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NEW YORK CITY DRIVING-WHILE-INTOXICATED ARRESTS
JANUARY 1982 - JUNE 1983:

FINAL REPORT ON ARREST CHARACTERISTICS AND
CRIMINAL COURT OUTCOMES

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EXECUTIVE SUMMARY

The New York Criminal Justice Agency (CJA) has analyzed 5776 Driving While Intoxicated arrests made between January 1, 1982, and June 30, 1983. All defendants during this period with Section 1192 of the Vehicle and Traffic Law (VTL) as one of their top four arrest charges were selected from CJA's computerized database. The analyses included arrest and defendant characteristics, Criminal Court dispositions, and Criminal Court sentence types and amounts.¹ The following are highlights of the findings:

The majority of defendants had a most severe arrest charge of VTL 1192 (86.6%), followed by 11.3% for defendants whose most severe arrest charge was a Penal Law charge. Twelve defendants were charged with murder or manslaughter.

The frequency of arrests citywide increased steadily over time, except for a slight decrease between January and March of 1983. Approximately two-thirds of the Brooklyn arrests occurred in 1982, while in the other boroughs the volume was between fifty and sixty percent for 1982. Brooklyn and Manhattan arrests dropped slightly during July through September 1982, while Staten Island arrests increased considerably. The Bronx had arrest patterns almost identical to those citywide, and had the highest total volume of cases. Driving While Intoxicated arrests showed marked disparities in borough volume when compared to the general New York City defendant population, among which Manhattan usually has the greatest percentage of arrests. Manhattan accounted for only 14.5% of all Driving While Intoxicated arrests.

¹VTL 1192 has subsections of varying severity (E felony, unclassified misdemeanor, or traffic infraction). However, as a result of inconsistencies among the various data sources, charge severity information could not always be accurately determined. In addition, some arrest-level and biographical information was not available for defendants issued Desk Appearance Tickets (DAT's) because they are not interviewed by CJA.

*About three-quarters of Driving-While-Intoxicated arrestees were charged exclusively with VTL 1192. Assault charges were the most common top charge among the 774 defendants for whom VTL 1192 was not the most severe charge (20.5%), followed by resisting arrest (15.6%).

*Defendants charged with Driving While Intoxicated were overwhelmingly male (96.3%), amongst whom the most common age category was between 41-50 (20.6%). These figures also differ from the general New York City arrest population which is usually younger and has a higher percentage of females.

*This VTL 1192 arrest was the first arrest for 39.4% of all defendants, but as age increased so did the likelihood of prior arrests and convictions. Defendants over 50 showed the greatest percentages of both prior misdemeanor (28.1%) and felony (13.1%) convictions. The prior conviction rate for all these 1982-83 VTL 1192 defendants is slightly lower than among the general New York City defendant population.

*As of July 1, 1984, over ninety percent of all arraigned cases had been disposed in Criminal Court, most having pled guilty to a misdemeanor, violation, or traffic code infraction (82.1%). Compared with the other boroughs, Bronx cases were most likely to have been convicted as of the above date (85.0%). Summary arrests had slightly higher disposition rates than DAT's, which were more likely to have outstanding warrants in Criminal Court.

*Among the different charge type categories, summary arrests for VTL 1192 were most likely to have pled guilty in Criminal Court (84.5%), while among DAT's, other VTL and Penal Law charges had slightly higher conviction rates than comparable summary cases (86.2% and 80.6% for the DAT's, respectively). Dismissals among other VTL DAT's were almost three times as likely as among other VTL summary cases (6.2% vs. 2.3%). Summary arrests for other VTL charges were most likely to have had a warrant ordered as the last Criminal Court status (11.4%). Convicted defendants arrested for VTL 1192 were most often disposed on this same charge (90.4%).

*Criminal Court status was examined by prior criminal history, and a guilty plea proved to be most common among defendants for whom this was their first arrest (83.5%) and those with prior arrests but no prior convictions (83.3%). Transfer to Supreme Court was most common among defendants previously convicted of felonies (7.9%).

*When presented by quarterly arrest period, there were no apparent disposition trends over time, but rather a seasonal pattern may be indicated since comparable periods of 1982 and 1983 showed very similar dispositions. The percentage of defendants disposed by a guilty plea was highest among defendants arrested between January and March 1982 (86.4%) and lowest in the second quarter of 1983 (79.2%).

*The majority of all cases were completed by the second scheduled appearance in Criminal Court (61.1%). DAT's generally reached completion more quickly than summary cases, as 45.6% were disposed at the first Criminal Court appearance, as compared with 23.8% of summary arrests. This difference may be explained by the fact that DAT charges are generally less severe than summary charges, and DAT cases have a high warrant rate at arraignment.

*About one-fifth of the defendants had been issued bench warrants, either prior to disposition or as their last Criminal Court status as of July 1, 1984 (not including post-conviction warrants). Manhattan had the highest overall warrant rate (28.4%), particularly among DAT's (32.0%). In general, DAT's were more likely than summary arrests to have had warrants ordered in Criminal Court (including cases with outstanding warrants as the last Criminal Court status).

*As of July 1, 1984, over fifty percent of all convicted defendants had been sentenced to fine or imprisonment, and 27.7% were sentenced to fine only. Jail terms, mostly 30 days or less, were imposed for 11.6% of defendants convicted in Criminal Court. Arrest charges showed little impact on sentencing as sentence distributions within all arrest charge type categories were very similar.

Manhattan defendants were most likely to be sentenced to fine or imprisonment (58.5%), and Staten Island and Queens had the greatest percentages of defendants sentenced to fine payment only (43.9% and 38.7%, respectively). Sentences of imprisonment were most common in the Bronx and Queens (18.8% and 10.2%, respectively).

Among all defendants sentenced to imprisonment in Criminal Court, jail terms were most often between one and fifteen days (48.1%). Bronx defendants received the shortest average jail sentences (32.4 days), and Staten Island and Queens defendants the longest (66.0 and 49.4, respectively). Twenty-one defendants received "time served", and seven defendants were sentenced to one year in jail, the maximum allowable Criminal Court sentence.

Almost two-thirds of the defendants sentenced to fine payment were required to pay \$250 (63.1%), and 28.6% were sentenced to fines in excess of that amount. The Bronx showed the highest percentage of defendants sentenced to \$350 or more (44.7%), and Staten Island arrestees were more likely to receive fine sentences of less than \$250 (20.2%). Bronx defendants had the highest average fine amounts (\$300), and the average fine amount for all defendants was \$265.

I. INTRODUCTION

At the request of the New York City Department of Transportation, the New York City Criminal Justice Agency (CJA) has studied 5776 Driving-While-Intoxicated (DWI) arrests made in New York City between January 1, 1982, and June 30, 1983. This report includes analyses of data on arrest, defendant, and Criminal Court processing characteristics for these cases.

Cases were selected from UDIIS (Unified Defendant Inmate Information System), CJA's database, by arrest date and the presence of any part of Section 1192 of the Vehicle and Traffic Law (VTL) among the top four arrest charges.¹ Criminal Court processing information is tracked by CJA through court-assigned docket numbers, which are linked to defendant arrest numbers in the database. CJA does not interview defendants issued Desk Appearance Tickets (DAT's)² at arrest, and therefore some arrest and biographical information, particularly prior criminal

¹The CJA database is comprised of information about defendants ascertained during an interview through which CJA assesses their community ties and their likelihood of returning to court if released on their own recognizance. CJA notifies released defendants of upcoming Criminal Court appearances. Court information for all interviewed defendants, gathered from Criminal Court calendars, is also included in the database. For juvenile offenders and those arrested on homicide charges, CJA makes no recommendation but presents the community ties information to the arraignment judge. Defendants are not interviewed if they are arrested solely on warrants or violations, or charged with lesser offenses within the Administrative Code or the Vehicle and Traffic Law, given summonses, or charged as juvenile delinquents. In Manhattan, defendants charged with prostitution offenses are also excluded.

²Although defendants issued Desk Appearance Tickets (DAT's) are not interviewed by CJA, arrest and Criminal Court information for them is included in the CJA database, and CJA notifies these defendants of upcoming Criminal Court appearances. DAT's may be issued only to defendants charged with certain misdemeanors or violations at arrest. These defendants are released by the police pending Criminal Court arraignment, which usually follows within two to four weeks after arrest.

history, is not available for these defendants (61.1% of the sample population). Case processing data for both summary³ and DAT arrests which could not be found in the CJA database or on court calendars, or were incomplete, were provided by the Office of Court Administration (OCA).

