Programs in Criminal Justice Reform

Vera Institute of Justice

Ten-Yenr Report 1961–1971

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LOUIS SCHWEITZER

February 5, 1899–September 19, 1971

Louis Schweitzer believed passionately in the ability and obligation of ordinary men to make the Constitution work. He would not leave the law to lawyers and he was right. He thought that the Constitution and the Bill of Rights should mean what they said.

He thought it was morally wrong to let men rot in jail before they were tried, their families left without support, their jobs forfeited. Law professors and reformers for decades had talked about the injustices of automatic high bail based on a man's charge alone; how he ought to be released on his word if he checked out as a resident with firm ties to the community. Louis Schweitzer was the first person willing to stick his neck out and try the new way that others talked about, to invest his time and his money and his reputation in developing a fairer system.

Louis Schweitzer founded the Vera Institute of Justice, named for his mother. Vera means truth, literally, but what Louis Schweitzer stood for was commitment—personal, persevering, undaunted by "experts." That is what the criminal justice system in America needs more than anything today—citizens who care enough to put themselves on the line, to go into prisons and see what is happening to men, to devote energy, money, but most of all themselves to translating grandiose words like "rehabilitation" into something real that can make a difference to a man.

Louis Schweitzer enjoyed people and was tolerant of their failings. He was a generous man with a warm sense of humor. He was a modest man who, in his giving, always stayed in the background. There are no Lectures or Awards or Chairs or Buildings named for Louis Schweitzer. The legacy left is the thousands of human beings who have their liberty because he cared, as well as the administration of criminal justice which is more humane and has a more hopeful horizon, because he cared.

—From a eulogy delivered by Nicholas de B. Katzenbach
September 23, 1971

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Introduction

This is a report on ten years of effort by the Vera Institute of Justice to introduce reforms into the criminal justice system in New York City—to improve the techniques and concepts and institutions which, in combination, represent New York's response to the problems of crime and anti-social behavior. The report is not a critical study or an evaluation, but an exposition for the general public of the thinking and the efforts that have been behind Vera's programs. Since all of these programs have been financed with public or tax-exempt funds, this is an accounting to the public for the use of those funds.

The criminal justice system in America—consisting primarily of the police, the courts, and corrections—is not working satisfactorily. It is

entirely possible that the system as a whole actually increases the dangers to public safety by turning out a greater number of hostile and dangerous persons than it takes in.

Many factors are contributing to this intolerable situation. One is that the criminal justice system is badly underfinanced: Americans spend more on liquor than on their criminal justice agencies. Another is that it is bogged down in trying to deal with a vast army of accused persons: there were 200,000 cases in New York's Criminal Court in 1971; about 80,000 prisoners are detained in city jails each year, and approximately 800 of these detainees are moved each day from jail to appear in courtroom proceedings. The system is also asked to deal with a number of society's unpleasant realities in prosecuting public drunks, prostitutes, drug addicts and gamblers—many of whom may need specialized treatment, but not by law enforcement and criminal justice personnel.

But fundamental to all of this is the problem of public neglect, which was referred to by Mayor Lindsay's Criminal Justice Coordinating Council in its *Criminal Justice Plan for 1971:*

> New York City's criminal justice system is paying the price for long years of public indifference to criminal justice administration, for the suspicion with which criminal justice agencies regard one another, for the use of legal structures and enforcement strategies that are over 150 years old, and for the absence of nearly everything essential to even minimally sound administration: trained administrators, modern management techniques, basic research, information and data processing systems, modern equipment, and clearly defined system goals.

The "long years of public indifference" are, it is to be hoped, gradually ending through the extensive discussions about the need for criminal justice reform that have appeared in the public media, in best-selling books, and, perhaps most comprehensively, in the volumes comprising the

1967 Report of the Presidential Commission on Law Enforcement and Administration of Justice.

It cannot yet be said, however, that Americans are well informed about the problem of crime or about the criminal justice system. While they tend to have strong views about some aspects of these complicated subjects, they still tend to stay aloof from them and, it often seems, to draw conclusions more on the basis of emotion or wishful thought than of detailed knowledge.

Certainly, crime and the social conditions that breed crime will never be successfully attacked if the public remains essentially uninformed and willing to support only such appealing but simplistic solutions as the recruiting of more police. Society needs not more arrests, but more efficiency in handling the arrests it makes already, more justice in its adjudication of accused persons, and more success in its rehabilitation of those who are adjudged guilty.

And even more important, as the 1967 Presidential Commission noted in it summary report,

> . . . the most promising and so the most important method of dealing with crime is by preventing it—by ameliorating the conditions of life that drive people to commit crimes and that undermine the restraining rules and institutions erected by society against anti-social conduct. The Commission doubts that even a vastly improved criminal justice system can substantially reduce crime if society fails to make it possible for each of its citizens to feel a personal stake in it—in the good life that it can provide and in the law and order that are the prerequisites to such a life. That sense of stake, of something that can be gained or lost, can come only through real opportunity for full participation in society's life and growth.

Reform in criminal justice should, indeed, appeal to Americans, for the criminal justice system was conceived to represent, in its day-to-day opera-

tions, the institutionalization of America's most noble and revered convictions about the balance between the individual's right to freedom and his responsibilities to society. Six of the first ten amendments to the Constitution of the United States have to do specifically with the individual's protection in actual or potential criminal prosecutions (the first, fourth, fifth, sixth, seventh, and eighth).

It is the Vera Institute's hope that this report will help increase public knowledge about the problems of criminal justice administration, and about what is needed to resolve these problems while protecting the public's safety and the individual's constitutional rights.

I. *Private Action in Pursuit of Change: An Outline of Vera's Work*

In an age of despair over what the individual citizen can do, it is significant that the Vera Institute's efforts toward criminal justice reform have grown from the initiative of a private person—a concerned citizen with no formal knowledge of the criminal justice field but with a devotion to the sources and concepts of American liberties and an ability to see when someone was being treated unfairly.

This citizen was Louis Schweitzer, a retired chemical engineer and businessman who formed the Vera Foundation in 1961, naming it for his mother. In 1966 the Vera Foundation was reconstituted as the Vera Institute of Justice to lay the base for an expanded program. Burke Marshall, who had recently served as Assistant United States Attorney General

for Civil Rights, became Chairman of Vera's Board of Trustees. Mr. Schweitzer served as President and member of the Board until his death in 1971.

Louis Schweitzer had learned in 1960 about the problem of the poor person who is in jail, often for extended periods, because he cannot afford bail. Mr. Schweitzer felt, as others had before him, that an individual so detained was being deprived of his right under the Eighth Amendment to the Constitution: "Excessive bail shall not be required . . ." To some persons without money, Mr. Schweitzer reasoned, any bail at all may be excessive. Also, lengthy detention struck him as a violation of the Sixth Amendment guarantee of a speedy trial. Poverty became, in effect, a punishable offense.

This multiplication of injustices seemed to him more than the American system, with its affirmations of equality for everyone, should tolerate. He enlisted the help of a young acquaintance named Herbert Sturz, who was to become Vera's Director, and who in turn consulted with a wide range of professionals and other individuals involved in the criminal justice system—State Supreme Court justices as well as judges of lower courts, law professors, bail bondsmen, defense attorneys, corrections officials, district attorneys, and others.

A decision to work for reform

The eventual decision of the Vera originators was to act toward reform of the system itself—to try to reach into the apparatus and make it function more fairly in the interests of the defendant and the community.

This important early decision defined the approach to the immediate task and set a precedent for other Vera efforts that were to follow. Perhaps above all, it implied a commitment to a sustained private effort that

would work within the existing public institutional structure, and, as a corollary, it recognized the need to develop techniques for promoting change that would be acceptable to an established bureaucracy.

Vera's activities were thus conceived from the beginning as reformist, not revolutionary, and as requiring the cooperation and assent of the responsible authorities.

The Manhattan Bail Project, Vera's first undertaking, reflected all of this. A pilot project, it served both as a research device and as a demonstration. The research helped test hypotheses and settle on courses of action, while the demonstration helped calm potential opposition and win support for innovation inside the administrative machinery of the city. The Bail Project will be described in detail in section II of this report.

Also, by choosing in its early projects to work in specific areas and toward limited objectives—in bail reform, in testing the use of the summons in place of arrest, and in offering rehabilitation for the Bowery derelict instead of jail, to name early examples—Vera found that it could act as a unique kind of catalyst and broker. It functioned with governmental agencies at city, state, and federal levels, and it also dealt operationally with private organizations such as universities, foundations, hospitals, and business corporations. It was often able to bring these groups together in common efforts.

The Ford Foundation and other sources of support

In this role, the Vera organization received crucial support and assistance almost from the beginning from the Ford Foundation, where key staff members developed an early interest in Vera's work. Ford experts gave important advice during Vera's formative stages, and the Foundation made grants to underwrite Vera activities in 1962 and 1963. These were

followed in 1966 by a major five-year planning grant of $1.1 million, which was renewed at a level of $1.5 million in 1971. The planning grants have enabled Vera to function without an endowment and have, with aid from Mr. Schweitzer and some other sources, helped insure the independence of Vera's staff and have kept them free to develop new ideas.

Since Vera has never had sources of income to cover operations, it has always relied on others for the funds needed to operate its projects. It has thus become a manager of grants from agencies of government or private foundations, and occasionally from public-spirited corporations. (Vera's ten-year financial history is on pages 171 through 187.)

A comprehensive program develops

As will be seen, the Bail Project was a success, both in New York and, through its influence in the National Conference on Bail and Criminal Justice in 1964, in the formation of similar projects in other cities. And it led, inevitably, to other Vera efforts to change New York's criminal justice system. It was obvious that archaic procedures and concepts were contributing to inefficiencies and ineffectiveness throughout the system.

Vera's next undertaking was the Manhattan Summons Project, which functioned in the period just before bail-setting—after arrest but before arraignment. It tested new procedures for earlier release of the accused and for speeding up the time-consuming and costly process by which a policeman leaves his patrol duties for as much as a complete working day to act as an escort for the accused person through the mechanics of booking and arraignment.

Work on the Summons Project revealed that in 1964 nearly a third of all the arrests in New York City were for drunkenness-related offenses. The Manhattan Bowery Project aimed to divert derelicts, many suffering

from brain damage and other illnesses related to alcoholism, to a treatment facility that could provide medical assistance and rehabilitation services. In this way the criminal justice system could be relieved of much of the burden of what is in fact a social problem, and the afflicted persons themselves could be provided with more humane and effective treatment than they could obtain in jail.

As the decade progressed, Vera became involved in a range of projects that were designed to intervene at various points in the criminal justice process. They generally sought changes in procedures and also, perhaps more important, in the ways in which accused persons were viewed and treated by the agencies of the system.

The projects intervened before arrest (the Bowery Project); after arrest but before trial (the Manhattan Court Employment Project); and after trial and conviction but before sentencing (the Bronx Sentencing Project). The Institute also sponsored projects aimed at addict rehabilitation (Addiction Research and Treatment Corporation) and at juveniles (the Neighborhood Youth Diversion Program).

Meanwhile, the close relationship Vera developed with New York's Police Department, with the courts, and with the Mayor's office led to numerous opportunities for innovation and experimentation within the various criminal justice agencies themselves—especially in the Police Department and the courts. Perhaps most notable were projects to speed up the prearraignment and adjournment processes so that inconvenience to witnesses was minimized and police time was not wasted; and to streamline the court calendaring and witness appearance processes—in part through the development of "alerting" systems for witnesses—to help reduce congestion and delays.

All of the above projects are treated in some detail in this report, and a descriptive listing of other, less extensive Vera undertakings begins on page 159.

The Criminal Justice Coordinating Council

Intimate exposure to virtually every facet of New York's criminal justice machinery helped Vera workers to see at first hand how the parts of that machinery are not coordinated. This failure, chronicled in all critical discussions of the American criminal justice system, is a major factor in the inability of the system to deter crime and to apprehend, convict, and rehabilitate the criminals it does not deter.

In 1967, Mayor John Lindsay established a new agency in New York City to help deal with this underlying problem of coordination. The Criminal Justice Coordinating Council was designed along a pattern recommended that year by the President's Commission on Law Enforcement and Administration of Justice, a recommendation which itself had grown out of thinking in the Department of Justice under Attorney General Robert F. Kennedy.

The new Council was designed to perform basic coordinating and liaison functions: in budget planning, to help establish priorities among the various criminal justice agencies; in improving the flow of information among the agencies; and in sponsoring change and improvement in the system as a whole.

It was perhaps natural for the new Criminal Justice Coordinating Council to turn to Vera for assistance in the area where Vera had been working—in planning for change. Vera received contracts from the City to serve as consultant to the Council, starting at $150,000 per year from 1967 through 1969, and increasing to $330,000 per year from 1969 through 1971. These

contracts enabled Vera to enlarge substantially the scope of its operations and led to new project ideas and sounder working relations with many of the city's agencies which found it easier to work with a semi-official group than with a totally private one.

The task remaining

Obviously, Vera's efforts during the decade did not resolve New York's problems in the criminal justice field. Indeed, crime rose during the period, and although the percentage of detained people decreased, the total number went up, as did the average period of detention. Nor did Vera's efforts drastically reduce the inequities suffered by indigent persons in trouble with the law.

But a process had been initiated of modifying old concepts, creating new alternatives and resources, and individualizing the responses of the criminal justice system to accused persons.

II. *Fair Treatment for the Indigent: The Manhattan Bail Project*

There are many penalties imposed upon an accused person who is detained in jail because he is too poor to post bail, and of them all perhaps the most unjust are two that are still not widely known: the detainee is more apt to be convicted than if he were free on bail; and, if convicted, he is more apt to receive a tougher sentence. Judges consistently behave as though someone who comes to court from a jail cell is more apt to be guilty, and to deserve harsher treatment, than is a comparable defendant who walks into court off the street because he has been free on bail.

Some of the other hardships borne by these detainees are more obvious and are more generally recognized. They lose income while they are away from their jobs, and suffer dislocation and sometimes even permanent rupture

in their family lives. They frequently suffer social stigmatization and loss of self respect because of their confinement—even though they have not been convicted of anything and must be presumed innocent, and may eventually be acquitted.

In a large city like New York, these people can also expect to be detained in jails where conditions are comparable to maximum security prisons.

One investigation of New York detention centers in 1963 referred to the "indignities of repeated physical search, regimented living, crowded cells, utter isolation from the outside world, unsympathetic surveillance, outrageous visitors' facilities, Fort Knox-like security measures . . ."

Meanwhile, detained persons' defense preparations suffer as it is difficult or impossible for them to consult with attorneys, communicate with family or friends, locate witnesses, or gather evidence.

The origins and evolution of bail

The concept of bail has a long history and deep roots in English and American law. In medieval England, the custom grew out of the need to free untried prisoners from disease-ridden jails while they were waiting for the delayed trials conducted by traveling justices. Prisoners were bailed, or delivered, to reputable third parties of their own choosing who accepted responsibility for assuring their appearance at trial. If the accused did not appear, his bailor would stand trial in his place.

Eventually it became the practice for property owners who accepted responsibility for accused persons to forfeit money when their charges failed to appear for trial. From this grew the modern practice of posting a money bond through a commercial bondsman who receives a cash premium for his service, and usually demands some collateral as well. In the event of

non-appearance the bond is forfeited, after a grace period of a number of days during which the bondsman may produce the accused in court.

The Constitution of the United States did not specifically grant the right to bail, although the Eighth Amendment stipulated that "excessive bail shall not be required." The Judiciary Act of 1789 and subsequent statutes in all but seven of the states did require admission to bail, however, in all non-capital cases.

In any event, the sole theoretical purpose of bail in America is to assure the appearance of the accused in court for trial.

The emergence of the bondsman as a commercial adjunct to the processes of American criminal justice brought with it certain advantages—he was added to the agencies seeking to enforce court appearance, for example—but it also brought serious drawbacks. Abuses tended to creep into the system, such as collusive ties some bondsmen developed with police, lawyers, court officials, and also with organized crime. But more important, the central determinant in whether an accused person would go free on bail pending trial became the decision of a businessman who was interested not in the evenhanded application of justice, but in profit.

Critics of the system have observed that this functioning of the bondsman in the system, where he alone decides who in fact will be admitted to bail and who will not, reduces the court merely to setting the amount of bail.

Vera takes action

The need for reform in this inherited system of combined rationality and injustice had long been recognized, but action had been rare.

Vera's investigators set out to learn everything possible about bail practices and about other studies that had been undertaken on this subject.

They found that the most significant work had been done by two professors—Arthur Beeley, formerly of the University of Michigan, who studied bail practices in Chicago in 1927; and Caleb Foote, who carried out investigations in Philadelphia and New York in the 1950's. The findings of the Beeley and Foote studies were eye-opening:

- bail bonds were almost always required by the judges, even though the law allowed other alternatives such as cash deposits or outright release for defendants who could be trusted to return for trial;

- bail was set arbitrarily, without regard to individual cases, and bail amounts tended to be standardized according to type of offense, not according to the trustworthiness of the individual;

- nearly one in three unsentenced detainees in a random sample in Chicago could have been released safely on their promise to appear in court later;

- nearly one in five detainees had pathological problems such as alcoholism, drug addiction, epilepsy, or mental retardation or illness, which would have been better handled in a medical treatment facility;

- bondsmen were crucially important in the bail-setting process and often had collusive arrangements with police, attorneys, and organized crime;

- the relatively high detention rate was extremely costly to the taxpaying public, which of course had to meet the cost of housing and feeding all detainees;

- there was a disturbing correlation between the fact that an individual was detained and the fact that he later was convicted and received a severe sentence.

In studies conducted by Professor Foote in Philadelphia and New York in 1954 and 1957 it was discovered that among those jailed in Philadelphia because they could not afford bail, only 18 per cent were eventually acquitted as opposed to 48 per cent of those free on bail; and of all those convicted, jailed defendants received prison sentences 2½ times as often as bailed defendants. In New York City, bailed defendants received suspended sentences four times as often as jailed defendants.

Exploring the idea of a bail fund

This evidence of the need for reform, all the more disturbing because much of it had been available for years but had generated no action, strengthened the convictions of the Vera investigators in 1961. They felt that the best course might be to establish a bail fund, limited perhaps to helping youthful defendants between the ages of 16 and 21. It was thought that such a fund might pay the premiums on bail bonds for these young persons, and at the same time carry out research that would help identify who the good risks might be, and why; how a defendant behaves while his trial is pending; and how the cases were concluded. The fund might later be broadened to include older defendants.

Discussions with city officials, starting with Mayor Robert Wagner, proceeded on this basis in the early spring of 1961. The Mayor endorsed the proposal, and referred the Vera research team to Chief Judges Abraham Bloch and John Murtagh, of the Magistrates Court and the Court of Special Sessions, respectively (the courts were to be merged in 1962 into a single Criminal Court of New York). The judges were also hospitable to the idea of a privately funded effort to help improve a system they recognized was far from satisfactory.

The support of other groups in New York was also sought, especially

those whose cooperation would be needed and whose opposition might be inhibiting. These included various city agencies—the District Attorney's office, Police, Corrections, and Probation; and also private reform and welfare agencies such as the National Council on Crime and Delinquency, the Community Council of Greater New York, and the Legal Aid Society.

Further discussions were also held with legal experts and academicians in the course of developing the specifics of the bail fund idea, and it was during these consultations that the concept of a fund began to show serious defects.

Successful operation of a bail fund would not change bail-setting procedures, and would promote the idea that an unfair system could somehow be made to function equitably with the help of private philanthropic support. It seemed clear that the whole system needed reform and should not be encouraged to rely upon private philanthropy.

Release on recognizance

Real reform was indeed possible, and approaches to it had been suggested by Arthur Beeley in 1927 and by Caleb Foote in 1954.

This was the idea of encouraging judges to release far more accused persons on their honor pending trial, and providing the judges with verified information about the accused on which such releases could be based. It was an obvious, but at that time daring idea: find out who can be trusted, and trust them to appear for trial.

What was needed was a carefully designed project that would open the way for adoption of new procedures—procedures that would circumvent the bail bond industry, develop information about defendants which

would enable the courts to grant release to good risks, and, most of all, begin providing the indigent accused with the fairness that the American system of rights and liberties promised him.

A project based on these concepts quickly took form:

1. Indigent defendants awaiting arraignment in Manhattan's criminal courts would be questioned by Vera staff interviewers to determine how deep their community roots were and thus whether they could be relied upon to return to court for trial if they were released without bail.

2. The test of indigency would be representation by a Legal Aid lawyer.

3. Questions would develop information about the defendant's length of residence in the city, his family ties, and his employment situation.

4. Responses of the defendant would be verified immediately in personal or telephone interviews with family, friends, and employers.

5. When verified information indicated that an individual was trustworthy and could be depended on to return for trial, the Vera staff member would appear at arraignment and recommend to the judge that the accused be released on his own recognizance (R.O.R. or pretrial parole) pending trial.

A demonstration project is set up

It was anticipated that such a simple but radical change in generally accepted procedures would meet opposition from those accustomed to the old ways or fearful of the new, and so the entire project was devised as a demonstration—an experiment to see whether people would return for trial if released without bail and, in general, how their cases compared with the cases of those not granted release as well as those released on bail.

If the experiment validated the premise that defendants with verifiable community ties would be released on their own recognizance far more often than anyone suspected, then pressure for widespread adoption of the idea would be hard to resist.

The experiment was scheduled to begin in the fall of 1961 in the arraignment part of the Manhattan Magistrate's Felony Court, one year prior to its merger with the Court of Special Sessions. Evening students from the School of Law at New York University were recruited as Vera staff interviewers and received a period of training during which they learned how the arraignment court functioned. The Law School agreed to give the students credit for their Vera work in conjunction with a University seminar on legal problems of the indigent. The entire experience was thought to be an important introduction to the criminal justice process for the aspiring young lawyer.

A preliminary study in Federal Court

During the months before the Manhattan Bail Project was started, Vera agreed to carry out a special study of bail administration in the Federal Court of the Southern District of New York. This study was requested by Professor Francis A. Allen of the University of Michigan Law School, who was Chairman of the Committee on Poverty and the Administration of Federal Criminal Justice, an advisory group to the U. S. Department of Justice, appointed by Attorney General Robert Kennedy.

The New York bail study in Federal Court during the summer of 1961 confirmed the conclusions that the Vera group had already reached about the City's system. Findings included these:

- bail-setting in the Federal Court proceeded without any specific information about the accused's background;

- defendants jailed before their trials were more apt to receive long sentences than were defendants who had been free on bail before trial;

- public defender services were insufficient to provide R.O.R. investigations, and reached the defendants too late in the proceedings;

- several steps would have improved the functioning of the system, including appointment of an investigation officer to identify good risks for release without bail, crediting of detention time toward sentence time, separation of pretrial detainees from convicted prisoners serving sentences, multiple telephone calls for detainees to facilitate the raising of bail, and closer supervision of bail bond practices.

The study for the Allen Committee was revealing, and the Committee accepted a grant from Vera to sponsor similar studies in four other federal jurisdictions—the District of Connecticut, the Northern District of Illinois, the Sacramento Division of the Northern District of California, and the San Francisco Division of the Northern District of California. Law students from Yale, Chicago, and Stanford helped carry out these studies, and the recommendations that emerged influenced the ultimate report of the Allen Committee. This report, which strongly criticized the bail practices that were then current, aroused the interest of Attorney General Kennedy in problems of bail reform.

Launching the Manhattan Bail Project

On October 16, 1961, after months of detailed planning, the Manhattan Bail Project began operations. Specifics attending the launching were carefully arranged:

1. No publicity was given the inauguration of the venture, on grounds that it would be most effective as a demonstration to the community

if the results could later speak for themselves. Aroused public expectations might also bias the project by conditioning the behavior of its participants.

2. The answers sought through the project were limited and precise:

   (a) Would judges release more defendants on their own recognizance if they were given verified information about the defendants than they would without such information?

   (b) Would released defendants return for trial at the same rate as those released on bail?

   (c) How would the cases of released defendants compare with a control group not recommended for release, both in convictions and in sentencing?

3. A group of research methodologists was persuaded to serve as consultants in designing the study.

4. All magistrates who would be sitting in court during the project were visited personally by Vera staff members prior to its initiation so that they would understand fully what was happening and why.

5. Since a primary function of the project was to demonstrate to the public and to those within the criminal justice system that pretrial parole was a device that could serve the public's interest as well as the defendant's, some offenses were excluded at the outset from the experiment. These were homicide, forcible rape, sodomy involving a minor, corrupting the morals of a child, and carnal abuse—crimes that were all thought to be too sensitive and controversial to be associated with a release program; narcotics offenses, because of special medical problems and because of a greater risk of flight; and

assault on a police officer, where intervention by Vera might, it was feared, arouse police hostility.

