

Desk Appearance Tickets in New York State in 2018

May 2020

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INTRODUCTION

On April 1, 2019, New York State enacted extensive legislative reforms (“2020 Criminal Justice Reforms”) aimed at transforming the criminal justice system and its impact on New Yorkers.^{1,2} The 2020 Criminal Justice Reforms eliminated money bail for most misdemeanors and non-violent felonies and imposed new requirements related to discovery and speedy trials.³ They also made changes to the laws governing the issuance of desk appearance tickets (commonly referred to as “DATs” or “universal appearance tickets”) in New York State and police are now required to issue DATs, rather than make a custodial arrest, for many types of criminal charges. These changes to the arrest process have taken on new significance in the era of COVID-19 given that individuals who receive a DAT are not held in custody before their first court appearance (“arraignment”) and therefore have fewer contacts with police, other individuals who are arrested, and court actors.

This research brief provides an overview of the reforms related to DATs (“2020 DAT Reforms”). It also provides data on the use of DATs prior to the reforms so that, in the future, it is possible to measure the impact of the reforms. Specifically, this brief presents data on how frequently DATs were arraigned in district and city courts across the state in 2018 (before the reforms went into effect), as well as rates of appearance at arraignment.⁴ In addition, this brief also disaggregates these metrics by charge type, by geographic region (New York City, Suburban New York City and Upstate Cities), and by individual courts. In the future, the Data Collaborative for Justice (DCJ) will publish research briefs that examine changes in DAT arraignments for 2019 as well as post-implementation of the 2020 DAT Reforms.

How is a DAT different from a custodial arrest?

Typically, when a police officer makes a custodial arrest, an individual remains in the custody of the police for up to 24 hours until their arraignment. An individual who receives a DAT will generally be released from police custody within several hours of being arrested rather than remain in custody until their arraignment. DAT recipients are permitted to remain in the community and are directed to appear for court on a designated date. The 2020 DAT Reforms now require this first appearance to take place within 20 days.

In the past, unless a DAT was dismissed at arraignment, a judge would make a pretrial release decision for the DAT recipient, which could have included “release on recognizance” (release based on the person’s promise to return to court), release under supervision or with conditions, or some form of bail. However, post-implementation of the 2020 Criminal Justice Reforms, judges are no longer permitted to order money bail for many of the crimes for which DATs are now required.

¹ 2019 N.Y. Ch. 59 § 1-a (Part JJJ), (effective Jan 1, 2020).

² A number of amendments to the reforms were passed as part of the New York State FY 2020-2021 Budget. As these changes are implemented, DCJ will adjust its future analyses of the reforms accordingly.

³ An earlier brief from DCJ calculated how these bail reforms would have altered pretrial outcomes had they been in place in prior years. See Lu, O., Hood, Q., Bond, E., Tellman, M., & Chauhan, P. (September 2019). *Assessing Potential Impacts of 2020 Bail Reforms in New York City*. Data Collaborative for Justice. New York: New York.

⁴ The analyses contained in this brief rely on a dataset that only includes DATs that were arraigned in 2018 and excludes DATs that were issued but then diverted. A number of local prosecutors in New York State have recently been involved in efforts to divert DATs pre-arraignment. For example, Project Reset offers diverse programming for people of any age in Manhattan, Brooklyn, and the Bronx. See Bellan, R. (2019, October 22). *NYC: Where the Police Offer a Free Art Class Instead of Prosecution*. Citylab.

KEY FINDINGS

DCJ examined 2018 Desk Appearance Ticket (DAT) arraignments⁵ across 63 city and district courts in New York State⁶ to assess the proportion of arraignments that were DATs, the most common charges among DAT arraignments, and the rates of appearance at arraignment for DATs.

(1) How many DATs were arraigned in New York State courts in 2018 and for which classes of crimes?

- A total of 96,513 DATs were arraigned in 2018, representing 30.2% of all felony and misdemeanor arraignments (319,232). Of the DATs arraigned in 2018, 50.9% (49,199) were for class A and B misdemeanors and 46.8% (45,177) were for unclassified misdemeanors. (See Appendix A for the most common charges).

(2) How did the number and proportion of 2018 arraignments for DATs vary by geography?

- Suburban New York City (defined as Westchester, Suffolk, and Nassau counties) had the largest proportion of DAT arraignments: 59.7% (42,560) of arraignments in Suburban New York City were DATs compared to 22.5% (37,482) in New York City and 20.2% (16,467) in Upstate City courts.⁷

(3) How did the number and proportion of 2018 DAT arraignments vary by arrest charge category?

- Marijuana, vehicle and driving-related charges, and property-related charges⁸ had the largest proportions of DATs at arraignment. For marijuana charges, 57.7% (9,070) of the 15,718 arraignments were DATs. For vehicle and driving-related charges, 53.4% (45,616) of the 85,378 arraignments were DATs. For property-related charges, 29.8% (12,056) of the 40,505 arraignments were DATs. (See Appendix B for the most common charges).
- Weapons charges and person-related⁹ charges had the lowest proportion of DATs at arraignment. For weapons charges, 21.5% (1,899) of the 8,849 arraignments were DATs. For person-related charges, 10.2% (5,523) of the 54,305 arraignments were DATs. (See Appendix B for the most common charges.)

(4) How did 2018 arraignment appearance rates for New York State courts vary by geography and charge?

- In 2018, the average appearance rate for DAT arraignments across New York State courts was 85.0%. Suburban New York City courts had the highest average appearance rate for DATs (94.1%), followed by Upstate City courts (84.8%) and then New York City courts (77.1%).¹⁰ (See Appendix C for appearance rates by individual courts).
- DAT arraignments for vehicle and driving-related charges had the highest appearance rate (90.4%), while theft of services, mainly turnstile jumping, had the lowest appearance rate (58.9%).

⁵ In New York State, arraignment is the first time an individual appears in front of a judge after being arrested and is formally advised of the charges against them. For additional explanation of the arraignment process in New York State, see: <http://www.nycourts.gov/courthelp/Criminal/arraignments.shtml>

⁶ The full dataset from the New York State Office of Court Administration (OCA) includes 73 city and district courts. We exclude nine courts (Jamestown City Court, Glen Cove City Court, Long Beach City Court, Suffolk 2nd, 3rd, and 5th District Courts, Mount Vernon City Court, New Rochelle City Court, and Yonkers City Court) that did not have data for the full 2018 calendar year. Albany City Traffic Court is also excluded because only two arraignments in 2018 were for a felony or misdemeanor.

⁷ The volume of arraignments for New York City does not include the 18,534 criminal summonses issued for misdemeanor charges in 2018 (90.5% of which were unclassified misdemeanors), which likely will be directly impacted by the new DAT legislation. The appearance rate for these summonses was 67.5%.

⁸ Property-related charges refer to the offenses that typically involve a complainant or victim and result in the unlawful possession or destruction of property. This category includes offenses such as burglary, larceny, and motor vehicle theft.

⁹ Person-related charges refer to those offenses that typically result in direct harm to a known victim or victims. This category includes offenses such as murder, rape, robbery, and assault and related offenses.