Some problems were encountered in determining the presence of VTL charges and their proper severity levels. CJA acquires arrest charge information from Police Department arrest reports, which are generated from the Department's On-Line Booking System (OLBS). However, OLBS enters all arrest charge information in Penal Law format, causing occasional difficulty in detecting VTL offenses, which have a different numerical format. As a result, it is estimated that CJA may have missed somewhat over 200 (approximately 3.5%) of the VTL 1192 arrests that occurred during the January 1982 - June 1983 period. Another problem is that charge severity is often not clearly indicated on these reports, nor on court calendars, although the subsection of the VTL offense is sometimes recorded. VTL 1192 charges can be infractions, unclassified misdemeanors, or E felonies depending upon the subsection of the law charged. The CJA database, in its present form, is not designed to retain VTL subsections, and therefore translation of VTL charge severity is not always accurate. For these reasons, it was not possible to include analyses of charge severity or charge deterioration in this report.

II. DESCRIPTION OF THE POPULATION

A. Arrest Characteristics

Table 1 presents the most severe arrest charge type by type of arrest for all 5776 defendants arrested during the 18-month study period. The majority of defendants (86.6%) had VTL 1192, Driving While Intoxicated, as the most severe arrest charge,

³A summary arrest requires that a defendant be held in custody pending Criminal Court arraignment.

including 75.1% of all summary arrests and 93.9% of DAT's. For 11.3% of all DWI defendants, the most severe charges were other Penal Law charges, and twelve summary arrests (0.2% of all arrestees) had a most severe charge of murder/attempted murder or manslaughter. About three-fifths of the defendants (61.1%) were issued DAT's. VTL 1192 was the second most severe arrest charge for 587 (10.2%) of the defendants, for 158 (2.7%) it was the third charge, and for 40 (0.7%) the fourth (data not shown on tables).

1. Arrest Volume

Table 2 graphs the distribution of arrests by quarterly period and borough of arrest. The pattern indicates increasing frequency of arrests over time: for all the boroughs, the highest quarterly percentage of arrests occurred between April and June 1983. Citywide arrests increased steadily from 11.8% during January to March 1982, to 19.4% in October through December 1982, then decreased slightly between January and March 1983 to 17.8%. Arrests then rose again in the final quarter of the sample period to 21.5% of all arrests. The patterns differed, however, within boroughs. Approximately two-thirds of the Brooklyn arrests occurred during 1982, while in the other boroughs the figure was generally between fifty to sixty percent. As mentioned above, arrests went down slightly in the first quarter of 1983 across all boroughs, the rate of decrease ranging between 0.3 percentage points in Staten Island and 2.9 percentage points in Queens. Brooklyn and Manhattan also had slight decreases during July through September 1982, while Staten Island showed a dramatic increase from 8.2% to 23.5% during this same period. Staten Island then decreased in the last quarter of 1982 to 20.6%, while the percentages in all the other boroughs rose an average of 4.5 percentage points. The quarterly arrest percentages for the Bronx were almost identical to the citywide figures.

The Bronx had the highest volume of cases with 28.7% of all arrests, and Brooklyn and Queens each accounted for about one quarter of the total sample population (26.3% and 25.6%, respectively). Manhattan arrests totaled 836 (14.5%), followed by Staten Island with 4.9% of arrests during the 18-month period. The distribution of arrests by borough for Driving-While-Intoxicated arrests shows some interesting differences from the general New York City defendant population, among which Manhattan generally has the most arrests (for example, 41.0% during the period January 1982 through June 1983).⁴ During this period Brooklyn had the next highest rate (24.6%), followed by the Bronx with only 17.8% of all New York City arrests. Queens and Staten Island had 14.9% and 1.7% of all City arrests, respectively. Thus the proportion of DWI arrests was relatively high in the Bronx, Queens, and Staten Island, much lower in Manhattan, and about the same in Brooklyn, compared with arrests in general.

2. Other Arrest Charges

In Table 3, the distribution of second most severe arrest charge for defendants with a most severe arrest charge of VTL 1192 is illustrated. The majority of defendants were arrested solely for Driving-While-Intoxicated (76.6%), followed by 581 (11.6%) defendants who were also charged with another VTL offense. Four other charge categories each accounted for between 2.2% and 3.9% of the second charges.

Of the total 5776 arrests, 774 defendants (13.4%) did not have a most severe arrest charge of VTL 1192. Among these defendants, 20.5% had a most severe charge of assault, 15.6% were charged with resisting arrest, 14.5% had another VTL offense as their most severe charge, and 13.4% were charged with drug sale or possession (including marijuana). (Data not shown on tables.)

⁴Source: CJA Semi-Annual Reports, 1982 and 1983.

B. Defendant Characteristics

1. Age and Sex

Defendant age at time of arrest, by sex, is shown in Table 4. Defendants arrested for Driving While Intoxicated were overwhelmingly male (96.3%), with the most common age between 41 and 50 (20.6%). Driving-While-Intoxicated arrestees proved to be considerably older than the general New York City defendant population, and were less likely to be female.⁵ Among the females arrested for VTL 1192, the majority were also 41-50 years old (21.7%), followed by those in the 31-35 age group (21.2%). Among the other age categories, the distribution was fairly evenly spread at around fifteen percent for both males and females (excluding the small number of 16-19 year olds, 3.3% of all arrestees).

2. Prior Criminal History

Table 5 presents prior criminal history by defendant age at time of arrest for all summary arrests.⁶ Overall, this VTL 1192 arrest was the first arrest for 39.4% of the defendants, 23.2% had at least one prior misdemeanor conviction, 9.1% a prior felony conviction, and 28.3% had prior arrests but no convictions. As age increased, so did the likelihood of prior arrests and convictions. Almost fifty percent of the defendants in the 20-25 age bracket had no previous arrests, as compared with 31.2% of defendants 51 and older. Defendants over 50 were most likely to have prior misdemeanor convictions (28.1%) or prior felony convictions (13.1%). This is predictable, owing to the fact that

⁵All comparative data on the general New York City defendant population referred to in this report are based on a CJA study of 10,559 randomly selected New York City arrests between February 15, 1981 and May 31, 1981. Also included in this dataset are all murder and rape arrests during the sample period.

⁶Criminal history information is not available for DAT defendants in the CJA database.

older defendants have been exposed to the risk of criminal activity for a longer time than the younger arrestees. Defendants arrested as a result of Driving-While-Intoxicated show a slightly lower proportion with prior convictions (for both misdemeanors and felonies) than the general New York City defendant population.

Overall, the defendant apprehended for Driving-While-Intoxicated was most likely to have been given a DAT for a most severe arrest charge of VTL 1192. He was also likely to be male, over 30 years old, with no prior New York State arrests or convictions.

III. CRIMINAL COURT OUTCOMES AS OF JULY 1, 1984

A. Status By Borough

Table 6 summarizes Criminal Court status for all defendants as of July 1, 1984, by borough of arrest. Over ninety percent of all arraigned cases had been disposed in Criminal Court as of that date, with most having pled guilty to a misdemeanor, violation, or VTL infracton in Criminal Court (82.1%). Summary arrests in all boroughs showed a slightly higher disposition rate than DAT's, with Brooklyn reporting the highest rates for summary (94.4%), and Queens for DAT (91.1%) arrests. Bronx cases showed the highest total conviction rate for all cases (85.0%). Summary arrests in Brooklyn and Staten Island were most likely to be transferred to Supreme Court (5.2% and 8.3%, respectively). Among both summary and DAT arrests, Manhattan cases showed the lowest conviction rates as well as the lowest total percentage of disposed cases. This is probably a reflection of the high warrant rate in Manhattan for all arrests (13.3%) and particularly for DAT's (16.6%).⁷ DAT's in Manhattan and Staten Island

⁷ Among the general arrest population, Manhattan DAT defendants also tend to have the highest warrant rates.

were more likely to be dismissed/ACD'd (10.7% and 9.7%, respectively) and less likely to be convicted by a guilty plea in Criminal Court (70.1% and 72.6%, respectively). DAT's also had higher warrant rates than summary arrests in all boroughs, which is also true of the general arrest population.