6. Comprehensive follow-up procedures were devised to be sure that released defendants knew when they were expected in court for further appearances in connection with their trials. These procedures included mailed reminders, telephone calls, visits at home or work, and special notifications in the defendant's language, if he did not speak English.

Vera's small staff took up quarters in the Manhattan Criminal Court building at 100 Centre Street, and the law students began their interviews in the detention pens in the arraignment court. At first, they were asked to make subjective evaluations of the defendant's eligibility for pretrial parole after they had verified their community ties. It was discovered, however, that pressures were developing that caused some interviewers to withhold recommendations for release in cases where it was probably justified. To relieve the individual of these pressures and of the personal responsibility that, in part, created them, a weighted system of points was developed and the sole determinant as to whether or not a defendant would be recommended for release without bail was his achieving a point score of five or above (see page 30). This development of a set of objective criteria on which to base release recommendations proved to be an important innovation.

The Vera experiment ran through the summer of 1962 and then, with the help of a grant from the Ford Foundation, was extended for two more years. In the interim, the project began to stimulate favorable comment in the press and to draw the attention of the Appellate Division of the New York State Supreme Court, the Office of the New York City Administra-

Point Scoring System
Manhattan Bail Project

To be recommended, defendant needs:
1. A New York area address where he can be reached and
2. A total of five points from the following categories—

Prior Record

1 No convictions.
0 One misdemeanor conviction.
—1 Two misdemeanor or one felony conviction.
—2 Three or more misdemeanor or two or more felony convictions.

Family Ties (In New York area)

3 Lives in established family home AND visits other family members (immediately family only).
2 Lives in established family home (immediate family).
1 Visits others of immediate family.

Employment or School

3 Present job one year or more, steadily.
2 Present job 4 months OR present and prior 6 months.
1 Has present job which is still available.
OR Unemployed 3 months or less and 9 months or more steady prior job.
OR Unemployment Compensation.
OR Welfare.
3 Presently in school, attending regularly.
2 Out of school less than 6 months but employed, or in training.
1 Out of school 3 months or less, unemployed and not in training.

Residence (In New York area steadily)

3 One year at present residence.
2 One year at present or last prior residence OR 6 months at present residence.
1 Six months at present and last prior residence
OR in New York City 5 years or more.

Discretion

+1 Positive, over 65, attending hospital, appeared on some previous case.
0 Negative—intoxicated—intention to leave jurisdiction.

tor, and the Judiciary Committee of the New York State Assembly, which was studying bail practices in the state.

Comparing the experimental and the control groups

During the first year of Bail Project operations, Vera was especially anxious to compare the experiences of those who had been recommended for release with the experiences of the control group, a statistically identical group for which recommendations had not been made to the judges.

It found that 59 per cent of its pretrial parole recommendations were followed by the court and that only 16 per cent of the control group was released without bail by the judges acting on their own. Judges were clearly basing their actions on the availability of reliable information about the defendants.

More significantly, *60 per cent of those released pending trial during the first year eventually were acquitted or had their cases dismissed, compared with only 23 per cent of the control group. And only 16 per cent of the released defendants who were convicted were sentenced to prison, where 96 per cent of those convicted in the control group received prison sentences.* Unquestionably, detention was resulting in a higher rate of convictions and in far more punitive dispositions.

At the end of the second year, the control group was dropped. A sufficient body of evidence had been accumulated and it was no longer necessary to exclude anyone simply for purposes of statistical comparison.

Modifications in project procedures

Further innovations came in the third year of the project. An important one was that the number of offenses that had been excluded for political reasons was sharply reduced to include only homicide and certain narcotics

offenses. Also, the indigency requirement was dropped. It was felt that bail costs should not be imposed on a defendant merely because he had funds; the test for those with money, as well as for those without, should be the same: will the accused return to court for trial?

Other modifications in procedures occurred to staff members as they operated the project. One was that recommendations for release that were rejected by the lower court judges, even though the defendants seemed clearly eligible, were taken to the New York State Supreme Court—the next higher court—for review of the bail determination. Still another improvement was that the system for notifying the defendants of the dates when they were due in court was steadily tightened to include third parties who had agreed to help assure the defendants' appearances; they received written and, if necessary, telephone notification.

Widening the geography of bail reform

Meanwhile, in 1963, two developments suggested that a large potential existed for applying new concepts of bail reform outside of New York City. One of these was the strong interest expressed by the United States Department of Justice in helping to sponsor a national conference on bail. The other was the speed with which civic leaders in Des Moines, Iowa learned from the news media of the Vera experiment, decided to investigate the possibility of a bail project in Des Moines, then designed and adopted such a project.

The Des Moines inquiry was in fact the first from another community that had heard about the Vera experiment through reports in the press, and it was the first indication that bail reform was of as great concern in the American heartland as in the eastern metropolitan centers. Vera staff visited Des Moines, consulted with municipal leaders and helped design

a bail project for that city, which began operations early in 1964. The project was operated by a private foundation and drew its staff from Drake University's Law School.

The National Bail Conference

Although the Des Moines bail project helped to give the concept further visibility and acceptance, it was the National Conference on Bail and Criminal Justice, held in Washington, D. C. in May of 1964, that provided the major impetus to bail reform across the United States. The Conference was sponsored jointly by the Department of Justice and Vera, and brought together for the first time expressly to discuss the bail problem more than 400 judges, prosecutors, defense lawyers, police officials, bondsmen, corrections officers, and interested academicians and government officials.

The extraordinary success of the National Bail Conference could be seen in the great flurry of activity in bail reform that it stimulated over the following months, culminating in enactment of the Bail Reform Act of 1966, signed into law by President Lyndon B. Johnson on June 22, 1966 —the first change in federal bail law since the Judiciary Act of 1789. Spurred on by the conference addresses of Chief Justice Earl Warren, Attorney General Robert Kennedy, and Bernard Botein, then a Presiding Justice of the Appellate Division of the New York State Supreme Court, as well as by the promotional efforts of an Executive Board set up by the Conference for the purpose, state and regional groups in all parts of the country convened to discuss what might be done about bail reform in their own jurisdictions. By the spring of 1965, 44 counties and cities were reported to be operating pretrial release projects, and 35 more had such projects in planning stages. In addition, 21 professional groups of judges,

lawyers, attorneys general, and probation officers had scheduled special conferences in various states on problems of bail.

The Bail Reform Act of 1966

Passage by Congress a year later of the Bail Reform Act of 1966 seemed a fitting climax to the effort begun just five years earlier. The Act stipulated that persons should not be detained needlessly in the federal courts to face trial, to testify, or to await an appeal; that release should be granted in non-capital cases where there is reasonable assurance the individual will reappear when required; that the courts should make use of a variety of release options, depending on the circumstances (for example, release in custody of a third party, or with cash deposit, or bail, or with restricted movements); and that information should be developed about the individual on which intelligent selection of alternatives could be based. The Act guaranteed the right to judicial review of release conditions, and also the right to appeal. President Johnson referred to the Act as "a major development in our system of criminal justice." (See page 42.)

Takeover by the City: assessing the results

In the interim, the Manhattan Bail Project had won the support of the Judiciary Committee of the New York State Assembly, the Judicial Conference of the State of New York, and the City Administrator's office. The result was that in the fall of 1964, the New York City Office of Probation took over the administration of the Vera project, adopting its techniques and making the experimental procedures a permanent part of the city's criminal justice system throughout all five boroughs. Vera's operation of the Manhattan Bail Project thus concluded on August 31, 1964, nearly three years after it began.

During the three years 3,505 defendants had been released on their own

recognizance following the recommendations of Vera staff members, out of a total of some 10,000 defendants who had been interviewed. *Only 56 of these parolees, or 1.6 per cent of the total, willfully failed to appear in court for trial. During the same period, three per cent of those released on bail failed to appear, or nearly twice as many as had been released without bail.*

The figures strongly suggested that bail was not as effective a guarantee of court appearance as was release on verified information.

Over the thirty-five months, a little less than half—48 per cent—of those released through the Vera project were acquitted or had their cases dismissed, while the remaining 52 per cent were found guilty. Of those found guilty, 70 per cent received suspended sentences, 10 per cent were given jail terms, and 20 per cent were given the alternative of a fine or jail sentence.

During the Vera operation, staff recommendations became increasingly liberal as experience established that more and more persons could be released safely on their assurances that they would return for trial. Also, judicial acceptance of the recommendations rose sharply. At the outset, Vera urged release for 28 per cent of the defendants interviewed, while two and a half years later the figure was 65 per cent. Judges were following Vera's advice 55 per cent of the time in 1961, and 70 per cent of the time in 1964.

Some troublesome problems remain

The Bail Project experience seems in many respects a model of success: a significant impact was made on the criminal justice process in New York City, leading to institutionalization of new procedures; there was widespread emulation of the New York techniques in other parts of the coun-

try; there was enactment of major reform legislation by the Congress; and above all, there was statistical evidence that large numbers of individuals were receiving fairer treatment before the bar of justice in America.

But these evidences of success are in some respects misleading. While the techniques of experiment, and especially of communicating and promoting the results of experiment, had effectively stirred action by some professionals in the criminal justice system, the efforts toward bail reform in the early 1960's opened up still more areas for action and raised questions which occupied the Bail Conference in 1964 and are still not fully resolved.

Reformers still had to face the fact that New York City jails remained crowded with persons detained for long periods pending trial. Even in 1964, it was obvious that only a relatively small percentage of the jail population was being reached by the Vera program; at the conclusion of Vera's participation, eight out of ten defendants in the Manhattan Criminal Court were still unable to obtain pretrial parole. Still untouched by the new procedures were all those who, for various reasons, could not establish sufficient community ties to qualify for unsupervised pretrial release, and also those who were flatly considered by the court to be bad risks and were being detained through the setting of high bail.

A test of bail review possibilities

During 1966 and 1967, Vera investigated the possibility of dipping into this group and expanding the released population without posing dangers to the community. This was in a Bail Re-evaluation Project funded by the Office of Economic Opportunity and conducted by Vera in cooperation with the Appellate Division of the New York State Supreme Court and the New York City Department of Correction.

The project was designed to make a careful re-examination of bail levels

during the post-arraignment period, after bail had already been set, and to recommend the release—either direct or conditional—of those defendants and material witnesses who had no ties to the community but who might have other grounds on which pretrial parole could be safely based.

The project also sought to find out whether detained defendants might be able to raise bail by being given the freedom to make telephone calls themselves, a right to which they are not normally entitled.

Results of the test revealed that conscientious bail review could result in the safe release of many more defendants pending trial. The test lasted for fourteen months, during which 3,811 defendants were interviewed who had been passed over for pretrial release during the prearraignment process. About half of these interviewees were able to provide verifiable information suggesting that they could be released on their own recognizance or in the custody of a third party. Ultimately, the court accepted more than 60 per cent of the recommendations for some form of release or for reduced bail pending trial. The jump rate turned out to be acceptably low, even though it was slightly higher than for those released as a result of prearraignment interviews—about 5 per cent, as opposed to 1.6 per cent for the earlier group.

It was also established that the release of many more defendants could result in substantial cost savings to the community: detention costs to New York City were reduced by an estimated $400,000 as a direct result of this test in 1966 and 1967.

Use of a monitored telephone for those in detention also proved helpful in aiding release—in this case through raising bail. Twice as many persons in an experimental group were able to raise bail over the telephone as in a control group that was not given access to a telephone, and one in

five of all inmates who used the telephone during the first six months of the project was eventually released on bail. The telephone also made it possible for detainees to handle other important personal matters having to do with such things as jobs and health, and the monitoring established that this was done without harassment of witnesses or attempts to conceal evidence.

Some sobering failures—and some questions

Unfortunately, the results of the Bail Re-evaluation Project, while conclusive, failed to convince the public agencies that new bail review procedures should be adopted; not until the pressures for releasing more detainees rose drastically five years later was serious thought given to ways and means for adopting the techniques tested in 1966. By 1971, seven years after the National Bail Conference, too few jurisdictions had adopted the reform techniques pioneered by Vera and too few accused persons were receiving pre-bail interviews. In New York City, almost 40 per cent of all defendants were not receiving such interviews as recently as 1969. This is especially significant in view of the fact that pretrial detention conditions were then worsening, not improving.

Also, institutionalization of Vera's bail reforms through the Office of Probation met with mixed success. A special study based on data from a three-month period in 1967 found that the rate of non-appearance in court by persons who had been released without bail on the basis of verified information had risen to 9.4 per cent from Vera's three-year figure of 1.6 per cent. It was true that this increase in the "jump rate" took place during a period when the use of release on recognizance had grown substantially: for those charged with felonies, for example, it had risen from under 2 per cent to over 20 per cent between 1960 and 1967. The discontinuation of follow-up notifications to released defendants, a great increase in the

number of addicted defendants, and the failure to apply sanctions against those failing to appear in court all contributed to the increase.

Despite the higher jump rate, however, the importance of verified information in improving release decisions was reaffirmed. Among those released without bail in the absence of a background investigation, the jump rate was 16.2 per cent. And for those released after an investigation but without a recommendation for no bail release, the rate was 19.3 per cent.

While the rates of non-appearance were climbing for those released on recognizance, the jump rate for those released on a surety bond remained fairly low—4.4 per cent. On the other hand, the ability to post a bond had fallen to the point where only 44 per cent of the defendants were able to post the minimum bond of $500 and only 37 per cent a bond of $1,000.

In addition, the deterrent theory of bail—the idea that higher bail makes for lower jump rates—found little support in the data. Those released on bail of $500 defaulted less often (4.6 per cent) than those posting $1,000 (6.4 per cent) who in turn defaulted less than those posting higher amounts up to $2,500 (10.7 per cent).

Thus society faces a dilemma in choosing between an expanded but less effective R.O.R. program, on the one hand, and the familiar oppressiveness of the bail system on the other.

One proposal aimed at resolving the dilemma would seek a more efficient R.O.R. program through establishment of an agency charged solely with conducting bail investigations and with supervising parolees under the terms of their release. Such a "pretrial services agency," performing these and related functions, may come into being in New York as a result of efforts being undertaken early in 1972 (see section VIII).

But establishment of such an agency will not solve all the problems related to bail practices and the efforts to reform them. Other questions still need resolution: what use should be made of the information elicited from defendants during the prearraignment interviews? Is this information privileged, is it to be made available to the defense, or the prosecution, or both, or neither? Suppose the accused volunteers information bearing on his guilt or innocence. Should it be passed along to the court, and if so, under what circumstances?

Also, should there be negative recommendations made to the court by bail investigators? The Vera project refrained from making any recommendation at all unless it could be affirmative. Should there also be a recommendation against release when that seems indicated?

Related to this is the problem of protecting society against the individual who is unlikely to return for trial, or who is liable to commit crimes while initial charges are pending. Is preventive detention sound public policy, and if so when? (A joint Vera-Georgetown University study of experience with the preventive detention statute in Washington, D. C., showed that the law was used in less than one per cent of the eligible cases. See section VIII.)

Still another troublesome area is the tendency of the criminal justice system to treat the seriousness of the charge as the controlling factor in determining the conditions of pretrial release. Evidence is mounting that failure to appear for trial is in fact not related to the charge against an individual, or, again, to the amount of bail in the cases of bailed defendants. Jump rates seem to be just as high, or as low, for persons charged with serious crimes as for those facing lesser charges, and, as the data cited earlier indicate, the rates seem to rise as the amount of bail rises for those who are released on bail.

Since in most jurisdictions the sole legal basis for requiring any condition of pretrial release is to assure the appearance of the accused person in court, whether it is through bail or through some other device such as supervised or part-time release, further work remains to be done to refine our understanding of how these various alternatives offer society that assurance while protecting the rights of the accused.

June 22, 1966

Excerpts from Remarks of President Lyndon B. Johnson on Signing the Bail Reform Act of 1966

Today, we join to recognize a major development in our system of criminal justice: the reform of the bail system.

This system has endured—archaic, unjust, and virtually unexamined—since the Judiciary Act of 1789 . . .

The principal purpose of bail is to insure that an accused person will return for trial if he is released after arrest.

How is that purpose met under the present system? The defendant with means can afford to pay bail. He can afford to buy his freedom. But the poorer defendant cannot pay the price. He languishes in jail weeks, months and perhaps even years before trial.

He does not stay in jail because he is guilty.

He does not stay in jail because any sentence has been passed.

He does not stay in jail because he is any more likely to flee before trial.

He stays in jail for one reason only—because he is poor . . .

- A man was jailed on a serious charge brought last Christmas Eve. He could not afford bail and spent 101 days in jail until a hearing. Then the complainant admitted the charge was false.
- A man could not raise $300 bail. He spent 54 days in jail waiting trial for a traffic offense, for which he could have been sentenced to no more than five days.
- A man spent two months in jail before being acquitted. In that period, he lost his job and his car, and his family was split up. He did not find another job for four months.

In addition to such injustice, the present bail system has meant high public costs for detaining prisoners prior to trial.

What is most shocking about these costs—to both individuals and to the public—is that they are unnecessary.

First proof of that fact came because of one man's outrage against injustice. I am talking of Mr. Louis Schweitzer, who pioneered the development of a substitute for the money bail system, by establishing the Vera Foundation and the Manhattan Bail Project.

The lesson of that project was simple. If a judge is given adequate information, he can determine that many defendants can be released without need for money bail. They will return faithfully for trial.

This legislation, for the first time, requires that the decision to release a man prior to trial be based on facts—like community and family ties and past record. In the words of the Act, "A man, regardless of his financial status—shall not needlessly be detained . . . when detention serves neither the ends of Justice nor the public interest."

And it specifies that he be released without money bond whenever that is justified by the facts. Under this Act, judges would for the first time be required to use a flexible set of conditions, matching different types of release to different risks.

These are steps that can be taken without harming law enforcement.

This measure does not require that every arrested person be released.

It does not restrict the power of the courts to detain dangerous persons in capital cases or after conviction.

What this measure does do is eliminate needless, arbitrary cruelty . . .

Our task is to rise above the debate between rights of the individual and the rights of society, by securing and protecting the rights of both.

III. *Fairness with Efficiency: The Manhattan Summons Project*

The logic of the Manhattan Bail Project was so simple and direct that its application elsewhere in the criminal justice process was probably inevitable—especially after the Bail Project's success. If an accused person could be safely released in arraignment court on his own assurances that he would appear for trial later on, why couldn't he be released earlier, before he arrived for arraignment? Why not release him, in fact, at the earliest possible point after his apprehension, either on the street or in the precinct stationhouse?

Obviously, such release would be better for the accused. But it would also be better for the community: the arresting officer could return promptly to his law enforcement duties instead of spending hours shep-

herding his prisoner through the tediously slow booking, complaint room, and arraignment court procedures; the criminal justice machinery itself could be made to work more efficiently because the individuals would be dealt with for shorter periods, and on schedule; the costs associated with handling and detention could be reduced; and, because of the greater flexibility afforded the policeman on the beat, relations between police and community could be improved.

For the individual himself, the attractions of early release are, of course, overwhelming. They include many of the advantages of release at arraignment—saving the cost of time lost on a job, avoiding the degradation of confinement, being free to talk to an attorney and prepare for a preliminary hearing—plus the possibility, in the case of a summons issued in the field, of eliminating the arrest record altogether. Employment questionnaires often ask about arrests and, whether or not there have been convictions, such information can hound a person from one job interview to the next. Arrest records also tend to increase the likelihood of severe treatment during future arrests and prosecutions.

The Mobilization for Youth Study

The possibility of earlier release, which would be through issuance of a summons in place of arrest or as an alternative to detention, had occurred to the people working in and around the Vera Bail Project, and had also been considered by the Police Department itself. Indeed, the idea had been suggested in 1931 by the Wickersham Report of the National Committee on Law Observance, and again in 1963 by the Attorney General's Report on Poverty and the Administration of Federal Criminal Justice.

Vera thought it might have an instrument for testing a summons project during a study it conducted in 1963 for Mobilization for Youth, a self-

help organization for the poor that aimed to reduce juvenile delinquency on New York's Lower East Side. MFY had asked Vera to investigate the feasibility of a legal services unit which could serve MFY clients. Vera's report to MFY recommended establishment of such a unit, to have three functions—the provision of legal services to clients, either directly or on referral; the provision of legal orientation for MFY staff, clients, and community leaders; and the development of techniques for using the law as an instrument of social change.

In the last of these areas—and the one that eventually interested the MFY organization the most—Vera proposed development of a project to make greater use of the summons in place of arrest. It seemed an especially appropriate project for MFY, with its young clients who stood to benefit from any program aimed at resolving their troubles with the law while removing the stigma of arrest. As it turned out, MFY accepted the report but did not approve Vera's proposal to set up the new legal services unit, preferring to do the job itself.

Vera's findings on the summons idea

Since the proposal for a summons project was not picked up by MFY, Vera decided to explore the possibility of setting up such a project on its own.

There was, in fact, a strong reason why Vera was interested in pursuing its own summons project as a follow-up to its work with bail. Vera wanted to work more closely with the police at the precinct level, to lay a foundation for projects that might eventually be developed to assist in improving the fairness and efficiency of police practices.

In the course of these explorations in the fall of 1963, Vera learned that sufficient authority already existed under the New York City Criminal

Court Act for the police to issue a summons—or citation, as it is sometimes called—for any crime other than a felony, provided a court rule had granted the power and the Police Commissioner concurred. The New York State Supreme Court had already promulgated such a rule empowering the police to issue summonses for a group of offenses that were breaches of regulatory law—vehicle and traffic law, for example, along with violations of the labor law, multiple dwelling law, workmen's compensation law, Alcoholic Beverage Control law, New York State tax law, and some others.

Only two penal law offenses qualified for the use of a summons in place of arrest, however—non-payment of transportation fare by a minor, and certain disorderly conduct violations such as use of offensive language, public annoyance, congregating on the street and refusing to move, and causing a crowd to collect.

Unfortunately, before a police officer could issue a summons in any of these cases, he had to know a great deal about the person charged—his identity and residence, his ability to act responsibly and to appear in court on the return date of the summons, and the possibility of his being a habitual lawbreaker or a "known criminal." The officer also had to judge that there would be no recurrence of the condition leading to the issuance of the summons.

New uses for Bail Project techniques

Since no techniques existed for assisting the police officer in learning all of this and in making the necessary judgments, the police were issuing summonses only in the most isolated cases.

It was clear that this situation could be helped by Vera's techniques for developing and verifying information about defendants—the techniques

that had been proven effective in the Bail Project. These could also be applied in a project to test the workability of a summons program: each summons would have to be issued in the station house, and not on the street, to allow time for information about the defendant to be obtained—information that would help insure against failure to honor the summons, a problem typical of "scofflaw" traffic violators. A station house release program such as the one Vera eventually developed did not, therefore, literally offer a summons as a substitute for arrest; but it did offer earlier release than would normally be the case for the defendant who could be trusted to return voluntarily to face charges against him.

Testing a Summons Project

A test of such a project was devised in early 1964, through the cooperation of New York Police Commissioner Michael Murphy and Presiding Justice Bernard Botein of the New York State Supreme Court's Appellate Division. By this time Vera and New York law enforcement officials were working closely in planning for the forthcoming National Bail Conference, and this, combined with the Bail Project's earlier success, overcame any natural reluctance of the Police Department to join with a private organization in a test to change police practices.

As a first phase of the new project a brief study was conducted in New York's 6th precinct, west of Greenwich Village, to find out why more summonses were not being issued for disorderly conduct cases that were already summonsable under existing court orders. The study disclosed that almost all arrests for disorderly conduct in the test precinct involved derelicts, and summonses were not being issued because these individuals were for the most part homeless, improperly identified, liable to repeat the offenses for which they were arrested, and, as alcoholics, unreliable and unlikely to appear in court in response to a summons.

These results persuaded the Vera group to seek an expansion of the project to other precincts, and also to request inclusion of other crimes in addition to disorderly conduct. A new test was devised for New York's 14th precinct, which covers a large industrial and shopping area including Macy's, Gimbels, and other large department stores. A court order was obtained to expand summonsable offenses to cover simple assault and petit larceny—which includes shoplifting, a common offense in that precinct.

The Summons Project begins

The Manhattan Summons Project began formally on April 12, 1964. A Vera worker, an evening law student from N.Y.U., was positioned in the 14th precinct station house. Procedures were established for him to interview all persons brought to the station house who were accused of simple assault or petit larcency, and to use telephone verification techniques that had been developed during the Bail Project. He then recommended to the desk officer that each defendant with a sufficient number of points on the objective scoring system be released on a summons instead of being taken to arraignment court. The summons was returnable from five to ten days after issuance, and, as in the Bail Project, Vera assumed responsibility for notifying the defendant of his scheduled court appearance and reminding him to be there.

