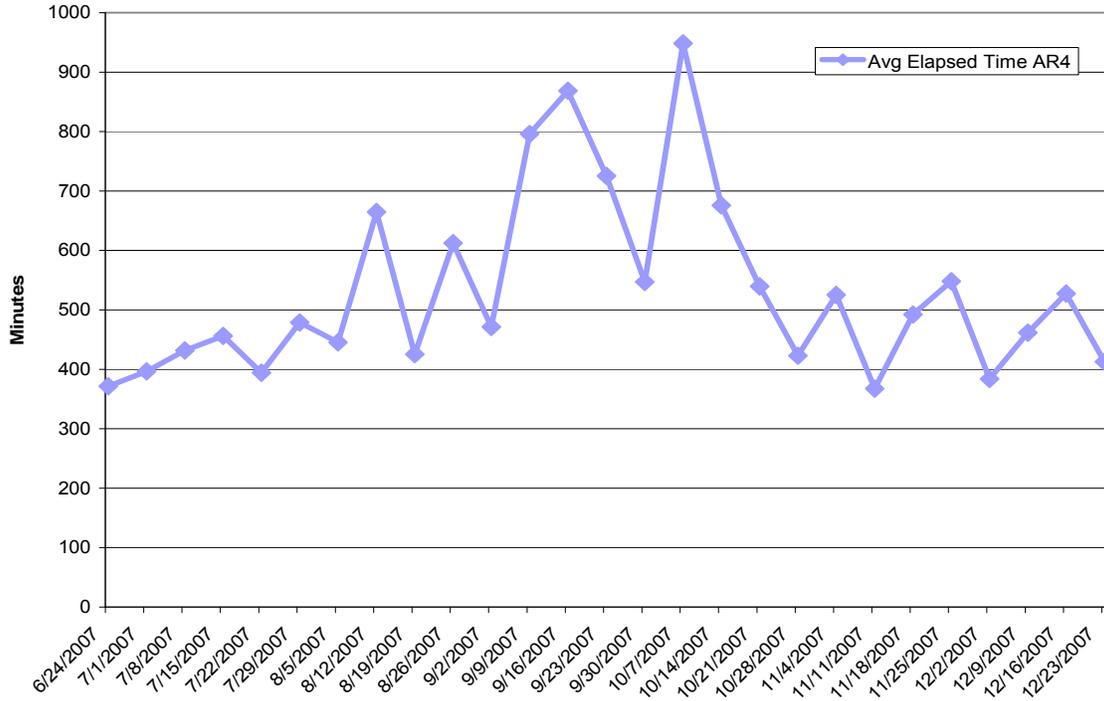
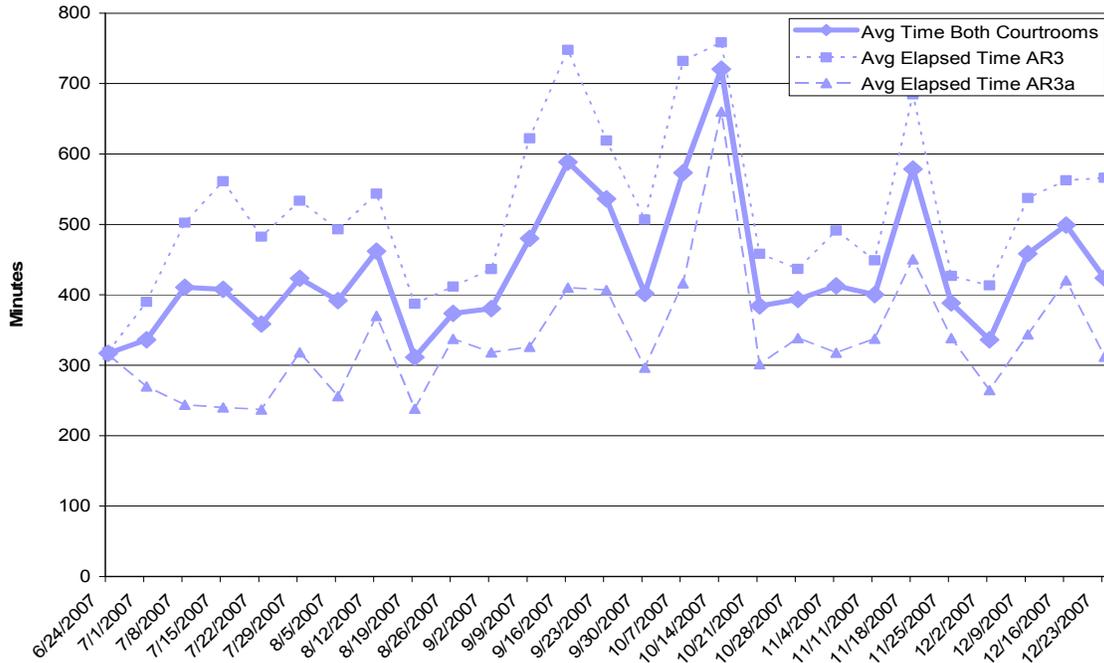


Chart 18

Average Elapsed Time - Docketing to Arraignment in Weekend Night Arraignment Parts
 NY County - Week of June 24 through December 23, 2007



Day of the Week Comparisons

In both counties the docketing-to-arraignment process takes longer on certain days of the week. Charts 19 and 20 show the average time it takes cases to move from docketing to arraignment on a particular day of the week along with the total number of cases heard on that particular day of the week over the course of the study for Kings and New York counties, respectively. Certain stages take longer on certain days of the week. Not surprisingly, it takes longer to complete the first three stages on days of the week that see higher arraignment volumes. This difference is particularly significant in the “courtroom ready to attorney notified” stage in Kings and the “initialized to attorney notified” in New York. Both of these stages correspond with the amount of time it takes for NYPD or DOC to produce a prisoner in the feeder pens for attorney interview. Charts 21 and 22 show the time it takes to complete each of the five (5) major stages in Kings and New York, respectively.