B. Status by Charge

Criminal Court status as of July 1, 1984, by type of arrest and most severe arrest charge is presented in Table 7. Among summary arrests, those with a most severe arrest charge of VTL 1192 were most likely to plead guilty in Criminal Court (84.5%). DAT arrests for other VTL and Penal Law charges had higher conviction rates than comparable summary cases (86.2% and 80.6%, respectively). While both summary and DAT defendants arrested for VTL 1192 were equally likely to have their cases dismissed (5.9% and 5.8%, respectively), other VTL DAT cases were almost three times as likely as other VTL summary cases to be dismissed (6.2% vs. 2.3%). Excepting the small number of murder or manslaughter cases, summary arrests for other charges had the greatest probability of transfer to Supreme Court (9.4%). Summary arrests for other VTL charges, and DAT's with a most severe arrest charge of VTL 1192, were most likely to have a warrant ordered as their last Criminal Court status (11.4% and 9.8% respectively).

Table 8 shows the distribution of last amended charge in Criminal Court as of July 1, 1984, for convicted defendants arrested for VTL 1192.⁸ In nearly all cases, these defendants were also convicted of VTL 1192 (90.4%), followed by 5.6% of convicted cases with a Penal Law charge as the final charge in Criminal Court.

⁸The last amended charge refers to the most severe final charge associated with the most severely disposed docket in Criminal Court.

C. Status by Criminal History

In Table 9, Criminal Court status by prior criminal history for all summary arrests is summarized. Defendants for whom this was their first arrest and defendants with prior arrests but no prior convictions were most likely to be disposed by a guilty plea (83.5% and 83.3%, respectively), whereas defendants with prior felony convictions had a somewhat lower plea rate in Criminal Court (79.4%). Defendants with prior felony convictions also had the highest incidence of transfer to Supreme Court (7.9%) and were slightly more likely to have had their cases completed in Criminal Court as of July 1, 1984 (94.2%). An outstanding warrant ordered as the last Criminal Court status was most common among defendants with no prior arrests and those with prior misdemeanor convictions (5.5% and 5.4%, respectively).

D. Status by Arrest Date

In order to see whether conviction rates and other dispositions changed over time during the sample period, Criminal Court status was examined by quarterly arrest periods (Table 10). In general, there was no consistent pattern of dispositions over time. Disposition by a guilty plea was most common among defendants arrested between January and March 1982 (86.4%), and least likely among defendants arrested in the second quarter of 1983 (79.2%). Although this might suggest a downward trend among Criminal Court convictions, cases arrested between April and June of 1983 also had the most pending cases (which may at some future date be disposed through conviction). In addition, although the volume of arrests increased in the second quarter of 1983 as compared with the same period in 1982, the distribution of dispositions was very similar. This indicates that the observed disposition patterns may be seasonal, rather than reflective of a decline in conviction rates. Arrests in the second quarter of 1982 were most likely to be dismissed (7.4%), and a last Criminal Court status of a warrant ordered was most common between October and December 1982 (9.3%).

E. Number of Court Appearances

Table 11 illustrates the number of scheduled appearances (including arraignment) to most severe Criminal Court appearance as of July 1, 1984, by type of arrest. The majority of all cases were completed by the second scheduled appearance (61.1%) and about one-fifth (22.0%) had between four and nine appearances. DAT's tended to reach completion more quickly than summary cases, with 45.6% completed at the first appearance, as compared with 23.8% of summary arrests. This may be due in part to the fact that DAT cases are generally less severe than summary cases, and thus less time may be required for court processing. The high warrant rate at arraignment among DAT's (in which the defendant does not return for subsequent appearances and is thus considered to have only one Criminal Court appearance) also accounts for some of this difference.

A total of 1077 (48.4%) summary arrests had three or more appearances, versus 1107 (32.7%) of DAT's. The mean number of appearances for summary cases was 3.5, and 2.7 for DAT'S (data not shown on table).

F. Warrant Rates

Table 12 summarizes the number of bench warrants ordered in Criminal Court as a result of the defendant's failure to appear, by borough of arrest.⁹ Four-fifths of the defendants (80.5%) had no warrants ordered prior to Criminal Court disposition. In all boroughs, DAT's proved more likely to have had pre-disposition warrants, particularly in Manhattan (32.0%), which also had the highest overall warrant rate (28.4%). The Bronx showed the lowest percentage of all defendants who failed to appear (15.1%), including the lowest rate for summary cases with pre-disposition warrants ordered (13.9%), and the lowest DAT warrant rate (15.7%).

⁹The number of warrants refers to those warrants ordered either prior to disposition or as the last Criminal Court status, but not those ordered after Criminal Court conviction.

IV. CRIMINAL COURT SENTENCES AS OF JULY 1, 1984

A. Sentences by Arrest Charge

Table 13 shows most severe Criminal Court sentences by most severe arrest charge type for defendants convicted in Criminal Court as of July 1, 1984.¹⁰ Over fifty percent of all convicted defendants were sentenced to fine or imprisonment, and 27.7% were sentenced to fine only.¹¹ Only 11.6% were sentenced to jail terms, and 8.1% to conditional/unconditional discharge. Arrest charges appear to have little impact on sentencing: The sentence distributions within all arrest charge type categories were similar. Defendants arrested for VTL 1192 showed the highest rates of sentence to fine or imprisonment (51.5%) or fine only (28.4%), while defendants arrested for other VTL and other offenses were slightly more likely to be sentenced to conditional/unconditional discharge (9.8% and 9.6%, respectively), or imprisonment (14.1% and 16.3%, respectively). Among the three sentenced defendants arrested for murder or manslaughter who were convicted in Criminal Court, two received imprisonment and one received fine or imprisonment.

B. Sentences by Borough

In Table 14, Criminal Court sentences for convicted defendants are presented by borough of arrest. There were a number of

¹⁰ It is possible for defendants convicted in Criminal Court to receive several types of sentences. For example, a defendant may be sentenced to both imprisonment and probation, or probation and fine payment, or some other combination of multiple sentences as separate parts of his/her total sentence. Defendants may also have different sentences on different charges or dockets in Criminal Court. Overall sentence type in this study reflects only the most severe sentence received by any defendant. Therefore, when a defendant received a sentence of fine payment in addition to another more severe sentence, his/her sentence type reflects the more severe sentence. The fine amount for this defendant, however, has been included in the total fine amounts for all defendants (Table 16).

¹¹ Sentence distributions were similar for convicted summary and DAT defendants.

differences in sentence type by borough: Manhattan defendants were most likely to be sentenced to fine or imprisonment (58.5%) followed by defendants arrested in Brooklyn (54.7%). Staten Island and Queens had the greatest percentages of defendants sentenced to fine payment only (43.9% and 38.7%, respectively), and the Bronx showed the lowest proportion in this category (16.6%). Bronx and Queens defendants were most likely to be sentenced to jail terms (18.8% and 10.2%, respectively), while Staten Island defendants were least likely to receive sentences of imprisonment (2.5%).

C. Length of Jail Sentences

Total jail time for defendants sentenced to imprisonment by borough of arrest is documented in Table 15. The most common jail sentences were between one and fifteen days (48.1%), and only 7 defendants were sentenced to one year in jail (1.3%), the maximum allowable term for misdemeanor convictions. Slightly over one-fourth of the Brooklyn cases received sentences of 16 days or more (26.4%), while in all the other boroughs this figure was closer to fifty percent (47.6% in Manhattan, 52.4% in Queens, 60.0% in Staten Island, and 54.4% in the Bronx. Only twenty-one defendants (3.9%) were sentenced to time served.

Among all defendants sentenced to imprisonment, the average jail term was 37.0 days, and the median was 15.5 days. The longest average jail terms were in Staten Island (66.0) and Queens (49.4 days), and the lowest in the Bronx (32.4 days). (Data not shown on table.)

D. Fine Amounts

In Table 16, total fine amount for defendants sentenced to fine, or fine or imprisonment, is examined by borough of arrest.¹² Almost two-thirds of the defendants were required to pay \$250 (63.1%), and an additional 1156 defendants (28.6%) were sentenced to fines in excess of that amount.¹³ In the individual boroughs, fines of \$250 ranged from a low of 48.2% of all fines in the Bronx, to 75.3% in Brooklyn. The Bronx, however, showed the greatest proportion of defendants sentenced to \$350 or more (44.7%). Staten Island defendants were most likely to receive sentences of less than \$250 (20.2%), most of which were between \$50 - \$99 (10.9%). Relatively few convicted Brooklyn and Staten Island defendants sentenced to fines were required to pay amounts greater than \$250 (16.5% and 16.4%, respectively). For defendants sentenced to fine or imprisonment, the mean fine amount was \$276 and for defendants sentenced to fine only, the average amount was only slightly lower at \$265. Bronx defendants had the highest average fine amounts (\$300), followed by Queens arrestees (\$270). The lowest average fine amount was in Staten Island (\$238). (Data not shown on tables.)