¹⁰ The five criminal courts in New York City varied with regard to arraignment appearance rates, with the Bronx having the lowest rate (67.0%) and Staten Island having the highest (85.1%). See Appendix C.

Overview of 2020 DAT Reforms

Prior to January 1, 2020, state law gave law enforcement the *discretion*¹¹ to issue a DAT to individuals charged with non-felony offenses and most class E felony offenses.¹² **As of January 1, 2020, police officers are now required to issue DATs for all non-felony offenses and most class E felony offenses with two categories of exceptions.**

(1) Charge-Based Exceptions

Police officers maintain the *discretion* to make a custodial arrest instead of issuing a DAT for the charges below.

- **Sex offenses:** The charges designated as sex offenses under Article 130 of the penal law, such as sexual abuse in the third degree (PL § 130.55), a class B misdemeanor, and aggravated sexual abuse in the fourth degree (PL § 130.65-a), a class D misdemeanor.
- **Specific class E felonies for absconding:** Escape in the second degree (PL § 205.10), absconding from temporary release in the first degree (PL § 205.17), absconding from a community treatment facility (PL § 205.19), and bail jumping in the second degree (PL § 215.56).
- **Domestic violence crimes:** Qualifying crimes are defined in CPL § 530.11 and are crimes involving members of the same family or household such as harassment in the second degree (PL § 240.36), a violation, and criminal obstruction of breathing (PL § 121.11), a class A misdemeanor.
- **Crimes for which the court may suspend or revoke a driver's license:** For example, a court may suspend or revoke an individual's license for driving under the influence of alcohol or drugs (VTL § 1192).

(2) Other Exceptions

Under the circumstances listed below, police have the *discretion* to make a custodial arrest when responding to crimes for which a DAT is otherwise mandated.

- **Open warrants:** The person has one or more outstanding criminal court or superior court warrant(s).
- **History of failure to appear:** The person has failed to appear in court in the last two years.
- **No identification:** The police are unable to verify the identity of the person. The law specifies that: (1) photo ID is not necessary to verify identity, (2) certain types of ID must be accepted,¹³ and (3) an officer's personal knowledge of an individual may suffice for ID.
- **Orders of protection:** Based on the facts of the case or the nature of the crime, a person should be brought before a court for consideration as to whether an order of protection should be issued pursuant to CPL § 530.13 (protection of victims of crime, other than family offenses).
- **Medical/mental health needs:** The officer observes the person behaving in a way that indicates an immediate need for medical or mental health care and it would be "in such person's interest" to bring them before the court to address their needs. However, the law also specifies that, "... before making the arrest, the officer shall make all reasonable efforts to assist the person in securing appropriate services."

¹¹ Different police departments adopted different policies for exercising that discretion in keeping with criminal procedure laws. For instance, in New York City, the police department did not permit DATs to be issued for certain offenses (e.g., patronizing a person for prostitution in the third degree [PL § 230.04]) that qualified under state law. See [New York City Police Department Patrol Guide](#), Procedure 208-27 (effective March 18, 2019)

¹² The law previously excluded the following class E felonies from receiving DATs: rape in the 3rd degree (PL § 130.25); criminal sexual act in the third degree (PL § 130.40); escape in the second degree (PL § 205.10); absconding from temporary release in the first degree (PL § 205.17) [expires September 1, 2020]; absconding from a community treatment facility (PL § 205.19) [expires September 1, 2020]; and bail jumping in the second degree (PL § 215.56).

¹³ The new law requires that police accept as proof of identity: (1) any valid driver's license or non-driver identification card issued by the New York State DMV, federal government, a U.S. territory, commonwealth or possession, the District of Columbia, U.S. state or municipal government, or a Canadian provincial government; (2) any valid passport from any country; (3) identification cards issued by the U.S. military; or (4) public benefits cards. See CPL § 150.20.

New Procedural Requirements

In addition to expanding the list of charges for which police must issue DATs, the reforms impose a number of new procedural requirements, including:

- **First court appearance in 20 days:** The return date listed on a DAT must be no later than 20 days (unless the individual is enrolled in a pre-arraignment diversion program), which means that individuals are now arraigned within 20 days of receiving a DAT¹⁴ (previously DATs could direct someone to appear weeks or months from the date of issuance).
- **Collection of contact information by police:** Officers are instructed to inform a person to whom they are issuing a DAT that they may provide contact information to receive court notifications.¹⁵ The issuing officer must file the DAT and the recipient's contact information with the local criminal court within 24 hours of issuance.¹⁶
- **Court notification:** Local criminal courts or certified pretrial services agencies will issue court appearance reminders to recipients of DATs by text message, telephone call, electronic mail, or first-class mail,¹⁷ unless the DAT is returnable within 72 hours or no contact information is provided.¹⁸

How might 2020 DAT Reforms influence arraignment appearance rates?

There are a number of reasons to believe that appearance rates at arraignment could improve after implementing the 2020 DAT Reforms, thus driving down the number of warrants generated by individuals who fail to appear for court on a DAT. First, the 2020 DAT Reforms require that DAT recipients receive notifications of their court dates, which may reduce the rates of failure to appear and associated warrants after the reforms came into effect.¹⁹ Second, the requirement that DAT arraignments take place within 20 days of issuance may further reduce rates of failure to appear by decreasing the likelihood that individuals will forget the date as a result of the passage of time. Research conducted by the Center for Court Innovation indicates that in New York City, rates of appearance were higher in boroughs where individuals were arraigned within fewer days.²⁰ Third, law enforcement is still permitted to make custodial arrests for crimes that otherwise would require a DAT when the individual already has an open warrant or a history of failure to appear in the last two years, thereby removing individuals at higher risk of failing to appear from the pool of DAT arraignments. Future reports from DCJ will assess whether appearance rates improve post-implementation of the 2020 DAT Reforms.

¹⁴ CPL § 150.40

¹⁵ CPL § 150.10(3)

¹⁶ CPL § 150.80(1)

¹⁷ CPL § 150.80(2)

¹⁸ CPL § 150.80(3)

¹⁹ New York City was already providing court date notifications prior to the 2020 DAT Reforms via the New York City Criminal Justice Agency (CJA). See: <https://www.nycja.org/pretrial-services>. A study by ideas42 and the University of Chicago Crime Lab found that text message reminders reduced failure to appear rates in New York City by 26%. See Cooke, B., Diop, B.Z., Fishbane, A., et al. (January, 2018). *Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing failures to appear in court*.