Chart 19

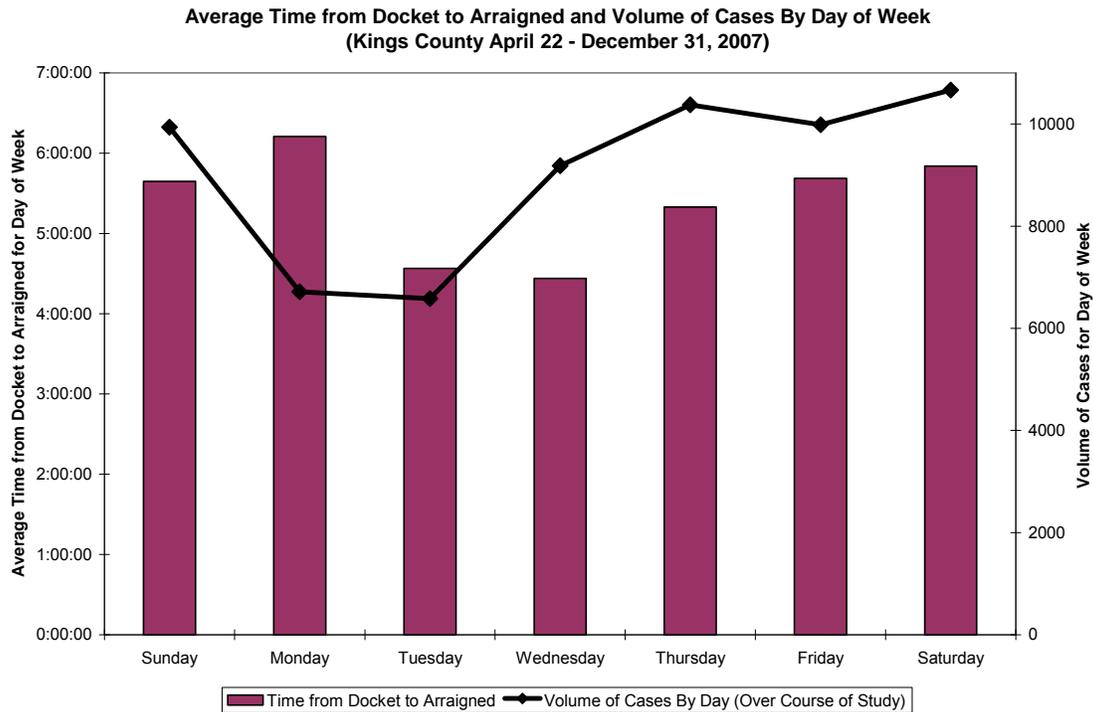


Chart 20

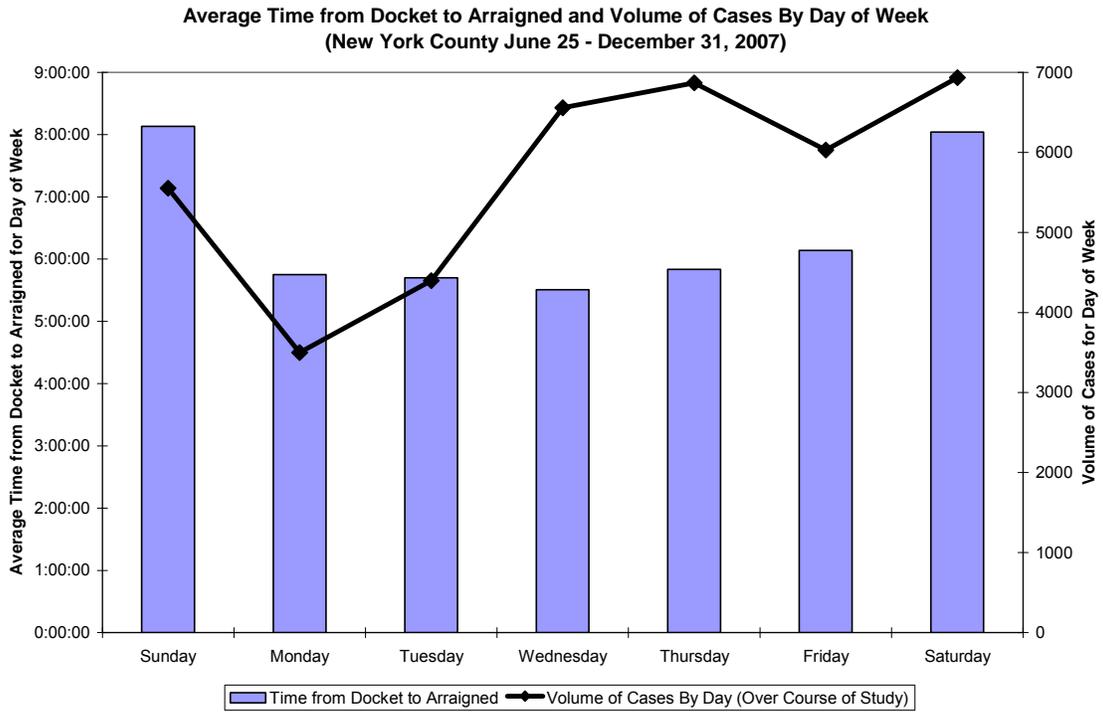


Chart 21

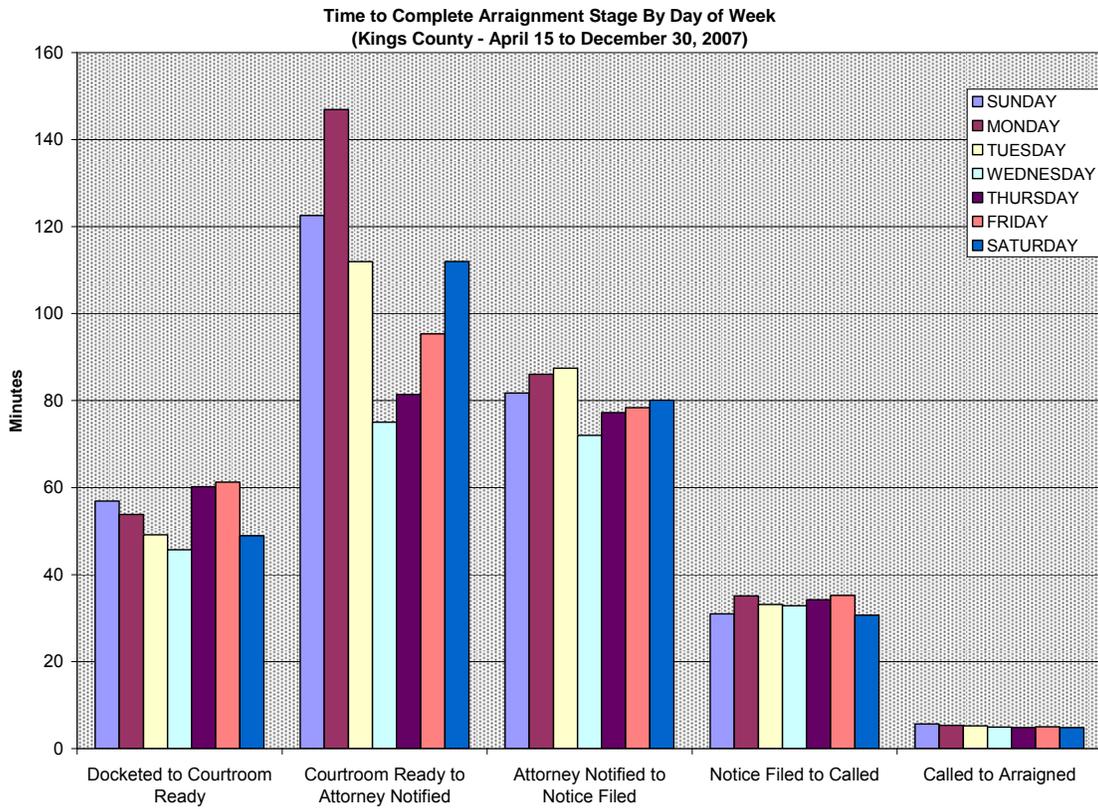
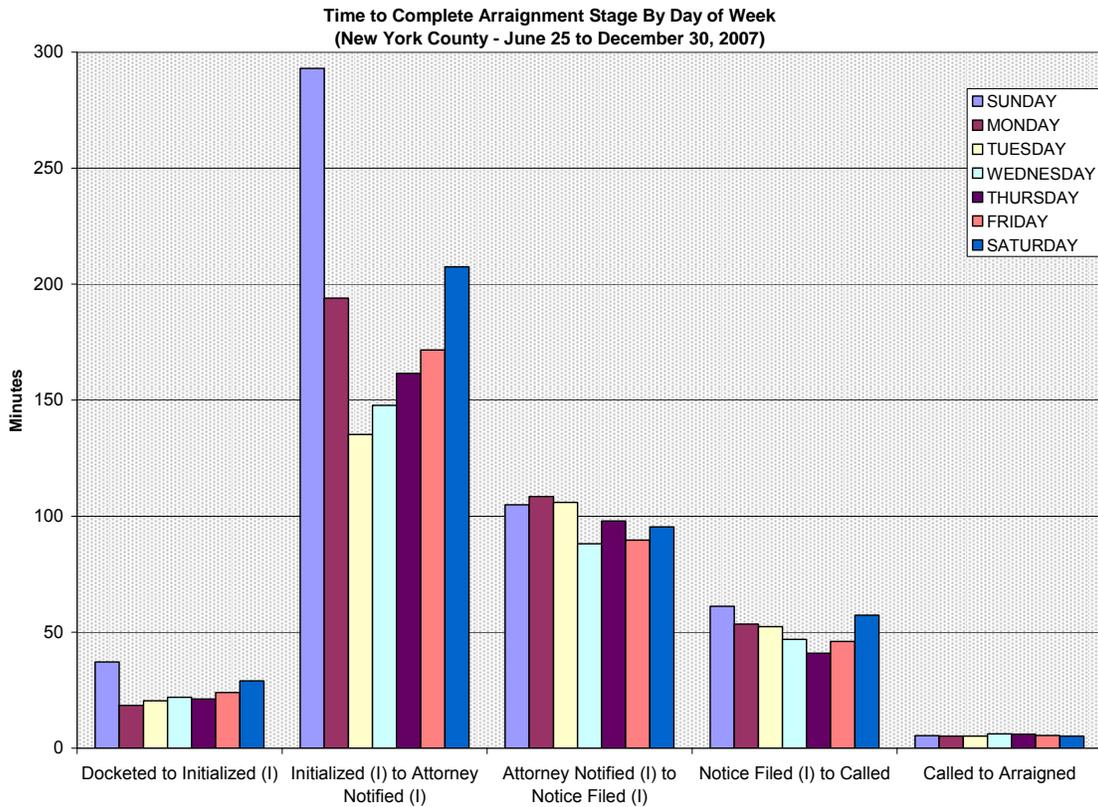


Chart 22



Analysis

Charts 19 and 20 show a link, in both counties, between the volume of arraignments and the length of time that it takes to bring a case from docketing to arraignment. In both Kings and New York, the lowest volume is seen on Monday and Tuesday and starts to build on Wednesday with a peak on Saturday. Time from Docket to Arraignment generally increases with the increase in volume. In Kings, Monday sees the longest time between Docketing and Arraignment, which can be attributed to a lag in processing volume leftover from the latter-half of the week.

Charts 21 and 22 show the time to complete each major stage in the Court’s arraignment process by day of week, in Kings and New York respectively. While the “Called to Arraigned” stage shows no difference in time to complete, the day of week (and presumably the relative volume typically seen on that day of the week), has a significant effect on the other four stages in each county. Each of these other four stages show the same pattern as the overall length of docketing to arraignment, but in both Kings and New York the time it takes NYPD or DOC to produce the defendant for attorney interview⁸ seems most effected by larger

⁸ In Kings County this stage is “Courtroom Ready to Attorney Notified.” In New York, this stage is “Initialized (I) to Attorney Notified (I).”

volumes. In New York, prisoner production takes twice as long on Sundays than it does on Tuesday. In Kings, prisoner production takes twice as long on Monday as it does on Wednesday. No other stage shows an effect this dramatic. Delay in prisoner production, a stage of the arraignment process over which the Court typically has little or no control, would seem to play a significant role in the delays seen on days of higher volume.

Holdover Effect

A holdover is defined as a case that has been docketed by the arraignment clerks in one particular court session but that does not actually get arraigned until a subsequent session. Holdovers can be caused by a variety of reasons, e.g., the case is docketed toward the end of a session and there is not enough time to complete the rest of the process, court officials must wait for the arrival