The defendant also understood that failure to appear for arraignment would result in the issuance of a warrant for his arrest. A prompt appearance, on the other hand, would almost automatically result in the defendant's release on his own recognizance pending trial.

The Manhattan Summons Project was designed, as the Bail Project had been, as an experiment—in this instance to find out whether the police

would release more persons on summonses if they had verified information about their reliability, and to determine if the defendants would appear in court as required.

Unlike the Bail Project, however, there was no control group set up for statistical comparison, as there seemed little need to draw such a comparison and both the Police Department and Vera were reluctant to cut in half the number of defendants to be included in the release program.

The new project was significant for several reasons. One was that it succeeded for the first time in a large metropolitan area in carrying the issuance of summonses and station house release into the area of criminal law, as opposed to regulatory law. Also, it established a working relationship between the police and a private civilian organization at the precinct level. And finally, it was initiated in time to begin gathering some results prior to the National Conference on Bail and Criminal Justice, which was held in May of 1964. The planners of the Conference were anxious to be able to report to the conferees on the practical results of expanded summons use.

Early results and evolution of the project

By the time the Conference convened, the Summons Project was able to produce just such preliminary results: 101 cases had been interviewed, 58 recommended for summons, and 53 released. All of those whose arraignment dates had arrived had appeared on time.

Six months later Vera had interviewed 346 petit larceny and assault cases and had recommended summonses in 231, or 68 per cent of them. Summonses were actually issued in 223 of the cases and in 38 additional disorderly conduct cases. All but four of the summonsed defendants later appeared for arraignment.

Meanwhile the project evolved as experience was gained. It was found that the arresting officer was not necessary in arraignment court on the return date of a summons in a shoplifting case, as the store detective was more knowledgeable about the complaint and was quite able to prepare the complaint for arraignment purposes. This meant a saving of eight to nine hours in each case—a formidable gain in police patrol time alone.

In addition, it was possible to narrow the area of discretion exercised by the police officer in deciding on summons eligibility. The phrase "apparently respectable" was removed from the criteria the officer was to apply to the accused, as being too imprecise and allowing arbitrary application. Accused gamblers and prostitutes were taken off the list of defendants denied summonses, and addicts were put on. Also, attempts were made in the operation of the project to keep down those instances where summonses were denied to "known criminals" who were defined in the regulations as persons with prior arrest records, regardless of whether the arrests resulted in convictions.

Six months after the Summons Project was initiated in the 14th precinct, it was expanded to cover the 16th precinct, just to the north, which includes the busy Times Square area. Six months later it was extended again, into the 13th precinct on Manhattan's Lower East Side. By 1966 the Police Department was administering the project throughout Manhattan, having phased out the Vera workers from the station houses, and by the summer of 1967 the summons program had been extended to all five boroughs of New York City.

Results under City operations

During 1967-68, the first year of City-wide operation, 14,232 summonses were issued; by 1970-71, the figure had reached 31,946. Several factors

contributed to the increase, including a larger percentage of defendants who consented to be interviewed for summonses, a larger percentage who were eligible for a summons recommendation, and a larger percentage for whom summonses were actually granted.

During these four years of city-wide operation the jump rate—the percentage of summonsed defendants who failed to appear in court on the return date of the summons—remained fairly constant at approximately 5 per cent.

During these same years, the Manhattan Summons Project saved New York City more than $6.7 million in police time. Each summons is calculated by the Department to save ten hours of police patrol and, since the arresting officer must work beyond his scheduled tour of duty in most arraignments, this includes substantial overtime payments.

Police patrol now further benefits from a system that enables department store security guards and railroad, housing, transit, and Port Authority police to issue summonses. Each of these agencies conducts the pre-summons interview and issues the summons after obtaining the telephone consent of the desk officer at the nearest precinct.

Finally, a procedure was developed in which the court complaint required in a summons case was prepared at the precinct stationhouse when the summons was issued, thus eliminating the need for a court appearance by the summonsing officer on the return date of the summons.

The summons idea spreads

The attention of law enforcement authorities across the country was drawn to the Manhattan Summons Project, as it had been to the Bail Project, through publicity in the media and, of course, through the National Bail

Conference in the spring of 1964. The response was a widespread emulation of the Summons Project as had been the case with bail.

One of the earliest and most comprehensive efforts to institute a summons program outside of New York was in California, where, starting in 1964, experiments were undertaken in a number of counties to test the feasibility of expanding the use of summons in lieu of arrest or detention. As in New York, the California experiments established that persons could be relied upon to appear for arraignment in well over 90 per cent of the instances where defendants' community ties were investigated.

The result was enactment of a new state law, effective in November 1969, making it mandatory for police in California to consider stationhouse release of all persons accused of misdemeanors, and to conduct an investigation toward that end in each case where the defendant is not released in the field prior to booking. The California procedure envisages both field releases and stationhouse releases, and it enables such releases to be based either on the kind of objective information developed in an interview of the type pioneered by Vera, or on the subjective judgment of the law enforcement officials involved, following suitable investigation.

American Bar Association support

In 1969 the American Bar Association concluded an extensive study of pre-trial release procedures such as those employed in the New York and California summons programs and it issued a number of recommendations. The ABA position was that "it should be the policy of every law-enforcement agency to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law." The Association felt that an accused individual should be detained after being taken into custody "only when such action is required by the

need to carry out legitimate investigative function, to protect the accused or others where his continued liberty would constitute a risk of immediate harm, or when there are reasonable grounds to believe that the accused will refuse to respond to a citation."

Expansion in New York

When the Summons program was adopted on a city-wide basis in 1967, it was expanded to include almost all misdemeanors and petty violations. These included such high-volume-arrest offenses as disorderly conduct, harassment, simple assault, malicious mischief, loitering, resisting arrest, petit larceny, and theft of services. In all, there were approximately 300 different charges for which a summons could be issued. Exclusions were limited to serious "fingerprintable" misdemeanors.

New York State's new Criminal Procedure Law, which went into effect September 1, 1971, officially recognized and adopted the Manhattan Summons Project statewide. Under the law, the Vera Summons (Desk Summons) is designated "Desk Appearance Ticket" and can be issued for everything but felonies, provided the defendant is not under the influence of alcohol, narcotics, or dangerous drugs. For the most serious misdemeanors, such as possession of dangerous weapons and sex offenses, a Desk Appearance Ticket cannot be issued until the defendant's previous criminal record has been received from the New York State Identification and Intelligence System and the defendant photographed.

IV. *An Alternative for the Drunkenness Offender: The Manhattan Bowery Project*

In most American jurisdictions it is against the law to be drunk in public, and although considerable discretion is exercised by policemen in enforcing public drunkenness laws—obviously, many well-dressed men who have had too much to drink and yet appear to be affluent and "reasonable" are overlooked by police officers—about one arrest in three in the United States in recent years has been for public drunkenness. In some cities the figure is up to one-half or even a majority of all arrests.

Most such arrests involve so-called alcoholic derelicts, the self-destructive drop-outs or rejects from the American system who congregate on skid row and are caught up in the criminal justice machinery. Commonly prosecuted under vagrancy and disorderly conduct laws, these men are usually

placed in "drunk tanks" in local jails where conditions are particularly unsavory and inhuman. They are often crowded with inebriates, suffused with human waste odors, barren of mattresses or sanitary facilities.

Equally disturbing is the fact that the individual receives little or no attention for his extensive medical problems and no treatment for excessive alcohol use. His feelings of self-contempt and his instincts for self-abuse tend to be reinforced, and his rights of due process are apt to be denied him as he is brought into court without counsel and his case is determined hurriedly in company with a large group of other offenders. (As a demonstration of the effect of counsel or the judicial process here, in 1966 in New York City, after Legal Aid attorneys began working for a short period in the Men's Social Court, the conviction rate of homeless men arrested on alcohol-related charges fell from 98 per cent to 2 per cent.)

Moreover, alcoholic offenders are apt to be confirmed recidivists: some are arrested as many as 100 to 200 times and spend up to 10 or 20 years in jail on short-term sentences. Displaying suicidal tendencies and beset by psychological problems, these men are capable of drinking up to a gallon of wine a day for a month and eating nothing, with disastrous effects on the liver, stomach, brain, and muscles.

In New York the practice of dealing with these individuals through the criminal justice system goes back to the middle of the nineteenth century, when the Bowery, a broad avenue running about a mile north from Chinatown to Cooper Union on Manhattan's Lower East Side, was already becoming known for the homeless drifters who populated its doorways, sidewalks, and flophouses. New York's practice was similar to those in other cities—to remove these men from the streets, in wholesale roundups if necessary, and assume that a short stay in jail would "teach them a lesson."

Some resort to the use of force in dealing with derelicts has perhaps been natural in American cities, for these people do constitute a considerable public nuisance: they are unsightly, attract predatory criminals, are often underfoot on the sidewalks or in subway entrances, given to panhandling and vomiting and urinating in public places, and they frequently carry vermin and diseases such as tuberculosis and pneumonia.

By 1967 there were an estimated ten to fifteen thousand derelicts in New York City, with four to five thousand in the Bowery area alone.

A system where everybody loses

The effects of roundups and short jail terms for derelicts are, clearly, far from beneficial—for the derelict himself, for the criminal justice system, and for society as a whole. While the streets may be swept clean for short periods, even that benefit has a self-defeating aspect as the derelicts are released after a few hours to return to their skid row neighborhoods. Meanwhile, as has been noted, the apprehended derelict has gone through an experience that has probably done him more harm than good.

The criminal justice system itself also suffers as it attempts to deal with the homeless derelict. It suffers in dignity because its personnel and its institutions are put to the self-defeating and demeaning task of herding a continuous stream of social outcasts through the revolving door of arrest and short-term incarceration. It suffers in integrity because it is managing a discriminatory program where the poor and rootless are prosecuted under drunkenness statutes while the affluent are sent home, and where some are convicted of being drunk and disorderly when in fact they are merely sick and disheveled. It suffers in the waste of valuable time spent by police in handling approximately two million alcohol-related arrests nationally every year, when the time could be spent on other police func-

tions. It suffers in the amount of court time spent in adjudicating drunkenness cases. And it suffers in the extent to which short-term correctional facilities must be turned over to the detention of homeless derelicts.

In a larger sense the community as a whole suffers, too. The financial cost of handling alcoholic vagrancy through the use of criminal sanctions has been estimated at $100 million per year nationally—not including expenditures for rehabilitation or prevention.

And the larger public health problem, meanwhile, goes untended.

Vera's interest in the diversion idea

The Vera Institute of Justice first became seriously interested in the possibility of changing this system of handling derelicts when it discovered that nearly all of the arrests in the New York City precinct chosen to test the Manhattan Summons Project fell into the drunkenness-disorderly conduct category. Encouraged by some success in modifying bail and summons practice, the Vera group felt it might be possible to devise techniques for changes here, too.

What was needed, clearly, was a project to test the feasibility of diverting the homeless derelict from the criminal justice system to a special facility that could offer medical treatment, detoxification, social services, and some hope for at least partial rehabilitation.

In 1966 two factors combined to give Vera an opportunity to plan just such a project. The first was that Mayor John V. Lindsay's pre-inaugural Law Enforcement Task Force had recommended that a "Skid Row Project" be undertaken which would test the feasibility of a diversion program for the homeless alcoholic derelict.

The second factor was the reasoning in two recent Federal Court decisions,

Easter v. *District of Columbia* and *Driver* v. *Hinnant,* which had held that conviction of alcoholics on charges of public intoxification was tantamount to conviction of sick persons for displaying symptoms of a disease, and consequently was unconstitutional. Although a subsequent Supreme Court decision in *Powell* v. *Texas* in June 1968 overruled those decisions, it seemed likely in 1966 that jails would not be available much longer as detoxification centers for destitute alcoholics.

Further urgency for the creation of some alternative was caused by the severe overcrowding in New York City courts and jails. Judicial and correction officials were anxious to devise some system by which the prison population could be safely reduced.

Planning a Bowery project

In May of 1966, Mayor Lindsay invited the Vera Institute of Justice to plan and develop a medically oriented method for removing destitute alcoholics from the criminal justice system. The Mayor requested that City departments cooperate with Vera, and assigned a key assistant to expedite the City's procedures wherever possible. The cost of Vera's planning efforts was financed by a grant from the Ford Foundation.

After consulting with many health and social services experts, Vera decided to recommend that priority be given to establishment of a short-term, 50-bed detoxification unit in the Bowery area that would provide five days of treatment—ordinarily a sufficient length of time to ease a person through the withdrawal syndrome.

The recommendation for a short-term program instead of one seeking long-term rehabilitation was made for a number of reasons. First, it would make possible the handling of large numbers of men and thus provide a genuine alternative to detoxification in the jails. Next, it could offer

periodic detoxification to those many men who would be expected to return to the facility repeatedly. Also, virtually all Bowery alcoholics were in need of a detoxification program, and no single long-term program with limited resources could possibly hope to deal with the great variety of psychiatric disorders occurring among these men, ranging from schizophrenia and irreversible organic brain damage to problems that may be amenable to group therapy and halfway houses. And, finally, some long-term care facilities already existed, and men desirous of further help after detoxification could be referred to them.

After an extensive search it was learned that a treatment facility could be housed on the fourth floor of New York City's Men's Shelter on East 3rd Street just off the Bowery, which had put up Bowery men between 1954 and 1964 but had since been unused.

St. Vincent's Hospital, a lower Manhattan voluntary institution with a notable record of service to the poor and destitute of the area, agreed to make its beds available to Bowery men whose condition proved unmanageable in the detoxification unit at the Men's Shelter and to make its X-ray services available to project patients. Complicated tests could be run at the hospital when necessary.

This unique institutional arrangement, consisting of an independent detoxification unit operating at the New York City Men's Shelter and backed by the services of a prestigious New York hospital, was ultimately accepted by the State Department of Mental Hygiene and other involved government agencies.

It was decided that the program should operate voluntarily, not compulsorily, although there was some question as to whether Bowery men in distress would accept help unless they were compelled to do so.

A test of the practicability of a voluntary program was conducted in October 1966 by Vera and the City's Police and Social Services Departments. A plainclothes police officer and a Bowery lodginghouse clerk drove down the Bowery and approached sixteen men lying on the street. Each man was offered the opportunity of receiving medical assistance and a place to "sleep it off." Thirteen of the sixteen men accepted, and returned with the team to the Shelter's fourth floor where they were examined by a doctor, sedated, and put to bed. One man left that night. The next morning the twelve remaining men, not yet fully detoxified, were offered an opportunity to go to the City-run rest camp known as Camp LaGuardia, or to a mission. Eleven accepted. Throughout the experiment the men were cooperative and manageable. This experience strongly suggested that a voluntary program was workable.

A project is proposed

In November 1966, a formal proposal for a Manhattan Bowery Project was submitted to the Mayor. The recommendation was for a pilot project that would offer detoxification, medical diagnosis and treatment, and referral services to rehabilitation, residential, and other medical facilities.

The proposal received the endorsement of the Mayor, along with commitments of support from the heads of important cooperating agencies:

- the Social Services Department subscribed to the use of the fourth floor of the Shelter as a detoxification facility, and agreed to assign two (later four) caseworkers to the project to handle screening and referral;
- the Police Department agreed to assign four men and two unmarked vehicles to the project;
- the Department of Hospitals approved the loan of hospital beds, examining tables, and other medical equipment;

- the Department of Correction agreed to assign four officers (later recalled) to assist with record-keeping and reception duties, and to be available in the unlikely event that disorders might occur—and also to lend recreational materials and 30 beds for use by recuperating patients;

- St. Vincent's hospital agreed to serve as the supporting hospital and to make its laboratory services available, and also suggested that some of its resident physicians could serve on the night shift during off-duty in order to ensure 24-hour physician coverage;

- and finally, the Mayor's Criminal Justice Coordinating Council endorsed the proposal and agreed to lend its services in advising and assisting project operations.

Setting up the Bowery project

It is worthy of note that in the eleven months between the presentation of the plan to Mayor Lindsay and the opening of the Manhattan Bowery Project's detoxification ward in November 1967, affirmative decisions and actions were required by a total of eighteen separate governmental departments and agencies at city, state, and federal levels.

Ultimately, a three-way funding arrangement was worked out where the Bureau of Alcoholism of the New York State Department of Mental Hygiene, the Office of Law Enforcement Assistance of the U. S. Department of Justice, and the City's Community Mental Health Board jointly funded the project's first year. In the second and third years, the funding was carried on by the Bureau of Alcoholism and the Community Mental Health Board, with the latter underwriting the major portion.

With funding for the pilot project assured, it became necessary to create

a legally authorized organization to run the project, as the Vera Institute itself would not be the operating agency. It was decided to create a new and separate charitable corporation, the Manhattan Bowery Corporation, which would have legal authority to operate a detoxification unit.

How the project works

The new project admitted its first patient at 12 noon on November 27, 1967, and from that first day the project detoxification program developed a pattern which has seldom varied.

Seven days a week, from 8:00 a.m. to 7:00 p.m., the project's two-man rescue teams patrol the Bowery in unmarked police vehicles. The teams consist of a rescue aide, who is a recovered alcoholic, and a plainclothes police officer. When a team spots a man who is obviously in distress, the aide approaches him and offers him the opportunity to come to the Project to dry out. If the man seems in grave medical danger, the police officer summons an ambulance. The Bowery man is free at all times to reject the team's offer, or later, if he accepts, to leave the treatment program.

If he does accept, he is escorted to the fourth floor of the Men's Shelter where he is screened by a physician and admitted to the project. He is showered and deloused by medical aides and put to bed in the project's "acute ward." The physician on duty obtains as much pertinent history as possible. He then performs a complete physical examination and orders appropriate medication. Sedation in type and amount is tailored to the needs of the patient. Intravenous feeding is sometimes required.

On the morning following admission, each patient is also given a series of tests including a chest X-ray, blood count, urine analysis, liver function blood tests, and a blood test for syphilis. Complicating diseases are treated

when found. Seriously disturbed patients are evaluated by a psychiatrist who may prescribe medicine. For the next three days the patient is kept under constant supervision and is given further medication to ease the symptoms of withdrawal from alcohol.

Most of the men are ambulatory after twenty-four hours, and on the third day, if a patient seems well enough, he is assigned a bed in the project's "recuperative ward." Here the man is given a regular bed and he begins to use the recreation room where he eats, watches television, and takes part in the crafts and recreation program run by a case aide. He also sees a caseworker at this point and begins to make plans for his aftercare. The caseworker develops tentative referral plans, based on the man's physical and emotional condition, and various possibilities are discussed with the patient. If the patient approves, the caseworker calls the appropriate agency and tries to place the patient with the agency's program. This usually means referral to one of 25 aftercare programs offering therapeutic and rehabilitative services for patients willing to make an effort to return eventually to normal living.

At least one physician is present at the project twenty-four hours a day, seven days a week. This round-the-clock physician staffing makes it possible to keep patients at the project who are quite ill. By contrast, some other American detoxification programs transfer patients with delirium tremens, or other serious problems, to a hospital and use physicians only a few hours a day. The cost of these nursing programs is consequently believed to be lower than the Manhattan Bowery Project. Since the project's operation costs less than that of a typical hospital ward, however, and transfers many fewer men to hospitals than do nursing programs, the overall costs of detoxifying homeless men may not be substantially different under either system.

Expanded health care: the clinic and the emergency unit

The first year's operation of the project's detoxification center demonstrated that more Bowery men needed a broader range of medical services than was available in the detoxification infirmary, and a solution was sought in the creation of two other treatment facilities—an emergency care unit and an out-patient clinic.

The emergency care unit was opened in April 1969 by St. Vincent's Hospital, in cooperation with the project. The police assigned a vehicle and two additional officers to the unit to work as rescue aides; the New York City Department of Social Services funded the unit and provided space on the first floor of the Men's Shelter. One doctor, a nurse, and two medical aides, all St. Vincent employees, see about 200 men a week, about half of whom are brought in by a rescue team. The other half walk in and request treatment. Minor medical problems, which had gone unattended, are treated before they develop into serious ailments. Men in need of detoxification are referred to the project's infirmary. Those with major medical problems are referred to hospitals.

The clinic was established in July 1969 to provide out-patient care for project participants. From the beginning, about 100 men a day have visited the clinic, which is staffed ten hours a day, six days a week, by three nurses and two social workers who dispense medication, do casework, and lead group discussions.

Data on project patients

In its first three and one-half years of operation, to July 1, 1971, the Manhattan Bowery Project admitted about 3,500 patients an average of three times each, for a total of about 10,000 admissions. Toward the end of the

period, roughly 60 men were being admitted each week, some of whom had been treated as often as 10 or more times.

About one person in four approached on the street refused help; the other three accepted the offer of assistance. During the year ended June 30, 1971 about 92 per cent of the admissions were recruited by the project's street rescue units, about the same as in prior years. The remainder are men referred from the Men's Shelter "deck clinic" or from other agencies.

The project quickly established that Bowery men do indeed suffer from many undiagnosed and untreated diseases. Medical charts during the first year showed that project patients presented severe medical problems: neurological diseases were found in 23.5 per cent of the cases; pulmonary diseases in 63.5 per cent; gastro-intestinal diseases in 9.5 per cent, with peptic ulcer, cirrhosis, and gastritis predominating; cardiovascular disease in 9.0 per cent; and dermatological disease in 22.5 per cent. Few of the patients were receiving regular medical care at the time of their admission.

Psychiatric problems were no less severe. Analysis of the charts of the first 200 patients admitted showed that 33 per cent were diagnosed as schizophrenic; 38 per cent suffered from personality disorders; 8.5 per cent had anxiety neurosis; 17.5 per cent suffered from depression; and 35.5 per cent had associated chronic brain syndrome. Many of the men suffered from more than one condition.

The project's patients have ranged in age from 21 to 72 years, with the greatest number in their middle forties. Whites accounted for about 79 per cent, 17 per cent are black, and three per cent Puerto Rican.

Most of the men have been Skid Row drinkers for about 10 to 20 years. They are basically wine drinkers, and support themselves by sporadic

spot jobs. Approximately 25 per cent have completed the 8th grade or less; 40 per cent have attended high school; 30 per cent have a high school diploma or one to three years of college; four per cent of the men are college graduates; and some have professional or graduate training. Most were born in New York or neighboring states, while 24 per cent are from Southern states.

The problem of patient-staff relations

It was soon found that the problems presented by chronic alcoholics' personalities require great amounts of staff patience and flexibility. An alcoholic has low stress tolerance; he demands immediate gratification of his desires; and he suffers acutely from anxiety, which leads him, in his sober periods, to demand both things and attention. In his eagerness to escape his anxiety and tensions, furthermore, he is constantly on the lookout for excuses to drink, and he often sets up "rejection situations" which justify his drinking: he may attempt to provoke the staff, often without realizing he is doing so, hoping for rejection in the form of anger or dismissal (surprisingly, however, only a handful of men leave the project against medical advice).

Added to these provocations are others faced by nurses and doctors whose training has been "cure-directed." For them it is singularly frustrating to encounter the rejection of after-care services by many of the patients (about one-third), and even more frustrating is the high rate of recidivism among the men.

One of the most important staff techniques for handling the stress imposed by project patients and operations, aside from unusual personal flexibility, is constant internal communication—exchanging views in daily case conferences; in larger meetings where nursing, casework, and street patrol

supervisors hold discussions with the medical and administrative directors; in medical and casework staff meetings; and at a monthly staff meeting where a lecture is given by a project worker or a visitor.

The aftercare problem and "rehabilitation"

The project has discovered that the number of men prepared to accept some form of after-care plan has risen steadily. During the first fourteen months the number rose from 33 per cent of the men admitted to 57 per cent. It has stabilized at 65 per cent.

Despite their frequent setbacks, it seems clear that a substantial number of Bowery alcoholics are willing to seek further help, provided a sufficiently attractive plan is presented to them by an experienced caseworker.

The project has confirmed that "rehabilitation" for many Bowery men cannot be measured in conventional terms such as permanent sobriety, holding steady jobs, acquiring property, and establishing families and other social ties. On the other hand, deteriorated men can be motivated to make some changes in their lives, and, while such changes may seem small, they can be extremely significant to each man and to the community that must deal with him. A derelict can lengthen his average time between drinking sprees from a few weeks to months. He can obtain better paying jobs for longer periods of time. He can make better use of the city's health resources and obtain regular medical and dental attention. He can, through use of medically prescribed tranquilizers and other drugs, combat periods of stress by means other than alcohol.

