1971–1976 *A Five-year Report from the Vera Institute of Justice*

Further Work in Criminal Justice Reform

Further Work in Criminal Justice Reform

1971–1976 *A Five-year Report from the Vera Institute of Justice*

Further Work in Criminal Justice Reform

Vera Institute of Justice, New York, New York, 1977

The Vera Institute of Justice, 30 East 39th Street, New York, New York 10016

Printed in U.S.A.

Contents

Foreword

THE Vera Institute of Justice is a private non-profit corporation that has been trying for 15 years, with funding from foundations and government agencies, to help make the criminal justice system work better. This public report on the Institute's work from 1971 through 1976 updates a similar account on Vera's first ten years, 1961–1971.

The process of preparing this report has helped us reflect on our experience and on the lessons that have been learned from it. We hope it will stimulate the reader and prompt further inquiries and new ideas about ways to proceed in the difficult but important field of criminal justice reform.

It is inappropriate to personalize the story, and so references to individuals have been left out. The report could not be published, however, without noting the contributions to Vera's work by several men: first, the late Louis Schweitzer, whose concern for the Eighth Amendment of the Bill of Rights found expression in the creation of Vera in 1961. We are also indebted to three men who have passed away since the publication of Vera's last report, men who influenced the concepts and programs that have shaped the Institute. Two, Judge Bernard Botein and Orison S. Marden, served with distinction as members of Vera's Board of Trustees. The third, Ennis J. Olgiati, was in at the beginning of Vera's Manhattan Court Employment Project and was its director before his appointment as Chairman of the New York State Parole Board.

All of these men were crucial to Vera. All are greatly missed.

Herbert Sturz
President and Director

1. Vera's Background and Program in Summary

CRIMINAL justice is notoriously complicated and difficult to manage, perhaps more difficult in New York than anywhere else. What we call the criminal justice "system" is really a vast and often uncoordinated network. Police officers, district attorneys, defense lawyers, judges, correctional officers, and probation officers have perspectives that differ and interests that conflict, sometimes by constitutional design. They work under the weight of three hundred years of slowly accumulated habits of thought and practice.

In all the study that has been made of criminal activity, and in the vast literature it has generated, there is little agreement as to what causes crime or what society can or should do about it. If a ruptured or disordered family life tends to spawn delinquency and crime, how can or should society respond? If joblessness instills feelings of self-disregard and leads to anti-social behavior, how can or should the American competitive economy react? If many of the worst lawbreakers go uncaught, if the courts are overburdened in dealing with those who *are* caught, and if prisons do not rehabilitate, what is a society to do when it is dedicated both to individual liberties and to prevention of crime?

While there are no final answers to such large questions, Vera's approach has been to try to break down complex phenomena—such as the relationship of unemployment to criminal behavior—into smaller parts (lack of a job might correlate with some crimes but not others, for example); then to formulate hypotheses as to what might work; and, finally, to develop pilot and research projects that test the ideas and measure their effects.

This approach has required the Institute to find out a great deal about a subject before testing an idea; there is always the chance that there are impassable subsurface obstacles to a new approach. Vera has relied from the beginning upon general support from the Ford Foundation that has made possible the preliminary digging. The Institute has always tried to get its own facts, on the streets and in the precincts and courtrooms. And, over the past five years, a more developed research capacity has enabled Vera to see more clearly what it has been working on, with what effect, and where it might move next.

The Role of a Private Organization

Vera came into existence in 1961 through the interest of a private citizen in one specific problem affecting the indigent accused. The Manhattan Bail Project was the result. The Institute has remained outside the system, unburdened by statutory responsibilities. It has remained free to seek solutions to narrow, specific problems, free to risk the failure that often accompanies innovation, and free to change directions when project findings show

the need for it. Yet, as its work is carried out in collaboration with government, the findings can directly affect public agencies.

Vera offers to the professionals inside the system an idea source and testing facility insulated from the pressures of public opinion, politics, and just plain habit. But, as a private institution working in partnership with hard pressed public agencies, Vera has learned to respect their sensitivities and accept their limitations.