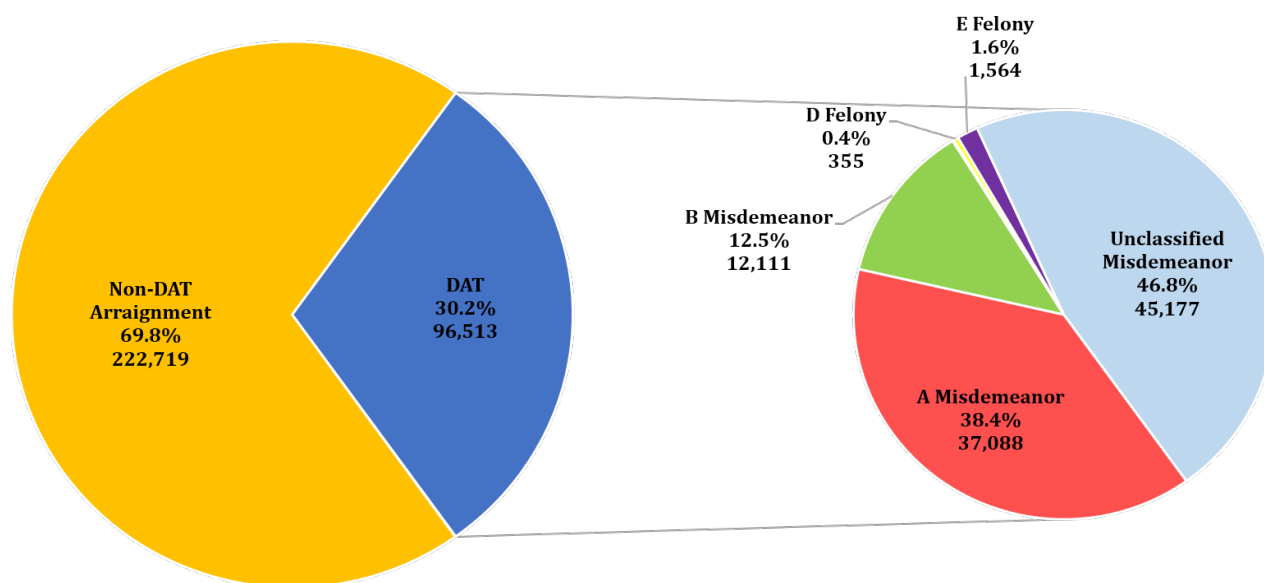
²⁰ The analysis found that in 2013 in Staten Island, where the average number of days to arraignment was lowest at 42.7 days, the rate of appearance for DATs was highest at 87%. In contrast, the Bronx had the lowest appearance rate for DATs at 71% but an average of 95.5 days to arraignment. See Rempel, M., Kerodal, A., Spadafore, J., & Mai, C. (January, 2017). *Jail in New York City: Evidence-based opportunities for reform*. Center for Court Innovation. New York: NY.

ANALYSIS

In order to provide a baseline for DAT arraignments²¹ in New York State prior to the implementation of the 2020 Reforms, DCJ analyzed New York State Office of Court Administration (OCA) data from 2018.²² DCJ conducted a statewide analysis, which uses data from the 63 city and district courts captured in the OCA dataset. These data do not include cases that are processed in the approximately 1,200 town and village courts throughout New York State for which there is no centralized reporting mechanism.²³

How many DATs were arraigned in New York State courts in 2018 and for which classes of crimes?

Figure 1: DAT vs. Non-DAT Arraignments in New York State in 2018



In 2018, 319,232 felony and misdemeanor cases were arraigned in 63 city and district courts in New York State, 81.0% (258,639) of which were misdemeanors.²⁴ Of all felony and misdemeanor arraignments, 30.2% (96,513) were DATs. The other 69.8% (222,719) of arraignments include custodial arrests and other non-DAT

²¹ DAT arraignments in these analyses are defined using the following parameters: arraigned cases flagged as a DAT (40.6% of DAT arraignments); cases with a first appearance date set 15 days or more after the date of first arrest (59.2% of DAT arraignments); and cases missing an arraignment date but with a first warrant issued 15 days after the date of first arrest (2% of DAT arraignments).

²² The OCA data set includes cases that were issued a DAT as well as cases that were custodial arrests. It excludes the small proportion of cases that were filed in superior court (which only adjudicates felony cases) rather than criminal court (where all misdemeanors and most felonies are arraigned). In our analyses, we also exclude violations. Michael Rempel, Director of Jail Reform at the Center for Court Innovation, estimates that in 2018, approximately 1,980 cases originated as indictments in superior court (personal communication, July 2, 2019). DCJ is grateful to Mr. Rempel for his assistance in providing this information.

²³ In 20 counties, 100% of arraignments are in town and village courts and therefore are not represented in the data (Allegany, Delaware, Essex, Franklin, Greene, Hamilton, Lewis, Livingston, Orleans, Putnam, Rockland, Schoharie, Schuyler, Seneca, Sullivan, Tioga, Washington, Wayne, Wyoming, and Yates counties).

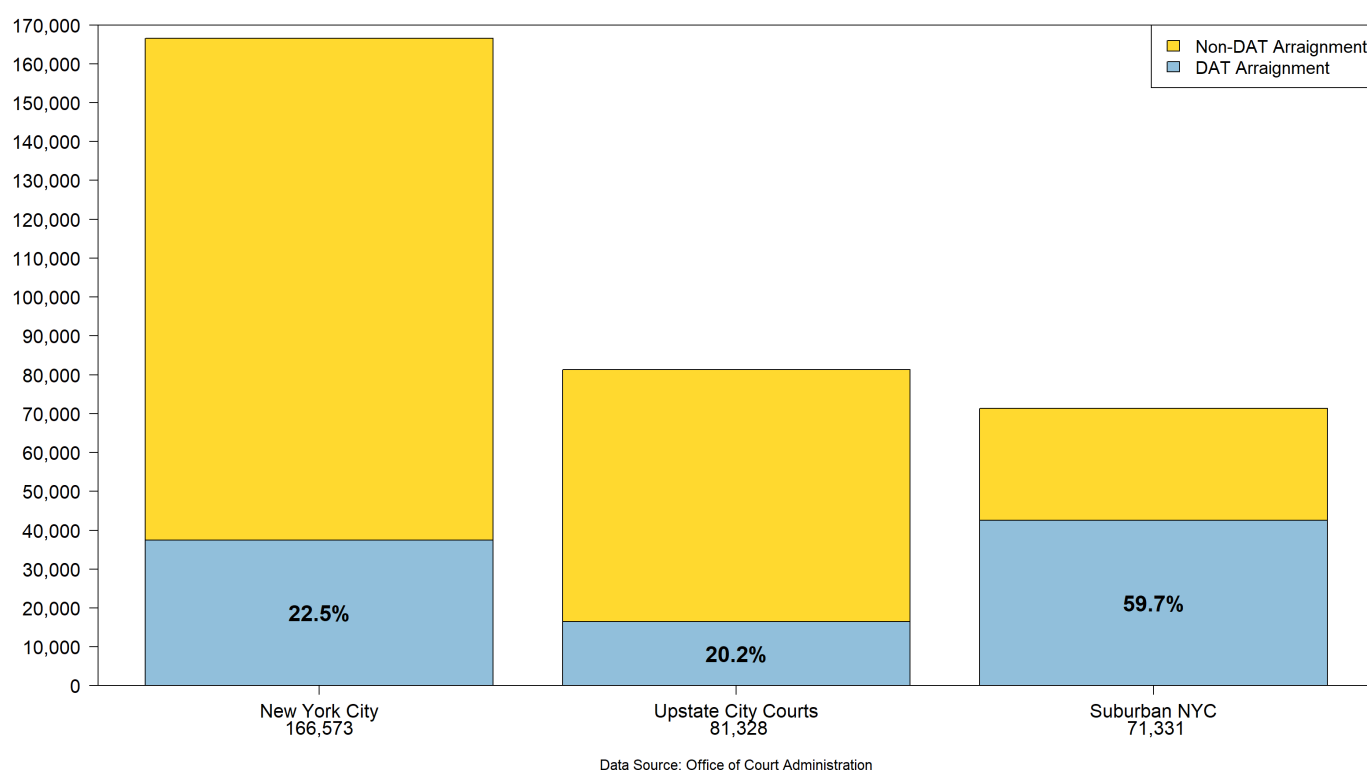
²⁴ We exclude 32,166 non-DAT arraignments in New York City in 2018 that are missing arrest charge severity. Therefore, the numbers for New York City presented in this brief for DATs are lower than numbers reported by the New York City Criminal Justice Agency (CJA) in a 2019 report on DAT issuance in New York City in 2018. See Ferri, R. (July, 2019). [Desk Appearance Tickets and Appearance Rates – The Benefits of Court Date Reminders](#). New York City Criminal Justice Agency. New York:NY.