The aftercare center and clinic opened in July 1969 was designed to help in this process. It contains a spacious sitting room and recreational facilities and offers medication, counseling, job referrals, and, in some cases, psychotherapy. The expanded aftercare facility has enabled the project

to enlarge the number of out-patient referrals from the detoxification center and to increase its services. A majority of the out-patients live at the Salvation Army Memorial Hotel, and twice a week staff members go to the hotel, taking project services directly into the community. In this relatively alcohol-free setting, the project hopes to improve the living conditions of Bowery men and demonstrate the desirability of a congregate living facility.

Experimental work programs and Project Renewal

In 1969 the Bowery Project, with funds and support from Vera, ran two experimental work programs designed to provide employment in controlled settings for project out-patients. In the first program, six men cleared refuse from Lower East Side lots in cooperation with the Sanitation Department. With a great deal of support, all six men successfully remained sober during the six-week period.

The second program was a sheltered workshop, where six out-patients produced several thousand wooden toy trucks for sale through normal commercial outlets. This workshop offered less support and a number of men dropped out during its 12 weeks of operation.

Based on these two experiences, Project Renewal was created in June 1970, funded by the New York City Manpower and Career Development Agency with the cooperation of the Mayor's Urban Action Task Force. Ten out-patients, under the supervision of a project supervisor and manager, undertook to clean and maintain 35 New York City playlots, clearing them of refuse so that they could function as neighborhood recreation centers. The men live together in a brownstone in Brooklyn and receive support through group therapy and education classes. The combination

of work and rehabilitation present an opportunity for some Bowery men to break their destructive drinking cycles.

Some results and conclusions from the project

The Manhattan Bowery Project's primary goals were to test whether Bowery alcoholics would agree voluntarily to participate in a program of alcohol detoxification; whether such a program could work in a non-hospital setting; and whether, following detoxification, the men would accept referral to other types of programs for ongoing care. Fundamental to all this, of course, was the concept of diverting the derelict from the criminal justice process.

The results of three and one-half years' operations suggest that the program works. Arrests of derelict alcoholics in the Bowery area have dropped sharply since the Bowery Project began operations—as much as 80 per cent in the 5th and 9th precincts, where roundups were formerly made. The project's detoxification infirmary and St. Vincent's emergency clinic are now capable of treating and counseling approximately 260 men a week, in contrast with approximately 75 arrests per week previously made by police officers assigned to derelict control. Police officers formerly assigned to that function have been returned to regular patrol duties, thus increasing patrol effectiveness in those commands.

Since derelict alcoholics have largely been removed from New York's criminal justice system, benefits have accrued not only for the derelicts themselves but for the law enforcement, court, and correction agencies which are freed to deal with more serious threats to the community.

Other cities are now operating projects that are based in part on the Bowery experiment, including Boston, San Francisco, Syracuse, Minne-

apolis, and Rochester, New York. Three of these employ nurses who originally served as staff nurses in the Manhattan Bowery Project. Also, a New York State alcoholic rehabilitation unit, new in 1971, is basing its program on the Bowery experience.

Clearly, the Manhattan Bowery Project is only one of a number of alternative settings in which alcohol detoxification might be provided. It could be managed, for example, in a special ward of a hospital, in a general medical ward, or in a nursing care unit that transfers unusually sick patients to a hospital. Among the advantages of the Bowery Project, however, is the fact that its staff is trained for, and oriented towards, the handling of the difficult alcholic personality; that it has greater flexibility of operation than is found in a hospital or other more traditional setting; and that the staff's high level of professional training assures skilled evaluation and effective aftercare planning. The program is, of course, more costly than a nursing program; conversely, it is less expensive than an in-patient hospital program.

In the end, however, any program will be most successful if its patients seek participation in aftercare programs, which means that there must be such programs. If society is prepared to provide them—and not all of them must be expensive or long-term—the problems of homeless alcoholics could be largely mitigated, and skid rows themselves could gradually disappear.

Meanwhile, the project itself has been a successful demonstration but not a complete answer to the problem of the homeless derelict in America. A new kind of revolving door has been created—more humane than the old one, perhaps, but still no substitute for a broadscale approach to the derelict problem, including research into how these people arrived on skid

Henry F.

Henry F. is 41 years old and was born and raised in New York City, the oldest of 10 children. His father was an alcoholic. Mr. F.'s childhood was unhappy and he quit school before completing the eighth grade. Subsequently he obtained a high school equivalency diploma. He has worked as a teletype operator and a machinist. He served four years in the Navy, receiving an honorable discharge in 1950. Mr. F. has suffered from alcoholism for over eight years.

Mr. F. was already an alcoholic when he was introduced to the Bowery by a friend in 1965. Since that time he has suffered all of the rigors of life of a Bowery man, having been injured in falls, in beatings, and in stabbings.

Up to May 1971, Mr. F. had been admitted to the Manhattan Bowery Project a total of 17 times in 29 months. He had one long period of sobriety during 1970, beginning two months after a stay at an alcoholism treatment unit, during which he attended the project's out-patient department and was employed as a member of the project rescue team. That interlude terminated on December 25th when he began drinking again. Seven more admissions to the project's ward followed, each characterized by depression and remorse. Several times he left against medical advice. Once during this period he was re-employed as a rescue aide, but he began drinking after three weeks.

On June 14, 1971, Mr. F. was admitted to the out-patient department, and on July 6th he began working again as a rescue aide. He was still in that position as of April 1972. Mr. F. now states that he is "remaining sober a day at a time." He has become an active member of Alcoholics Anonymous, and he has spoken to groups as large as 150 persons at AA meetings. He visits the out-patient department of the project and there meets regularly with a psychiatric resident. Mr. F. performs his job well and empathizes with the Bowery men whose sorrow he knows so well. Mr. F. now dates, something he thought would never happen again.

Mr. F.'s experiences with the rescue team and with AA have helped him to build his life. He feels productive and needed, and his adjustment has extended to his personal life as well. Mr. F. sums it all up: "Life is very good."

Robert K.

Robert K. is 47 years old and was born in New York City, the 12th of 13 children. He attended school through the tenth grade, served honorably in the Army during World War II, and has worked as a mail clerk, postman, and doorman.

On October 25, 1971, Mr. K. was admitted to the Manhattan Bowery Project's ward for the 21st time. His first admission had been on January 27, 1969, when he was diagnosed as suffering from acute and chronic alcoholism, schizophrenia, and depression. Interviews during the first admission revealed that Mr. K. had been frequently arrested for vagrancy or disorderly conduct and had spent nearly a year in jail on these charges. He had been drinking for 25 years, had had a drinking problem for at least 15 years, and had suffered delirium tremens many times.

After suitable medication, plans were made for Mr. K. to go to an alcoholism treatment unit, but he left the project and began drinking again. On his second and subsequent admissions efforts were again made to arrange for continuing care, but he sometimes left against medical advice. Five times he attempted to manage his drinking problem with the help of the project's out-patient department and through referral to three alcoholism treatment units, but he was able to remain sober only for short periods. In January 1971, after three months in an alcoholism treatment unit, Mr. K. was referred to Vera's Project Renewal. He remained there for three months, probably his longest period of sobriety in many years.

While Mr. K. has made frequent, sincere attempts to stop drinking, his diagnosis of schizophrenia and depression and his drinking history suggest that he will always be dependent on society for some degree of care and support.

row, and how they can be aided in becoming healthier and more productive citizens with less self-destructive life styles.

Perhaps the Bowery Project has prepared the way for such a broadened approach to the problem.

V. *Expanding the Diversion Idea*

The cost of crime in America has been frequently calculated, usually in property or lives lost or in other damages to victims: the national cost of crimes against persons and property, for example, was estimated at $4.7 billion by the President's Crime Commission in 1967. It has risen since, although estimates vary as to how much.

Such figures, disturbing as they are, represent only a small part of the real expense borne by the American people as a result of criminal behavior. Added to the victims' costs is the enormous public expense of maintaining the criminal justice personnel and facilities—the armies of police, court officials, prosecuting attorneys, public defenders, and corrections and probation officers, backed up by all the equipment, supporting personnel,

and real estate they require to carry on their duties. In New York City in 1971, the total budget for the criminal justice agencies came to more than $800 million, almost double the figure for 1967, just four years earlier.

But beyond all this there is another, often overlooked cost in the loss of freedom and of opportunities for satisfying lives suffered by those who, often at an early age, become caught in the snares of the criminal justice process—who become victims of their own alienation and are trapped in the wasteful cycle of repeated arrest and imprisonment. In many ways their loss is society's.

In 1967, the Vera Institute was considering how the criminal justice system itself might adopt new methods for handling these accused persons, perhaps reducing their prospects for wasted lives as well as the public's expense of dealing with them. The Bowery Project led the Vera people to think that other procedures and techniques might be modified to divert accused persons from the criminal justice system and help them solve their personal problems and become more productive citizens without undergoing the usual handling by the courts and the corrections agencies.

Such an approach seemed especially appropriate in view of the fact that a large percentage of arrested persons in New York City came from the city's black and Spanish-speaking ghetto areas. Both groups were largely removed from New York's economic and social processes, and it was clear that the conventional techniques of the criminal justice agencies were not aiding their involvement—whether they were ultimately convicted or not—with the institutions and the arrangements of society at large, to which, in the end, almost all arrested persons eventually return. Indeed, exposure to the criminal justice system often resulted in increased hostility and bitterness that helped neither the individual nor the cause of public safety.

Discussions among Vera staff members and officials in the Criminal Justice Coordinating Council, as well as with members of Mayor Lindsay's and the late Senator Robert Kennedy's staffs, gradually led to the formulation of a new approach to the accused person after he had been arrested and was involved with the agencies of the law. This approach, based on the diversion of accused persons from the criminal justice agencies to special service and rehabilitation facilities, was also influenced by the President's Commission on Law Enforcement and Administration of Justice, whose final report was published in 1967.

The first project to grow from this new concept was the Manhattan Court Employment Project, which was planned in 1967 and became operational in 1968. It was followed by the Bronx Sentencing Project, which also began in 1968, and the Neighborhood Youth Diversion Program, in 1970. Each of these projects, in its own way, has sought to bring a new attitude and new procedures to the handling of selected accused persons, and in the process to provide these persons with new resources to help them become productive members of society.

THE MANHATTAN COURT EMPLOYMENT PROJECT

The Manhattan Court Employment Project is built on the premise that criminal careers develop quite casually for many young city residents, and can be aborted at the beginning with well-timed intervention aimed at solving the personal problems of defendants and getting them good jobs. The project is designed to deal primarily with young defendants whose principal experiences with successful people have been with those beating the system—gamblers, numbers runners, narcotics dealers, pimps. This means in particular the young persons from the ghetto areas of New York, where, it has been noted, residents who succeed on society's terms do not often remain to become examples for the young.

The Manhattan Court Employment Project aims to stop the development of criminal careers by entering the court process after an individual has been arrested but before he has been tried, and giving him the kind of counseling and opportunity for starting on a legitimate career that he needs and otherwise is not able to obtain. The defendant is offered the possibility that the charges against him will be dismissed, provided he is cooperative and responds to counseling and job placement within a 90-day period granted by the court.

It is, in other words, an attempt to convert his arrest from a losing to a winning experience—to build a bridge for the accused between the fractured world of the street and the orderly world of lawfulness and responsibility. The defendant wins because he gets a job he likes and the charges against him are dismissed—provided the District Attorney and the judge concur in the project's recommendation at the end of the three-month period—and society wins also because an individual who may be developing a criminal life style has been converted into a working employee and taxpayer. Meanwhile, the criminal justice system has been relieved of the need to maintain him in jail or prison, perhaps regularly throughout his life.

The project's services

The project offers two basic services to its participants.

First is direct and intense personal counseling. This is provided through a project Representative who has himself had experience with the law and has probably served time in prison, and also through group counseling sessions with other participants under the supervision of an experienced leader.

The second service is help in getting a satisfactory job, even though it may take several tries to help an individual locate the right one.

Meanwhile the resources of the New York City Department of Social Services are available to the participants, which means that financial aid and other kinds of assistance, such as medical and psychiatric referrals, can be obtained rather promptly where eligibility can be established.

History and development of the project

The Manhattan Court Employment Project was planned during 1967 by the Vera Institute under the sponsorship of Mayor Lindsay's Criminal Justice Coordinating Council. With the aid of the late Senator Robert F. Kennedy, Vera received a three-year demonstration grant from the Manpower Administration of the U. S. Department of Labor. The purpose of the grant was to answer several basic questions—whether, within any three-year period, it was possible to observe positive changes in the lifestyles and prospects of a significant number of participants; whether nonprofessionals could be recruited who would be able to perform effectively as staff; and whether it was possible to predict what kinds of people would be most helped through job location services.

The project became operational in February 1968. All of the questions posed at the beginning were answered positively, and since December 1970 the project has been operating as an independent corporation under contract to the City of New York. The program has expanded to Brooklyn and the Bronx while its Manhattan operations have doubled.

During this second phase of the project's operations new questions are being probed: How have participants fared who have been placed in jobs by the project since 1968? How can the project's services be expanded to include more defendants? How can its lessons be applied to others

involved with the law, such as narcotics addicts, prostitutes, and alcoholics, but not now helped to rehabilitation and productive roles in society?

Recruiting project participants

Although a number of changes have been made in the operations of the project since its inception, the basic pattern remains the same: shortly after each arrested defendant is brought to the Manhattan Criminal Court for arraignment, his papers are reviewed by project personnel and, if he seems eligible to participate in the project, he is interviewed by project staff to confirm this and to see whether he and his lawyer agree to his participation.

About 20 out of the 1,000 daytime cases coming into the Manhattan Criminal Court each weekday are inducted into the project. Those automatically excluded from consideration by the project's screening unit include about 30 per cent of all defendants because they are accused of violations where the maximum sentence is 15 days. From the remaining cases, all but the final 20 or so are excluded through other screening criteria: they must not be alcoholics or heavy narcotics users, or be engaged in activities—legitimate or otherwise—that produce more income than the kinds of jobs to which the project is geared to refer them; they must be between the ages of 16 and 45; they must be unemployed or earning less than $125 per week; they must be residents of New York City but not Queens or Staten Island (geographically too remote from the project); they must not be charged with homicide, rape or other sex offenses, kidnapping, or arson; and ordinarily, they must not have a record of more than one continuous year in a penal institution. Originally, women were excluded, as were defendants under 17 years of age. The expanded criteria were adopted in December 1970 with the project's move into Brooklyn and with its doubled Manhattan operations.

Once eligibility has been established for a defendant, a member of the project's screening staff interviews the arresting officer and the complainant, if any, and he then consults with the District Attorney's office to obtain approval for the individual to participate in the project. If this approval is obtained, the case is adjourned for 90 days and the defendant is released on his own recognizance to enable him to join the project. The expectation is that at the the end of the 90-day period one of three courses will be followed: the charges against the participant will be dismissed; his case will be adjourned further so that he can spend additional time in the project; or, if no progress has been made and none seems likely, the participant will be terminated from the project and his case processed without prejudice.

Project operations

Once in the project, the participant undergoes an extensive interview with a project counselor-Representative—or "Rep," as he is called—who will be responsible for supervising the participant's activities and progress both while he is formally with the project, and also after he leaves and is employed. The project is interested in participants' employment progress and in their ultimate adjustment to society.

The Representative, it should be noted, has typically served anywhere from two to 20 years in prison, and thus as a counselor for young defendants he is extremely credible. His caseload consists of from 15 to 25 participants who generally come from the same neighborhoods, so trips to these neighborhoods enable the Representative to become familiar with the home and street lives of the participants for whom he is responsible.

The next step for the participant is to engage in a group counseling orientation session. This is the first such group session for him and it is the first

phase of a counseling program—both individual and group—which is designed to help the participant become a more successful job holder by gaining some confidence and by understanding and resolving his personal problems, which tend to be extensive and seriously inhibiting. During these sessions the participant is urged to learn how to identify his feelings, understand them, and express them—all extremely difficult for young defendants who have been encouraged all their lives to repress or withhold their emotional reactions. Most participants do not believe they can succeed in the conventional world, and do not know how to go about trying.

The participant is encouraged to attend a group session every week, in addition to his regular meetings with his Representative, and he is referred almost immediately to a project Career Developer. He also receives other appropriate referrals, such as to schools, drug treatment centers, hospitals, and welfare centers.

The Career Developer, who works closely with the Representative and shares cases with him, generally has the task of identifying employers willing to take chances on hiring unskilled people who have charges pending in criminal court—and willing also to be generous in their expectations of how these people will perform on the job. The Career Developer draws on his reservoir of job availabilities and of sympathetic and cooperative employers, both in small and large enterprises. In some cases the Career Developer will initiate contacts with new employers who seem to fit especially well the interests or capabilities of the participant.

The participant's first job counseling interview takes place the day he enters the project. This and subsequent sessions with the Career Developer are designed to find out what the participant would like to do—what work he has done already, what his interests are, how he is able to define

his ambitions, what job he would like—in short, at formulating vocational objectives.

Not every participant is in need of or ready for employment; some are satisfactorily employed at entry, some find jobs on their own, some are students, and some have personal problems that impair their ability to accept the responsibility of full-time employment.

A choice of jobs

In most cases the participants have never dreamed they might have a range of job choices, and, with their generally limited schooling and training, they have never been in a position to exercise employment preferences. Career Developers, in preparing job possibilities for the participants, draw on active lists of employers who agree to cooperate with the project, and, not infrequently, on employment situations they have developed on their own through talks with employers (each Career Developer visits at least one potential employer each week). The project maintains active connections with more than 400 employers, some of whom hire project participants regularly and some of whom operate subsidized programs for the hard-core unemployed.

A project participant usually requires more than one referral before he is hired under conditions satisfactory both to him and to his employer. About 44 per cent of all referrals result in a hiring, with the balance unsuccessful either because the employer rejected the applicant or because the applicant didn't show up for the job interview. In these unsuccessful cases the Career Developer and the Representative both work as closely as they can with the participant to make a success out of the next referral.

Similarly, one successful placement may not be enough; about one-third of those successfully placed in a job by the project must be placed two or

more times. This reflects the participants' poor work habits and employment experiences, but it also reflects the fact that a number are ready to go on to better jobs. In general, the employer's willingness to help the participant succeed is vital; the participant often has failed at school, failed at work, and failed with his friends and family. He needs the help and faith of those around him if he is to learn to work steadily and successfully.

Changing organization of the project

Since the idea of pretrial diversion of defendants into a program of personal assistance and career development had never been tested, organizational patterns and techniques had to be improvised by the Manhattan Court Employment Project. During the three-year demonstration phase an organizational pattern was followed which, it became clear, would need modification with the project's considerable expansion in December 1970. The most important aspects of that expansion were the move into Brooklyn and subsequently the Bronx, and the inclusion of women defendants among project clients.

Organizationally, there was need to enlarge the number of staff positions from the 33 that had been sufficient during the test period. Also, some urgency was attached to the need for offering staff personnel an opportunity to have their own talent recognized and to advance along career lines within the project itself.

As a result, organizational shifts were made which created a series of basic operating units—three-man teams consisting of two Representatives and one Career Developer. Every two teams report to a Supervisor. A Senior Career Developer coordinates all team efforts with employers.

Borough directors for Manhattan and Brooklyn are responsible for overseeing training of project employees, as well as social services referral

and the screening of participants. The supervisors also report to these borough directors, who in turn report to the project director.

Finally, the project was incorporated as an independent entity with complete responsibility for managing its own affairs.

Project results

As of July 1, 1971, which concluded 40 months of operation, 1,684 individuals had been taken into the Manhattan Court Employment Project. Approximately 50 per cent were black, 31 per cent Puerto Rican, and the balance white or of other racial background.

About three-fourths of the participants were single, 22 per cent were married, and the remainder were separated or widowers. The median age was 19, and the average educational grade level attained was 10.2. Nearly two out of three (65 per cent) of the participants were charged with misdemeanors, the rest with felonies.

Initially, about one participant in four proved to be addicted to drugs. After strenuous efforts were made to screen these people out of the project, the figure was reduced to one participant in twelve. The performance of these heavy drug users was uniformly poorer than was the non-addicts'. Other summary statistics for the 40-month period indicated that the project was increasingly effective:

- during the first 22 months, the rate of participant attendance in group counseling sessions was 45 per cent, while it rose to 67 per cent in the last 9 months;

- during the first year, dismissal of charges was recommended and accepted for 39 per cent of the participants; for the second year, 46 per cent; and for the third year, 61 per cent;

- those terminated from the program dropped from 61 per cent in the first year to 39 per cent in the third year;

- total job referrals during the 40 months numbered 1,367, and resulted in 624 job placements;

- for "dismissed" participants (those for whom dismissal of charges was successfully obtained), unemployment after dismissal was at the rate of one per cent at the end of the first year and virtually none at the end of the third year;

- salary levels for participants were often raised dramatically at dismissal over intake levels, particularly for those entering the project at the poverty line;

- from a random sample of 100 participants who had been placed in jobs and were out of the project for 14 months (and only 30 of whom had been employed at entry), 87 were located and 70 were found to be still employed.

Perhaps even more notable was the fact that three follow-up studies have shown that rearrest rates are down. Among active participants, for example, the rearrest rate dropped from 12 per cent during the first year to only 1.6 per cent for the year ending June 30, 1971. A second study was made over a 12-month period of people no longer active in the project. It was found that the rearrest rate for "dismissed" participants was 15.8 per cent; for participants terminated from the project, 30.8 per cent; and for a comparison group drawn from the general court population, 46.1 per cent.

The third study showed that the difference in the multiple rearrest rate—two or more arrests during the follow-up period—was even more striking:

Ramon C.

In 1954 Ramon C. received his honorable discharge from the United States Army and left Barceloneta, Puerto Rico to settle in New York City. After 15 years Mr. C. was still in New York, was 41, and had a wife and five children to support.

In March 1969 Mr. C. was dismissed from his $81.25-per-week job as a porter because his employer charged that meat found in a garbage can had been stolen by Mr. C. from the firm's freezer. Mr. C. denied the charge. Even though Mr. C. had been employed by the firm for seven years and had committed no prior offense, the employer continued to press charges. After arraignment Mr. C. became a participant in the Manhattan Court Employment Project.

He presented a serious and familiar problem. Though he wanted to continue to do porter work, he had never earned a salary that would enable his family to rise above the poverty level. Despite working fulltime he was forced to depend upon assistance from the Welfare Department. Outside his chosen field, opportunities were limited without intensive remedial training. He had never continued his village education beyond the 7th grade. His age and insufficient knowledge of English were also limiting factors.

After careful discussion, the Court Employment Project decided to obtain maintenance employment for Mr. C. that would offer him the highest salary possible and would afford him greater financial security than he had had in the past. No immediate jobs were available that offered Mr. C. a better situation than he had held previously. Since a job was needed for dismissal of charges, it was agreed that he would accept such a job and as soon as a better one could be obtained he would be able to quit his "for dismissal" job. On July 1, Mr. C. began work as a porter for a garment firm at $80 per week. On July 9 his case was dismissed.

While Mr. C. continued his employment for the garment firm, the project explored other maintenance job possibilities—one with a large insurance firm, another with a newspaper publisher, which had not, despite intensive contact and sympathy to Vera, hired any of the project's participants. On July 22, with one opening unfilled, the personnel supervisor of the newspaper agreed to interview Mr. C. and on July 31 hired him as a porter at a salary of $134.50 per week.

dismissed participants, 1.9 per cent; terminated participants, 29.8 per cent; comparison group, 29.6 per cent.

Certain benefits, negligible originally because of the small size of the program, became more apparent as the volume of participants expanded. One was the project's relatively low cost of $860 per participant, at a time when pre-trial detention costs are about $1,000 for every 90 days, probation and parole costs exceed $1,800 per person annually, and prison costs average $5,000 per person annually.

For the participant, overcrowded and steadily worsening detention conditions are avoided, as program participants are permitted to remain free. Court appearances are also reduced because the typical participant averages two hearings compared with the usual average of four.

Conclusions from the project

From the standpoint of reform in the criminal justice process, the Manhattan Court Employment Project has provided some useful findings. The most significant is that society unquestionably gains when selected defendants are offered a strong program of personal counseling and help in finding employment, in lieu of trial. An encouraging number of these individuals—with patience and persistence on everyone's part—can change the anti-social life styles they seem to be developing and can become productive employees and taxpayers.