¹²Data are not available on the amount of fine actually paid or the length of time between conviction and final fine payment.

¹³Under the provisions of VTL 1192, \$250 is the minimum permissible fine amount. Among defendants convicted of VTL 1192, 4.8% were sentenced to fines of less than \$250.

V. SUMMARY AND CONCLUSIONS

The majority of defendants apprehended for Driving While Intoxicated had VTL 1192 as the most severe arrest charge (86.6%) and were issued Desk Appearance Tickets (61.1%). Most of these defendants had no other associated arrest charges (76.6%), but for those with additional arrest charges, the most common was another VTL offense (11.6%). Among the 774 defendants for whom VTL 1192 was not the most severe arrest charge, 20.5% had a most severe charge of assault, followed by 15.6% who were charged with resisting arrest, and 14.5% charged with another VTL offense.

The distribution of total DWI arrests by borough showed that, in contrast to the general New York City arrest population, the Bronx had the greatest volume of arrests (28.7%), and Manhattan and Staten Island the lowest (14.5% and 4.9%, respectively). Generally, Manhattan accounts for the most citywide arrests, followed by Brooklyn and then the Bronx. For all boroughs the greatest percentage of DWI arrests was between April and June 1983, although there was a slight decrease between January and March 1983. Brooklyn had the highest percentage of its arrests in 1982 (63.7%), while in the other boroughs the figure was generally between fifty and sixty percent.

Examination of defendant biographical characteristics showed that the defendant arrested for Driving While Intoxicated was most likely to be male (96.3%) and over the age 30. This VTL 1192 arrest was the first arrest for 39.4% of the defendants. The Driving While Intoxicated defendant population was generally older and had a lower proportion of defendants with prior convictions than the general New York City arrest population.

Criminal Court outcome data indicated that most of the DWI arrests (90.4%) had been disposed in Criminal Court as of July 1, 1984, 82.1% through a guilty plea in Criminal Court. Bronx cases had the highest overall conviction rate for all cases (85.0%), and summary cases were slightly more likely than DAT's to have been disposed as of the above date (92.9% vs. 88.8%). Manhattan had the highest percentage of cases with outstanding warrants (13.3%), and the lowest conviction rates for both summary (76.2%) and DAT (70.1%) arrests. DAT's in all boroughs were more likely than summary arrests to have had a warrant ordered as the last Criminal Court status as of July 1, 1984. This is also true among the general arrest population.

Among summary arrests, those with a most severe arrest charge of VTL 1192 had the highest conviction rate (84.5%); among DAT's, convictions were most common for defendants charged with other VTL (86.2%) or Penal Law (80.6%) charges. Summary arrests for Penal Law charges had the highest probability of transfer to Supreme Court (9.4%), and dismissals/ ACD's were most common among DAT cases with other VTL charges (6.2%). Summary arrests for other VTL charges, and DAT cases charged with VTL 1192 were most likely to have had a warrant ordered as the last Criminal Court status as of July 1, 1984 (11.4% and 9.8%, respectively). Over ninety percent of defendants arrested for a most severe charge of VTL 1192 were also convicted of VTL 1192.

Examination of Criminal Court status by prior criminal history for all summary arrests showed that defendants with neither prior arrests nor prior convictions were somewhat more likely to be disposed by pleading guilty in Criminal Court (83.5% and 83.3%, respectively), while defendants with prior felony convictions had a slightly lower plea rate (79.4%). Defendants with prior felony convictions also had the highest rate of transfer to Supreme Court (7.9%) and were slightly more likely to have had their cases completed in Criminal Court as of July 1, 1984 (94.2%).

In an attempt to determine whether dispositions changed over time, Criminal Court status was examined by quarterly arrest period. No definite trends were observed. Although conviction rates were highest among defendants arrested between January and March 1982, and lowest among defendants arrested in the second quarter of 1983; the high percentage of pending cases in the latter period does not necessarily suggest decreasing conviction rates.

DAT's were shown to reach completion more quickly than summary cases, with over forty percent of DAT's completed at the first scheduled appearance, compared with 23.8% of summary cases. Among summary arrests, almost fifty percent had three or more appearances, compared with 32.7% of DAT's.

The majority of defendants arrested for Driving-While-Intoxicated and convicted in Criminal Court were sentenced to fine or imprisonment (51.1%), followed by 27.7% sentenced to fine only, 11.6% sentenced to jail terms, and 8.1% to conditional or unconditional discharge. Although defendants with a most severe arrest charge of VTL 1192 had the highest rate of sentence to fine or imprisonment (51.5%) or fine only (28.4%), the differences among the other charge type categories were minimal. Defendants arrested for other VTL and Penal Law charges were slightly more likely to be sentenced to conditional or unconditional discharge (9.8% and 9.6%, respectively), or imprisonment (14.1% and 16.3%, respectively).

Manhattan defendants proved most likely to receive sentences of fine or imprisonment (58.5%), followed by Brooklyn arrestees (54.7%). Bronx and Queens defendants had the greatest proportion of imprisonment sentences (18.8% and 10.2%, respectively), and defendants in Staten Island and Queens were most likely to be sentenced to fine payment only (43.9% and 38.7%, respectively).

The most common jail sentences was between one and fifteen days (49.1%). In Brooklyn, 26.4% of the jailed defendants were sentenced to sixteen days or more, while in the other boroughs this figure was closer to fifty percent. Twenty-one defendants received "time served", and 7 defendants were sentenced to one year in jail. The highest average number of jail days sentenced were in Staten Island (66.0) and Queens (49.4), and the lowest in the Bronx (32.4). The average imprisonment sentence for all defendants was 37.0 days.

Among defendants sentenced to fine, or fine and imprisonment, 63.1% were required to pay \$250, and an additional 28.6% were sentenced to amounts greater than \$250. The Bronx had the highest proportion of defendants sentenced to fines of \$350 or more (44.7%), and Staten Island defendants were most likely to receive sentences of less than \$250 (20.2%). The average fine amount was \$276 for defendants sentenced to fine or imprisonment, and \$265 for defendants sentenced to fine only. Bronx defendants received the highest average sentences of fine payment (\$300), and Staten Island the lowest (\$238).

Overall, most cases were disposed by a plea in Criminal Court, on a VTL 1192 charge. Summary arrests were treated slightly more harshly than DAT's, and also took longer to process in Criminal Court. Most defendants did not have prior criminal conviction records, but those with prior convictions were more likely to have had their current DWI case transferred to Supreme Court. Defendants convicted in Criminal Court were most likely to receive sentences of fine or imprisonment, and were generally required to pay \$250 or more. The Bronx had the highest volume of arrests, and those defendants were most likely to be convicted and receive the most severe sentences.

Future studies of Driving-While-Intoxicated arrests would benefit from clearer identification of charge severity among the various data sources, as well as inclusion of other data such as blood alcohol content, license suspension or revocation, and fine payments. Analyses of Court-ordered participation in special STOP-DWI programs and recidivism rates would also help assess the success of the State's program. Finally, a more detailed investigation of DWI defendants' prior criminal records, including the number of prior DWI or DWAI (Driving While Ability Impaired) convictions, would help to elucidate both the patterns of commission of these offenses and the extent to which prior DWI convictions affect Criminal Court dispositions and sentences.

TABLE 1

DRIVING-WHILE-INTOXICATED ARRESTS:
 JANUARY 1, 1982 - JUNE 30, 1983

MOST SEVERE ARREST CHARGE TYPE BY TYPE OF ARREST

| <u>MOST SEVERE ARREST CHARGE</u> | <u>SUMMARY</u> | | <u>DAT</u> | | <u>TOTAL</u> | |
|--------------------------------------|----------------|--------------------------------|-------------|--------------------------------|--------------|----------------------------------|
| | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> |
| VTL 1192 | 1686 | 75.1 | 3316 | 93.9 | 5002 | 86.6 |
| Other VTL | 44 | 2.0 | 68 | 1.9 | 112 | 1.9 |
| Murder, Man- slaughter* | 12 | 0.5 | - | - | 12 | 0.2 |
| Other Charges | 504 | 22.4 | 146 | 4.1 | 650 | 11.3 |
| TOTAL | 2246 | 100.0% (38.9) | 3530 | 100.0% (61.1) | 5776 | 100.0% (100.0%) |

* Includes attempts.