of a private attorney or an “exotic” court interpreter, or there is a defect in the papers that requires further investigation. When a case is held over to the next session, the arrest-to-arraignment time for that case is significantly delayed. If the case is held over from a day arraignment session to a night arraignment session, the delay may be two to three hours in length. When, however, the holdover occurs from a night session (which typically ends at 1:00 am) to the next day session (which typically begins at 9:00 am), delays of eight to twelve hours or more are not atypical.

To show the effect that “holding a case over” has, the Court studied the way cases progressed through the Court’s arraignment process and how different paths effected the time it took to complete the process. The Court looked at certain scenarios in each county – from those where the case saw no delays to those which had multiple attorney interviews and a holdover – and studied the effect that following a particular path would have on timely completion of the process. The results show that whether a case was “held over” is the single greatest factor in determining whether a case will complete the docketing-to-arraignment process within six hours in Kings and seven hours in New York and that “holding a case over,” especially after night session, can cause large delays in the process and also skews the average times for all cases heard by the Court.

Chart 23 shows the “holdover effect” in Kings County. Scenario 1 shows the 53,878 cases in Kings over the course of the study that progressed through the “normal” court process without any type of delay reported. These cases progressed from “docketing,” to “courtroom ready,” to “attorney notified,” to “notice filed,” to “called,” and to “arraigned” with out any reported delays or special timestamps. The average time it took these cases to complete the process was 4:32 hours.

Scenario 2 shows the same process as Scenario 1 except that it adds a “second call.”⁹ The 3,245 cases in Kings that followed Scenario 2 over the course of the study progressed from “docketing,” to “courtroom ready,” to “attorney notified,” to “notice filed,” to “called,” to “second call” and to “arraigned.” This “second call” added, on average, about an hour to the court process for these cases with an average docketing-to-arraigned time of 5:34 hours.