It is also clear that ex-convicts can perform effectively in professional staff roles in projects of this kind, even though they have never had specialized training other than that offered by the project itself. Indeed, their backgrounds and points of view make them singularly useful in helping young accused persons get used to the idea of working in the conventional world

instead of spending large parts of their lives in the squalid cages of America's penal system.

The City of New York seems to agree with these assessments, as it is financing a notable expansion of the project's work. Other cities—among them San Antonio, San Francisco, Boston, Newark, Cleveland, Baltimore, and Minneapolis—have established similar projects. A number of others are in the planning stages.

In the end, however, it should be recalled that the project is still dealing with a mere one to two per cent of the accused persons in the New York City Criminal Court. The number of participants must be dramatically increased and the cost of handling them reduced if a significant impact is to be made upon the problem of rehabilitating accused offenders and relieving the criminal justice system of the burdens it is being asked to carry.

THE BRONX SENTENCING PROJECT

With the successful launching of the Bowery and Court Employment projects in 1967 and 1968, the concept of systematic intervention in the conventional criminal justice process was well established in the Vera Institute's programs in New York. Intervention had led in those projects to the diversion of selected accused persons from routine prosecution and the possibility of imprisonment toward new forms of treatment and counseling whose aim was to help the individual make a degree of realistic adjustment to the world around him.

The Bronx Sentencing Project, which became operational in mid-1968, eventually carried this concept still further, and applied it to persons already convicted of crimes but not yet sentenced. After a one-year period of development, the project evolved into a program where persons con-

victed of serious misdemeanors were diverted, prior to sentencing, to a community service agency. During this interim release period of one to six months, the defendant's rehabilitation progress was monitored, and if found satisfactory, a recommendation was made for a non-prison sentence. With the demonstration completed and many of its procedures adopted by judicial and community-based agencies, the project was formally terminated in September 1971.

Origins of the project

The project started out modestly and with a somewhat different shape than when it was concluded. It originated in the need to deal with the uncomfortable fact—generally recognized in New York City's criminal courts and noted also in the Presidential Crime Commission report of 1967—that most persons convicted of misdemeanors are sentenced by judges who do not have before them reports on the offenders' backgrounds and social histories. Before 1968 in the Bronx, only about 12 per cent of the convicted adult misdemeanants received investigations leading to the preparation of such presentence reports. These were carried out by the Office of Probation.

The result was that for the great majority of defendants, sentences were imposed solely on the basis of current convictions plus the defendants' criminal records—and too often this meant arrest records, as final case dispositions are rarely noted in offenders' permanent files. Also, since the sentencing judge is often different from the trial judge, sentence tended to be imposed without any consideration of mitigating circumstances that might have been brought out during the trial.

But perhaps most important, the absence of a pre-sentence report denied the defendant certain kinds of sentences—specifically, certain forms of

conditional or supervised release which included probation or treatment by a community agency. The first was denied by law, and the second by the practical difficulties involved in formulating suitable release conditions without adequate knowledge of the defendant. In the absence of a report the judge would grant an unsupervised release to the defendant or else sentence him to prison; the possibility of release under some form of supervision or with some community assistance was simply not considered.

The Bronx Sentencing Project sought, at the outset, to open up these alternatives and generally to inform the judge's sentencing decision by providing him with a short, verified report on the defendant's background and personal circumstances. The project was sponsored by Vera in cooperation with the Criminal Justice Coordinating Council and was designed to operate in a high-volume lower court (the Bronx Criminal Court arraigns at least 100 cases per day and has several hundred cases scheduled daily for post-arraignment action), and to deal with those convicted of more serious misdemeanors.

The idea of a *brief* report on the defendant was also important. Experience had shown that probation reports for lower-risk offenders tended to include detailed examinations of offenders' childhood experiences—often irrelevant and even confusing at the time of sentencing.

The Vera Institute felt that its experience in developing reliable, verified information about defendants in the Bail and Summons projects would be useful in a sentencing project which also needed comparable information quickly and in brief form.

Early project operations

The project thus began as an effort to establish the credibility of an objective short-form presentence report—and to test the effects of such reports

on sentencing patterns. It was hoped that the percentage of non-prison sentences would increase as judges were supplied with background data for a higher proportion of defendants.

The project became operational in July 1968, and was directed at a very specific group of individuals: those adults who had been convicted in the Bronx Criminal Court of serious misdemeanors, excluding gambling and prostitution, and for whom a presentence investigation by the Office of Probation had not been ordered. The project's cases were drawn primarily from those that had been adjourned after conviction for an updating of criminal records.

The aim was to provide the court with verified information about the defendant within a few days after his conviction. This information, on the defendant's employment history and prospects, family ties, skills, and education, was to be developed by a small staff of three interviewers working in the court. The theory was that a Vera report could act as a screening mechanism through which the judge could obtain information to help him decide whether to impose a sentence immediately, adjourn the case to obtain further information, or allow time for a specific treatment plan to be developed that would help in the defendant's rehabilitation.

Procedures were in three stages. First, a 30-minute interview with the defendant elicited pertinent facts about his personal background and any relationships he may have had in the past with community agencies. Next, all of the facts were verified by telephone and the interviewer also obtained information on the disposition of all prior offenses, often missing from the criminal record available to the judge. Finally, by applying the information obtained in these steps to sentencing guidelines worked out in cooperation with the Criminal Court judges themselves, an objective

score was developed from which a sentencing recommendation was then prepared for the judge. If the defendant's score was sufficiently high, a non-prison sentence was recommended—unconditional discharge, conditional discharge, or probation, depending on the degree of supervision needed by the defendant. If a non-prison recommendation could not be made, the report was simply "for information only," or FIO, as it came to be called.

In all cases, a one-page report was prepared for the judge and a copy was provided to defense counsel—the only such presentence reports made available to defense counsel in New York State.

Some results

It was clear within a few months after the Bronx project was launched that useful results were emerging. New information was being made available to judges prior to sentencing and sentencing alternatives were being opened up that had not been available—those which involved supervised release and some treatment or counseling.

An analysis of the results of operations during the project's first seven months revealed further findings:

1. Sentences correlated closely with the recommendations in the Vera reports. Non-prison recommendations were followed by some form of non-prison sentence in 83 per cent of the cases, and "FIO" reports, which came to be regarded as recommendations for prison, were actually followed by prison sentences in 87 per cent of the cases.

2. Generally speaking, there was somewhat less correlation between recommendations and sentences in those cases where specific non-prison recommendations were made, such as conditional or unconditional

discharges (69 per cent agreement) or probation (46 per cent agreement).

3. It was found that judges were more apt to depart from Vera's recommendations for non-prison sentences and to give prison sentences when a) the defendant had been arrested within the previous six months; b) he was unemployed; c) he was in jail at the time of sentencing; and d) he was represented by Legal Aid, and not by private counsel (apparently because private counsel had the time to delay proceedings and "shop" for lenient judges). *This tended to verify the extent of economic discrimination in the criminal justice process: people who were too poor to afford bail or private counsel ended up in prison more often than those who could pay.*

4. The presence of a Vera report seemed to help offset the fact that Legal Aid defendants tended to receive more prison sentences. In cases where Legal Aid defendants were the subject of a Vera report, they received prison sentences less often (65 per cent) than when they were not given the benefit of a Vera report (76 per cent). The report could thus be said to help reduce the economic discrimination in the criminal justice process.

5. From follow-up studies, it appeared that there was no overall increase in recidivism even though there were slightly more non-prison dispositions as the result of Vera reports. Nor would this recidivism rate have increased if all of Vera's non-prison recommendations had been adopted.

6. It appeared that the use of short-form presentence reports could begin to standardize the sentencing patterns of judges who frequently would not be giving comparable sentences in comparable situations.

7. The Vera operations had only a small effect on the percentage of non-prison dispositions until the project developed a referral capability; then it seeemed to lead to an increase in the number of non-prison sentences.

Developing the referral capability

By mid-1969 two factors combined to increase the importance of this referral capability, and led to modifications in the project and an increased reliance on one particular community agency.

The first factor was that the Office of Probation reported relatively poor success with those sentenced to probation on the basis of Vera recommendations. These offenders had always tended to be higher risks because they were taken from the defendant pool after the lower-risk candidates for probation had already been identified and turned over to the Office of Probation for conventional background reports prior to sentencing. But there was no question that the failure rates suggested referral to a community agency might be more relevant for these offenders than traditional probation.

The second factor was that Vera was having difficulty locating effective community agencies to whom it could refer defendants on supervised release. Most such agencies did not provide direct services but instead referred clients to still other municipal and state agencies, thus not substantially increasing the prospect of community-based assistance to those in need.

In searching for solutions to these difficulties, Vera decided to focus on the possibility of expanding referrals to the one community agency with which they had been successful—Volunteer Opportunities, Inc., or VOI. It also decided to add a narcotics coordinator to the staff, so as to offer

specific help to those suffering from drug problems. And, from a procedural standpoint, the project sought a basic change in court: instead of recommending a sentence of conditional discharge for those cases it wished to refer to the community agency, it began to recommend adjournment of the cases for a period of from one to six months, with sentencing to take place after the experience of working with VOI. The incentive for the defendant himself to work at the job of self-improvement was obviously increased; if his experience with VOI was successful, a recommendation would be made for a non-prison sentence. Similarly, an unfavorable report from the VOI experience would probably result in a harsher sentence.

Evolution of the diversion concept

In its evolved form, the Bronx Sentencing Project thus became a full-fledged diversion project. A significant percentage of convicted misdemeanants received an interim release prior to final sentencing: their cases were adjourned and they were released on their own recognizance so that they could obtain the counseling and service assistance of a specific community agency, and if that participation was satisfactory, they ultimately received a non-prison sentence. Their progress during their interim release was monitored, and the final recommendation to the court came from the referral agency in consultation with project administrators.

The choice of Volunteer Opportunities, Inc. as the community agency was based on the fact that it had a superior program, was staffed to handle project referrals, and agreed to assist in the project and to help evaluate the progress of its referrals. The administrative and research advantages of referring most participants to one agency were also obvious. VOI's services included group and individual counseling; assistance on personal

George R.

On January 13, 1971, 22-year-old George R. pleaded guilty to the misdemeanor of criminal trespass after having been charged originally with the felony of attempted burglary. The judge postponed sentencing to obtain an up-to-date criminal record and kept the bail at $500 which Mr. R. had not been able to post.

The next morning an interviewer from the Bronx Sentencing Project visited Mr. R. at the Bronx House of Detention to obtain information about his place of residence, family ties, employment history, drug use, and criminal record. The interviewer verified that Mr. R. had been living for two years with his wife at the same address and, although then unemployed, had held a dishwasher's job at a local restaurant. He had two previous misdemeanor convictions for possession of stolen property. Based on project guidelines the defendant qualified for a recommendation of supervised release to the community. He agreed that, if eligible, he would enter VOI's counseling program.

On January 22, 1971, Mr. R. was due for sentencing. A single-page typewritten report and recommendation had been sent to the courtroom early in the morning. When the case was called, the judge asked whether the defendant was a heroin addict. The interviewer stated that Mr. R. had admitted weekend "snorting" but denied "mainlining." She also reported that when VOI's representative (an ex-addict) had interviewed the defendant, he concluded that Mr. R. had used heroin but was not an addict. The judge granted Vera's request to adjourn the case for one month and released the defendant to participate in the VOI program.

During the next month the defendant attended VOI group counseling sessions three nights a week and enrolled in a manpower training program. When the case was back on the court calendar on February 23, a progress report from VOI recommended that the defendant remain in the VOI program for an additional six months. The request was granted and the defendant continued to attend counseling sessions but dropped out of the training program. In early April he took a maintenance job at a steel fabricating plant. On August 10 Vera's recommendation that Mr. R. be granted a sentence of conditional discharge was accepted by the court.

problems such as housing, health, job training, and employment; tutoring; and recreation.

New program outlines

The primary focus of the Bronx Sentencing Project thus became temporarily adjourned cases where the defendants were released under supervision for short terms—from one to six months, with increasing emphasis on shorter-term periods to keep dropouts to a minimum. Dropout rates were also reduced by conducting a second interview with the defendant before he was inducted into the VOI program.

At the conclusion of the adjournment period, a recommendation was made to the court for favorable termination from the program, for more time in the program, for referral to another agency, or for unfavorable termination. A favorable report was known to lead to a non-prison sentence, usually conditional discharge, and an unfavorable one to a tougher sentence. This was explained to participants at the beginning.

The modified project operations resulted in an increase in the diversion of defendants and a decrease in the likelihood of a prison sentence. Where 44 per cent of the project's cases received non-prison dispositions in the first eight months of the project, 57 per cent of the project's cases were receiving adjournments and supervised release leading to non-prison sentences by the second half of 1970.

Some conclusions and results

By the time operations of the Bronx Sentencing Project had concluded on September 30, 1971, the project had demonstrated that a sharply increased number of adult misdemeanants could receive presentence reports if a short-form, objective format were adopted; and that judges would in fact

rely on the recommendations of such reports. (The Office of Probation, under guidelines issued by the New York State Division of Probation, is now using a short-form presentence report in Criminal Court cases.)

It also showed that the availability of community-based service agencies able to work with convicted persons can result in an increase in non-prison sentences without an increase in recidivism rates. This aspect of the project's work is being carried on by a variety of public and private agencies.

It might be concluded, therefore, that the project demonstrated the feasibility as well as the desirability of using short-form presentence reports and of diverting convicted persons to community-based assistance groups.

THE NEIGHBORHOOD YOUTH DIVERSION PROGRAM

"America's best hope for reducing crime," said the President's Crime Commission in 1967, "is to reduce juvenile delinquency and youth crime." The Commission pointed out that a majority of all arrests for major crimes against property in 1965 were of people under 21, and that recidivism rates for young offenders are higher than for any other age group.

The situation in New York City is no better:

- in 1968, nearly four out of ten persons arrested for felonies and misdemeanors who had previous adult arrest records were first arrested when they were 18 or younger;
- in 1968, young people under 21 represented 22 per cent of the New York City population but accounted for 40 per cent of all those arrested for felonies, 44 per cent for serious crimes of violence, and 53 per cent for crimes against property;
- in 1970, one out of every three New Yorkers arrested for felonies was 19 or under.

Dealing with the problem of juvenile delinquency has long baffled those responsible for law enforcement and the administration of justice. A principal reason is that delinquency rates, consistently higher in city centers than in outlying districts, clearly reflect conditions of urban poverty and slum life. A necessary step in preventing delinquency thus is to relieve the economic and social conditions that breed it—a responsibility of society at large, not of its criminal justice agencies.

Once a young person does come in contact with the law, however, an attempt is made to accommodate his youthful status, to prevent further delinquency, and to halt any budding crime career. Procedures for handling such a young defendant have traditionally been less formal than for adults and are designed, in theory at least, to use fewer of the criminal sanctions applied to adults while placing greater emphasis on rehabilitation. For this reason more diversion routes are theoretically available as alternatives: adjustment of cases in lieu of Family Court action; referrals to social service agencies; and probation instead of training schools or reformatories.

Unfortunately, this ideal of rehabilitation for the youthful offender is much more theoretical than real. Many authorities agree that juvenile systems in fact tend to be more punitive than rehabilitative, with the result that the young offender is often denied many of the protections of due process while not receiving compensating benefits.

An alternative to the system

The Neighborhood Youth Diversion Program, which began operations in early 1971, was designed as an alternative to this system of handling young defendants. Its aim is to divert young people in trouble with the law from the conventional police-probation-Family Court processes to

a community-based program of assistance and mediation. And, most important, it is designed to do so by drawing on and, where necessary, constructing new community resources that can help resolve the problems of troubled youths.

The program operates in a limited section of the East Tremont area of the Bronx—an area consisting of 13 census tracts which contained about 80,000 people at the time of the 1960 census. The two precincts covering the project area ranked fifth and twelfth out of a total of 79 New York City precincts in the number of detentions and arrests of people under 21 in 1969.

The Neighborhood Youth Diversion Program, Inc., is a private, non-profit corporation whose Board of Directors is made up of East Tremont residents, experienced youth workers, and representatives from the Vera Institute and Fordham University. The program grew out of a demonstration project in East Tremont carried on by Fordham from 1966 to 1968. That demonstration attempted to develop a multi-disciplinary method for assessing juvenile delinquency—a concept that perceived of rising delinquency in terms of unstable social conditions and of cultural patterns rather than merely of disturbed personalities.

The demographic background

After the 1960 census the East Tremont area went through a remarkably rapid transformation, moving in little more than five years from a predominantly Jewish community to one overwhelmingly black and Puerto Rican.

The area was also characterized by a high degree of what came to be called institutional "dislocation": many of the religious and other social organi-

zations, such as the Young Men's Hebrew Association, moved to other locations or dissolved as their sponsoring groups abandoned the area. The inevitable result was a kind of social disorganization that left the schools and other public agencies overburdened while the relatively new residents had to do without the sympathetic support of those neighborhood organizations on which any community relies.

A rise in the delinquency and crime statistics followed rapidly: adjudicated cases of juvenile delinquency rose by 58 per cent in East Tremont from 1963 to 1967. Twenty per cent of all such cases in the Bronx came from the East Tremont area during this period, although only six per cent of the Bronx population resided there.

Aims of the new project

The operating concepts of the Neighborhood Youth Diversion Program were designed for just this kind of social situation. As an experimental effort, the new project received funding from the City's Criminal Justice Coordinating Council.

The program aimed to work with young persons between the ages of 12 and 15 who were in trouble with the law and faced the likelihood of court action. It was designed to operate without the conventional format of social workers and remedial agencies which are customarily grafted on from the outside; this was to be totally a community-based operation whose tasks and responsibilities would be assumed by people living in the community.

The main example of this was to be the creation of a new device called the Forum, a series of panels of community residents who would receive training as mediators and conciliators, and who would help to work out

the problems surrounding the minor offenses committed by neighborhood juveniles. The Forum also would help deal with the crises between parents and children that often result in the sending of young people to State training schools.

Planning for the project was carried out during 1969 and early 1970, and included detailed discussions with members of the East Tremont community—local organizations, leaders, individuals, members of youth groups. Later, in September 1970, a Vera representative was given desk space in the office of the Tremont Youth Board, and in two months had held 65 meetings with various groups and individuals in the community.

The proposal that was presented to these groups spelled out the extent of community participation and ultimate control envisioned for the new program. A majority of the individuals who would make up the case staff for the project would be drawn from the community, as would supervisors, the first group of Forum judges, and much of the clerical staff. In addition, if at the end of the three-year experimental period the program was still operational and viable, it was proposed that control of the program's board of directors would be turned over to the community.

How the project operates

A detailed set of procedures governs operations at the Neighborhood Youth Diversion Program, although they are subject to modification as experience indicates where improvements can be made:

1. Cases are referred to the program from three sources—the Office of Probation's Intake Section, the Police Department's Youth Aid Division, and Family Court. Referrals from agencies not involved in the juvenile justice system are not sought.

2. Two criteria, in addition to the 12-to-15 age requirement, are used in determining whether an individual is eligible for the program: first, he must reside within the program's specific target area in East Tremont; and second, there must be a probability that legal steps will be taken against him if the program does not intervene.

3. Each case is assigned to an Advocate, a person generally under 30 who also resides in the community and who will assume responsibility for the juvenile as long as he is with the program. The Advocate works closely with supervisory personnel within the project, and he attempts to see each of his juvenile cases several times a week. It is his job to win the confidence of the juvenile, to learn to know who his friends are and how he is doing in school and with his family, and to help him in dealing with his family and others—both directly and through the assistance of outside resources, where necessary.

4. Case management conferences for project staff are scheduled regularly, and an "Action Plan" is soon developed to help the participant resolve his problems. Progress reports are also made at regular intervals, and a three-month review conference is held to determine whether the participant should continue with the program and if so under what conditions.

5. Almost all cases go to a Forum hearing at some point during their participation in the program, usually early. Each Forum consists of three volunteer judges who live in the community and who agree to mediate in the incident that originally brought the participant into the program. At the end of the first Forum hearing the judges decide whether additional hearings will be necessary. Usually two or three are required. The Forum's task generally is not to make judgments and rulings, but to attempt to bring the disputing parties together so

that their difficulties can be resolved without reference to the formal criminal justice system. The Forum becomes a neighborhood setting where charges relating to minor offenses are heard informally and disposed of: where a juvenile in trouble can appear and receive an understanding and exploratory response rather than a punitive or disputatious one. The results of the Forum and the recommendations of the judges are incorporated into the Advocate's Action Plan.

6. Referrals to other agencies are made where participants clearly need such outside assistance—especially in finding temporary homes, useful jobs, and education—but the pattern is not comparable to other referral efforts of social agencies, where the individual is sent along and no continuing check is made on his progress after referral. Youth Diversion Program referrals are followed carefully to determine what is being done for the juvenile. The project has referral arrangements with more than 150 agencies, including boys' clubs, health centers, child welfare agencies, and drug programs.

Of all these program elements the most noteworthy has undoubtedly been the Forum, which has received enthusiastic community support. By the end of 1971 more than two dozen community residents and two juvenile program participants had undergone training in mediation and conciliation techniques, both at the project's center and at the Center for Mediation and Conflict Resolution in Manhattan.

The assessment function

Another part of the Youth Diversion Program's concept and of its operations is its delinquency "assessment" function. This is an attempt to relate the specific behavior patterns of the young participants in the program to the social environment in which these patterns have emerged.

The Assessment Unit in the project is in fact carrying forward the work begun by the Fordham University investigators during the two-year demonstration project they conducted immediately preceding the Youth Diversion Program's establishment. Drawing on new interpretations of delinquent behavior that were then attracting the interest of social scientists, these investigators found that unstable social conditions in the East Tremont area were highly conducive to—and perhaps contributing importantly to—antisocial behavior by the young people who lived there. Four factors in particular were deemed to be significant: first, the rapid demographic shift from one ethnic character in East Tremont to another, which has already been mentioned; second, the resulting institutional "dislocation," also mentioned above; third, the relative isolation of the new generation from their elders, due to changes in the way younger blacks and Puerto Ricans see themselves and others in their ethnic groups, as opposed to the self-perception of their parents and grandparents; and finally, the fact that the youth culture in East Tremont provided support for what the society at large considers delinquent or deviant behavior. In terms of prevailing values within the youth culture, the behavior was both acceptable and desirable.

The task of the Assessment Unit is to help develop research data that will test the relevance of these factors to the actual behavior of project participants.

Evaluation of the project

The efforts of the Youth Diversion Program are being evaluated by the Columbia University School of Social Work, and will include a series of reports on all aspects of the project's beginnings, its early problems, its likely impact on the lives of the participants including recidivism, and the

Maria L.

In early April 1971, Mrs. L. took her 15-year-old daughter, Maria, to the Intake Section of the Office of Probation where she told the probation intake officer that Maria was staying out overnight and could not be controlled. Mrs. L. requested that Probation and the Family Court place Maria in an institution for girls. After reviewing the case, the probation officer suggested that Mrs. L. and Maria work with the Neighborhood Youth Diversion Program in an effort to resolve their problems, rather than seek court placement.

On the day following the interview Mrs. L. and Maria met with members of the NYDP case staff at the program center. Maria said the reason she did not return home was because she was ashamed to take her friends there and because she had to share a room with her sister and child which afforded her no privacy. As part of his investigation into Maria's problems the program Advocate assigned to the case visited Mrs. L. and Maria at their home. The seven members of the L. family lived in four small rooms. The plumbing no longer worked. Mrs. L. carried water from the basement to the 2nd floor apartment. Water was leaking through the ceiling. The food was stored in cans to protect it from rats. When the case staff formulated plans to keep Maria out of court, it stressed the need to find appropriate housing. During the weeks that followed, the program representatives talked with 11 housing agencies about the problems of the L. family, but with little success. Although Maria was cooperating with the program during this period, she still stayed out overnight and Mrs. L. continued to feel that the only solution was placement. After a Forum session, however, Mrs. L. and Maria agreed that Maria could stay out until 4 A.M. on weekends if she would come home by 9:30 on week nights.

A month later Maria and her mother were on a much better footing. The program obtained hotel space for the L. family in Manhattan and, three weeks later, found permanent living quarters for the family in a city housing project. Once in her new apartment, Maria came home at reasonable hours and her relationship with her mother grew more amiable. Maria has now taken training and has served herself as a Forum judge.

ultimate usefulness of the community development component of the project.

Early results

The Program received its first case on February 24, 1971 and by July 2, approximately four months later, it had accepted 67 cases. Case acceptances average from three to five per week, and the program handled about 150 cases in its first year.

Emphasis has been placed on developing the skills of the young community residents who serve as staff for the Program, and evidence began to accumulate within the first few weeks that these staff "Advocates" and their supervisors were becoming adept at mediating many of the disputes —often among family members—that lead to formal charges being filed against young people.