As a private operating group, Vera can also function as catalyst or broker among governmental institutions on the federal, state, and local levels as well as among foundations, public service agencies, and public-spirited corporations. The flow of ideas among all these points of related activity can be strengthened through the linking efforts of a private agency like Vera.

The First Decade

During the first ten years, each new Vera project seemed to flow from the experience and data gathered in the projects that preceded it. The first effort, the 1961 Manhattan Bail Project, sought release from jail for accused persons—many of whom were young and would not be found guilty—who could be trusted to show up for their trials. Large numbers of such persons were then being held in detention because they were poor and unable to afford even low amounts of bail. Vera was able to demonstrate that many of these defendants could in fact be released on their own recognizance prior to trial without an increase in the rate at which they failed to appear in court.

The Bail Project was followed in 1964 by the Manhattan Summons Project, which applied Bail Project techniques to the earlier pre-arraignment stage of the criminal justice process. It tested procedures for the police to release, at the stationhouse, persons accused of certain violations and misdemeanors. The Summons Project sought not only to benefit the accused and his family but also to achieve substantial savings in police personnel time by freeing the arresting officer from the need to shepherd his prisoner through the extended process of booking, complaint filing, and arraignment.

Next came the Manhattan Bowery Project, in 1966, which aimed to divert derelict alcoholics from the arrest-jail-street-arrest-jail revolving door into a medical treatment and rehabilitation facility. The project brought decent treatment to relatively harmless down-and-outs, while relieving the police and courts of 95 percent of drunkenness-related arrests on the Bowery.

Then, in the second half of its first decade, Vera branched out, starting a number of projects that intervened at other points in the criminal justice process. The projects tested procedures that were designed to bring greater efficiency to criminal justice agencies while securing better treatment for accused and convicted persons. Where the Bowery Project (1966) intervened before arrest, the Manhattan Court Employment Project (1967) intervened after arrest but before trial. It sought to establish grounds for dismissing cases by counseling and by finding jobs for accused persons who seemed to be good risks. The Bronx Sentencing Project (1968) intervened after conviction but before sentencing in an effort to increase the number of non-prison sentences for those who seemed, again, good risks.

Lessons learned in these efforts led Vera to launch projects testing new kinds of rehabilitative services for other groups having recurring problems with the law: the Addiction Research and Treatment Corporation (1969) for drug addicts; and the Neighborhood Youth Diversion Program (1970) for juveniles.

Meanwhile, close relationships had grown up between Vera and New York's criminal justice agencies. Vera found opportunities for innovation and experiments inside the agencies, especially the Police Department and the courts. Collaborative efforts produced projects to speed up the pre-arraignment process and to rationalize adjournment procedures so that inconveniences to witnesses would be reduced and less police time would be wasted.

Vera also undertook a number of short-term projects during its first ten years. These ran from a 1966 collaboration with the Police Department aimed at breaking language barriers in police lockups to the joint planning in 1971 of a new Criminal Justice Bureau within the Police Department. This Bureau centralized court-related operations, coordinated with other agencies, and encouraged fresh approaches to police policy-making.

In the first decade, Vera projects dealt with defendants, victims, witnesses, judges, policemen, prosecutors, defense lawyers, prison guards, clerks, and administrators—virtually everyone enmeshed in the criminal justice system. The first ten years ended with a new beginning: a "supported work" program designed to provide transitional paid employment, with built-in supports, to ex-addicts and former offenders who had poor prospects for getting and holding regular jobs and would otherwise be expected to remain on welfare. (Each project begun during Vera's first ten years that is not discussed in the main text of this report is summarized in Appendix A, beginning on page 119.)

Into the Second Decade

Vera's efforts over the five years 1972-1976, the subject of this report, fall into the following categories:

Searching for Fairness and Efficiency in the Criminal Justice System. This search, described in Chapter 2, has led to experiments such as the Pretrial Services Agency, which traces its origins to the 1961 Manhattan Bail Project, and the Victim/Witness Assistance Project, which attempts to expedite the handling of victims and witnesses so that their experiences with crime are less traumatic and their court appearances less onerous.