The dramatic effect of being “held over” is evident in the next two scenarios. The 768 cases that follow Scenario 3 progressed through a first court session to the point where an attorney had interviewed the defendant and filed a notice that the case was ready to be heard and then was “held over” to another court session. At the second court session, another attorney interviewed the defendant, filed notice, the case was called and the case arraigned. On average, it took cases following this scenario 11:54 hours to complete the court process. Scenario 4 cases were “held over” before an attorney filed a notice of appearance indicating that the attorney-client interview had been completed. The “Notice Filed” and the rest of the process do not occur until a subsequent session. The 3,847 cases that followed this scenario in Kings took an average of 13:26 hours to complete.

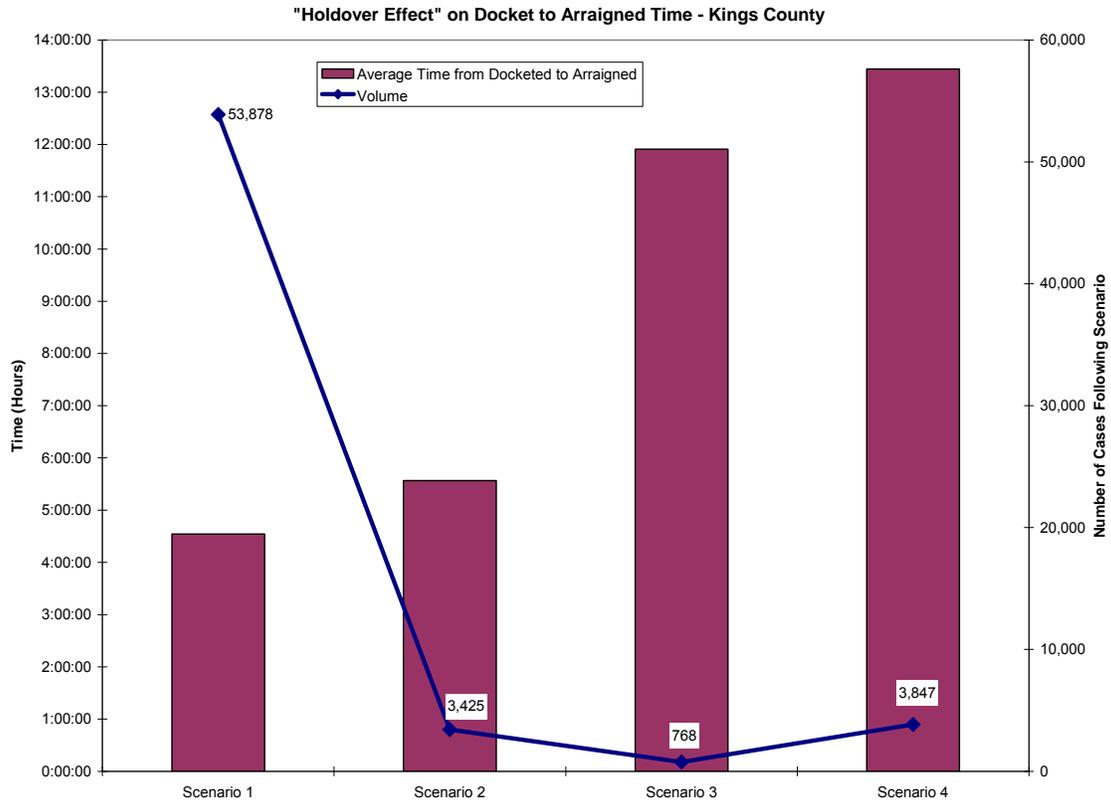
The “Holdover Effect” plays out similarly in New York County. Scenario 1 in Chart 24 shows the 1,276 cases where the path of the case progressed from “docketed,” to “attorney notified,” “initialized,” to “notice filed,” to “called,” to “arraigned.” Cases following this path were completed in an average of 4:03 hours. Scenario 2 is similar to Scenario 1, except that these cases were initialized before the attorney was notified. The 34,077 cases that followed this path took, on average, 6:06 hours to complete. The 1,995 cases included in Scenario 3 followed the same path as those following Scenario 2, except the case was second called before the arraignment was actually completed. These cases took an average of 7:06 hours to complete. The second call added about an hour to the arraignment process.

Scenarios 4 and 5 show the dramatic effect that “holding a case over” has on the time it takes to complete the process. The 668 cases that followed Scenario 4 in New York progressed through a first court session to the point where an attorney had interviewed the defendant and filed a notice that the case was ready to be heard and then was “held over” to another court session. At the second court session another attorney interviewed the defendant, filed notice, the case was called and the case arraigned. On average, it took cases following this scenario 13:05 hours to complete the court process. Scenario 5 cases were “held over” before an attorney filed a notice of appearance indicating that the attorney-client

⁹ A “Second Call” happens when the defendant is called to stand before the judge and begin the court appearance, but before the appearance is completed, the judge delays the final outcome of the hearing and the defendant has to be brought before the Court a second time. Reasons for a “Second Call,” could include a request for more information by the judge, a request by defense counsel for more time to speak with the defendant, or a request by the prosecutor to gather more information from witnesses.

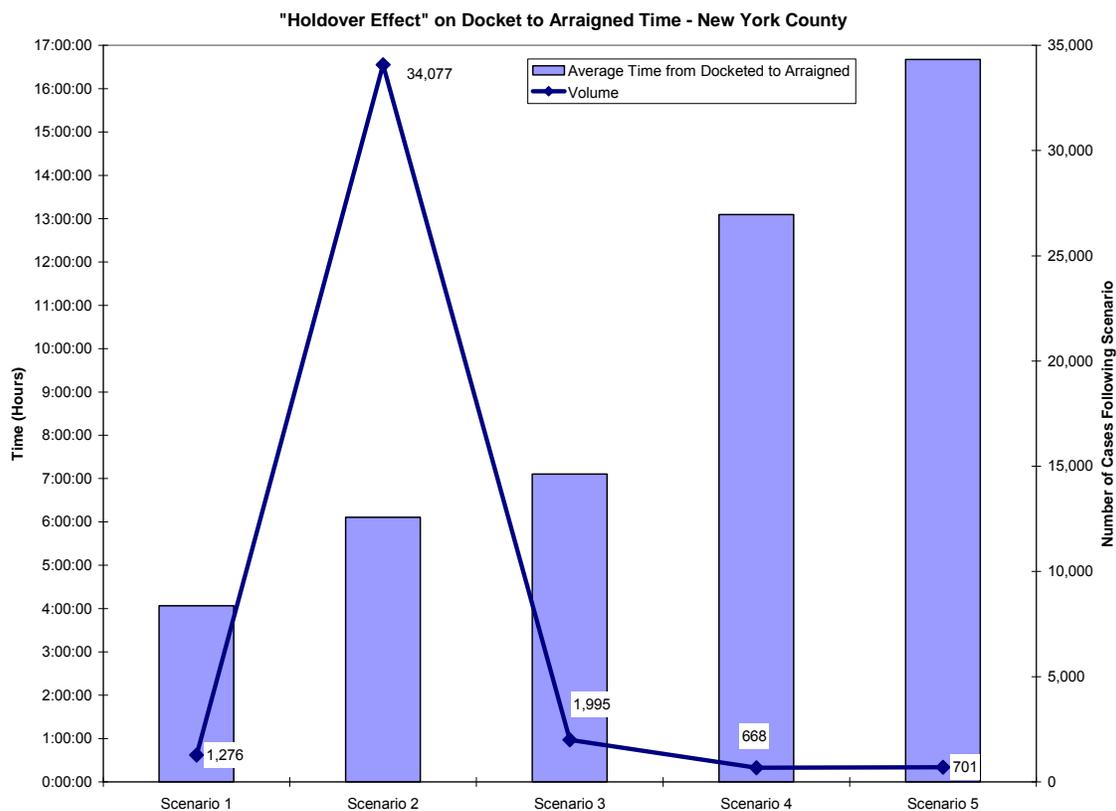
interview had been completed. The “Notice Filed” and the rest of the process do not occur until a subsequent session. The 701 cases that followed this scenario in New York took an average of 16:40 hours to complete.