In the project's first four months, 21 cases were presented to Forums. All but one resolved the problems sufficiently well to eliminate the necessity of formal Court proceedings. One case was returned to Family Court. Most of these Forum cases involved Persons in Need of Supervision (PINS)— the most difficult of the cases involving young people, as they tend to grow out of the kinds of family conflicts that resist unraveling from the outside. The result is that two or three Forum hearings are sometimes necessary before the cases are satisfactorily resolved.

Second-year plans

The Neighborhood Youth Diversion Program's planning for the second year includes expansion in a number of areas:

1. The caseload will rise to a total of 350 juveniles.

2. The Forum will be used more extensively; the number of judges will be increased to about 30.

3. A number of resources will be developed within the project itself to give specific aid to participants: an expanded recreation program using resources in the community and at Fordham; a "mini-school" and a tutoring program to help with education problems of some of the young people; and a series of other possibilities, including a sewing program, a canteen or evening gathering place, and a boutique.

4. City and community resources will be drawn on more extensively—through drug treatment programs, a Teacher Corps tutoring project, a supported work and job training program, medical assistance, and aid with family housing.

VI. *Help for the Addict: The Addiction Research and Treatment Corporation*

It is generally accepted that the economics of addiction lie beneath a significant part of the crime problem in the United States—and especially in New York City, with its estimated 150,000 addicts. Since all heroin is smuggled into the country, its cost to the addict is artificially high; one study in 1969 revealed that the average addict arrested in New York needs more than $28 a day to support his habit, or about $200 a week.

Whether this figure is accurate or not, most addicts do not have the money required to support their habits and they do not hesitate to steal to get it; according to some estimates, addicts commit up to half of all property crimes in New York.

The result can be seen in the New York courts and jails. About one out of

every three cases in New York City's Criminal Court system is related to drug use, including non-drug charges where addiction is admitted. Various studies suggest that 60 per cent of the detention population in New York is addicted to drugs, and one Department of Correction census found that 40 per cent of sentenced prisoners were addicts. Even after diligent efforts had been made to screen out addicts, Vera's Manhattan Court Employment Project found early in its experience that one project participant out of four was addicted to drugs.

Obviously, the criminal justice system is not equipped to handle a social problem of this magnitude. While the law enforcement and criminal justice agencies clearly must deal with the results of criminal behavior that is related to or grows out of addiction, the task of prevention—of reducing drug use by removing the powerful impulses that make people dependent on drugs—is a larger and more basic one that must be undertaken by society as a whole.

The City's initiative

Unfortunately, treatment and prevention efforts are not encompassing significant numbers of people, nor are they notably effective. Only 11,000 addicts in New York City, or about one in ten, was involved in any kind of treatment as recently as early 1971. About 4,000 of these were in ambulatory methadone maintenance programs and the balance were in therapeutic communities or hospital programs. Just two years before, most methadone patients were required to undergo a 6-week in-patient hospital stay; most were members of the white middle class; and methadone maintenance was invariably considered a permanent treatment.

An attempt to break this pattern was made early in 1969, when officials of Mayor Lindsay's administration discussed with the Vera Institute of

Justice the possibility of establishing an ambulatory methadone treatment activity located in a neighborhood with a high addict population. It was thought that the success of Drs. Vincent Dole and Marie Nyswander of Rockefeller University in using methadone to block the heroin craving in some addicts might be reproduced in a neighborhood setting.

The talks led to formation of the Addiction Research and Treatment Corporation (ARTC), which became operational in Brooklyn's Bedford-Stuyvesant section in October 1969 with funds from New York City, State, and federal agencies. The ARTC project was designed to explore some of the unknowns about methadone maintenance while providing a full range of services to "hard-core" addicts—that is, persons with extensive drug histories and severely disrupted lives who show interest in ridding themselves of their habits.

Although Vera was active in planning the project, in setting it up, and arranging its funding (primarily through the National Institute of Mental Health), ARTC was conceived from the beginning as an independent operation with a high measure of community participation and control. ARTC was organized as a separate corporation whose chairman later became a member of Vera's board, and aside from one other common board member the links between Vera and the project are mainly advisory.

ARTC's aims

ARTC sought, first, to enlarge the availability of methadone treatment for New York City addicts—in particular for addicts living in the specific public health districts (referred to collectively as a "catchment" area) within Brooklyn's Bedford-Stuyvesant, Cumberland, and Fort Greene communities. It was designed as an ambulatory clinic easily accessible to those in treatment and not requiring any in-patient stay.

The project also planned to develop information on the effects of methadone in blocking an addict's craving for heroin. Methadone, a synthetic and addictive narcotic developed by the Germans during World War II, was known to satisfy an addict's drug dependency without necessarily producing any euphoria or impairing the individual's ability to function. But more information was needed on how much methadone it would take to reach "blockade" levels so that the individual would be relieved from his dependency on heroin—and then, since trading one addiction for another obviously does not represent complete rehabilitation, the hope was that it might be possible gradually to remove the addict's dependency on methadone and encourage him to become drug-free. Research and evaluation were therefore important components of the project's original conception, and have remained so.

The program also was designed to offer addicts under treatment a full range of supportive services, including psychotherapeutic assistance and facilities for helping the individual with crises that might develop in his life while under treatment.

Admission criteria and project operations

A site was found in the heart of the Bedford-Stuyvesant community for the treatment facility—a large building in good condition and easily accessible to the kinds of people the project sought to service. The population was more than 80 per cent black, median income was about $4,500 with one-fourth of all families living on less than $3,000, and public assistance rates were high. While there was no way to calculate the exact rate of addiction in the area, available statistics suggested that it was a neighborhood where drug addicts were likely to be found in large numbers.

The program projected a caseload at any one time of 500 to 1,000 patients.

It established four criteria for admission, which in combination were thought to apply to the hard-core addict the project sought to reach: each patient must be at least 21 years old, must live within the project's catchment area, must have made at least one attempt to end his heroin addiction, and must have been addicted for at least two years. Anyone interested in being cured and meeting these standards would be accepted unless he was suffering from severe psychosis and his behavior threatened to disrupt the program's operations.

Four sources were established from which patients would be taken into the program: persons who heard of it and voluntarily asked to be included; persons referred from the court system; persons released from Rikers Island, a City correctional facility; and finally, referrals from churches, hospitals, welfare agencies, and other drug programs.

ARTC operations commenced on October 8, 1969. Within six months more than 500 patients were in treatment. The program was and is completely ambulatory and is carried out through five clinics within the headquarters building on Fulton Street in Bedford-Stuyvesant. Each clinic handles about 100 patients.

As a patient is admitted to the program he is assigned to one of the clinics and to a counselor, often himself an ex-addict, with whom the patient will be associated during his time with the project. Each counselor is responsible for working with a group of 20 to 25 patients and for managing the provision of services to them.

Treatment for the patient usually starts with a daily dose of methadone taken orally in liquid form. The dosage level is determined following a survey of the patient's drug experience and the extent of his drug dependency.

The program as a whole is based, however, not just on the supplying of methadone as a substitute for heroin, but on development of a comprehensive treatment schedule fitted to the needs of each patient. In arranging such a treatment program, a number of services are available at the project:

- complete medical assistance, including diagnostic and withdrawal services; inpatient, outpatient, emergency, surgical, and other aid through the Brooklyn-Cumberland Medical Center; and professional staff treatment in the fields of internal medicine, psychiatry, and podiatry;
- education programs, both within ARTC and elsewhere;
- job counseling and placement;
- psycho-social therapy through a range of groups oriented toward confrontation, sensitivity development, or topical subjects such as family or employment;
- a residential therapeutic community in the catchment area, offering the patient with a severely disrupted life and poor living environment some opportunity for living and working in a supported setting;
- a Day Care Unit located a few blocks from the main facility and maintained primarily for the individual who does not respond satisfactorily to treatment and whose overall behavior and drug use patterns suggest need for close supervision;
- a Crisis Unit which offers the individual help with personal problems of any nature 24 hours a day;
- referrals, as appropriate, to agencies outside the ARTC program which might be able to provide the patient with help not available on the project's premises;

- legal assistance in those instances where the patient is involved with the courts.

The phases of progress

As experience has been gained at ARTC, it has been possible to identify certain phases through which the patient progresses on his way to drug-free status and, as one of the program's leaders describes it, "functional habilitation."

The initial phase involves mainly the new patients and includes determination of proper medication levels and a general assessment of the patient's needs. The next, after about six months, finds the patient slightly more independent and able to avail himself of the various services of the program, such as furthering his education and obtaining help toward getting a job. Next comes deeper involvement with these facilities and perhaps an effort toward resolving outstanding difficulties with the law; perhaps some changes in the form of medication; and, of course, always the possibility, however far down the road, of drug-free status.

Community education

In addition to the work carried on for the patients by the program on its own premises, the Addiction Research and Treatment Corporation also sponsors activities to help members of the larger community understand the problems of drug addiction and, in the process, to inhibit growth of the addict population.

The focus of this effort is in the schools of the surrounding area, both in the district from which patients are taken and also in neighboring communities. Five teams from the ARTC, each consisting of a narcotics expert, a nurse, an ex-addict, and a doctor, visit schools and community groups

where they discuss the perils of the drug society and various approaches to prevention of drug addiction. Much of the acceptance of the ARTC program grows from the work of these teams in the field.

Research and evaluation

The Addiction Research and Treatment Corporation originated, as its name suggests, in the need to learn more about the characteristics of addiction and the various ways of dealing with it while supplying treatment for addicts. The research component of the program is being carried out by teams from Harvard Law School, Yale Medical School, and the Columbia School of Social Work—criminological investigations by Harvard, medical studies by Yale, and social research by Columbia.

The social research includes analyses of the patients undergoing treatment and also of the surrounding community. Reports will be made on such subjects as Victimization and Crime in a High Crime Area; Community Response to Drug Treatment programs; The Epidemiology of Drug Use; and Family Structure, Socialization and Drug Use.

Special reports on crime and drug use will assess the ability of the program to reduce the criminal behavior of program participants.

One demonstration being conducted by the Columbia team at the ARTC involves 120 patients who are divided into four groups receiving different kinds of treatment—two groups with high methadone maintenance levels (about 100 milligrams per day), one group assisted by intensive provision of supporting services and the other with a minimum of such services; and two groups on low dosages (about 50 milligrams), again one group offered many services and the other few. All of the subjects in the demonstration have been assigned to their groups randomly, and none knows what his dosage level is or that he is in a special demonstration.

Members of each group are being closely monitored in all phases of their lives to establish relationships between the treatment program and family life, social ties, criminal behavior, employment patterns, and physical condition.

Early statistics from the program

The population served by ARTC is, of course, especially difficult—the patients have often been addicted to drugs over a period of many years, with extensive criminal records and poor work histories as well as unsatisfactory experience in other drug programs. Rapid results were not expected, therefore, from the efforts of the program. During the first eleven months, in fact, attrition rates were very high, ranging up to 33 per cent among the first 400 patients admitted. Subsequently, however, this figure dropped sharply, and the overall retention rate in the program through its first 21 months was 82 per cent.

In this period nearly 1,200 addicts participated in treatment at ARTC. During these same months more than 105,000 New York City residents were reached by the efforts of the ARTC's Education and Prevention Department through conferences, presentations, and various kinds of awareness training.

Early admissions to the program indicated that 78 per cent of the patients were male, 82 per cent were black, 13 per cent were white, and the balance were Puerto Rican. The average age was 33.7 years, and 62 per cent were older than 31 at the time of admission.

The age of first opiate use for the patients averaged 20.4 years; 54 per cent were using opiates daily by the time they were 20. The average length of addiction was 12.5 years.

John T.

John T., 35, was born in a large southern city. His mother died when he was three years old, and he and his sister moved with their father to New York. The father soon remarried, and by the time Mr. T. was 15 there were 11 children in the house. Mr. T. was intelligent but lost interest in school and dropped out in the eleventh grade. At 17, after a series of unskilled jobs, he enlisted in the Army.

Although Mr. T. had managed to avoid hard drugs as a teenager in the ghetto, he succumbed to the temptation in a town far away from home where he was in basic training. He became an addict, was dishonorably discharged from the Army, and returned to the ghetto where he supported his addiction through crime. During the next 15 years Mr. T. spent much of his time in prison.

Mr. T. was receiving public assistance and living with his in-laws when he entered the ARTC program in 1969. After six months of treatment, he felt ready to get a job and move into an apartment of his own. His wife, also an addict, had joined the program too. A job as a maintenance worker was obtained for Mr. T. within a few weeks. Once he had started working, Mr. T.'s progress in treatment accelerated. He became an active participant in group therapy and a member of the Patient Advisory Committee. By the end of his first year at ARTC he had gotten a better job and had moved his family into an apartment of its own.

Mr. T.'s participation in all aspects of the program was exemplary but he had one problem about which he had never talked with anyone: he had violated parole several years earlier and was wanted by the police. ARTC's Legal Department arranged for the parole board to be informed of Mr. T.'s progress and for a date to be set for Mr. T. to turn himself in. When the day arrived, Mr. T., his wife and his counselor appeared before the parole board with letters of recommendation and a request from the Legal Department that he be allowed to serve out his parole under the supervision of ARTC rather than be sent back to prison. The parole board agreed. Since that time, ARTC's Legal Department has submitted monthly reports of Mr. T.'s progress and Mr. T. has met with his parole officer each week. Today, Mr. T. is a clerk at ARTC and his wife is a clerk typist. Both are among the program's most successful patients.

Ralph J.

Ralph J., 37, was born and raised in New York City. His father died when he was eight, but his mother, a strong and resourceful woman, held the family together in spite of financial difficulties. When he was 14 Mr. J. fell in with a group of friends who habitually used hard drugs. He began experimenting with heroin and was addicted before has was 15. In spite of his addiction, Mr. J. managed to complete three years of a commercial course. After dropping out, he held a series of low-paying, unskilled jobs as a laborer. His true interests and talents were in the field of music, however; he had learned to play both drums and piano and was able to supplement his income with occasional jobs as a musician. After being addicted for approximately five years, Mr. J. managed to kick his habit and stayed away from drugs for 18 months. But, unable to withstand the pressures of personal problems, he returned to heroin. As his habit grew over the next 10 years he was forced to take increasing risks to support it and was arrested on several occasions, the last in November 1969 for sale of dangerous drugs.

At this point Mr. J. became greatly concerned about the strain of maintaining his growing habit while dealing with his failing health and progressively serious criminal involvement. He turned to ARTC as a means of survival and responded immediately and favorably to the program. Mr. J. had been a chronic and heavy user of alcohol, however, and after he was detoxified from heroin he became an alcoholic. Although he took an enthusiastic interest in many of ARTC's programs and activities, Mr. J.'s drinking problem was not to be easily resolved: drinking became more and more an escape from his lack of direction and the failure of the professional music group he envisioned to materialize.

Like many of ARTC's patients Mr. J. has serious and permanently disabling medical problems, including tuberculosis and cirrhosis of the liver. Thus, he is physically incapable of holding any but the most sedentary job. Mr. J. is not an exemplary patient, but since he began treatment at ARTC he has ceased illegal activities and no longer uses heroin. As a patient at ARTC he has received emergency medical care at times when he would have died without it. And, because ARTC provides him with a place to go and some things to do, his life has become somewhat more rewarding.

Four patients out of 10 had never worked longer than one year in any job prior to their entry into the program, and one-half of those who were employed during the two months prior to their admission said that their jobs were not their major source of income.

Eight out of 10 in an early group of patients had arrest records, half consisting of more than five arrests and 22 per cent more than 10.

In a program as deeply involved as ARTC is with difficult and long-term addiction problems, it is not possible to detect early progress toward independence from drugs on the part of many patients. There can only be small evidences of adjustment to the world of normalcy as it is conceived in the society at large—success in holding a job, in maintaining family life, in working toward a degree of self-improvement, and so on.

There have been some early signs that such adjustments are being made by some ARTC patients: among the first 200 patients joining the program, only 14 per cent said they had worked in a steady job for one to two months prior to admission; by the time they had been in the program for four months the number employed from one to two months had risen to 27 per cent, and the number remained at this level after six months.

Similarly, only 23 per cent said they had worked at least a day in the two months prior to their admission, and within six months after admission that figure had risen to 42 per cent.

Expanding to Harlem

In view of the promising start made by the ARTC in Brooklyn, plans are being made in 1972 to expand the program's operations to Harlem, through establishment there of an ARTC branch. The proposal for the new facility set as its objective providing comprehensive treatment for

4,000 hard-core heroin addicts within four years and 700 within the first 10 months of operation.

East and Central Harlem are regarded as the most seriously afflicted of all the New York City communities in terms of their addict populations, and are thought to contain one-half of all Manhattan addicts and one out of five of all the City's addicts. By 1971 only 2.6 per cent of the estimated 34,000 addicts in the area were receiving methadone maintenance treatment.

The Vera Institute's success in operating experimental projects was doubtless responsible for its having become involved in planning and helping to organize the Addiction Research and Treatment Corporation. But its interest in criminal justice reform was amply served by this involvement—not only because drug addicts are crime-prone but also because any effort to improve the conditions of existence for persons assailed by the brutalities of urban slum life is aiding criminal justice reform.

VII. *Working Inside the System: Projects with the Police and the Courts*

The Vera Institute's most important contribution to criminal justice reform during its first decade unquestionably grew from its success in developing the pilot demonstration project as a technique for effecting change.

The projects worked out by Vera, often with the cooperation of the Criminal Justice Coordinating Council or the criminal justice agencies themselves, proved to have many advantages and few drawbacks. Since they tended to be limited in scope and even in duration, they were not threatening to those who might be affected by change. Moreover, results could be expected fairly quickly and red tape easily cut. No commitments needed to be made by anyone to the premises underlying a new project or to the ideas it was trying to test; everything could be made to rest on the demon-

stration itself, and political risks were therefore minimized. Funds were not drawn away from ongoing activities, as private or alternate public sources could usually be found for the financing of well-thought-out experimental projects, and such projects did not need to be expensive. They could also be modified or dismantled quickly if this seemed the best course, and even in the event of failure the findings could be useful.

Vera's diversion projects—the Bowery, Court Employment, methadone (ARTC), Bronx Sentencing, and Youth Diversion programs—were all set up outside the criminal justice system and became new resources on which the agencies of the system could depend for the rendering of specific services. They were envisioned from the beginning as independent entities established to handle the diversion of people from the criminal justice process.

The earlier Bail and Summons projects differed from these diversion efforts, however, in that they were tests of new agency procedures; their operations were carried out within the courts and the Police Department, respectively, and included among their aims improving the efficiency with which these agencies functioned. Both projects helped Vera to understand more about the problems of procedural reform that needed to be resolved.

The Summons Project held other benefits for Vera, too, growing mainly from the close working relationship Vera was able to develop through this project with the Police Department. When the Summons Project began in 1964, there were few if any precedents for the presence in the stationhouse of a private civilian organization whose job was to help modify police procedures. The good will and respect that grew up between the Department and Vera convinced the police that Vera could help increase police

efficiency, and it convinced Vera that the police were sincerely interested in constructive change.

Another important effect of the Summons Project was that it persuaded officials of Vera and also of the Police Department that many advantages could be gained by establishing a liaison office that the police could maintain on the Vera Institute's premises. Such an office was set up in the spring of 1966, and it became a vital element in the success with which Vera and the police continued to operate together throughout Vera's first decade.

Planning through the liaison office

From the Police Department's standpoint the liaison office gave it a voice in the discussions on criminal justice planning that were constantly under way in Vera's meetings and in conferences with the Criminal Justice Coordinating Council. The office also gave the Department access to private funds for the kind of experimentation that could not otherwise be undertaken because of budget restrictions. In addition, since Vera personnel were in constant touch with other agencies in the criminal justice system, the Police Department's communication with those agencies—the courts, corrections, the district attorneys—was greatly improved.

For Vera, the police liaison office had equally strong advantages. It offered a direct communication with the police officials of the city, thus making communication with the police rapid and efficient. It also provided an official outpost where ideas could be discussed informally and reactions obtained.

And, perhaps most important, it made possible the planning of experimental projects within the system—projects which could operate inside

the Police Department and the courts, testing new procedures where the old ways had become outdated and cumbersome and, as a common result, were making the dispensing of justice difficult or impossible.

Some of these experiments did not work perfectly, but most were successful in aiding the efficient administration of justice to some degree. And they revealed that where the efficiency of the law enforcement and judicial processes could be increased, so too could the protection of individual rights and the cause of public safety.

The principal projects that were carried out within the criminal justice agencies following the establishment of the police liaison office in 1966 were in two areas: first, in trying to speed up the ponderous machinery between arrest and arraignment (the Twenty-four Hour Arraignment and Prearraignment Processing projects); and second, in relieving the congestion and frustration in court growing from various delays, adjournments, and lawyer tactics in the period between arraignment and trial (the Traffic Court Alert, Calendar Control, and Appearance Control projects).

THE PROBLEMS OF ARRAIGNMENT

Under the American system of law an accused person must be charged promptly in court with the offense for which he has been arrested. This is the first stage in the speedy trial to which every American is entitled by right, and it is an important guarantee against casual practices that might result in an arrest followed by prolonged detention without a hearing.

The charge, or accusation in court which the accused person must answer, is formally read in the arraignment proceeding, which must, under New York law, be held as soon as possible after the police processing has been completed—that is, after booking, record checks, photographs, and finger-

printing. The police processing takes place in the precinct stationhouse in the neighborhood where the alleged violation has occurred; the arraignment takes place in the Criminal Court.

Although the Criminal Court has a branch in each borough, these branches are not equally equipped to handle the traffic that flows through them. The resulting delays and trips from one court to another, particularly at night, have tended over the years to lengthen the prearraignment period to several hours and add confusion, frustration, and cost to an increasingly unwieldy set of procedures.

The Twenty-four Hour Arraignment and Prearraignment Processing projects carried out under court, police, and Vera Institute auspices in 1967 and 1969, respectively, tested new approaches to these problems.

Twenty-four Hour Arraignment (1967)

The Criminal Court of New York is open from 9:30 in the morning to 5:00 in the afternoon, but most arrests are made between 6:00 p.m. and 2:00 a.m., after court has closed. The result traditionally has been pandemonium in the morning: all of those arrested on serious misdemeanor or felony charges the night before, accompanied by their arresting officers and complaining witnesses, were waiting for arraignment when court opened at 9:30. (The Manhattan night court was unable, prior to 1967, to handle anything but relatively minor violation and misdemeanor arraignments.) For the policeman this usually meant four or five hours away from his regular duties; for the witnesses a day lost from work; and for the defendant a night in the detention pen and often a 12-hour wait between arrest and arraignment.

For six months in 1967 the Vera Institute conducted, with its police liaison office, an evaluation of a 24-hour arraignment court in Manhattan that

was designed to eliminate the uneven handling of arraignments. The experiment had the strong endorsement of the court and the Mayor's office and hoped to establish that a 24-hour court could increase efficiency and reduce costs within the criminal justice system and work fewer hardships on both witnesses and defendants.

While the experiment succeeded in distributing the arraignment caseload more evenly, it also uncovered the fact that the judicial system simply did not have the resources to handle arraignments around the clock. Fully 80 per cent of all arraignments took place from 6:00 p.m. to 2:00 a.m. and backlogs developed at midnight instead of at 9:30 in the morning. What seemed to be needed were two arraignment courts open from 7:00 p.m. to 1:00 a.m. instead of one open all the time.

The chief result of the experiment was the establishment of a night court in Brooklyn to complement the one in operation in Manhattan, and to enable both to handle arraignments of all types. Other reforms came out of the test as well: responsibility for drawing complaints was shifted from the court clerks to the District Attorney's office, which for the first time began to screen cases before their presentation in court; docketing procedures were simplified; and all arraignments were consolidated in a single court part, thus freeing the hearing and trial parts to concentrate on the later stages of the criminal process.

Prearraignment Processing (1969)

The Twenty-four Hour Arraignment experiment developed a great deal of information on the problems of the prearraignment period, and helped shape the thinking that went into the next pilot project in this area two years later. This was the Prearraignment Processing project, and its aim

was to develop techniques that could speed up and modernize the pre-arraignment machinery.

Prior to 1969, when an accused person was arraigned the complaint against him had to be sworn to in court by the arresting officer. Witnesses or victims were also required to appear to give statements relating to the complaint. The need to have all these people in arraignment court at the same time had always presented problems of logistics and coordination, and extensive delays usually accompanied the process. Opening of the Brooklyn night court as an outgrowth of the Twenty-four Hour Arraignment experiment was helpful in reducing some of the pile-ups at peak hours, but problems remained: too many people were still required at arraignment, and too often they had to travel to another borough at night to make their appearances.