TABLE 2.

DRIVING-WHILE-INTOXICATED ARRESTS:
January 1, 1982 - June 30, 1983

DISTRIBUTION OF ARRESTS BY QUARTERLY PERIOD BY BOROUGH

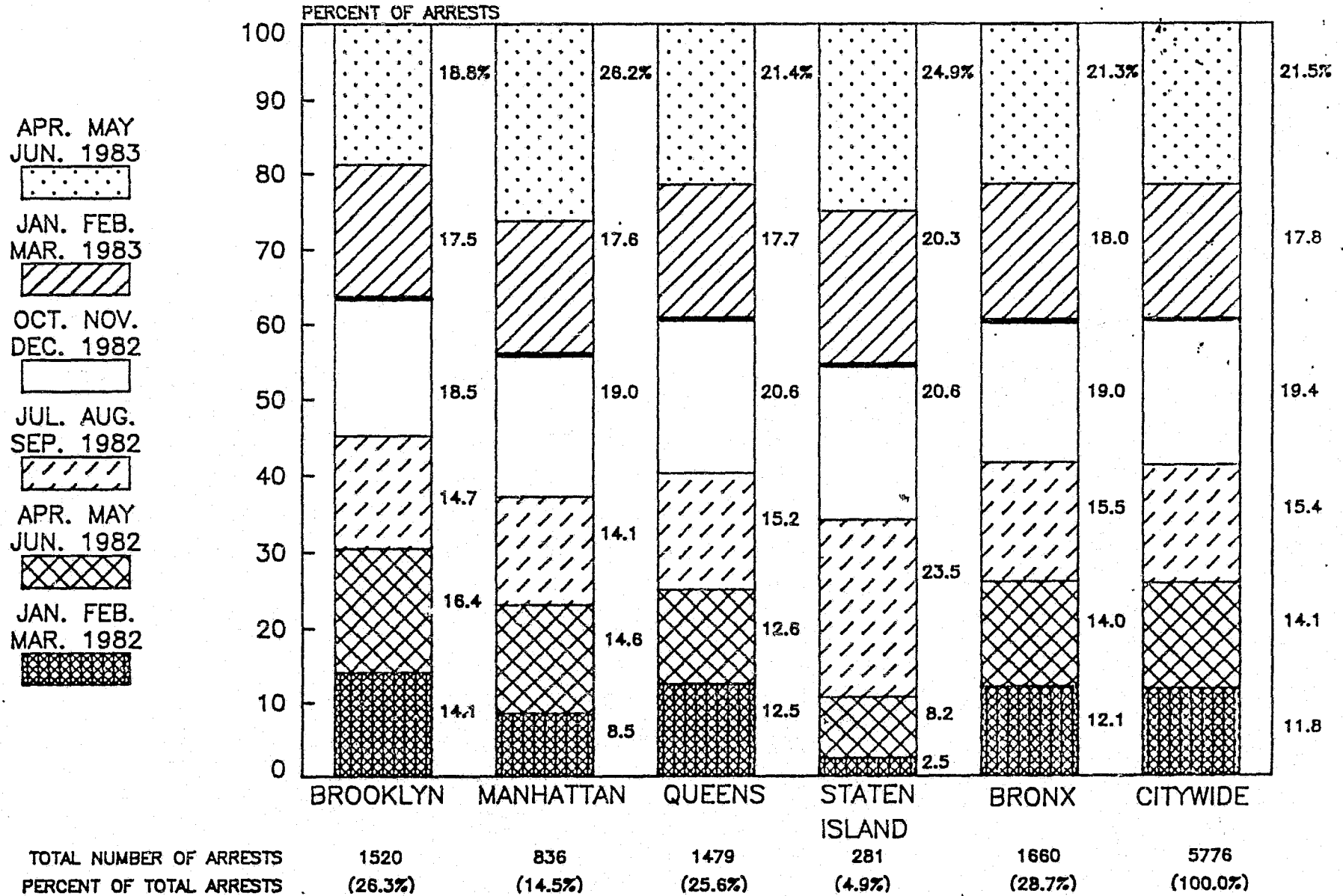


TABLE 3

DRIVING-WHILE-INTOXICATED ARRESTS:
 JANUARY 1, 1982 - JUNE 30, 1983

DISTRIBUTION OF SECOND MOST SEVERE ARREST CHARGE FOR
 DEFENDANTS WITH A TOP CHARGE OF DRIVING WHILE INTOXICATED
 (VTL 1192)

| <u>SECOND MOST SEVERE ARREST CHARGE</u> | <u>N</u> | <u>%</u> |
|---|----------|----------|
| Other VTL Charges | 581 | 11.6% |
| Drugs (Incl. Marijuana) | 131 | 2.6 |
| Resisting Arrest | 109 | 2.2 |
| Other Penal Law Charges | 194 | 3.9 |
| Non-Penal Law Charges | 156 | 3.1 |
| No Second Charge | 3831 | 76.6 |
| | <hr/> | <hr/> |
| TOTAL | 5002 | 100.0% |

TABLE 4

DRIVING-WHILE-INTOXICATED ARRESTS:
 JANUARY 1, 1982 - JUNE 30, 1983

DEFENDANT AGE BY SEX AT TIME OF ARREST FOR ALL DEFENDANTS

| <u>DEFENDANT AGE</u> | <u>MALE</u> | | <u>FEMALE</u> | | <u>SEX NOT AVAILABLE</u> | <u>TOTAL</u> | |
|--------------------------|-------------|----------|---------------|----------|------------------------------|--------------|----------|
| | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>N</u> | <u>%</u> |
| 16 - 19* | 183 | 3.3 | 6 | 3.3 | 1 | 190 | 3.3 |
| 20 - 25 | 819 | 14.9 | * 33 | 17.9 | 3 | 855 | 15.0 |
| 26 - 30 | 917 | 16.7 | 31 | 16.8 | 3 | 951 | 16.7 |
| 31 - 35 | 882 | 16.1 | 39 | 21.2 | 7 | 928 | 16.3 |
| 36 - 40 | 828 | 15.1 | 20 | 10.9 | 2 | 850 | 14.9 |
| 41 - 50 | 1136 | 20.6 | 40 | 21.7 | 7 | 1183 | 20.7 |
| 51 + | 728 | 13.3 | 15 | 8.2 | 3 | 746 | 13.1 |
| SUBTOTAL | 5493 | 100.0% | 184 | 100.0% | 26 | 5703 | 100.0% |
| | 96.3 | | 3.2 | | 0.5 | 100.0% | |
| Age Not Available | 57 | | 1 | | 15 | 73 | |
| TOTAL ARREST | 5550 | | 185 | | 41 | 5776 | |

* Includes one 15 year old defendant.

TABLE 5

DRIVING-WHILE-INTOXICATED ARRESTS:
JANUARY 1, 1982 - JUNE 30, 1983

PRIOR CRIMINAL HISTORY BY DEFENDANT AGE AT TIME OF ARREST FOR ALL SUMMARY ARRESTS

| PRIOR CRIMINAL HISTORY | DEFENDANT AGE | | | | | | | | | | | | | | AGE NOT AVAILABLE | TOTAL | |
|--------------------------------------|---------------|--------|-------|--------|-------|--------|-------|--------|-------|--------|-------|--------|------|--------|----------------------|-------|--------|
| | 16-19* | | 20-25 | | 26-30 | | 31-35 | | 36-40 | | 41-50 | | 51 + | | | | |
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % | | | |
| First Arrest | 31 | 46.3 | 152 | 48.3 | 162 | 45.2 | 132 | 38.2 | 129 | 36.0 | 142 | 34.7 | 69 | 31.2 | 3 | 820 | 39.4 |
| No Prior Convictions | 22 | 32.8 | 97 | 30.8 | 102 | 28.5 | 96 | 27.7 | 92 | 25.7 | 115 | 28.1 | 61 | 27.6 | 3 | 588 | 28.3 |
| Prior Misd. Convictions | 11 | 16.4 | 54 | 17.1 | 69 | 19.3 | 81 | 23.4 | 99 | 27.7 | 106 | 25.9 | 62 | 28.1 | 1 | 483 | 23.2 |
| Prior Felony Convictions | 3 | 4.5 | 12 | 3.8 | 25 | 7.0 | 37 | 10.7 | 38 | 10.6 | 46 | 11.3 | 29 | 13.1 | - | 190 | 9.1 |
| SUBTOTAL | 67 | 100.0% | 315 | 100.0% | 358 | 100.0% | 346 | 100.0% | 358 | 100.0% | 409 | 100.0% | 221 | 100.0% | 7 | 2081 | 100.0% |
| Criminal History Not Available | 5 | | 26 | | 31 | | 24 | | 28 | | 32 | | 16 | | 3 | 165 | |
| TOTAL SUMMARY ARRESTS | 72 | | 341 | | 389 | | 370 | | 386 | | 441 | | 237 | | 10 | 2246 | |

Includes one 15-year-old defendant.