Chart 23



Scenario	Path of Case
1	Docketed - Courtroom Ready - Attorney Notified - Notice Filed - Called - Arraigned
2	Docketed - Courtroom Ready - Attorney Notified - Notice Filed - Called - Second Call - Arraigned
3	Docketed - Courtroom Ready - Attorney Notified - Notice Filed - Held Over (F) - Courtroom Ready (F) - Attorney Notified (F) - Notice Filed (F) - Called - Arraigned
4	Docketed - Courtroom Ready - Attorney Notified - Held Over (N) - Courtroom Ready (N) - Attorney Notified (N) - Notice Filed (N) - Called - Arraigned

Chart 24



Scenario	Path of Case ¹⁰
1	Docketed - Attorney Notified - Initialized (A) - Notice Filed (AI) - Called - Arraigned
2	Docketed - Initialized (I) - Attorney Notified (I) - Notice Filed (I) - Called - Arraigned
3	Docketed - Initialized (I) - Attorney Notified (I) - Notice Filed (I) - Called - Second Call - Arraigned
4	Docketed - Initialized (I) - Attorney Notified (I) - Notice Filed (I) - Holdover (IA) - Attorney Notified (IAH) - Notice Filed (IAH) - Called - Arraigned
5	Docketed - Initialized (I) - Attorney Notified (I) - Holdover (IA) - Attorney Notified (IAH) - Notice Filed (IAH) - Called - Arraigned

¹⁰ The designation after a timestamp name indicates the path it's taken to arrive at the particular timestamp or to differentiate timestamps with the same name that went through different paths. In New York County, Initialized (I) means the first thing that happened to a case after it was docketed was initialization as opposed to Initialized (A) which indicates the first step after docketing was attorney notified and then initialized. Some examples follow:

- Holdover (IA) - Initialized, Attorney Notified then Holdover
- Holdover (AI) - Attorney Notified, Initialized then Holdover
- Holdover (AN) - Attorney Notified, Notice Filed (still uninitialized) then Holdover
- Holdover (AIN) - Attorney Notified, Initialized, Notice Filed then Holdover
- Attorney Notified (I) - Initialized then Attorney Notified
- Attorney Notified (IAH) - Initialized, Attorney Notified, Holdover then Attorney Notified
- Attorney Notified (ANH) - Attorney Notified, Notice Filed (still uninitialized), Holdover then Attorney Notified
- Attorney Notified (AIH) - Attorney Notified, Initialized, Holdover then Attorney Notified
- Attorney Notified (AINH) - Attorney Notified, Initialized, Notice Filed, Holdover then Attorney Notified

Analysis

“Holding a Case Over” to a subsequent arraignment session can have a significant detrimental effect on the speed in which a case progresses through the arraignment process. These “holdovers” also have a serious impact on the average “docketing-to-arraigned” times for all the cases measured over the course of the study.

Relationship between Overall Arrest-to-Arraignment Times and Court Processing Times

Charts 25 through 30 show the correlation, or lack thereof, between overall arrest-to-arraignment times and the time it takes the Court to complete the arraignment process. Each chart starts with a threshold time (the center pie chart) that indicates how many cases were docketed before and how many were docketed after this threshold overall arrest-to-arraignment time. For example, chart 25 shows that in Kings County only 33% of the total number of cases scanned during the study, or 18,946 cases, were delivered to court clerks for docketing before the 19th overall arrest-to-arraignment hour. New York, on the other hand, shows a startlingly different picture. The center pie charts in chart 26 shows that in New York, 74% of all cases studied, or 26,196 cases, were delivered to court clerks for docketing before the 19th arrest-to-arraignment hour.

Each chart also shows how quickly the Court processed the cases and whether the threshold hour made a difference in the Court’s processing. Chart 25 shows that for the 18,946 cases docketed before the 19th hour in Kings County (top right pie chart), 15,467 or 82% were brought from docketing to arraignment in less than seven hours. Only 18%, or 3,479, took the Court more than seven hours to bring through its arraignment process. For the 67% of cases that were brought to the Court after the 19th hour threshold (bottom left pie chart), the Court processed the same percentage in less than seven hours, 82% or 31,113 cases. While New York county arraignment clerks receive 74% of all cases before the 19th arrest-to-arraignment hour, Kings County only receives this same percentage of cases before the 25th hour.

Another aspect of this study shows the consistent period of time the Court requires to process these cases. In Kings, regardless of when the cases are delivered to the Court for docketing, 82% are brought before the judge before the seventh hour. This holds true for regardless of the overall age of the case when it is delivered to the Court for docketing. In New York, however, a higher percentage of the cases delivered after the threshold time (or those cases processed in a less timely fashion) are arraigned before the seventh hour than those cases delivered for docketing before the threshold. This would seem to suggest that New York has a mechanism for identifying older cases and possibly expediting their arraignment.