In the Bronx, for example, arraignment court hours had been from 9:00 a.m. to 5:00 p.m., Mondays through Fridays. Cases requiring arraignment at night or on the weekends (most arrests, again, are between 6:00 p.m. and 2:00 a.m.) had to travel from the Bronx to Manhattan, where an arraignment court was open on weekends and from 8:00 p.m. to 1:00 a.m. every night. Queens or Richmond cases went to the central arraignment court in Brooklyn during off hours.

The effects of this frustrating and time-consuming process have continued to irritate victims and witnesses, disturb police morale, lower law enforcement efficiency, and raise police costs. Victims have often withdrawn their complaints, witnesses have refused to appear, policemen have sometimes refrained from making arrests—especially toward the ends of their tours of duty—and the taxpayer has paid the bill for 6 to 10 hours of overtime when an officer must travel to another borough for arraignment.

The Prearraignment Processing project, developed by the police liaison office at Vera and inaugurated in the Bronx on February 27, 1969, sought to help solve these difficulties. Such an undertaking was overdue in New York; many communities had decided years earlier to release the arresting officer so he could complete his tour of duty after complaints had been prepared at the stationhouse. The new project was made possible by a new State law allowing the swearing of a complaint before someone other than a court clerk.

A prearraignment facility was established in the 42nd precinct, located centrally in the Bronx, where the movement of paper was, in effect, substituted for the travel and waiting of people. This facility was conceived as an alternative to the costly possibility of creating more off-hours arraignment courts in the outlying boroughs. (New night courts were opened in the Bronx and Queens in September 1971.)

Under the new plan, a person arrested in the Bronx when the Bronx arraignment court was closed was taken to the prearraignment facility where the necessary paper work was done by the arresting officer, the victim, the witnesses, and the assistant district attorney. Then, usually within an hour after arrest, all of these people except the district attorney were free to leave. The accused was then escorted with other prisoners to the arraignment court in Manhattan, and his papers followed. The arraignment personnel in Manhattan handled the case from the papers, calling the prearraignment processing facility only if something needed clarification.

Similar facilities were established in late 1969 in Brooklyn and Queens.

During the year ended June 30, 1971, net savings at all three facilities—including allowances for increased manpower to operate the facilities themselves—totalled $1.3 million.

Another, perhaps more important dividend was the sharp increase in police performance immediately following inauguration of prearraignment processing. Arrest rates just prior to the project had been running 20 per cent over the previous year. In the two months following its inception, arrest rates jumped to 40 per cent over the previous year. At the end of six months, arrests were running 32 per cent ahead of the year before, and the increase in complaints of crime had slowed perceptibly.

PROBLEMS OF THE PRETRIAL PERIOD

Once a defendant has been charged in arraignment proceedings with an infraction of the law, he is entitled by right, as the sixth amendment to the Constitution assures him, "to a speedy and public trial . . . (and) to be confronted with the witnesses against him . . ."

In modern criminal prosecutions, particularly those in busy urban jurisdictions, these two rights have often turned out to be mutually exclusive. Speedy trial is frequently made impossible by the difficulties surrounding the production of witnesses who can or will appear in substantive preceedings. And when witnesses do appear, they are often faced with repeated adjournments and delays growing from the operation of the judicial machinery.

Although there are no reliable statistics indicating how many adjournments in the New York City Criminal Court are due to the failure of witnesses to appear, informed estimates place the figure very high. One study in 1969 in one part of the Manhattan Criminal Court found that prosecution witnesses accounted for 50 per cent of all absences causing case adjournments.

Similarly, while no one knows how many court appearances by prosecution witnesses are really unnecessary, it was discovered on one day in 1969 that

75 per cent of the listed appearances of police officers in all branches of New York's Criminal Court were not needed because substantive proceedings did not take place.

Since there are well over 2,000 post-arraignment cases scheduled in the New York Criminal Court every day, it is clear that there is great potential for adjournments due to appearance failures, and also for fruitless appearances in court by police and civilian witnesses. The former often result in dismissals, and the latter in lost patrol duty by policemen and in frustrated anger on the part of all witnesses.

Several Vera Institute projects, worked out with the police liaison office, the Criminal Justice Coordinating Council, and the various criminal justice agencies, have concentrated in recent years on the problems of the pretrial period and have been aimed at removing the obstacles to speedy justice that exist there. The most important of these have been the Traffic Court Alert System, the Calendar Control Project, and the Appearance Control Project.

Traffic Court Alert (1967)

In 1967 a study conducted for the Vera Institute by a student summer intern disclosed that about half of all appearances required of policemen in the Manhattan Traffic Court were unnecessary because the defendants failed to appear, changed their pleas to guilty, or requested adjournments. The time these officers spent away from regular patrol duties was serious—both to the communities they were supposed to serve and to the taxpayers who had to absorb the overtime payments.

A new procedure designed to eliminate this inefficient and wasteful system was devised and tested by Vera and put into effect in November 1967.

The procedure established a central reporting room where all Traffic Court defendants appear at 9:30 in the morning. A court clerk then determines whether each case actually will require the police officer to be present that day. The officer himself, meanwhile, remains on duty in an "alert" status. If he is going to be needed, his command is telephoned by a limited duty patrolman who is assigned to the central reporting room in the Traffic Court. The command then notifies the officer. If he will not be required in court, he continues on patrol.

The increase in police efficiency and the savings for the taxpayer as a result of these relatively simple changes have been startling. By the end of September 1968, just 11 months after the new procedures had gone into effect, 4,900 officers had been put on alert through the project and only 52 per cent of them were actually summoned to appear in court. The arrangement was then extended to the Bronx, Queens, and Brooklyn, and during 1969 and 1970 over 11,000 officers who were placed on alert were not required to appear. This eliminated 60 per cent of all police appearances in those cases.

The Traffic Court Alert System began to be phased out in the fall of 1971 when jurisdiction over traffic offenses shifted from the Criminal Court to the Department of Motor Vehicles and the Parking Violations Bureau. It will continue, however, until it clears up the two-year backlog of offenses that had developed. By mid-1971 the project had eliminated 8,675 police appearances for a saving of more than $626,000. Thus from 1967 through June 1971, more than 32,000 police appearances were eliminated, with a saving totalling more than $1.3 million.

Calendar Control (1968)

The Calendar Control Project, initiated in the Bronx Criminal Court in

July 1968, was a 10-month experiment aimed at expediting case-handling and reducing unnecessary court appearances for those connected with the scheduled cases—complainants, police officers, witnesses, lawyers, and defendants. A study had indicated that between 50 and 80 per cent of all cases called every day in the Bronx were not ready for hearing or trial, which meant that most of the people who were parties to such cases—and especially complaining witnesses—were wasting hours and sometimes days in getting to court and waiting in vain for their cases to be called.

The project established procedures for persons involved in a case in which the defendant was not in jail. Persons who could not appear on the scheduled date called the project office with this information. If the reason seemed valid and the District Attorney agreed, the project office then called all the parties in the case and arranged a new trial date, eliminating the need for everyone to appear in court needlessly. The project also advanced some cases to dates earlier than those originally scheduled; it arranged plea negotiation sessions in advance of court dates and, if potential dispositions were reached as a result of these negotiations, it advised other parties in the case of such results and of the fact that they need not appear unless advised later to do so; and it experimented with an alert system, patterned on the Traffic Court Alert, in which some parties in certain cases were advised that they would not be needed in court unless they were notified.

During the nearly 10 months that the Calendar Control experiment was in operation 1,507 cases were adjourned by the project and 5,009 appearances were saved—1,500 of them police appearances, representing about 1,300 tours of duty or about $73,000.

This was, however, a small fraction of the problem. While the project was averaging about 60 adjournments per week after it had been under way for

four months, there was still an average of 700 adjournments per week in a weekly average caseload of 1,200 in the Bronx Criminal Court. The project was, as a final report on its operations suggested, a pain reliever, not a cure.

But the project did give everyone concerned in its planning and operations a more sophisticated understanding of the problems involved in relieving court congestion through the control of appearances, and the experience was essential in planning the more ambitious Appearance Control Project.

Appearance Control (1970)

In order for any criminal case to be ready for trial or hearing in New York's Criminal Court, as many as nine different agencies or individuals must be ready, ranging from the Department of Correction, which must produce a defendant who is in prison, through the courts and the police department to the office of the District Attorney, which must produce the complainant. The failure of any of these to be prepared contributes directly to the congestion and delay which plague the court system.

The Appearance Control Project, which was initiated in January 1970, was designed to attack one of these sources of delay in the courts—the production of prosecution witnesses. It was sponsored by the Criminal Justice Coordinating Council and conducted jointly by Vera and the New York County District Attorney's office in cooperation with the Criminal Court and the Police Department.

In many ways the Appearance Control Project was the culmination of Vera's several efforts to increase court efficiency during the latter 1960's. It used techniques developed and applied in various of Vera's earlier prearraignment and pretrial projects and, sought to regulate the pretrial appearance of police officers and civilian complainants in one part of the

Manhattan Criminal Court, in an attempt to make those appearances useful and to expedite the processing of cases. The project had several aspects that were gradually phased into the pilot operations during its first year, and worked as follows:

1. At the time the Assistant District Attorney prepared the complaint, he also recorded basic information on dates when the arresting officer would not be available in court due to days off and other commitments, and on where the complainant could be reached at all times as well as what future dates would be convenient for him.

2. The police officer and the complainant were then told not to appear on the next date set for proceedings (the first adjourned date), and to await notification by mail or telephone of any future appearances that would be required.

3. All of this was confirmed the next day by mail by the staff of the Appearance Control Project.

4. On the first adjourned date, appearances were made only by the defendant and defense counsel, in addition to the prosecutor and the judge. The defense was advised that the date was to be used for discussions regarding possible early disposition of the case. If these discussions were not held, or if a final disposition did not result from them, the defense counsel was asked to state his intentions regarding the case —on motions, hearings, election of jury trial, and so on.

5. If defense counsel was unprepared for such a statement of intentions, the case was given a short adjournment and the prosecution witnesses were again excused.

6. If a plea of guilty was obtained or the case was otherwise disposed of during these proceedings, the witnesses were notified by mail.

7. If a statement of intentions *was* obtained and the next adjourned date was set, the police officer and complainant were told either to appear in court on the adjourned date, or remain on telephone "alert" during the morning of that date. Alert status was confirmed by telephone the day before the alert date. If, on the alert date, no telephone notification was made, the witness knew his appearance would not be necessary. New dates were then set.

The project was, in short, an attempt to organize witness appearances by making sure they were really necessary, and then making sure that they really took place. The main tools used were accurate information on the witnesses' whereabouts and availability; thorough follow-through by mail or telephone in place of the subpoena to notify witnesses when and where to appear; and devices to make sure that the proceedings would be meaningful and not subject to delaying tactics. Following an initial test period in Part 1B1 of the Manhattan court, a misdemeanor court for non-jailed defendants, the project was expanded to Brooklyn and to other Manhattan court parts.

During the first year's operations, the Appearance Control Project saved nearly 6,000 witness appearances in court, about 22 per cent of which were civilian appearances—the remainder being police and other law enforcement or security personnel appearances. In the first 17 months of operations, the project resulted in Police Department savings of more than $550,000 through the elimination of unnecessary court appearances by policemen. Perhaps even more important, case dispositions in Part 1B1 increased by more than 50 per cent during the first year. While it is not possible to ascribe all of this increased efficiency to project procedures, there is little doubt that the project's operations contributed to it.

Further evaluation of the project, and research on various aspects of its operations, is continuing. Studies will be carried out on the best techniques for institutionalizing the project's operations permanently within the criminal justice system. Meanwhile, the project has established that effective prosecution of criminal cases can be increased by minimizing inconvenience to police and civilian witnesses; that efforts to alleviate this inconvenience can result in police savings and in increased police patrol time; and that witnesses will appear if they are convinced that the appearances will be productive.

VIII. *1971 and Beyond*

Two concepts lay beneath the Vera Institute's programs in criminal justice reform during its first decade. The first was based on the proposition that the machinery of the criminal justice system could be made to function more fairly and, at the same time, more efficiently, and the second on the assumption that too many people are being handled by the criminal justice agencies.

In the years ahead, the Vera Institute's activities in criminal justice will continue to be based on these basic approaches to reform, but the idea of diverting people from the formal system will be receiving increasing emphasis. The experience of the last decade has confirmed that diversion programs can be extremely successful, not only because they are best for

the individuals they are designed to serve, but also because they relieve the formal agencies of the criminal justice system of some of the enormous caseload generated by the arrest process.

Such diversion programs also have educational value for the general public because they bring community organizations into the rehabilitation process and involve more members of the community in such activities as conflict resolution, professional treatment of psychiatric and medical problems, and assistance in resolving employment, housing, and other personal difficulties. Diversion programs can lead to broader public appreciation of some of the fundamental social problems that are responsible for much antisocial or criminal behavior.

Good beginnings have been made in New York and some other cities in creating such community-based facilities to help individuals diverted from the criminal justice system. But these beginnings must be substantially augmented.

The Vera Institute expects to intensify its search for more jobs for persons actually or potentially in trouble with the law. What may prove to be Vera's most significant effort during the 1970's involves the creation of job opportunities in structured or "supported" work settings. This activity, described in some detail below, will be sharply expanded in the years ahead.

Another significant effort, also described below, relates to the heroin addict. It contemplates experimental approaches such as using heroin in a clinical setting in the treatment of heroin addicts with subsequent transfer to methadone and then to drug-free status.

In the area of improving the functioning of the traditional criminal jus-

tice agencies, three activities were underway at the beginning of 1972 that suggest Vera's directions in the future: first, an investigation of the effects of the new Washington, D. C. "preventive detention" statute; second, an effort to establish a pretrial services agency that would work intensively on the defendant's continuing problems during the pretrial period; and third, an attempt to extend Vera's programs to other jurisdictions outside of New York City at the request of state and municipal officials.

SUPPORTED WORK PROGRAM

The aim of Vera's supported work program is to employ persons for whom conventional jobs are not real possibilities. This may be because of the individuals' life experiences; or because they suffer from physical, psychological, or behavioral afflictions; or sometimes merely because of the highly competitive nature of the American society. These people are often drug addicts, derelict alcoholics, or ex-convicts. They are either damaged themselves, owing to self-inflicted or socially inflicted handicaps that have led them to their addictions or their estrangement, or they are unable to overcome the reluctance of the everyday institutions of society to absorb their habits or their backgrounds.

It is Vera's hypothesis that many of these people can be productive and crime-free if they are given an opportunity to work in supported settings—that is, with considerable counseling, skill training, success motivation, and low-stress environments. It is sometimes even advisable to have common eating and living facilities. But most important is an employment structure that approaches the individual with a patient understanding that his performance on the job may be erratic.

While the productivity of persons operating within such boundaries

may not approach that of the worker in the regular world of competitive performance, even reduced levels of productivity are preferable to none at all. And some self-support is preferable to maintenance at public expense—whether on welfare, in public clinics, or in prison.

Indeed, America is distinctly behind the British and the Dutch in recognizing the value of such supported work programs. The British Remploy, Ltd., established as a non-profit public corporation in 1945, operates approximately 90 factories and employs about 7,500 severely handicapped persons.

The Dutch operate 180 Social Workshops employing 44,000 persons who are mentally retarded, blind, delinquent, alcoholic, adjudged public offenders, or unable to find other employment.

Beginnings in supported work

Vera's first attempt to operate a supported work program was in Project Renewal, an activity devised for participants in the Manhattan Bowery Project and described briefly in section IV. A more ambitious Vera program, undertaken with the aid of funds from the U. S. Department of Labor in the spring of 1971, was the Pioneer Messenger Service, a non-profit corporation staffed at the outset by 10 addicts under treatment in various methadone programs throughout the city.

The messenger service, located in mid-Manhattan, is patterned on traditional business lines, with clearly defined job responsibilities for participants, pay incentives, and opportunities for promotion.

After the first year of operation 38 messengers, all ex-addicts or ex-convicts, were on the payroll, delivering more than 200 messages daily. A total 30,000 messages had been delivered and not one had been lost.

Fourteen messengers have been moved up to better jobs, most in other supported settings. One has been employed in private industry.

Pioneer offers its employees individual and group counseling as well as education and recreation programs. The employees know that the business can grow only if they provide satisfactory service. It has grown from an initial client roster of 20 companies to more than 250 clients.

Expanding the work possibilities

With Pioneer's success, Vera has been seeking other kinds of supported-work models that might be created in either the private or the public sector.

Still to be tested in the private sector will be such work environments as independently operated stores, offices, and factories; projects in conjunction with established industries through franchises, subcontracts for production work or services; and staffing and operating subunits within existing organizations.

Meanwhile, under a second U. S. Department of Labor grant, detailed planning was underway at the end of 1971 for the development of a range of public-sector programs. Public service is particularly attractive as a supported work area because of the growing interest in alternatives to welfare, because many services are still not provided by municipal governments, and because it offers minimum disturbance to existing jobs in the private sector.

Vera's first demonstration within the public sector was a building-cleaning project using waterblasting techniques. Less complicated and half the cost of sandblasting, the process involves application of liquid detergent to a building with a brush or spray, then removing it with water under high pressure from a special blasting device.

William B.

William B. is a 37-year-old native New Yorker. Before coming to Pioneer Messenger Service in early 1971 he had never held a job for more than one or two months. In his initial interview he characterized himself as "unemployed always, addicted always." His parents were divorced when he was 11, and from that point on he lived with his mother. He became addicted to heroin at the age of 15, and until he was 36 that addiction was interrupted by several prison terms for felonies, totalling 12 years. For 21 years his life had been addiction, street hustling, and prison.

Mr. B.'s first three months at Pioneer Messenger Service were characterized by chronic lateness and unauthorized absences. However, his work was above average, his attitude was good, he was cooperative and easy to work with, and he did appear sincere about wanting to change his patterns and habits.

For the next five months his attendance and tardiness record improved considerably. His work continued to be above average, and his desire to do well was evident in discussions with both counselors and management.

After eight months, because of his steadily improving record and attendance at Pioneer, Mr. B. was promoted to a coordinating position where he was responsible for taking incoming requests for messenger work, recording the proper information, and submitting it to the dispatcher.

Although Mr. B. still has occasional lapses of tardiness, undoubtedly caused by the new pressures and responsibilities and lingering poor work habits, the difference from his earlier self is remarkable: he has held a job for 13 months, has developed improved work habits, and is adjusting to real work responsibilities. His life style has changed also: he lives with his wife and child in a newly acquired two-family house, and he has been accepted at a New York City Community College, beginning in the fall of 1972. His goal is to lead a self-sustaining, normal life, and to avoid permanently any contact with the criminal justice system or the life of the streets.

From early cleaning projects undertaken at the Bethesda Fountain in Central Park and the Rotunda of the City's Municipal Building, Vera hoped to demonstrate not only that a worthwhile public service can be performed by ex-offenders, but also that the men can function on jobs with fixed production schedules and minimal public contact, in contrast to the messenger service. The project was successful and the City subsequently hired 18 men to continue this work for a year.

A more ambitious public-sector work experiment which began in late 1971 involved the staffing of an Off-Track Betting Corporation (OTB) office. OTB is a non-profit public benefit corporation established by New York City to raise money and reduce illegal bookmaking.

An OTB office is staffed entirely with Vera-selected personnel who are former heroin addicts with poor work records and histories of frequent involvement with the criminal justice system. Twenty-four positions as ticket sellers and cashiers were filled through referrals from the Pioneer Messenger Service, Fortune Society, and various drug programs. This staff is approximately 20 per cent larger than in other OTB offices in order to provide some control over employee stress and to provide time for on-the-job support service programs, such as personal counseling.

The OTB office setting should provide a model for structuring supported work programs in public agencies, and also within any existing organization. The participants must deal with a demanding public and must handle significant sums of cash. In this case there are opportunities for advancing within a growing city-wide organization.

Still another supported work project being researched early in 1972 was a glass manufacturing enterprise that uses recycled soda bottles to make

novelty glassware. This would be a private enterprise offering a product in the competitive marketplace.

Centralizing the support services

As it increases the number of supported work experiments Vera will be centralizing its support services. A supervisory staff will deliver services to all businesses, rather than developing a separate service component in each enterprise. The staff will oversee counseling, develop education and recreation programs, and provide legal and health assistance. The staff will also provide a training and upgrading program for on-site job counselors who will be located at each project.

It seems especially fitting that the Vera Institute should begin its second decade by assisting persons involved in the criminal justice system to convert their habits of self-destruction or public dependence into job productivity and a more satisfactory connection with conventional society.

HEROIN RESEARCH AND REHABILITATION PROGRAM

Some of the difficulties involved in handling the heroin addiction problem in America, particularly in the urban centers and most particularly in New York City, were spelled out in section VI of this report.

Perhaps the most distressing statistic is that only about 15 per cent of the estimated 150,000 addicts in New York City were involved in any treatment at all at the end of 1971—even though the figure had increased from about 10 per cent at the beginning of the year. But even if all existing treatment programs—those using methadone, those using a narcotics antagonist, and the many therapeutic communities—were to expand their capacities drastically, a large percentage of the city's most troubled addicts would still not be helped. Many of these are addicts who refuse to enter

treatment voluntarily or who drop out of programs during the course of treatment.

During 1971 the Vera Institute, at the request of the Mayor's Narcotics Control Council, developed a plan for a heroin research and rehabilitation program designed specifically for these treatment-resistant addicts. In working up the plan, Vera's staff conducted an extensive study of federal and state legislation governing narcotics research programs, made visits to addiction research facilities in the United States and England, and made contact with many experts in the addiction field.

The absence of reliable research on addiction has long been recognized. In 1963, the final report of the President's Advisory Commission on Narcotic and Drug Abuse recommended that heroin experiments be conducted to test the feasibility of dispensing maintenance doses to addicts in ambulatory clinics so as to develop such a body of research. Those recommendations were never followed.

Not surprisingly, as a result, little is known even today about the systemic effects of heroin on the individual. The proposed heroin research undertaking would seek answers to such questions as how tolerance levels are established in addicts and whether addicts can be stabilized at steady dosage levels; how heroin specifically affects motor and cerebral functioning, job performance, and involvement in criminal activities; how an addict might be transferred from heroin to methadone, to a narcotic antagonist, or to non-reliance on drugs; and, finally, how drug addiction works in an individual—whether he uses drugs because of a fear of withdrawal, because he seeks euphoric highs, or because of some combination of these or other factors.

The Vera proposal

Under Vera's proposed experimental program, which would build upon valuable experience accumulated by the British drug treatment clinics, a small number of addicts would be offered controlled amounts of heroin administered under the supervision of qualified medical personnel at a treatment center. They would also be provided with a full range of social, vocational, and medical services. Special emphasis would be placed on counseling and job training.

The program would be aimed primarily at addicts who had dropped out of methadone maintenance programs, which lose from 10 to 15 per cent of their patients each year. The project would test three hypotheses:

- that addicts can be successfully motivated to accept treatment in a voluntary program where the initial stage is the clinical stabilization of their heroin habit, followed by transfer to a drug-free program, a narcotic antagonist program, or one utilizing methadone maintenance;

- that a program which offers carefully controlled doses of heroin to addicts can decrease their criminal activity, especially where such activity is for the purpose of obtaining money to purchase drugs;

- that there are addicts who can function successfully in a job and in social settings during the period in which they are being stabilized on heroin and transferred to another treatment program.

Vera's proposal would differ significantly from the British approach in a number of respects: it would not contemplate the prolonged use of heroin, but only temporary use as a lure to attract methadone treatment failures; it would, unlike Britain, include a full range of rehabilitative social services; it would administer drugs at the treatment unit and not

issue prescriptions; and it would contain comprehensive reporting and evaluation components. (In spite of these important differences, however, it should be recognized that the British have in fact managed to construct a program which has both controlled the increase in the number of new heroin addicts and prevented the rise of a substantial black market for opiates, with its attendant criminal activity.)

Restrictions on the project

Although new enabling legislation would not be needed for the proposed experiment, several separate regulatory approvals would have to be obtained. First, the project would be required to register with the Federal Bureau of Narcotics and Dangerous Drugs under the Comprehensive Drug Abuse Prevention and Control Act.

Also, the Secretary of Health, Education and Welfare would have to pass upon the qualifications and competence of each practitioner involved in the project, as well as on the merits of the research protocol.