Vera is also working with the New York State Office of Court Administration to speed the information flow on case dispositions, and with the State's Department of Correctional Services to rationalize prison rules and temporary release criteria. And Vera has created an independent public interest law firm, the Legal Action Center, which attempts to redress through litigation some of the irrational ways that the criminal system and the larger society deal with persons who have been involved with the criminal law or with drug addiction.

From its inception, Vera has tried to increase efficiency and fairness by devising workable alternatives to conventional criminal justice processing. The system's limited ability to distinguish the repeat offender from the beginner or the predatory crime from the domestic quarrel has been somewhat strengthened by diversion projects that have created alternatives—the Court Employment Project, the Manhattan Bowery Project, and the Neighborhood Youth Diversion Program. These projects were discussed in Vera's last report, but further work on them is reported in Chapter 2.

Expanding Supported Work and Experimenting with Job Creation. Vera's supported work efforts expanded sharply in the years following 1971. They have been funded by a broad range of public sources and have aimed to put hard-to-employ ex-addicts and former offenders to work in useful projects at a net saving to the public. The programs are described in Chapter 3.

Exploring the Criminal Justice Process through Structured Research. Vera has always been committed to an "action-research" approach; that is, it has based projects on empirical findings and has used those projects in turn as sources of new data for further action. Vera's research efforts were not systematically organized, however, until a Research Department was formed in 1972. The Department's work is described in Chapter 4.

Sharing Vera's Experience: Assisting—and Learning from—Other Jurisdictions. Vera began as a New York City effort, and its main focus has remained on New York's complicated criminal justice problems. But it has realized, as have its supporters—especially the Ford Foundation and the German Marshall Fund of the United States—that some of its experiences might be adapted to problems in other jurisdictions and that involvement with other systems could enrich Vera's work in New York. The Institute has responded to requests for technical assistance from various jurisdictions, beginning in 1964 when it helped the city of Des Moines, Iowa, to set up a pretrial release project. In 1972 the Institute's technical assistance efforts were made formal and given separate funding. Formal technical assistance contracts have involved Vera directly in the criminal process of more than a score of jurisdictions in this country over the past five years; at the request of the Home Office in Great Britain and the Ministry of Justice in France, Vera has also established offices in London and Paris. These efforts, and the less focused technical assistance that is part of day-to-day work at Vera, are reported in Chapter 5.

2. Toward a Fair and Efficient Criminal Justice System

CRIME is all too visible, from the perspective of most citizens. But the criminal justice system is a hidden world with mysterious features: precinct stations, central booking, detention pens, complaint rooms, arraignment courts, plea bargains, correctional facilities, parole hearings. It is also large and active. Each year in New York City, more than 200,000 people must be processed, prosecuted, and, frequently, confined, maintained, and rehabilitated. The public agencies that make up the criminal justice system—police, courts, defense, prosecution, probation, and corrections—are only loosely related, communication among them is imperfect, and they operate on limited and, in some cases, diminishing budgets.

In New York, some of the problems are obvious: the early morning traffic jam in the detention cells and in arraignment courts allows Legal Aid lawyers only a few minutes' preparation time with each defendant; extended waiting and other inconveniences are suffered by both victims and witnesses; and sentenced offenders often emerge from the state prisons angrier and more skilled in the ways of crime than when they went in.

This chapter summarizes a number of new projects aimed at making the system fairer and more efficient and launched by Vera or with Vera's help during the last five years. Each has a shape peculiar to its purpose, but nearly all the projects also have a capacity to generate new and more useful information and to speed its flow within the system so that decision-making can be better informed and more consistent, cases can be handled more speedily, and less time and fewer public resources are wasted. These projects generate information about accused persons and their appearance dates (the Pretrial Services Agency), the scheduling of witness appearances (the Victim/Witness Assistance Project), the disposition of cases within the system (the Disposition Reporting Project), the qualifications of prisoners for temporary release to jobs or study programs (the Temporary Release Project), and the rights and rules applying to sentenced prisoners (the Inmate Rule Book Project).