arraignments.²⁵ Further, of the 258,639 misdemeanor arraignments, 36.5% (94,376) were DATs.

Almost half (45,177) of all DAT arraignments were for unclassified misdemeanors, with the most common charge being aggravated unlicensed operation of a motor vehicle (VTL § 511).²⁶ Further, 50.9% (49,199) were for class A or B misdemeanor arrests, with the most common charges being petit larceny (PL § 155.25) and criminal possession of marijuana (PL § 221.10). Finally, a small proportion (2.0%) were for class D or E felonies, with the most common charges being grand larceny (PL § 155.30 and PL § 155.35) and aggravated unlicensed operation of a motor vehicle (VTL § 511). Only 0.2% of DAT arraignments were for class A, B, or C felonies. See Appendix A for the most common charges within each charge level.

How did the number and proportion of 2018 DAT arraignments vary by geography?

Figure 2: DAT vs. Non-DAT Arraignments in 2018 by Geography



While DAT arraignments made up over 30% of all felony and misdemeanor arraignments statewide, there was geographic variation. Only 22.5% (37,486) of the 166,573 arraignments in New York City were DATs and among misdemeanor cases alone (137,419), 27.1% (37,216) were DAT arraignments. In contrast, 59.7% (42,560) of the 71,331 arraignments in Suburban New York City (Westchester, Nassau, and Suffolk counties) were DATs, with

²⁵ Non-DAT arraignments are all other arraigned cases that are not flagged as a DAT in the data (e.g., hospital arraignment, domestic violence case, a 14 or 15-year-old with a violent felony charge).

²⁶ Aggravated unlicensed operation of a motor vehicle can be a felony or misdemeanor charge depending on the number of prior convictions for the same offense, and on the specific characteristics of the charge. Therefore, this charge appears in two categories.

69.4% (41,617) of the 59,989 misdemeanor cases being DATs. Finally, Upstate City courts had the lowest number and proportion of DATs. In Upstate City courts, 20.2% (16,467) of the 81,328 arraignments were DATs and among misdemeanor cases alone (61,231), 25.4% (15,543) were DAT arraignments. Among individual courts, Suffolk 1st District Court (Suffolk County) had the largest number of DAT arraignments (26,357), while Sherrill City Court (Oneida County) had the fewest DAT arraignments (11). Proportionally, Rye City Court (Westchester County) had the largest proportion of DAT arraignments (73.2%), while only 8.4% of felony and misdemeanor arraignments in Schenectady City Court (Schenectady County) were DATs. Appendix C (“DAT Arraignments and Rates of Appearance by Court”) provides the number and proportion of DAT arraignments for each of the 63 city and district courts.

How did the number and proportion of 2018 DAT arraignments vary by arrest charge category?