Further, any experimental use of heroin would be subject to the "Investigational New Drug" procedures of the Federal Food and Drug Administration. The research protocol would again be reviewed to ensure that there were safeguards on the administration of the drugs and that the informed consent of the subjects had been obtained.

Finally, approval would have to be obtained from the New York State Department of Health to use narcotic drugs within the state for scientific and medical purposes.

Discussions have been held with personnel of all of these regulatory agencies to clarify the preliminary requirements and procedures for approval.

Whether or not an experimental heroin program will become operational

in this country remains to be seen. Meanwhile Vera is working with New York Medical College and the Addiction Prevention and Treatment Foundation of Yale Medical School on the development of a detailed medical protocol that further narrows and defines the research issues and methodology.

PREVENTIVE DETENTION STUDY

In July 1970 Congress passed the District of Columbia Court Reform and Criminal Procedure Act, a broad statute that stirred some controversy and sought, according to its proponents, to test a series of anti-crime measures that might ultimately be adopted elsewhere in the country.

One of these measures, the "preventive detention" provision, allows a judge to determine that a defendant shall be detained without bail before trial on finding (a) that there is a substantial probability that he committed the dangerous or violent offense with which he is charged; (b) that clear and convincing evidence suggests that his pattern of behavior makes him a danger to the safety of the community; and (c) that no measure short of detention will suffice to protect the community. Preventive detention under these circumstances is authorized for 60 days, although the defendant may be held in detention in lieu of bail after this period expires.

The Vera-Georgetown Project

The bill was sponsored by President Richard M. Nixon's administration and reflected the public's apprehension about increasing criminality and unsafe conditions in the nation's capital. Opponents of the law felt that it violated constitutional rights to bail and due process of law, including the presumption of innocence before trial, and that its potential as a crime-reducing measure had not been demonstrated.

Since February 1, 1971, when the law became effective, the Vera Institute

and Georgetown Law School's Institute of Criminal Law and Procedure have been jointly studying the use and impact of the law. An advisory panel consisting of distinguished representatives from law enforcement agencies, the judiciary, defense bar, and law schools was created to assist in the development of a research design that would be completely neutral.

The study teams received permission from the courts to be present at all preventive detention hearings, including those closed to the public. They found over the first ten months of the law's operation that the new statute was rarely invoked, and that other means of detaining persons thought to pose threats to the community were used instead.

More than 6,000 felony defendants were brought to court during the 10-month period, and a random sample of this defendant population indicated that at least a third, or more than 2,000, were *prima facie* eligible for pretrial detention under the new law—yet the law was invoked against only 20 of them, or around one per cent. Of the 20, nine were subjected to preventive detention hearings and eight of the nine were ordered detained. Two others were detained without hearings, at judicial initiative. Five of the 10 preventive detention orders were reversed on review or reconsideration, and one other case was dismissed when the grand jury refused to return an indictment on the underlying charges. Six of the ten detained defendants thus had their preventive detention orders rescinded or were otherwise released.

While only four defendants out of about 6,000 thus were detained for the entire pretrial period under the statute during its first 10 months, the study suggested that about one-third of the eligible defendants, or 600 to 700, were continuously detained for more than 60 days during their pretrial periods—not under the preventive detention statute, but because they could not post the required bond.

The Georgetown-Vera study, *Preventive Detention in the District of Columbia: The First Ten Months,* was published early in 1972 and describes the case histories of persons for whom preventive detention was sought under the statute, the legal and procedural problems that emerged, and the pretrial release conditions imposed in cases eligible but not treated under the preventive detention statute.

It is hoped that the findings will aid other jurisdictions throughout the country in evaluating the claims made for and against similar legislative proposals in their own communities.

PRETRIAL SERVICES AGENCY

The Vera Institute concluded in 1971—10 years after the Manhattan Bail Project began—that the pretrial period still required innovative change. Additional resources were still needed that would make possible an increase in the number of persons released prior to trial.

The Bail and Summons projects were basically fact-finding procedures designed to make possible non-bail release prior to trial of persons with verifiable roots in the community. Still largely undeveloped were mechanisms for providing supervision and services to accused persons who are unable to qualify for release under the community roots standard.

The numbers failing to qualify are large. For example, while 105,000 accused persons were theoretically eligible for summonses during the year ending June 30, 1971, only 32,000 persons were in fact given summonses. In addition, there were other misdemeanor cases eligible by statute for summonsing but excluded under Police Department regulations. These cases are the more serious misdemeanors, especially those involving narcotics. The Police Department has been seeking ways to extend summons

treatment to persons presently failing to qualify, many of whom wind up in detention because they cannot post bail.

In cooperation with the Police Department, Vera has begun to explore ways in which stationhouse release can be expanded. This would be through community groups that would provide defendants with essential supervision and services during the pretrial period and take responsibility for getting them back to court for trial. The community groups would include churches, unions, antipoverty agencies, narcotics treatment programs, fraternal orders, civic clubs, and settlement houses.

A new project is being planned at the beginning of 1972 that would use members of these groups to perform supplementary screening and background investigations on persons not qualifying to receive summonses under present procedures. As an experiment, some of these defendants would be given summonses if they agree to participate in suitable programs of agencies willing to accept them. For example, a drug addict might choose to enroll in a therapeutic community or methadone program. An unemployed person might enroll in a manpower training program.

Such a project would reduce further the numbers of persons detained before trial, and it would increase the likelihood of appearance for trial. Just as important, it would help to create greater confidence between the police and the community—especially the black and Puerto Rican communities, which often see the representatives of criminal justice agencies as largely white, remote, and hostile. With minority group members participating in the project as staff at all levels, including presence in the stationhouse, the project should gain credibility with, and commitment from, the many agencies whose resources and assistance would be required.

EXTENDING VERA'S PROGRAMS

For a variety of reasons, Vera's activities during its first 10 years have largely been restricted to the New York City area. The major exception was the National Conference on Bail and Criminal Justice, held in May 1964 in Washington, D. C. Vera presented its findings from both Bail and Summons projects to the conference. As a result of this meeting scores of bail projects were set up across the nation.

While many jurisdictions outside the New York area have used Vera programs as models for projects of their own, Vera has been of limited assistance to them because of constraints on time and staff. What assistance Vera has given has been on a catch-as-catch-can basis in response to specific requests.

Over the last few years the number of these requests has been growing, and late in 1971 Vera began developing a strategy for aiding communities that lack experience in setting up experiments in criminal justice reform.

Such a strategy might involve Vera planning specialists who would offer long-term technical assistance to participating communities. The planners, working with local criminal justice agencies, would analyze the jurisdictions' needs and help frame and implement specific programs.

In early 1972 discussions were underway with several cities in which Vera planners might work.

Short-Term Projects, 1961-1971

The Vera Institute's major programs in criminal justice reform during the decade 1961-1971 are spelled out in the preceding chapters. They are not, however, the whole story of the Institute's work during this period; many other projects and undertakings occupied Vera's attention—most of them, but not all, related to the field of criminal justice.

Below is a chronological listing, with brief descriptions, of these other Vera efforts during the Institute's first 10 years.

POLICE-RELATED PROJECTS

Reducing the Language Barrier in Police Lockups (1966)

During 1966, six Puerto Ricans who could not speak English committed

suicide in police lockups in New York. Puerto Ricans in the community became so enraged at the isolation that the language barrier imposed on Spanish-speaking defendants in the lockups awaiting arraignment that they staged a march on police headquarters. In response, Vera helped the police arrange to have defendants who do not speak English turned over immediately after their arrest to the Department of Correction, which employs people who speak other languages. This simple procedural change helped to eliminate rancor in the Puerto Rican community, and to curtail suicides in the police lockups.

Police Guidelines on the Firearms Law (1967)

When a new Penal Law went into effect in New York State in 1967, Vera wrote guidelines for the New York City police interpreting the statutes. The guidelines summarized the law and spelled out in simple terms with clear examples the circumstances under which a police officer had authority to use deadly force. The new law itself was aimed at keeping the use of firearms to a minimum, and thus at reducing deaths and injuries among policemen as well as suspects.

Community Patrol Corps (1968)

In March 1968, Vera helped plan and operate a week-long experimental Community Patrol Corps in the 28th Precinct of Central Harlem. The purpose of the Corps was to help bridge the gap between the police and Harlem residents by employing a group of community youths in a semi-official status to assist in preventing crime and securing services for area residents. The 42 corpsmen, who averaged 20 years of age, reported for two days' training and orientation from members of the Departments of Police, Social Services, Sanitation, Health, Buildings, and Rent and Rehabilitation. For their four days of patrol, they toured selected blocks

in Harlem in pairs, equipped with walkie-talkies to keep them in touch with the storefront Corps headquarters. They assisted at dozens of ambulance and fire calls, escorted women through dangerous streets at night, and served as accident witnesses and school-crossing guards.

For the few days they were on the street, the Corps' morale was good and the community in general liked their work. Since the experiment, no large-scale Community Patrol Corps project has been undertaken. There have been attempts within the last year, however, to revive the corps idea and to seek substantial funding for it.

Fingerprint Transmission (1968-1971)

Vera began working with the Police Department in 1968 to develop a closed circuit television system for the accelerated transmission of fingerprints. Under the system long used, fingerprints were delivered by messenger from precincts to the Bureau of Criminal Identification in lower Manhattan—a process taking up to 1½ hours. The new method, developed by the General Precision Laboratories, Pleasantville, New York (now the Singer Corporation), permits reliable fingerprint transmission in less than one minute. Prototype units were installed in Brooklyn in January 1971.

Police-Community Career Development Program (1968)

Fifty unemployed, unskilled young ghetto men and women were enrolled in a career development program in 1968 to test whether police and other city agencies could provide a good training ground for acquiring job skills. It was also hoped that the program would show the young people, most of whom had felt hostile toward police, that there was a positive side to the Police Department. The program was underwritten by Standard Oil Company (New Jersey). The trainees were given twenty-four weeks

of remedial education and vocational training at Voorhees Technical Institute and on-site preparation at the Police Department for jobs as auto mechanics, clerk-typists, and keypunch operators. Forty-three completed the course, and nearly all were placed with jobs in private industry. The experiment was considered only a limited success, however, since Vera was unable to institutionalize it.

Criminal Court Information Booth (1968)

During the summer of 1968, Vera set up an information booth on the ground floor of the Manhattan Criminal Court building, 100 Centre Street, to provide orientation and assistance to the thousands of daily visitors to the building. Since that time, the booth has been manned by court personnel as a regular city service.

Administration of Justice Under Emergency Conditions (1968-1969)

Following nation-wide riots in 1967 and 1968, Vera was asked to design a plan for the City's criminal justice system that would meet the demands that a civil disorder might impose, including the handling of the flood of cases that would engulf the courts following mass arrests. In cooperation with the Police Department and the Criminal Justice Coordinating Council Committee on Emergency Conditions, Vera planned and established centers in Manhattan and Brooklyn during the summer of 1969 for supplying information to the public regarding persons arrested, injured, hospitalized, or relocated during a disorder. Guidelines were drawn up for curfew enforcement and for the stationing of community representatives in detention facilities both to control rumors and to provide information to prisoners. A manual for operators of the centers was prepared; and a pamphlet, "What Happens to You If You Are Arrested," printed in both English and Spanish, was issued to explain the rights of

the accused, court procedures, bail, and sources of aid. Once the centers were in operation, control of them was turned over to the Office of the Mayor.

An interim report in April 1969 discussed plans for an identification system to assure the free movement of people providing essential services during a disorder; a system to tabulate and relay current statistics on arrests and inmate population; and the design of special forms that might be needed during a disorder.

A final report issued in September 1969 detailed emergency procedures for the Police Department, Criminal Court, Supreme Court, Department of Correction, Office of Probation, District Attorneys' Offices, Legal Aid, and the Department of Social Services.

A number of other cities used the New York plan designed by Vera to establish their own emergency procedures and centers.

Planning a New Criminal Justice Unit within the Police Department (1971)

During the spring of 1971, Vera helped plan a new Criminal Justice Division within the New York City Police Department. The new unit centralizes criminal justice operations, coordinates planning and liaison with other agencies in the criminal justice system, and gives new emphasis to creative policy-making.

OTHER VERA PROJECTS

Family Court Law Officer (1968-1970)

For many years a major shortcoming of New York's Family Court was the absence of any permanent office to represent the state's interest not only in prosecuting juvenile cases but in developing alternative methods

for handling cases referred to the court. The Corporation Counsel's office intervened only in homicide or other serious cases. In most instances, the police served both as arresting authority and as lawyer-prosecutor. The judge attempted simultaneously to be investigator, prosecutor, and judge.

Vera, in cooperation with the Youth Services Committee of the Criminal Justice Coordinating Council, began exploration of the problem in 1968 and recommended establishing the position of family court law officer. His duties would include the screening of all cases referred to the court; representing the public in cases that should be prosecuted; and working to develop community-based delinquency prevention programs and alternate routes for referral of cases away from the court.

A pilot grant was made by the Mayor's Criminal Justice Coordinating Council to the City's Corporation Counsel to implement Vera's Family Law Officer concept. Under the program, law officers assigned to the Family Court prepare all juvenile cases, perform investigations, interview witnesses, and organize pertinent facts and the presentation of direct evidence.

Medical Corpsman Project (1969-1971)

In January 1969, under a grant from the Field Foundation, Vera began looking for ways in which the knowledge and techniques developed in the criminal justice area could be usefully applied to other urban problem areas. Its efforts centered on the problems of health care, particularly the shortages of health personnel and poorly organized health care delivery. Vera designed a pilot project that would utilize former military medical corpsmen to improve emergency and routine medical services in New York City and to ameliorate the effects of the growing shortages of physicians.

Investigation showed that existing laws would have had to be modified to permit Vera's undertaking the project. Two bills that would have exempted certain hospital employees, including medical corpsmen with specified training, from the restrictive provisions of the New York State Medical Practice Act were introduced during the 1970 session of the New York State legislature. Vera made available the results of its legal research on paramedical personnel to the Joint Legislative Committee on the Problems of Public Health, Medicare, Medicaid and Compulsory Health and Hospital Insurance. Neither bill was enacted but a modified version of one bill did pass in 1971. However, implementation of the law will not be carried out by Vera through a separate project, but by individual agencies and institutions interested in direct hiring of corpsmen.

The Plea Negotiation Project (1970)

As the Bronx Sentencing Project began to demonstrate the utility of objective, short-form pre-sentence reports as an aid to Legal Aid Society lawyers (section IV), it was logical to ask whether the same type of information provided in the pre-sentence report would be of value at an earlier stage of the criminal proceedings. The overwhelming majority of all convictions in New York City result from plea bargaining—a plea of guilty by the defendant in return for a reduction in the seriousness of the charge by the prosecutor. The process of bargaining is hurried and haphazard and usually dominated by the prosecution which is armed with a criminal complaint, a prior criminal record of the defendant, and a professional witness—the arresting officer. Defense counsel, especially Legal Aid, is rarely able to produce a witness other than the accused and rarely has verified social background data on its client.

Against this background, in March 1970 the Plea Negotiation Project sought to provide the defense and the prosecution with a social history

report on the defendant and an estimate of the sentencing recommendation which a defendant would receive from the Bronx Sentencing Project if he were convicted. It was thought that this would introduce additional information into the bargaining process and aid those defendants who would qualify for a non-prison sentencing recommendation.

With the consent of the Legal Aid Society, a Vera staff member began interviewing a small number of Legal Aid defendants to gather necessary data. After verification, these data, along with a projected sentencing recommendation, were submitted to both prosecution and defense at a regularly scheduled, out-of-court bargaining session.

After some encouraging results during the first few weeks with a caseload of about five defendants per week, the project sought to expand its coverage. It requested the Legal Aid Society to ask each of its clients a series of social history questions at the end of the normal interview in the court pens prior to arraignment. The Legal Aid Society refused to order its attorneys to conduct this additional fact-gathering; rather, the project would have to approach individual Legal Aid lawyers to obtain their cooperation.

At the same time the Bronx Criminal Court was undergoing a reorganization that involved the creation of an experimental all-purpose part—a new system designed to assure continuity of judge and Legal Aid counsel throughout a case in place of the prior fragmented system. As part of the new system, the first all-purpose part was to have three Legal Aid lawyers assigned to it instead of the usual one lawyer and the court promised to place careful limitations on the size of the daily caseload in the part. Two of the three Legal Aid attorneys agreed to conduct the required interviewing. After a few days, however, the promised restrictions on caseload disappeared. As their workload mounted with no prospect for relief, the

Legal Aid lawyers withdrew their cooperation from the project. Faced with the necessity of hiring additional staff to conduct interviews and lacking adequate support from the Legal Aid Society, Vera terminated operations.

Model Provisions for Cable Television (1970)

Under a grant from the Alfred P. Sloan Foundation, a report was prepared in 1970 outlining options open to New York City in the franchising of cable operators. The report's recommendations covered the size of franchise areas, the channel capacities of broad band cable, common carrier television service, franchise ownership, payment formulas for franchises, and franchise length.

Teacher Training (1971-1973)

FACT (The Fordham Advocate—Community Organizer—Teacher Training Program), developed jointly by Fordham University, the New York City Board of Education, and Vera, was launched in July 1971 with a two-year grant from the U. S. Department of Health, Education, and Welfare. It combines a special graduate education program with field work closely related to delinquent and drug-abusing teenagers as well as to New York's criminal justice system.

Thirty-eight interns, all with B.A. degrees and majors in fields other than education, were recruited for the program mostly from the New York metropolitan area. Special efforts were made to recruit black and Puerto Rican applicants, since most of the students are from these ethnic groups. Interns completing the program will receive a Master of Arts in Teaching degree.

During the summer, Vera participated in a pre-service training program

Financial Statements

Table I.

General Support Grants

	1972[1]	1971	1970
Ford Foundation	$300,000	$220,000	$220,000
Mr. Louis Schweitzer	23,000	30,825	17,676
Other Contributors	610	1,005	1,740
SUB-TOTAL *General Support Grants*	$323,610	$251,830	$239,416

[1] From 1962 through 1965, the fiscal year ended February 28-29. Thereafter, beginning in 1966, the fiscal year-end has been June 30.

1969	1968	1967	1966[1]	1965	1964	1963	1962
$220,000	$220,000	$220,000	$175,447	$111,462	$ 83,638	$10,453	—
31,981	26,306	25,138	26,118	26,790	21,000	35,940	$12,144
8,563	1,123	—	—	442	—	—	10,000
$260,544	$247,429	$245,138	$201,565	$138,694	$104,638	$46,393	$22,144

Project Grants

	Granting or Contracting Agency	1972[1,2]	1971	1970
Addiction Research and Treatment Corporation	National Institute of Mental Health	$1,433,799	$1,167,679	$ 707,813
	New York City	667,166	666,666	416,668
	LEAA/CJCC[3]	119,024	238,057	100,000
	NYC Model Cities Administration	—	50,000	100,000
	Medicaid	707,675	269,320	—
Appearance Control Project	LEAA/CJCC	306,228	120,308	—
Administration of Justice Under Emergency Conditions	LEAA/CJCC	—	—	10,248

[1] From 1962 through 1965, the fiscal year ended February 28-29. Thereafter, beginning in 1966, the fiscal year-end has been June 30.

[2] Represents total amount of grants received as of March 1, 1972. New grant proposals approved after that date are not reflected in these figures.

1969	1968	1967	1966[1]	1965	1964	1963	1962
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
$ 30,752	—	—	—	—	—	—	—

[3] The Law Enforcement Assistance Administration (LEAA) is a division of the United States Department of Justice which provides block grants to each state for the improvement of law enforcement and criminal justice. In New York City, the Mayor's Criminal Justice Coordinating Council (CJCC) is responsible for the allocation of these federal monies.

Table II.

	Granting or Contracting Agency	1972	1971	1970
Bail Re-evaluation Project	U. S. Office of Economic Opportunity	—	—	—
Bronx Sentencing Project	LEAA/CJCC	$ 86,052	$ 86,052	$ 55,279
Court Employment Project	U. S. Dept. of Labor	—	150,126	300,252
	NYC Human Resources Administration	1,900,000	979,328	—
Criminal Justice Information Bureau	New York City	—	—	62,818
Innovation—Urban Projects	Ford Foundation	75,000	25,000	—
Manhattan Bowery Project	U. S. Office of Law Enforcement Assistance	—	—	—
	NYS Dept. of Mental Hygiene	23,438	101,562	125,000
	NYC Community Mental Health Board	712,600	545,250	414,366

1969	1968	1967	1966	1965	1964	1963	1962
—	$ 38,990	$66,840	$11,140	—	—	—	—
—	—	—	—	—	—	—	—
$300,252	213,873	3,420	—	—	—	—	—
—	—	—	—	—	—	—	—
13,082	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
52,199	46,978	—	—	—	—	—	—
106,250	81,909	—	—	—	—	—	—
391,464	148,802	—	—	—	—	—	—

Table II.

	Granting or Contracting Agency	1972	1971	1970
National Bail Conference	U. S. Dept. of Health, Education & Welfare	—	—	—
Neighborhood Youth Diversion Program	LEAA/CJCC	$321,534	$190,424	—
Off-Track Betting	LEAA/CJCC	49,937	—	—
Pioneer Messenger Service	U. S. Dept. of Labor	269,471	174,915	—
Police Community Career Development Program	Standard Oil Co. (New Jersey)	—	—	—
Police Community Relations Program	U. S. Office of Law Enforcement Assistance	—	—	—
Project Renewal	NYC Dept. of Highways	2,500	2,500	—
	NYC Manpower, Career & Development Agency	159,641	96,509	8,977
Supported Work	LEAA/CJCC	53,333	—	—

1969	1968	1967	1966	1965	1964	1963	1962
—	—	$19,835	$63,473	$79,717	$34,422	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
62,500	62,500	—	—	—	—	—	—
2,000	12,000	1,000	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

Table II.

	Granting or Contracting Agency	1972	1971	1970
Teachers Corps—Fact Program	U. S. Dept. of Health, Education & Welfare	$ 280,000	$ 70,000	—
SUB-TOTAL *Project Grants*		$7,167,398	$4,933,696	$2,301,421

1969	1968	1967	1966	1965	1964	1963	1962
—	—	—	—	—	—	—	—
$958,499	$605,052	$91,095	$74,613	$79,717	$34,422	$ —	$ —

Table III.

Contract Research

	Granting or Contracting Agency	1972[1]	1971	1970
ARTC Methadone Evaluation	U. S. Dept. of Justice	$ 200,539	$ 96,008	$ 63,000
Bronx Sentencing Evaluation	U. S. Dept. of Justice	—	4,755	57,070
Cable Television Franchising	Sloan Foundation	—	—	15,200
Emergency Employment Planning	U. S. Department of Labor	46,000	—	—
Medical Corpsman—Practitioners	Field Foundation	—	—	8,100
Opinion Research Survey	Fund for the City of New York	—	—	75,000
Police-CJCC (Technical Assistance)	NYC Police Department	284,286	282,857	282,857

[1] From 1962 through 1965, the fiscal year ended February 28-29. Thereafter, beginning in 1966, the fiscal year-end has been June 30.

1969	1968	1967	1966[1]	1965	1964	1963	1962
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
$ 9,900	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
149,496	$ 149,496	—	—	—	—	—	—

Table III.

		1972	1971	1970
State Planning Grant	LEAA/CJCC	—	78,500	78,500
Study of Legal Services	Mobilization for Youth	—	—	—
SUB-TOTAL *Contract Research*		$ 530,825	$ 462,120	$ 579,727
TOTAL *General Support, Project Grants, and Contract Research*		$8,021,833	$5,647,646	$3,120,564

1969	1968	1967	1966	1965	1964	1963	1962
—	—	—	—	—	—	—	—
—	—	—	—	—	$ 5,000	—	—
$ 159,396	$ 149,496	—	—	—	$ 5,000	—	—
$1,378,439	$1,001,977	$336,233	$276,178	$218,411	$144,060	$46,393	$22,144

Statement of Assets and Liabilities Resulting from Cash Transactions

June 30, 1971

Assets:	
Cash	$160,390
Note receivable—demand, non-interest bearing	75,586
Deposits and sundry receivables	3,628
Office equipment and leasehold improvements, at cost, less $27,492 depreciation and amortization to date	39,205
TOTAL ASSETS	$278,809
Less Liabilities:	
Payroll taxes	9,736
Sundry liabilities	283
TOTAL LIABILITIES	$ 10,019
Fund Balances[1]	$268,790

[1] Under the provisions of the will of Mr. Louis Schweitzer, on December 31, 1971, Vera was bequeathed the land and building housing its main offices at 30 East 39th Street, New York City. The market value of the property is estimated at $310,000.

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