This chapter also summarizes the work done since 1971 by three projects begun by Vera in its first decade, all of which divert from the criminal justice system certain cases that can be handled better in some other way. Finally, it discusses the Legal Action Center, which Vera helped create. Unlike the other projects, the Center works not by collaborating in programs but by confronting in court; it initiates litigation aimed at establishing new principles and "watchdogs" the implementation of court orders growing from successful suits.

Pretrial Services Agency: Dilemmas of the Pretrial Period

In 1961, the bail system's most obvious deficiency was that the indigent accused were held in jail while the more affluent paid the bondsman and went free. Vera's Manhattan Bail Project (page 119) provided an alternative; it led to a national bail reform movement in the 1960s, culminating in the federal Bail Reform Act of 1966. The result was widespread adoption of the Project's techniques for verifying a defendant's community roots in order to make a non-financial test of the likelihood of his returning for trial if released on his own recognizance. The controlled research study that attended the introduction of this technique in Manhattan showed that the Project both increased the rate at which defendants were released on their own recognizance (ROR'd) and decreased the rate at which they failed to appear at later court proceedings. These findings were validated by the experience of similar projects in scores of jurisdictions around the country.

But even in the mid-1960s, when operation of Vera's release-on-recognizance program was turned over to New York City's Department of Probation, there were questions about the adequacy and implications of the reform. Some of these were noted in Vera's ten-year report in 1972: Under what circumstances, if any, should background information about defendants, gathered to facilitate vertification and notification, be made available to other agencies (defense, prosecution, court, or police)? Should recommendations against release be made to the court, and, if so, when? Are there times when an unconvicted defendant can reasonably be denied ROR or bail—no matter how strong his community ties—because he is likely to commit crimes or intimidate witnesses while awaiting trial? To what extent is preventive detention achieved, in a way that is indirect and not subject to review, by judges' setting high money bail? What is an appropriate response to such practices for an ROR program based on community ties?

By the early 1970s the program had also encountered operational problems. Institutionalization of the Bail Project within New York City's Probation Department was so hindered by scarce personnel resources and by the low priority given in the Department to this function that the staff completed less than 80 percent of pre-arraignment interviews in 1971. At the same time, the criminal process was subjected to increasing pressure by a rise in the detention population in city jails, from a peak of 4,880 in February of 1965 (when those facilities were at about 130 percent of capacity) to a peak of 8,095 in June of 1970 (when the facilities were at nearly 160 percent of capacity). Riots later that summer in the Tombs, then the city's main detention facility, brought forcefully to public

attention the overcrowding and the poor conditions endured by persons waiting for trial.

In 1973 the Criminal Justice Coordinating Council, the city's mayoral agency responsible for criminal justice planning, asked Vera to set up and run a more efficient and comprehensive pretrial agency. The Pretrial Services Agency (PTSA) was the result. It began operations as a division of Vera in Brooklyn in June 1973 and expanded to Staten Island in June 1974, to the Bronx in December 1974, to Manhattan in March 1976, and to Queens in December 1976.

PTSA's formally-stated tasks were:

1. To decrease the number of days spent in detention by defendants who could be released to the community while awaiting trial, through increasing the number of defendants ROR'd, and through arranging supervised or conditional release for suitable defendants who were not ROR'd and were unable to meet money bail.

2. To increase the rate of appearance in court by defendants released from detention and awaiting trial—in other words, to cut down on bail-jumping.

3. To provide a variety of services relating to court appearances before trial—services to the public, to criminal justice agencies, and to defendants.

Planning the New Agency

Assuming responsibility for the new Pretrial Services Agency provided Vera with an opportunity to test for itself the new ideas it had developed through research and through participation in the development of bail reform programs throughout the country between 1963 and 1973.