TABLE 6

DRIVING-WHILE-INTOXICATED ARRESTS:
 JANUARY 1, 1982 - JUNE 30, 1983
 CRIMINAL COURT STATUS AS OF JULY 1, 1984,
 BY BOROUGH OF ARREST FOR ALL DEFENDANTS

| | BROOKLYN | | | MANHATTAN | | | QUEENS | | | STATEN ISLAND | | | BRONX | | | CITYWIDE | | |
|------------------------------|----------|--------|--------|-----------|--------|--------|---------|--------|--------|---------------|--------|--------|---------|--------|--------|----------|--------|--------|
| | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL |
| <u>DISPOSED:</u> | | | | | | | | | | | | | | | | | | |
| Wish/ACD | 7.1% | 4.7% | 5.6% | 8.6% | 10.7% | 9.8% | 4.5% | 7.0% | 5.9% | 4.8% | 9.7% | 8.1% | 5.8% | 3.3% | 4.3% | 6.1% | 6.0% | 6.0% |
| Pled Guilty | 81.9 | 84.8 | 83.7 | 76.2 | 70.1 | 72.4 | 84.3 | 83.0 | 83.6 | 80.9 | 72.6 | 75.3 | 83.2 | 86.1 | 85.0 | 82.1 | 82.0 | 82.1 |
| Transferred to Supreme Court | 5.2 | 0.7 | 2.4 | 5.0 | 0.4 | 2.2 | 4.0 | 1.1 | 2.4 | 8.3 | 2.8 | 4.6 | 3.1 | 0.1 | 1.2 | 4.4 | 0.7 | 2.1 |
| Other | 0.2 | 0.1 | 0.1 | - | 0.2 | 0.1 | 0.5 | - | 0.2 | - | 0.6 | 0.4 | 0.3 | 0.2 | 0.2 | 0.3 | 0.1 | 0.2 |
| SUBTOTAL DISPOSED | 94.4% | 90.2% | 91.8% | 89.8% | 81.4% | 84.6% | 93.3% | 91.1% | 92.1% | 94.0% | 85.7% | 88.4% | 92.4% | 89.7% | 90.7% | 92.9% | 88.8% | 90.4% |
| <u>PENDING:</u> | | | | | | | | | | | | | | | | | | |
| Continued | 0.7 | 0.5 | 0.6 | 2.3 | 2.0 | 2.2 | 1.9 | 1.7 | 1.8 | 2.4 | 2.3 | 2.3 | 2.3 | 2.1 | 2.2 | 1.8 | 1.6 | 1.7 |
| Warrant Ordered | 4.9 | 9.2 | 7.6 | 7.9 | 16.6 | 13.3 | 4.8 | 7.2 | 6.1 | 3.6 | 12.0 | 9.3 | 5.3 | 8.2 | 7.1 | 5.3 | 9.6 | 7.9 |
| SUBTOTAL PENDING | 5.6% | 9.8% | 8.2% | 10.2% | 18.6% | 15.4% | 6.7% | 8.9% | 7.9% | 6.0% | 14.3% | 11.6% | 7.6% | 11.2% | 9.3% | 7.1% | 11.2% | 9.6% |
| TOTAL ARRAIGNED CASES | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| Number of Cases | 574 | 922 | 1496 | 303 | 488 | 791 | 645 | 811 | 1456 | 84 | 175 | 259 | 619 | 996 | 1615 | 2225 | 3392 | 5617 |
| Not Arraigned Cases | 4 | 20 | 24 | 4 | 41 | 45 | 2 | 21 | 23 | - | 22 | 22 | 11 | 34 | 45 | 21 | 138 | 159 |
| TOTAL ARRESTS | 578 | 942 | 1520 | 307 | 529 | 836 | 647 | 832 | 1479 | 84 | 197 | 281 | 630 | 1030 | 1660 | 2246 | 3530 | 5776 |

*Includes 7 cases transferred to other boroughs for prosecution, 3 abated cases, and 1 case for which final disposition was not available.

TABLE 7

JANUARY 1, 1982 - JUNE 30, 1983

DRIVING-WHILE-INNTOXICATED ARRESTS:

JANUARY 1, 1982 - JUNE 30, 1983

CRIMINAL COURT STATUS AS OF JULY 1, 1984,
BY TYPE OF MOST SEVERE ARREST CHARGE FOR ALL DEFENDANTS

| DISPOSED: | VTL 1192 | | | OTHER VTL | | | MURDER/MANSLAUGHTER | | | OTHER CHARGES | | | TOTAL | | |
|----------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------------|----------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL |
| Dis/m/ACD | 5.9% | 5.8% | 5.9% | 2.3% | 6.2% | 4.6% | - | - | - | 7.2% | 8.3% | 7.5% | 6.1% | 6.0% | 6.0% |
| Pled Guilty | 84.5 | 82.0 | 82.8 | 81.8 | 86.2 | 84.4 | 25.0% | - | 25.0% | 75.8 | 80.6 | 76.8 | 82.2 | 82.0 | 82.1 |
| Transferred to Supreme Court | 2.5 | 0.6 | 1.2 | 2.3 | 1.5 | 1.8 | 66.7 | - | 66.7 | 9.4 | 2.1 | 7.8 | 4.4 | 0.7 | 2.1 |
| Other* | 0.2 | 0.1 | 0.2 | - | - | - | - | - | - | 0.4 | 0.7 | 0.5 | 0.3 | 0.1 | 0.2 |
| SUBTOTAL DISPOSED | 93.1% | 88.5% | 90.1% | 86.4% | 93.8% | 90.8% | 91.7% | - | 91.7% | 92.8% | 91.7% | 92.5% | 92.9% | 88.8% | 90.4% |
| PENDING: | | | | | | | | | | | | | | | |
| Continued | 1.5 | 1.6 | 1.6 | 2.3 | - | 0.9 | 8.3 | - | 8.3 | 2.2 | 1.4 | 2.0 | 1.8 | 1.6 | 1.7 |
| Warrant Ordered | 5.3 | 9.8 | 8.3 | 11.4 | 6.2 | 8.3 | - | - | - | 5.0 | 6.9 | 5.4 | 5.3 | 9.6 | 7.9 |
| SUBTOTAL PENDING | 6.9% | 11.5% | 9.9% | 13.6% | 6.2% | 9.2% | 8.3% | - | 8.3% | 7.2% | 8.3% | 7.5% | 7.1% | 11.2% | 9.6% |
| TOTAL ARRAIGNED CASES | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | - | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| Number of Cases | 1670 | 3183 | 4853 | 44 | 65 | 109 | 12 | - | 12 | 499 | 144 | 643 | 2225 | 3392 | 5617 |
| Not Arraigned Cases | 16 | 133 | 149 | - | 3 | 3 | - | - | - | 5 | 2 | 7 | 21 | 138 | 159 |
| TOTAL ARRESTS | 1686 | 3316 | 5002 | 44 | 68 | 112 | 12 | - | 12 | 504 | 146 | 650 | 2246 | 3530 | 5776 |

*Includes 7 cases transferred to other boroughs for prosecution, 3 abated cases, and 1 case for which final disposition was not available.