Figure 3: DAT vs. Non-DAT Arraignments in 2018 by Charge Category

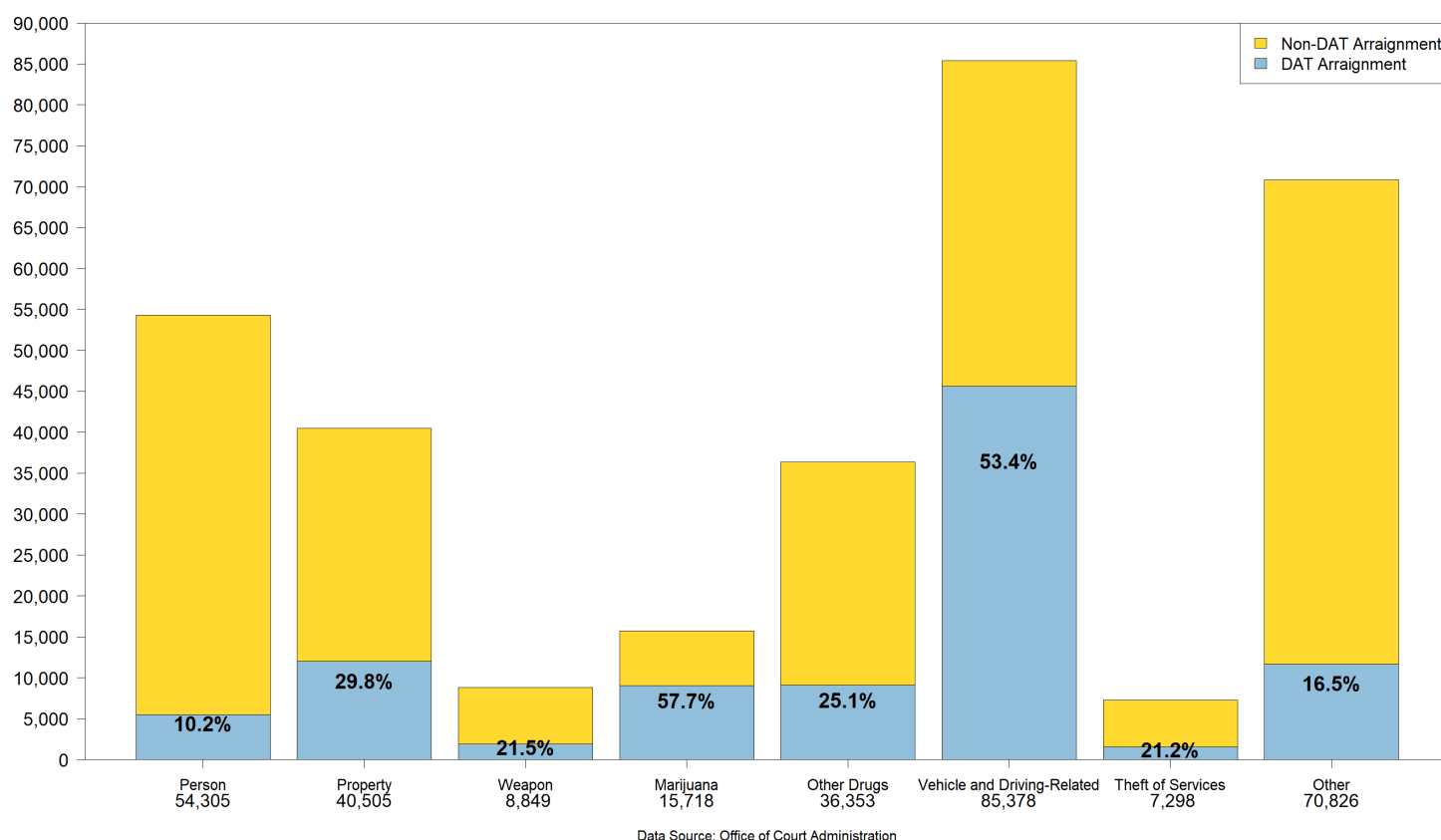


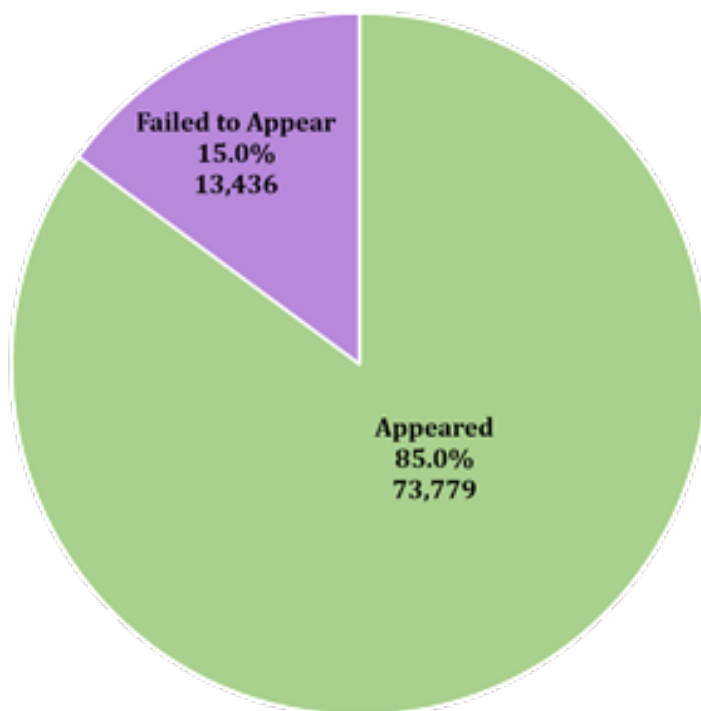
Figure 3 shows the number and proportion of DAT and non-DAT arraignments for eight arrest charge categories, statewide. Each category includes both misdemeanors and felonies. In 2018, there were more arraignments for vehicle and driving-related arrests compared to any other charge category. Among these, 53.4% (45,616) were DAT arraignments, with the most common charge being aggravated unlicensed operation of a motor vehicle (VTL § 511). In contrast, only 10.2% (5,523) of person-related arrests were DAT arraignments and among these, 83.2% were for assault (PL § 120.00). Among drug charges, 57.7% (9,070) of arraignments for marijuana arrests

were DATs, while just over a quarter (9,125) of arraignments for “Other Drugs” were DATs.²⁷ The most common charges were marijuana possession (PL § 221.10) and criminal possession of a controlled substance (PL § 220.03). In 2018, there were 8,849 arraignments for weapons charges, 21.5% (1,899) of which were DAT arraignments and among these, 97.6% were for criminal possession of a weapon in the fourth degree (PL § 265.01).

Theft of services charges (i.e., turnstile jumping) had the fewest arraignments overall and 21.2% (1,548) were DAT arraignments.²⁸ While “Other” charges had the second largest number of arraignments in 2018, these charges consist of a variety of lower-level criminal and administrative code violations. The most prevalent of these charges were trespassing (PL § 140.10) and criminal mischief (PL § 145.00). See Appendix B for the most common charges in each charge category.

How did 2018 arraignment appearance rates for New York State courts vary by geography and charge?

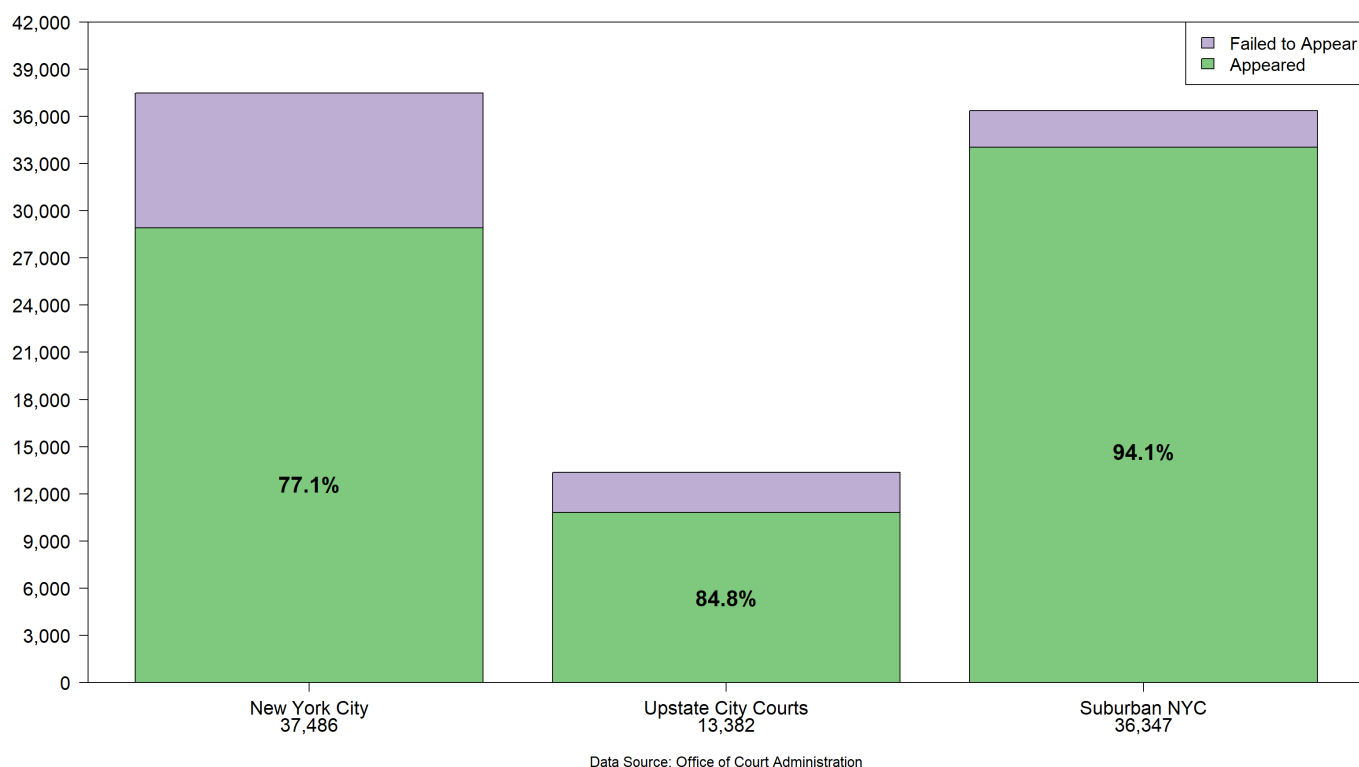
Figure 4: Appearance Rates for DAT Arraignments in 2018, Statewide



²⁷ The large proportion of DAT arraignments for marijuana arrests aligns with efforts in recent years to scale back low-level marijuana enforcement in New York State. In 2018, the NYPD and New York City Mayor Bill de Blasio announced that officers would issue criminal summonses instead of making an arrest for low-level marijuana offenses under certain conditions. In June 2019, the New York State legislature passed a bill to treat possession of less than two ounces of marijuana as well as public burning as violations rather than crimes. See 2019 N.Y. Ch. 131 (effective August 28, 2019).