Despite significant changes in the operation of the New York City criminal justice system and in the types of defendants coming before the courts, the city's pretrial release program still functioned in 1973 in much the same way as Vera had left it in 1964. Yet during the intervening decade, judges had become comfortable with ROR as an alternative to money bail; by 1973 they were routinely releasing large numbers of defendants in this manner. Vera therefore approached the planning of a new pretrial agency with a number of questions in mind. Was a pretrial release agency needed in 1973 to increase the use of ROR, to maintain its use at levels reached as a result of the original Manhattan Bail Project, or to protect against its abuse in cases where defendants did not meet ROR criteria? Was the basic point score, developed to make ROR recommendations objective in the Manhattan Bail Project, still valid in 1973? Did documenting and weighting a defen-

dant's community ties still meet the decision-making needs of judges, or was other, more pertinent information required? What relationship is there—if any—between a defendant's community ties and his potential for committing crimes while waiting for trial? If such a relationship exists, should it be given weight in the recommendations of an agency operating within the American legal framework, where a prediction of possible criminal acts and a hope of preventing pretrial release are, officially, inappropriate grounds for setting high bail? If no such relationship exists, should the agency seek some other basis upon which that risk might be weighed before making release recommendations to judges?

The sensitivity of PTSA's planners to such issues was increased by their familiarity with the federal Bail Reform Act of 1966. There, policy was clear: money bail was to be a last resort, and risk of flight was the only risk that might properly be considered in setting the terms of pretrial release; if release on recognizance would not be likely to secure the defendant's attendance at court, non-financial conditions of release—even supervision in the community—were to be favored over money bail. These developments in federal law had not penetrated to the New York City ROR program. But they led Vera, when it planned the new agency, to develop community-based alternatives for defendants unlikely to get ROR.

The idea of actually *creating* community ties for certain defendants seemed promising in 1973. A range of community services suitable for many defendants—services that had been scare in 1961, when the Manhattan Bail Project was begun—had grown up in the mid-sixties as part of the War on Poverty. What the criminal justice system lacked was a mechanism for matching defendants to these community resources in the period between arrest and sentence. It seemed to Vera planners that the individual burdens and public costs of pretrial detention might be reduced if these community-based programs could be brought into active involvement with the criminal justice system.

These were some of the issues considered by Vera in establishing the Pretrial Services Agency. Other issues, equally important, arose over the next four years. Not all have been answered, but a beginning has been made.

How the Agency Works

PTSA began operations in Brooklyn in June 1973. A criminal justice advisory board and a community advisory board were formed. The criminal justice advisory board helped the new agency establish working relations with other components of the criminal justice sys-

tem. Made up of representatives of the courts, police, corrections, prosecution, and defense, it also reviewed the Project's operations and evaluated plans for the improvement of its performance. The community advisory board, composed of members of civic, fraternal, union, and community service groups, served as a link among the courts, the community, and PTSA.

In Brooklyn and in each of the other boroughs of the city, as PTSA expanded to provide city-wide service, the Agency established close working relationship with the bench by meeting monthly with the boroughs' supervising judges, by providing an extensive briefing to each judge assigned to arraignment court before his assignment began, by addressing judicial meetings, and by taking part in the orientation program for new judges.

Increasing the Use of ROR *in Appropriate Cases.* PTSA established a seven-day, 24-hour interviewing schedule and recruited enough bi-lingual staff to conduct full and timely interviews with every defendant held in pre-arraignment custody. The Police Department agreed both to permit PTSA to interview defendants held overnight in precinct cells and, when needed, to provide transportation for PTSA staff to and from the precincts throughout the night and early morning hours.

The PTSA interview draws out information that can help measure a defendant's ties to the community and the likelihood of his return for trial. Interviewers also obtain the names, addresses, and telephone numbers of people who can corroborate information about the defendant and who can help PTSA stay in touch with him if the court releases him on his own recognizance. By completing interviews of as much as half of each morning's arraignment cases before court opens, PTSA stays ahead of the day's calendar and, without delaying proceedings, can make substantial efforts to verify the community ties information in each case before it goes to court.