TABLE 8

DRIVING-WHILE-INTOXICATED ARRESTS:
 JANUARY 1, 1982 - JUNE 30, 1983

DISTRIBUTION OF LAST AMENDED CHARGE IN CRIMINAL COURT AS OF
 JULY 1, 1984, FOR CONVICTED DEFENDANTS WITH A MOST SEVERE
 ARREST CHARGE OF VTL 1192

| | <u>N</u> | <u>%</u> |
|---------------------|----------|----------|
| VTL 1192 | 3632 | 90.4% |
| Other VTL | 112 | 2.8 |
| Other Penal Law | 227 | 5.6 |
| Other Non-Penal Law | 49 | 1.2 |
| | <hr/> | <hr/> |
| TOTAL | 4020 | 100.0% |

TABLE 9

DRIVING-WHILE-INTOXICATED ARRESTS:
JANUARY 1, 1982 - JUNE 30, 1983

CRIMINAL COURT STATUS AS OF JULY 1, 1984, BY PRIOR
CRIMINAL HISTORY FOR ALL SUMMARY ARRESTS

| CRIMINAL COURT STATUS: | PRIOR CRIMINAL HISTORY | | | | | | | | | | |
|----------------------------------|------------------------|---------------|-------------------------|---------------|----------------------------|---------------|-----------------------------|---------------|--------------------------------------|-------------|---------------|
| | FIRST ARREST | | NO PRIOR CONVICTIONS | | PRIOR MISD. CONVICTIONS | | PRIOR FELONY CONVICTIONS | | CRIMINAL HISTORY NOT AVAILABLE | TOTAL | |
| | N | % | N | % | N | % | N | % | N | N | % |
| Dism/ACD | 47 | 5.8 | 42 | 7.2 | 24 | 5.0 | 11 | 5.8 | 12 | 136 | 6.1 |
| Pled Guilty | 679 | 83.5 | 488 | 83.3 | 387 | 80.3 | 151 | 79.4 | 123 | 1828 | 82.1 |
| Transferred to Supreme Court | 25 | 3.1 | 20 | 3.4 | 35 | 7.3 | 15 | 7.9 | 2 | 97 | 4.4 |
| Other* | 2 | 0.2 | - | - | 2 | 0.4 | 2 | 1.1 | - | 6 | 0.3 |
| SUBTOTAL DISPOSED | 753 | 92.6% | 550 | 93.9% | 448 | 93.0% | 179 | 94.2% | 137 | 2067 | 92.9% |
| PENDING: | | | | | | | | | | | |
| Continued | 15 | 1.9 | 13 | 2.2 | 8 | 1.6 | 2 | 1.1 | 1 | 39 | 1.8 |
| Warrant Ordered | 45 | 5.5 | 23 | 3.9 | 26 | 5.4 | 9 | 4.7 | 16 | 119 | 5.3 |
| SUBTOTAL PENDING | 60 | 7.4% | 36 | 6.1% | 34 | 7.0% | 11 | 5.8% | 17 | 158 | 7.1% |
| SUBTOTAL ARRAIGNED | 813 | 100.0% | 586 | 100.0% | 482 | 100.0% | 190 | 100.0% | 154 | 2225 | 100.0% |
| Case Not Arraigned | 7 | | 2 | | 1 | | - | | 11 | 21 | |
| TOTAL SUMMARY ARRESTS | 820 | | 588 | | 483 | | 190 | | 165 | 2246 | |

* Includes 5 cases transferred to other boroughs for prosecution and 1 abated case.

27.

TABLE 10

DRIVING-WHILE-INTOXICATED ARRESTS:
JANUARY 1, 1982 - JUNE 30, 1983

CRIMINAL COURT STATUS AS OF JULY 1, 1984, BY QUARTERLY PERIOD

| CRIMINAL COURT STATUS | JAN., FEB., MAR., 1982 | APR., MAY, JUNE, 1982 | JULY, AUG., SEPT., 1982 | OCT., NOV., DEC., 1982 | JAN., FEB., MAR., 1983 | APR., MAY JUNE, 1983 | TOTAL 1982-1983 |
|---------------------------------|---------------------------|--------------------------|----------------------------|---------------------------|---------------------------|-------------------------|--------------------|
| Dism/ACD | 5.4% | 7.4% | 6.1% | 5.8% | 4.8% | 6.6% | 6.0% |
| Pled Guilty | 86.4 | 79.8 | 83.1 | 82.2 | 83.3 | 79.2 | 82.1 |
| Transferred to Supreme Court | 2.1 | 3.0 | 0.9 | 1.2 | 2.4 | 3.0 | 2.1 |
| Other* | 0.1 | 0.1 | 0.5 | 0.2 | 0.2 | 0.1 | 0.2 |
| SUBTOTAL COMPLETED | 94.0% | 90.4% | 90.6% | 89.4% | 90.7% | 89.0% | 90.4% |
| Continued | 1.0 | 0.8 | 1.5 | 1.4 | 2.3 | 2.4 | 1.7 |
| Warrant Ordered | 5.0 | 8.9 | 7.9 | 9.3 | 7.0 | 8.6 | 7.9 |
| SUBTOTAL PENDING | 6.0% | 9.6% | 9.4% | 10.6% | 9.3% | 11.0% | 9.6% |
| TOTAL ARRAIGNED CASES | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| Number of Cases | 667 | 789 | 853 | 1091 | 998 | 1219 | 5617 |
| Not Arraigned Cases | 12 | 25 | 38 | 27 | 33 | 24 | 159 |
| TOTAL ARRESTS | 679 | 814 | 891 | 1118 | 1031 | 1243 | 5776 |

* Includes 7 cases transferred to other boroughs for prosecution, 3 abated cases, and 1 case for which final disposition was not available.

TABLE 11

DRIVING-WHILE-INTOXICATED ARRESTS:
 JANUARY 1, 1982 - JUNE 30, 1983

NUMBER OF SCHEDULED APPEARANCES TO MOST SEVERE
 CRIMINAL COURT APPEARANCE AS OF JULY 1, 1984, BY TYPE OF ARREST

| NUMBER OF APPEARANCES * | SUMMARY | | DAT | | TOTAL | |
|---|----------|----------|----------|----------|----------|----------|
| | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> |
| 1 | 530 | 23.8 | 1546 | 45.6 | 2076 | 37.0 |
| 2 | 616 | 27.7 | 735 | 21.7 | 1351 | 24.1 |
| 3 | 344 | 15.5 | 399 | 11.8 | 743 | 13.2 |
| 4-9 | 622 | 28.0 | 613 | 18.1 | 1235 | 22.0 |
| 10 + | 111 | 5.0 | 95 | 2.8 | 206 | 3.6 |
| | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> | <hr/> |
| SUBTOTAL | 2223 | 100.0% | 3388 | 100.0% | 5611 | 100.0% |
| Cases Not Arraigned | 21 | | 138 | | 159 | |
| Number of Appearances Not Available | 2 | | 4 | | 6 | |
| | <hr/> | | <hr/> | | <hr/> | |
| TOTAL ARRESTS | 2246 | | 3530 | | 5776 | |

* Includes actual or scheduled arraignment appearance.

TABLE 12
 DRIVING-WHILE-INTOXICATED ARRESTS:
 JANUARY 1, 1982 - JUNE 30, 1983
 NUMBER OF WARRANTS ORDERED IN CRIMINAL COURT AS OF
 JULY 1, 1984, BY TYPE AND BOROUGH OF ARREST*

| | BROOKLYN | | | MANHATTAN | | | QUEENS | | | STATEN ISLAND | | | BRONX | | | CITYWIDE | | |
|---------------------|----------|--------|--------|-----------|--------|--------|---------|--------|--------|---------------|--------|--------|---------|--------|--------|----------|--------|--------|
| | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL | SUMMARY | DAT | TOTAL |
| None | 80.6% | 78.9% | 79.3% | 79.8% | 68.0% | 71.6% | 84.1% | 80.8% | 82.1% | 82.9% | 73.0% | 76.2% | 86.1% | 84.3% | 84.9% | 83.4% | 79.1% | 80.5% |
| One or More | 19.4 | 21.1 | 20.7 | 20.2 | 32.0 | 28.4 | 15.9 | 19.2 | 17.9 | 17.1 | 27.0 | 23.8 | 13.9 | 15.7 | 15.1 | 16.6 | 20.9 | 19.5 |
| SUBTOTAL | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| Not Available | - | - | - | - | - | - | - | - | - | - | 1 | 1 | - | - | - | - | 1 | 1 |
| Cases Not Arraigned | 4 | 20 | 24 | 4 | 41 | 45 | 2 | 21 | 23 | - | 22 | 22 | 11 | 34 | 45 | 21 | 138 | 159 |
| TOTAL ARRESTS | 349 | 942 | 1291 | 217 | 529 | 746 | 560 | 832 | 1392 | 82 | 197 | 279 | 509 | 1030 | 1539 | 1717 | 3530 | 5247 |

*Includes warrants ordered prior to disposition, or as last Criminal Court status, but does not include post-conviction warrants.