²⁸ In New York State, theft of services charges (PL § 165.15) consist primarily of fare evasion on public transit (in New York City in particular, turnstile jumping).

Figure 5: Appearance Rates for DAT Arraignments in 2018 by Geography



Figures 4 and 5 show appearance rates at arraignment for DATs in district and city courts in New York State in 2018, statewide and by geography.²⁹ In 2018, the average appearance rate at arraignment for DATs across 63 courts was 85.0%.³⁰ Stated differently, individuals failed to appear at arraignment in 15.0% of DAT arraignments.

Courts in Suburban New York City had the largest number of DAT arraignments in 2018 and the highest average appearance rate (94.1%), ranging from 92.4% in Nassau District Court (Nassau County), to 96.9% in Peekskill City Court (Westchester County). New York City criminal courts had the lowest average appearance rate (77.1%), ranging from 67.0% in Bronx Criminal Court to 85.1% in Richmond Criminal Court. Meanwhile, the average appearance rate in Upstate City courts was 84.8%, ranging from 64.3% in Buffalo City Court (Erie County) to 97.7% in Plattsburgh City Court (Clinton County). See Appendix C for appearance rates for all 63 courts.

²⁹ Appearance rates are calculated using a combination of arrest date, first court appearance date, and warrant issuance date. Only DATs that had complete warrant information were included in these calculations. Therefore, the number of DATs shown in figures 4-6 is lower than the total number of DATs for the corresponding categories.

³⁰ This number is calculated using the appearance rate for each individual court and taking the average.

Figure 6: Appearance Rates for DAT Arraignments in 2018 by Arrest Charge Category

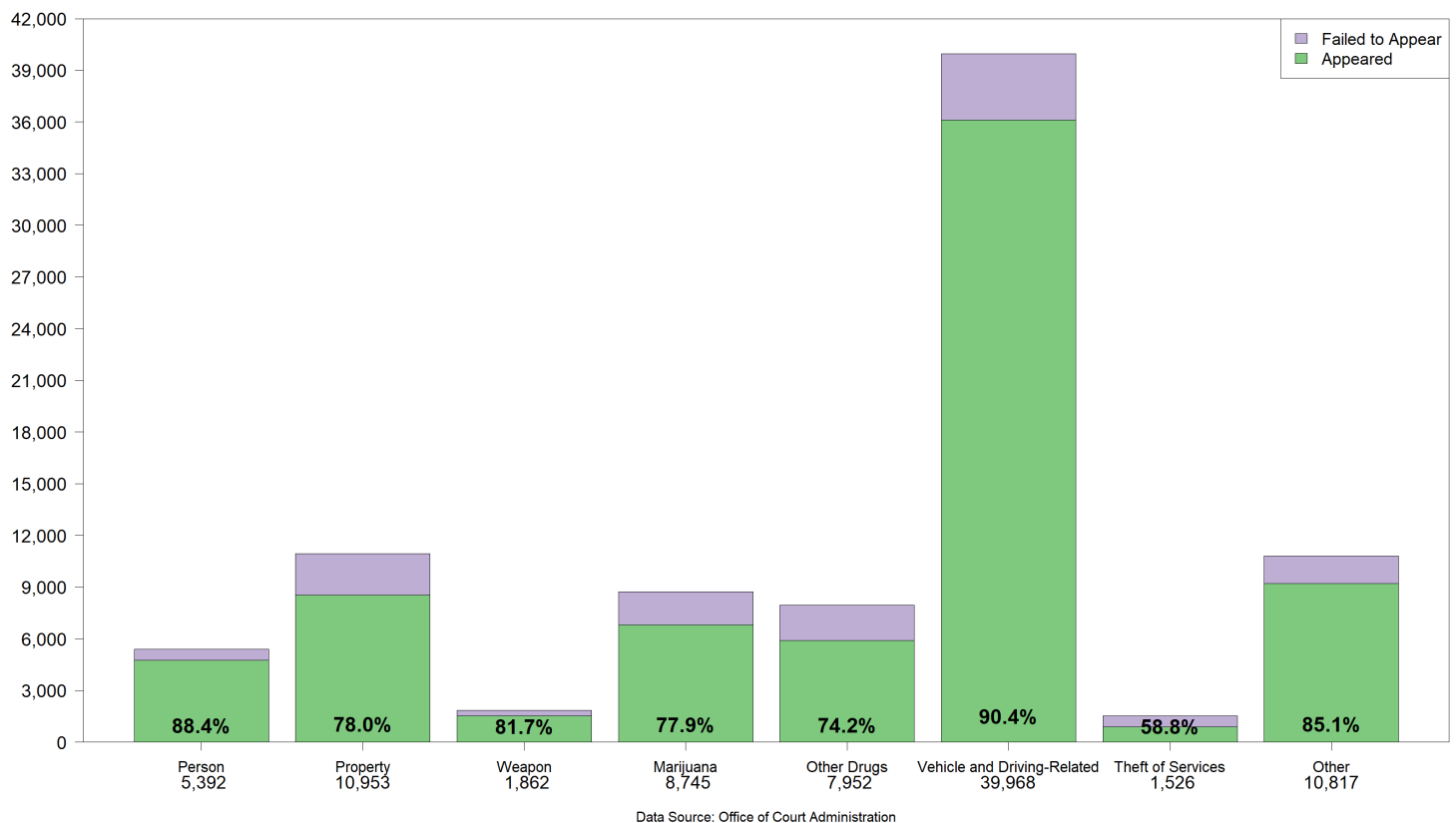


Figure 6 shows appearance rates at arraignment for DATs in city and district courts in New York State in 2018, by arrest charge category. Similar to geography, there was variation in appearance rates across charge categories. In 2018, DAT arraignments for vehicle and driving-related charges had the highest appearance rate (90.4%), followed closely by person-related charges (88.4%). The lowest appearance rate was for theft of services charges (58.8%), such as turnstile jumping.

CONCLUSION

The findings presented in this brief illustrate how DAT arraignments in New York State and associated appearance rates varied widely by geography and charge type in 2018. The data presented here may be used by practitioners and policymakers to target programs and investments that can help boost rates of appearance (and reduce the warrants associated with failure to appear) in specific areas of the state and by specific charge types for which appearance rates are lower than other charge types. This brief also establishes a baseline against which to measure changes in DAT arraignments now that law enforcement is required to issue DATs for all non-felony offenses and most class E felonies. Future research from DCJ will examine changes in DAT arraignments for 2019 as well as how DAT issuance and associated appearance rates change post-implementation of the 2020 Criminal Justice Reforms.