After the defendant has been interviewed and attempts have been made to verify the information, PTSA obtains a copy of any official criminal history he may have; if the defendant has been arrested before, his record will be stored in a state-wide information system under his New York State Identification (NYSID) number. The NYSID "rap sheet," obtained by a police unit at the court house, will show both prior arrests and, if they have been entered in the file, the dispositions of those cases. Typically, the rap sheet shows as "open cases" some prosecutions that in fact have already been disposed of in the courts. PTSA's own computerized information system usually has the up-to-date data, and entries

are made on the defendant's interview report to show the complete picture.

A point score, initially similar to the one devised in the Manhattan Bail Project, is used to weigh the risk of absconding. It is based on the attendance records of previously interviewed defendants with comparable community ties and criminal histories. On the basis of his score, each defendant is placed in the appropriate risk category. The most positive is "Recommended for ROR, based on Verified Community Ties." Another positive category—"Recommended for ROR, based on Unverified Community Ties"—applies when the defendant meets agency criteria but verification cannot be completed before arraignment. When a defendant lacks sufficient community ties to warrant an ROR recommendation on the point score, or when his interview information conflicts with facts discovered during verification, the report is stamped "PTSA Makes No Recommendation."

When defendants are named on outstanding arrest warrants or "holds" from other jurisdictions, when they refuse to be fingerprinted or interviewed, or when their criminal history reports are not available from the state information system, PTSA can make no recommendation and informs the judge of the pertinent reason.

The PTSA report detailing basic community ties information, showing the criminal history, and bearing one of PTSA's rating stamps goes to the arraignment judge, with copies provided to the Assistant District Attorney and defense counsel. A copy is retained by PTSA, together with the Agency's worksheet, which records the defendant's point score and the confidential information used in verification and in any subsequent attempts to contact him. Subsequent worksheet entries show the arraignment outcome, the court-processing information necessary to proper notifications, and, ultimately, the case disposition necessary to accurate criminal history files. PTSA's interview report and worksheet are reprinted on pages 14 and 15, completed for a hypothetical defendant.

The defendant received a "Recommended/Verified" stamp on the strength of his score in the last box on the worksheet. This positive recommendation requires, first, that the defendant have a verified address in New York City and a verified response to at least one of the following interview form questions: length of time at his current residence; number and names of other persons at that residence; or his status in employment, in school, or in a training program. In addition, positive answers must appear for at least two of the other six items listed in the "Recommendation Basis" box at the end of the worksheet (for example, having a phone in his current residence, having no felony convictions, or residing with parent or spouse).

This method of relating community ties information to ROR recommendations has evolved from the technique of the original Manhattan Bail Project, which numerically weighted each of ten items according to its power to predict a defendant's return for trial. Under that system, for example, a defendant who had resided at the same address for five years was given more points than one who had only six months of stable residence before arrest. Weights were similarly given to information about family ties, employment, length of time in New York City, and previous criminal record.

PTSA had been using the old point system for 19 months and had completed interviews and court appearance histories for more than 75,000 defendants, when an outside research consultant revised it at Vera's invitation. With the assistance of PTSA research staff, he developed and tested modifications of the original scale, using a sample of about 6,000 cases. The new system is simpler to administer (the score is determined from answers to the seven true/false items printed at the end of the PTSA worksheet), it results in a higher rate of ROR recommendations, and it has greater predictive ability. Like any predictive instrument, however, PTSA's new point system must be regularly reviewed for validity; at the end of 1976, Vera and PTSA research staffs were engaged, once again, in a critical reassessment of it.

Reducing the Rate of Failure to Appear. PTSA's approach to reducing the failure-to-appear (FTA) rate of defendants recommended for ROR consisted primarily of revising and tightening the predictive point score and completing verification in a greater proportion of the interviews. PTSA's arrangements with the Police Department for conducting interviews at precinct detention facilities, for example, were directed principally at ensuring timely verification.