Chart 25

Kings County

Number of Cases Docketed Before the 19th Arrest to Arraignment Hour and Number Cases Arraigned from 0-6 Hours and 7+ Hours From Docketing - Kings County April 22 through December 31, 2007

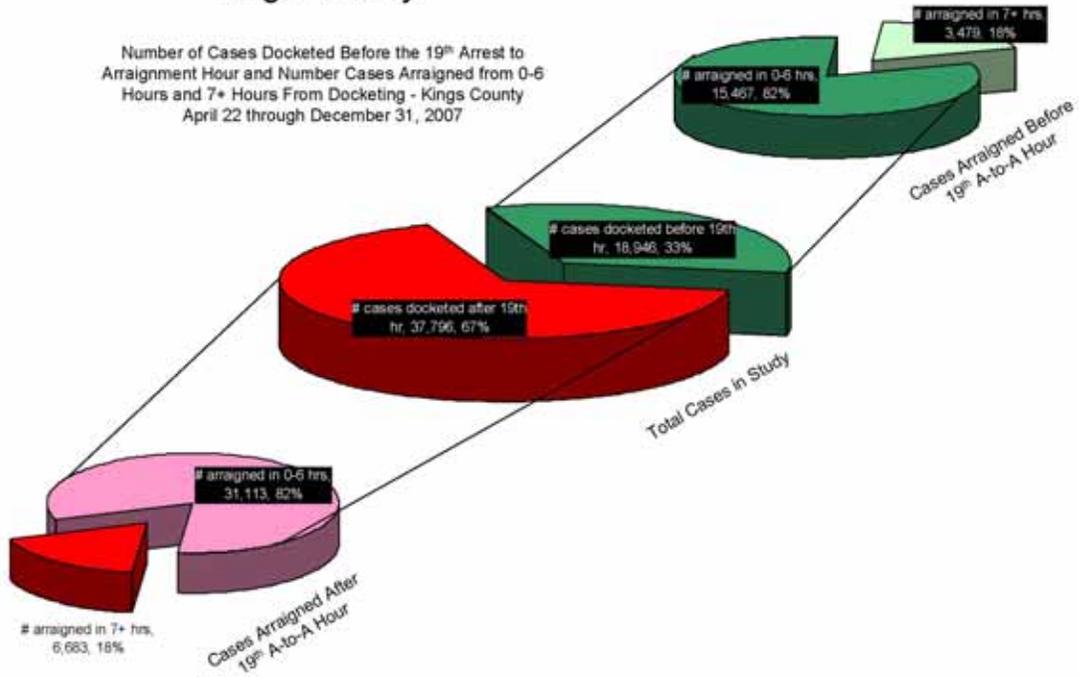


Chart 26

New York County

Number of Cases Docketed Before the 19th Arrest to Arraignment Hour and Number Cases Arraigned from 0-6 Hours and 7+ Hours From Docketing - New York County June 25 through December 31, 2007