Questions for Future Research

1. For cases where officers have the discretion to issue a DAT, how does issuance vary by individual characteristics such as demographics (e.g., race/ethnicity, age and gender), neighborhood, and socioeconomic status?
2. In the era of COVID-19, how frequently will police officers issue DATs in circumstances where they still have the discretion to make a custodial arrest (e.g., for domestic violence crimes or when someone lacks ID)?
3. How do local law enforcement policies and practices contribute to geographic differences in DAT issuance?
4. Will appearance rates for DATs increase as a result of the new requirement that people receive reminders to appear in court for arraignment within 20 days of DAT issuance?
5. Which county-level characteristics, such as median income, are related to appearance rates?
6. Compared to custodial arrests, how will the issuance of DATs impact collateral consequences such as interruptions to employment, child-care, and other social responsibilities of individuals who are arrested?

This report was made possible by funding from Arnold Ventures. The opinions, finding, and conclusions expressed in this publication are those of the authors and not those of Arnold Ventures.

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DCJ is grateful to the following individuals and organizations for their thoughtful guidance and feedback on this brief: Karen Kane and Carolyn Cadoret at the Office of Court Administration; Mike Rempel at the Center for Court Innovation; Nitin Savur at the District Attorney of New York; and Richard Peterson at the New York City Criminal Justice Agency.

Desk Appearance Tickets in New York State in 2018

APPENDIX A

Appendix A: DAT Arraignments and Rates of Appearance by Charge Level, Top 3 Penal Codes

Charge Level	Highest Volume in 2018, Top 3 Penal Codes	# of DATs	Appearance Rate for DATs
D Felony		355	90.76%
	PL § 155.35 Grand Larceny, 3rd	70	96.55%
	PL § 170.25 Possession of Forged Instrument, 2nd	44	88.89%
	PL § 220.06 Criminal Possession of a Controlled Substance, 5th	41	82.86%
E Felony		1,564	88.14%
	PL § 155.30 Grand Larceny, 4th	552	85.71%
	VTL § 511 Aggravated Unlicensed Operation*	261	85.78%
	PL § 145.05 Criminal Mischief, 3rd	132	87.72%
A Misdemeanor		37,088	79.83%
	PL § 155.25 Petit Larceny	11,127	77.74%
	PL § 220.03 Criminal Possession of a Controlled Substance, 7th	8,384	74.60%
	PL § 120.00 Assault, 3rd	4,450	88.69%
B Misdemeanor		12,111	77.62%
	PL § 221.10 Criminal Possession of Marijuana, 5th	8,577	77.48%
	PL § 140.10 Criminal Trespass, 3rd	1,249	75.36%
	PL § 240.36 Loitering, 1st	350	81.43%
Unclassified Misdemeanor		45,177	90.56%
	VTL § 511 Aggravated Unlicensed Operation*	27,925	87.46%
	VTL § 340 Surrender of License and Evidences of Registration	7,165	96.67%
	VTL § 512 Operation While Registration or Privilege is Suspended or Revoked	3,839	95.25%

* VTL 511 Aggravated unlicensed operation can be a felony or misdemeanor charge depending on the number of prior convictions for the same offense, and on the specific characteristics of the charge.

Desk Appearance Tickets in New York State in 2018

APPENDIX B

Appendix B: DAT Arraignments and Rates of Appearance by Charge Category, Top 3 Penal Codes

Charge Category	Highest Volume in 2018, Top 3 Penal Codes	# of DATs	Appearance Rate for DATs
Person-Related		5,523	88.45%
	PL § 120.00 Assault, 3rd	4,594	88.41%
	PL § 120.14 Menacing, 2nd	337	89.74%
	PL § 120.20 Reckless Endangerment	198	79.17%
Property		12,056	78.04%
	PL § 155.25 Petit Larceny	11,345	77.53%
	PL § 155.30 Grand Larceny, 4th	559	85.29%
	PL § 155.35 Grand Larceny, 3rd	70	96.55%
Weapon		1,899	81.74%
	PL § 265.01 Criminal Possession of a Weapon, 4th	1,854	81.58%
	PL § 265.02 Criminal Possession of a Weapon, 3rd	39	85.19%
	PL § 265.03 Criminal Possession of a Weapon, 2nd	14	92.86%
Marijuana		9,070	77.92%
	PL § 221.10 Criminal Possession of Marijuana, 5th	8,578	77.48%
	PL § 221.15 Criminal Possession of Marijuana, 4th	296	86.59%
	PL § 221.40 Criminal Sale of Marijuana, 4th	130	81.45%
Other Drugs		9,125	74.25%
	PL § 220.03 Criminal Possession of a Controlled Substance, 7th	8,440	74.54%
	PL § 220.50 Criminal Use of Drug Paraphernalia, 2nd	286	75.89%
	PL § 220.45 Possession of Hypodermic Instrument	223	58.14%
Vehicle & Driving-Related		45,616	90.38%
	VTL § 511 Aggravated Unlicensed Operation	28,358	87.36%
	VTL § 512 Operation While Registration or Privilege is Suspended or Revoked	3,844	95.23%
	VTL § 1192 Driving While Intoxicated	2,115	94.93%
Theft-of-Services		1,548	58.85%
	PL § 165.15 Theft of Services	1,478	58.31%
	PL § 165.16 Unauthorized Sale of Certain Transportation Services	69	69.56%
Other		11,676	85.06%
	PL § 145.00 Criminal Mischief: Intent to Damage Property	1,646	84.13%
	PL § 140.10 Criminal Trespass, 3rd	1,251	75.40%
	PL § 140.15 Criminal Trespass, 2nd	465	75.00%