During PTSA's planning phase, however, attention was paid to the likelihood that failures to appear were not always intentional. Arraignments in New York City are sometimes concluded in less than 90 seconds. During this time, the defendant is told the charges against him, the terms (if any) of his release, and his next appearance date. While some defense attorneys take the time to write out a note for the defendant to explain his further obligations, others do not. Some defendants forget, some seem to think the case is over at the end of the arraignment hearing. But whatever the reason for a defendant's failure to appear, his absence from court on the appointed day results in issuance of a warrant for his rearrest. In cases where the failure to appear is not an intentional effort to abscond, execution of the arrest warrant adds the waste of valuable police effort

INTERVIEW REPORT

PRETRIAL SERVICES AGENCY **BROOKLYN**

187020

LAST NAME	FIRST	MIDDLE	CALENDAR AKA'S	INTERVIEWER
ADAMS	James	Robert	Smith, Mike	Garcia

ARREST DATE	INTERVIEW DATE	INTERVIEW TIME	LANGUAGE OF INTERVIEW	VERIFIER
09/13/74	09/13/74	0928	☑ ENGLISH ☐ SPANISH ☐	Garcia

	1	2	3	4
ARREST CHARGES ▸	155|35	165|45	140|35	
DOCKET NUMBERS ▸	K425974			

Grand Larceny, 2nd deg.
Possession Stolen Property
Possession Burglary Tools

RECOMMENDED FOR ROR based on VERIFIED Community Ties (See misc., below)

APPEARS

CURRENT ADDRESS C/O: 1109 Fulerton Street — CITY/STATE: Brooklyn, N.Y. — ZIP CODE: 11238 — APT./FL: 2A — CAN RETURN ☑ YES ☐ NO

BETWEEN WHAT TWO STREETS? Putnam and Canal — HOW LONG AT CURRENT ADDRESS? 0 YRS 6 MOS — SEX ☑ M ☐ F — AGE: 35 — DATE OF BIRTH: 08/09/39 — ETHNICITY ☑ B ☐ W ☐ SS ☐ O ☐ AI ☐ OTHER

PERSONAL

CURRENTLY LIVING WITH ☐ SELF ☑ SPOUSE ☐ FRIEND(S) ☐ PARENT(S) ☐ GUAR ☑ CHILD — NO. OF CHILDREN: 3

Name: Diane Adams — RELATIONSHIP: wife

TELEPHONE NO: 555-9371 — IN WHOSE NAME? wife's

ALTERNATE ADDRESS: Not necessary — he can return home — APT

RELATIONSHIP

c/o

TELEPHONE NO — IN WHOSE NAME?

CONTACT

PRIOR ADDRESS c/o Robert and Martha Adams

ADDRESS 339 Henry St., Brooklyn

TEL NO (212) 555-9074

DOES CONTACT STILL RESIDE? ☑ YES ☐ NO

HOW LONG AT PRIOR ADDRESS? 7 YRS 0 MOS

ARE YOU ON PROBATION? ☑ YES ☐ NO

ARE YOU ON PAROLE? ☐ YES ☑ NO

WHERE? Bklyn. Criminal Court

CURRENT TREATMENT PROGRAM ☐ NOT APPLICABLE

NAME East Brooklyn Methadone Maintenance

ADDRESS Beach Pkwy, Bklyn. Clinic

COUNSELOR George Johnson

TEL NO (212) 555-0319 — TYPE OF PROGRAM: Methadone

DO YOU EXPECT SOMEONE AT THE ARRAIGNMENT? ☐ YES ☐ NO ☑ DOESN'T KNOW

IF YES ▸ (Father, Robert Adams, may show up) NAME/RELATIONSHIP

EMPLOY

EMPLOY ☑ FT ☐ PT — SCHOOL ☐ FT ☐ PT — TRAINING ☐ FT ☐ PT — ☐ DISABLED

☐ UNEMPLOYED ☐ WELFARE ☐ UNEMPLOYMENT COMPENSATION ☐ OTHER

SUPPORT HOW MANY PERSONS? 0|4

Arnold and Strange Stores

ADDRESS Fulerton St., Brooklyn

WHAT SHIFT? 9:30 a.m. - 5:30 p.m.