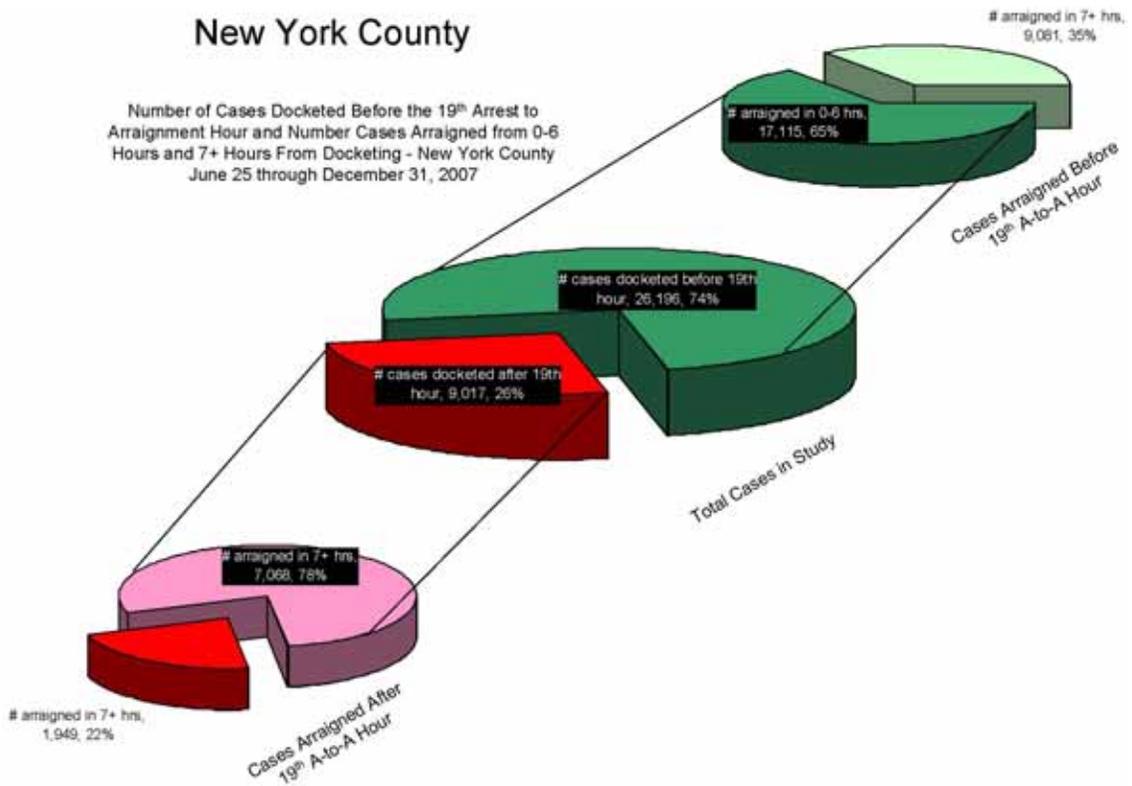


Chart 27

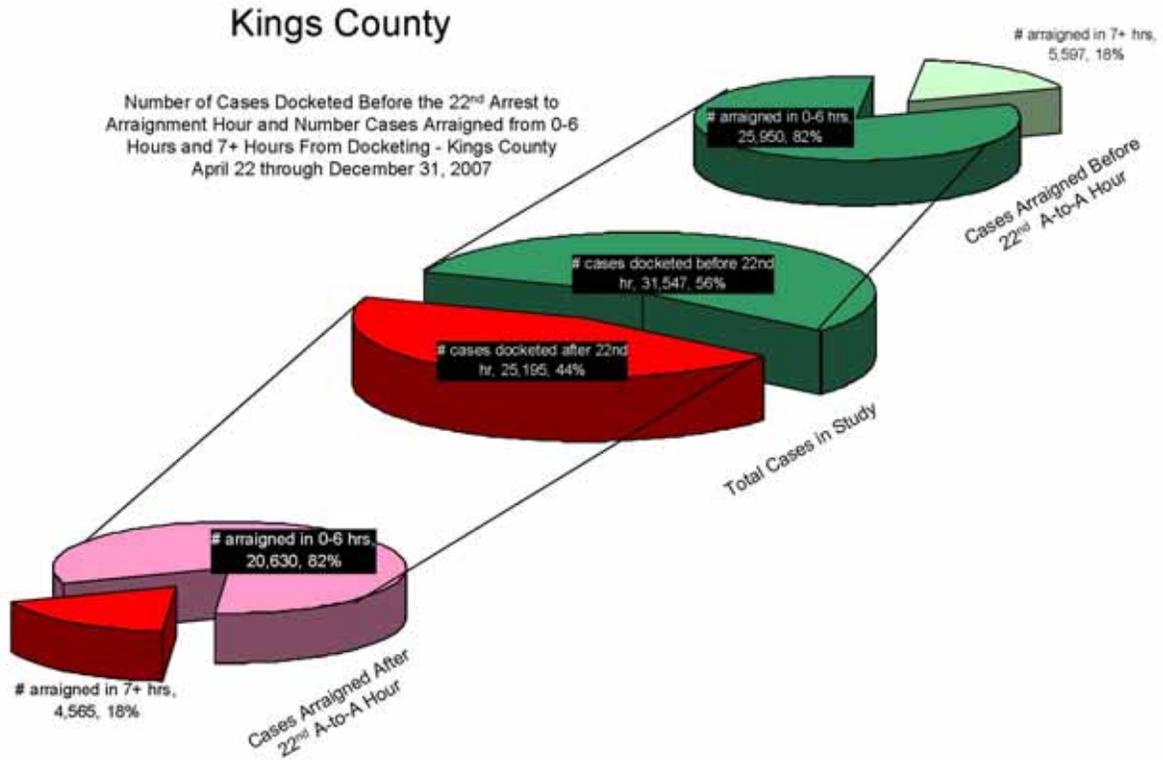


Chart 28

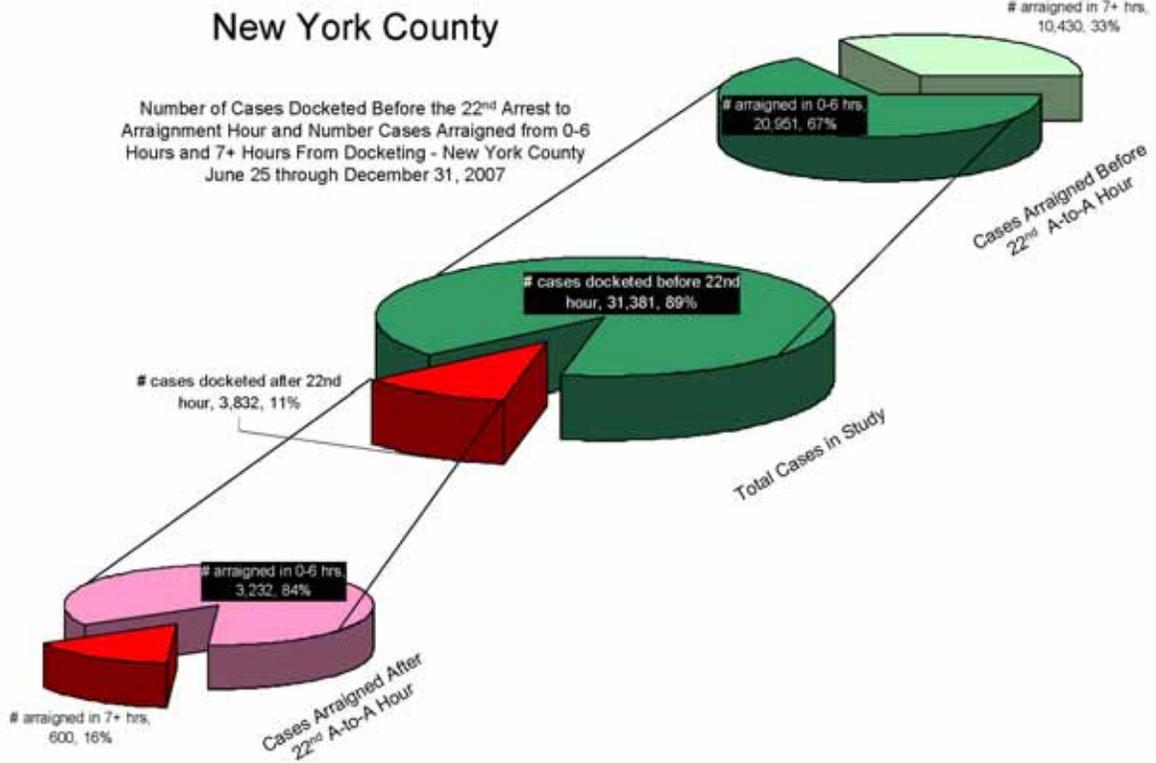


Chart 29

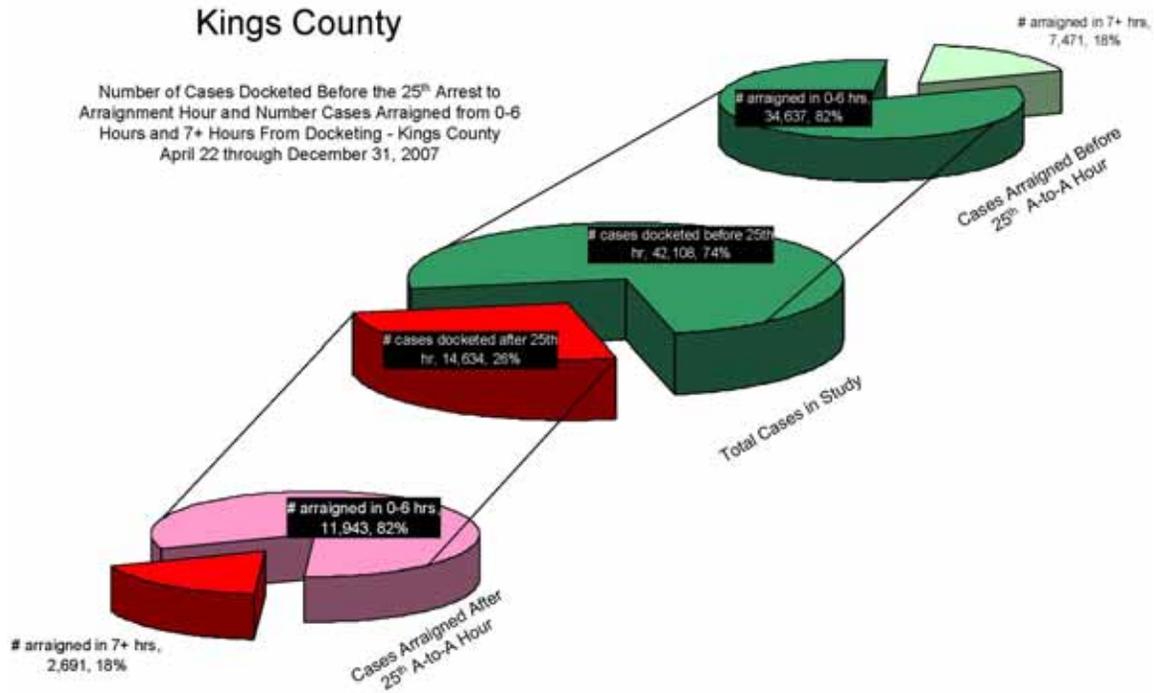
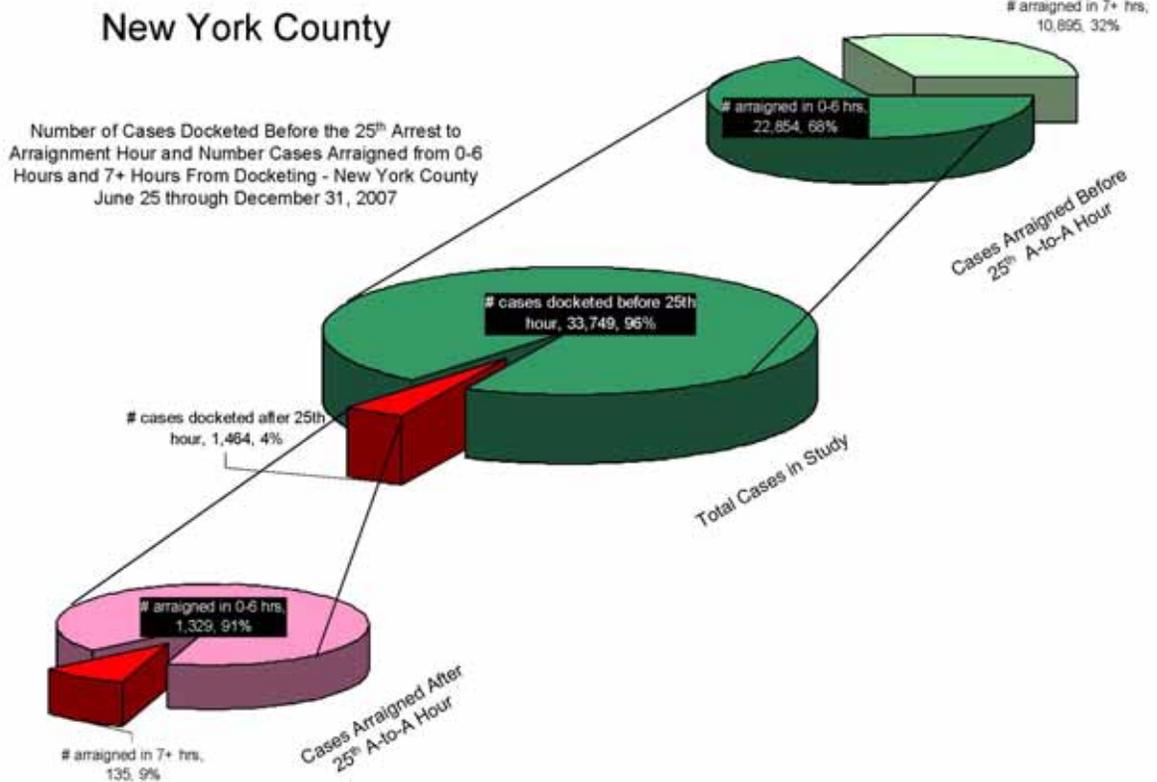


Chart 30



Analysis

The overall court process necessary to bring a newly delivered case from docketing to arraignment takes about one hour less in Kings County than it does in New York County, yet overall arrest-to-arraignment times are significantly higher in Kings. A much higher percentage of cases make it through the docketing to arraignment process in less than seven hours in Kings County, than they do in New York County. New York County arraignment clerks, however, receive paperwork for almost three-quarters of all cases before the 19th overall arrest-to-arraignment hour. Brooklyn only receives one-third of its cases within that same threshold.

The Kings back office and courtroom arraignment operations clearly show the same amount of efficiency as their counterparts in New York County, yet Kings County's arrest-to-arraignment times are consistently higher. The beginning of this report stated that it is not helpful make direct comparisons between the two Counties' court arraignment process since they are significant differences in the way that they operate, yet the data collected in this study shows that it is next to impossible for Kings County to meet its mandate to arraign defendants within twenty-four hours of arrest. Just a little over half of all cases in Kings are delivered to the court to start its docketing to arraignment process by the 22nd arrest-to-arraignment threshold. When the Court process takes on average five hours and nineteen minutes, failure to meet the twenty-four hour mandate is inevitable.

Cases arraigned on weekend day sessions take significantly longer to complete than cases arraigned during weekdays and nights. This is especially true in New York County. Most of the delay is attributable to an increase in the amount of time between completion of the Court's back office staff work and production of the defendant in the feeder pens behind the courtroom.

Arraignment volume drives an increase in the amount of time necessary to bring a case from docketing to arraignment. This is especially clear from this study's analysis of time and volume of arraignments by day of the week. The stage of the process that shows the highest degree of negative effect caused by increased volume is prisoner production, i.e., the higher the volume, the more time it takes to deliver a defendant to the feeder pens behind the courtroom.