Desk Appearance Tickets in New York State in 2018

APPENDIX C

Appendix C: DAT Arraignments and Rates of Appearance by Court

County Name	2018 Arraignments							
	All Arraignments*	Non-DAT Arraignments		DAT Arraignments		Appearance Rate for DATs	Failure-to-Appear Rate for DATs	
Upstate City Courts								
Albany								
Albany City Criminal Court	3,665	3,203	87.39%	462	12.61%	82.21%	17.79%	
Albany City Traffic Court	--	--	--	--	--	--	--	
Cohoes City Court	547	331	60.51%	216	39.49%	81.03%	18.97%	
Watervliet City Court	599	504	84.14%	95	15.86%	77.63%	22.37%	
Broome								
Binghamton City Court	2,744	2,426	88.41%	318	11.59%	82.50%	17.50%	
Cattaraugus								
Olean City Court	680	478	70.29%	202	29.71%	86.20%	11.80%	
Selamence City Court	511	341	66.73%	170	33.27%	90.48%	9.52%	
Cayuga								
Auburn City Court	966	680	70.39%	286	29.61%	87.24%	12.76%	
Chautauque								
Dunkirk City Court	438	359	81.96%	79	18.04%	86.06%	11.94%	
Jamestown City Court	--	--	--	--	--	--	--	
Chemung								
Elmira City Court	1,368	1,223	89.40%	145	10.60%	83.48%	16.52%	
Chenango								
Norwich City Court	463	359	77.54%	104	22.46%	90.72%	9.28%	
Clinton								
Plattsburgh City Court	703	511	72.69%	192	27.31%	97.67%	2.33%	
Columbia								
Hudson City Court	501	283	56.49%	218	43.51%	87.57%	12.43%	
Cortland								
Cortland City Court	991	713	71.95%	278	28.05%	94.56%	5.44%	
Dutchess								
Beacon City Court	445	238	53.48%	207	46.52%	92.50%	7.10%	
Poughkeepsie City Court	1,359	1,105	81.31%	254	18.69%	85.64%	14.36%	
Erie								
Buffalo City Court	13,814	11,970	86.65%	1,844	13.35%	64.32%	35.68%	
Lackawanna City Court	621	377	60.71%	244	39.29%	76.04%	21.96%	
Tonawanda City Court	584	378	64.73%	206	35.27%	95.03%	4.97%	
Fulton								
Gloversville City Court	821	598	72.84%	223	27.16%	81.18%	18.82%	
Johnstown City Court	454	217	47.80%	237	52.20%	76.72%	21.28%	
Genesee								
Batavia City Court	674	587	87.09%	87	12.91%	82.43%	17.57%	

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Herkimer								
Little Falls City Court	164	83	50.61%	81	49.39%	91.78%	8.22%	
Jefferson								
Watertown City Court	1,440	1,153	80.07%	287	19.93%	91.87%	8.13%	
Madison								
Oneida City Court	720	453	62.92%	267	37.08%	93.69%	6.31%	
Monroe								
Rochester City Court	8,479	7,336	86.52%	1,143	13.48%	78.19%	21.81%	
Montgomery								
Amsterdam City Court	801	633	85.27%	118	14.73%	86.05%	13.95%	
Niagara								
Lockport City Court	1,137	838	73.70%	299	26.30%	88.54%	11.06%	
Niagara Falls City Court	2,704	1,899	70.23%	805	29.77%	85.32%	10.68%	
North Tonawanda City Court	760	633	82.31%	136	17.69%	95.41%	4.59%	
Oneida								
Rome City Court	1,777	1,120	63.03%	657	36.97%	92.29%	7.71%	
Sherill City Court	27	16	59.26%	11	40.74%	87.50%	12.50%	
Utica City Court	3,395	2,273	66.95%	1,122	33.05%	76.58%	23.02%	
Onondaga								
Syracuse City Court	8,333	6,837	82.05%	1,496	17.95%	68.52%	31.08%	
Ontario								
Canandaigua City Court	530	390	73.58%	140	26.42%	94.70%	5.30%	
Geneva City Court	461	348	75.49%	113	24.51%	83.33%	16.67%	
Orange								
Middletown City Court	1,548	977	63.11%	571	36.89%	85.27%	14.73%	
Newburgh City Court	1,947	1,448	74.37%	499	25.63%	82.52%	17.48%	
Port Jervis City Court	807	732	90.71%	75	9.29%	92.75%	7.25%	
Oswego								
Fulton City Court	654	526	80.43%	128	19.57%	65.18%	34.62%	
Oswego City Court	1,073	680	63.37%	393	36.63%	86.51%	13.49%	
Otsego								
Oneonta City Court	372	284	76.34%	88	23.66%	86.15%	13.85%	
Rensselaer								
Rensselaer City Court	214	139	64.95%	75	35.05%	71.21%	28.79%	
Troy City Court	1,985	1,812	91.28%	173	8.72%	85.09%	10.91%	
Saratoga								
Mechanicville City Court	446	247	55.38%	199	44.62%	87.10%	12.90%	
Saratoga Springs City Court	1,294	1,152	89.80%	132	10.20%	90.77%	9.23%	
Schenectady								
Schenectady City Court	3,134	2,871	91.61%	263	8.39%	73.61%	26.39%	
St. Lawrence								
Ogdensburg City Court	510	359	70.39%	151	29.61%	82.11%	17.89%	
Steuben								
Corning City Court	542	359	66.24%	183	33.76%	81.48%	18.52%	
Hamlet City Court	389	196	50.39%	193	49.61%	86.26%	13.74%	

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Tompkins								
Ithaca City Court	856	658	76.87%	198	23.13%	78.85%	21.15%	
Ulster								
Kingston City Court	1,045	874	83.64%	171	16.36%	77.33%	22.67%	
Warren								
Glen Falls City Court	827	594	71.83%	233	28.17%	86.17%	13.83%	
Suburban NYC								
Nassau								
Glen Cove City Court	--	--	--	--	--	--	--	
Long Beach City Court	--	--	--	--	--	--	--	
Nassau District Court	26 / 68	11,854	44.79%	14,614	55.21%	92.42%	7.58%	
Suffolk								
Suffolk 1st District Court	4 / 1,981	15,624	37.22%	26,357	62.78%	94.24%	5.76%	
Suffolk 2nd District Court	--	--	--	--	--	--	--	
Suffolk 3rd District Court	--	--	--	--	--	--	--	
Suffolk 5th District Court	--	--	--	--	--	--	--	
Suffolk 6th District Court	53	53	100.00%	0	0.00%	--	--	
Westchester								
Mount Vernon City Court	--	--	--	--	--	--	--	
New Rochelle City Court	--	--	--	--	--	--	--	
Peekskill City Court	776	423	54.51%	353	45.49%	96.88%	3.12%	
Rye City Court	179	48	26.82%	131	73.18%	92.73%	7.27%	
White Plains City Court	1,874	759	41.04%	1,105	58.96%	94.14%	5.86%	
Yonkers City Court	--	--	--	--	--	--	--	
New York City								
Bronx								
Bronx Criminal Court	31,741	24,031	75.71%	7,710	24.29%	67.02%	32.98%	
Kings								
Kings Criminal Court	47,638	39,387	82.68%	8,251	17.32%	75.43%	24.57%	
New York								
New York Criminal Court	38,522	25,218	65.46%	12,304	31.94%	78.75%	21.25%	
Queens								
Queens Criminal Court	40 / 51	32,689	80.81%	7,762	19.19%	84.88%	15.12%	
Richmond								
Richmond Criminal Court	8,221	5,752	69.97%	2,469	29.93%	85.13%	14.87%	
Total	319,232	222,719		96,513				

* Only felony and misdemeanor arraignments; excludes violations and infractions.

The **Data Collaborative for Justice (DCJ)** at John Jay College of Criminal Justice houses a group of research initiatives that raise important questions and share critical research about the criminal justice system and its role in creating safe, just, and equitable communities. DCJ conducts data analysis and research on enforcement in the community, the adjudication of cases in the courts, and the use of confinement in jails and prisons. DCJ's work has informed policy reforms, facilitated partnerships between researchers and government agencies across the country, spurred new scholarly research on lower-level enforcement, and has been cited extensively in the press. For more information about the Data Collaborative for Justice please visit: www.datacollaborativeforjustice.org

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