TABLE 13

DRIVING-WHILE-INTOXICATED ARRESTS:
JANUARY 1, 1982 - JUNE 30, 1983

MOST SEVERE CRIMINAL COURT SENTENCE BY MOST SEVERE ARREST CHARGE
TYPE, FOR DEFENDANTS CONVICTED IN CRIMINAL COURT AS OF JULY 1, 1984

| | <u>VTL 1192*</u> | | <u>OTHER VTL</u> | | <u>MURDER/ MANSLAUGHTER</u> | | <u>OTHER CHARGES</u> | | <u>TOTAL</u> | |
|--|------------------|----------|------------------|----------|---------------------------------|----------|--------------------------|----------|--------------|----------|
| | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> |
| Conditional/Uncon- ditional Discharge | 318 | 7.9% | 9 | 9.8% | - | - | 47 | 9.6% | 374 | 8.1% |
| Fine | 1139 | 28.4 | 21 | 22.8 | - | - | 111 | 22.6 | 1271 | 27.7 |
| Fine or Imprisonment | 2063 | 51.5 | 47 | 51.1 | 1 | 33.3% | 237 | 48.3 | 2348 | 51.1 |
| Probation | 49 | 1.2 | 2 | 2.2 | - | - | 16 | 3.2 | 67 | 1.5 |
| Imprisonment | 439 | 11.0 | 13 | 14.1 | 2 | 67.7 | 80 | 16.3 | 534 | 11.6 |
| SUBTOTAL | 4008 | 100.0% | 92 | 100.0% | 3 | 100.0% | 491 | 100.0% | 4594 | 100.0% |
| Convicted, Not Yet Sentenced | 13 | | - | | - | | 4 | | 17 | |
| TOTAL | 4021 | | 92 | | 3 | | 495 | | 4611 | |

* Includes one defendant whose most severe docket was transferred to Supreme Court; but who pled guilty in Criminal Court on the second docket.

TABLE 14

DRIVING-WHILE-INTOXICATED ARRESTS:
JANUARY 1, 1982 - JUNE 30, 1983

CRIMINAL COURT SENTENCE BY BOROUGH OF ARREST, FOR
DEFENDANTS CONVICTED IN CRIMINAL COURT AS OF JULY 1, 1984

| | <u>BOROUGH</u> | | | | | | | | | | | |
|--------------------------------------|-----------------|---------------|------------------|---------------|---------------|---------------|----------------------|---------------|--------------|---------------|--------------|---------------|
| | <u>BROOKLYN</u> | | <u>MANHATTAN</u> | | <u>QUEENS</u> | | <u>STATEN ISLAND</u> | | <u>BRONX</u> | | <u>TOTAL</u> | |
| | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> |
| Conditional/Un-conditional Discharge | 68 | 5.4% | 70 | 12.3% | 90 | 7.4% | 11 | 5.6% | 135 | 9.9% | 374 | 8.1% |
| Fine | 375 | 30.1 | 113 | 19.9 | 470 | 38.7 | 86 | 43.9 | 227 | 16.6 | 1271 | 27.7 |
| Fine or Imprisonment | 682 | 54.7 | 333 | 58.5 | 504 | 41.5 | 94 | 48.0 | 735 | 53.7 | 2348 | 51.1 |
| Probation | 16 | 1.3 | 11 | 1.9 | 26 | 2.2 | - | - | 14 | 1.0 | 67 | 1.5 |
| Imprisonment | 106 | 8.5 | 42 | 7.4 | 124 | 10.2 | 5 | 2.5 | 257 | 18.8 | 534 | 11.6 |
| SUBTOTAL | 1247 | 100.0% | 569 | 100.0% | 1214 | 100.0% | 196 | 100.0% | 1368 | 100.0% | 4594 | 100.0% |
| Convicted, Not Yet Sentenced | 5 | | 5 | | 3 | | - | | 4 | | 17 | |
| TOTAL | 1252 | | 574 | | 1217 | | 196 | | 1372 | | 4611 | |

TABLE 15

DRIVING-WHILE-INTOXICATED ARRESTS:
JANUARY 1, 1982 - JUNE 30, 1983

TOTAL JAIL TIME FOR DEFENDANTS SENTENCED TO IMPRISONMENT IN
CRIMINAL COURT AS OF JULY 1, 1984, BY BOROUGH OF ARREST

| JAIL TIME | <u>BOROUGH</u> | | | | | | | | | | | |
|---------------|-----------------|----------|------------------|----------|---------------|----------|----------------------|----------|--------------|----------|--------------|----------|
| | <u>BROOKLYN</u> | | <u>MANHATTAN</u> | | <u>QUEENS</u> | | <u>STATEN ISLAND</u> | | <u>BRONX</u> | | <u>TOTAL</u> | |
| | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> |
| Time Served | 5 | 4.7 | 4 | 9.5 | 9 | 7.3 | - | - | 3 | 1.2 | 21 | 3.9 |
| 1 - 15 days | 73 | 68.9 | 18 | 42.9 | 50 | 40.3 | 2 | 40.0% | 114 | 44.3 | 257 | 48.1 |
| 16 - 30 days | 13 | 12.3 | 8 | 19.0 | 32 | 25.8 | 1 | 20.0 | 105 | 40.8 | 159 | 29.8 |
| 31 - 60 days | 3 | 2.8 | 7 | 16.7 | 5 | 4.0 | - | - | 22 | 8.6 | 37 | 6.9 |
| 61 - 364 days | 11 | 10.4 | 5 | 11.9 | 25 | 20.2 | 2 | 40.0 | 10 | 3.9 | 53 | 9.9 |
| 1 Year | 1 | 0.9 | - | - | 3 | 2.4 | - | - | 3 | 1.2 | 7 | 1.3 |
| TOTAL | 106 | 100.0% | 42 | 100.0% | 124 | 100.0% | 5 | 100.0% | 257 | 100.0% | 534 | 100.0% |

TABLE 16

DRIVING-WHILE-INTOXICATED ARRESTS:
 JANUARY 1, 1982 - JUNE 30, 1983

TOTAL FINE AMOUNT IMPOSED FOR DEFENDANTS SENTENCED TO FINE, OR FINE AND
 IMPRISONMENT IN CRIMINAL COURT AS OF JULY 1, 1984, BY BOROUGH OF ARREST *

| TOTAL FINE AMOUNT | BOROUGH | | | | | | | | | | | |
|----------------------|----------|----------|-----------|----------|----------|----------|------------------|----------|----------|----------|----------|----------|
| | BROOKLYN | | MANHATTAN | | QUEENS | | STATEN ISLAND | | BRONX | | TOTAL | |
| | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> |
| \$ 1 - 49 | 24 | 2.1% | 14 | 3.0% | 7 | 0.7% | 6 | 3.3% | 19 | 1.6% | 70 | 1.7% |
| \$ 50 - 99 | 32 | 2.8 | 11 | 2.3 | 31 | 2.9 | 20 | 10.9 | 29 | 2.5 | 123 | 3.0 |
| \$100 - 149 | 29 | 2.5 | 20 | 4.2 | 28 | 2.6 | 8 | 4.4 | 12 | 1.0 | 97 | 2.4 |
| \$150 - 199 | 6 | 0.5 | 6 | 1.3 | 8 | 0.7 | 1 | 0.5 | 7 | 0.6 | 28 | 0.7 |
| \$200 - 249 | 4 | 0.3 | 8 | 1.7 | 5 | 0.5 | 2 | 1.1 | 2 | 0.2 | 21 | 0.5 |
| \$250 | 867 | 75.3 | 271 | 57.4 | 739 | 68.9 | 116 | 63.4 | 567 | 48.2 | 2560 | 63.1 |
| \$251 - 349 | 19 | 1.6 | 9 | 1.9 | 17 | 1.6 | 5 | 2.7 | 14 | 1.2 | 64 | 1.6 |
| \$350 - 499 | 122 | 10.6 | 105 | 22.3 | 179 | 16.7 | 14 | 7.7 | 438 | 37.2 | 858 | 21.2 |
| \$500 + | 49 | 4.3 | 28 | 5.9 | 58 | 5.4 | 11 | 6.0 | 88 | 7.5 | 234 | 5.8 |
| TOTAL | 1152 | 100.0% | 472 | 100.0% | 1072 | 100.0% | 183 | 100.0% | 1176 | 100.0% | 4055 | 100.0% |

* As a result of multiple sentences, defendants who have been included under their most severe sentence in the previous table may also have had a fine imposed as well. This accounts for the higher total of fine cases in this table.