"Holding a Case Over" to a subsequent arraignment session can have a significant detrimental effect on the speed in which a case progresses through the arraignment process. These "holdovers" also have a serious impact on the average "docketing-to-arraigned" times for all the cases measured over the course of the study.

Conclusion

The following conclusions can be drawn from an analysis of the project data:

- The overall court process necessary to bring a newly delivered case from docketing to arraignment takes about one hour less in Kings County than it does in New York County, yet Kings County's overall arrest-to-arraignment times are consistently higher. Furthermore, the data shows that it is next to impossible for Kings County to meet its mandate to arraign defendants within twenty-four hours of arrest. Just a little over half of all cases in Kings are delivered to the court to start its docketing to arraignment process by the 22nd arrest-to-arraignment threshold. When the Court process takes on average five hours and nineteen minutes, failure to meet the twenty-four hour mandate is inevitable.
- Cases arraigned on weekend day sessions take significantly longer to complete than cases arraigned during weekdays and nights. This is especially true in New York County. Most of the delay is attributable to an increase in the amount of time between completion of the Court's back office staff work and production of the defendant in the feeder pens behind the courtroom.
- Arraignment volume drives an increase in the amount of time necessary to bring a case from docketing to arraignment. This is especially clear from this study's analysis of time and volume of arraignments by day of the week. The stage of the process that shows the highest degree of negative effect caused by increased volume is prisoner production, i.e., the higher the volume, the more time it takes to deliver a defendant to the feeder pens behind the courtroom.
- "Holding a Case Over" to a subsequent arraignment session can have a significant detrimental effect on the speed in which a case progresses through the arraignment process. These "holdovers" also have a serious impact on the average "docketing-to-arraigned" times for all the cases measured over the course of the study.