TAKE HOME PAY $ 125 PER wk.

LENGTH OF UNEMPLOYMENT YRS MOS

PHONE (212) 555-7475 — CAN PTSA CONTACT? ☐ YES ☑ NO

LENGTH OF EMPLOY 1 YRS 3 MOS

JOB POSITION: sales clerk

CONVICTIONS

FIRST ARREST (EXCLUDING VIOLATIONS) ☐ YES ☑ NO ☐ NYSID NOT AVAILABLE — NYSID NUMBER ▸ 1|2|3|4|5|6|7|Z

PRIOR CONVICTIONS: 0|0 FELONIES; 0|1 MISDEMEANORS — TOTAL 0|3 OPEN CASES

WARRANTS OUTSTANDING? TYPE ▸ ☐ BENCH ☐ ARREST ☐ FAMILY COURT ☐ OTHER ☑ NO OUTSTANDING WARRANTS FOUND

OPEN CASES (FROM NYSID)

	ARREST DATE	BOROUGH	CHARGE	NAME USED	DOCKET #	ADDITIONAL PTSA INFORMATION: DISPOSITION
1	7/12/74	Bklyn	220.06 Possession Drugs	Mike Smith	K418003	To appear for sentence, 9/20/74 ☐ NO ADD'L INFO
2	2/8/74	Bklyn	140.20 Burglary	James R. Adams	K421038	Dismissed, 2/20/74 ☐ NO ADD'L INFO
3	7/5/73	Bklyn	220.45 Possession Hypodermic	" " "	X324906	90 Days Jail, 9/13/73 ☐ NO ADD'L INFO

VERIFY

WHICH ITEMS HAVE BEEN VERIFIED?

☑ CURRENT ADDRESS ☑ LENGTH OF RESIDENCE AT CURRENT ADDRESS ☐ ALTERNATE ADDRESS ☑ PERSON(S) DEFENDANT LIVES WITH ☐ CURRENT EMPLOYMENT STATUS ☑ PHONE ☐ NONE

MISC. PTSA records show defendant is out on ROR and is scheduled to appear 9/20/74 in Brooklyn Criminal Court All-Purpose Part #5, on Docket # K418003.

COURT

PTSA

WORKSHEET

PRETRIAL SERVICES AGENCY **BROOKLYN** 187020

OTHER NYC FAMILY CONTACT — RELATIONSHIP
NAME William Adams — Brother
Add/City 2406 Carr St., Bklyn. TEL NO 555-0401

PROBATION/PAROLE OFFICER — ☐ NOT APPLICABLE
NAME Michael Farrell
ADD/COURT/CITY Joralemon St., Bklyn TEL NO 555-9676

NEIGHBOR/FRIEND/JOB SUPERVISOR — RELATIONSHIP
Name John Fredericks — Friend/Former work supervisor
Add/City 107 Fulerton St., Bklyn TEL NO 555-3058

PLACES FREQUENTED BY DEFENDANT
Name
Add/City TEL NO

VERIF.	TIME	NO CONTACT EXPLAIN	RECORD OF VERIFICATION	TYPE OF CONTACT
Garcia	1003	No answer	Name Diane Adams Phone 555-9371	☐ PHONE
Garcia	1010	Busy	Relationship to Def. wife	☐ IN COURT
Garcia	1015	No answer	Says:	☐ IN PERSON
Garcia	1025	No answer		☐ REVERSE DIRECTORY
Garcia	1005	Busy	Name John Fredericks Phone 555-3058	☑ PHONE
Garcia	1017		Relationship to Def. Friend / Former work supervisor	☐ IN COURT
			Says: Has known defendant 5 years; was his boss on defendant's last job. Says defendant has lived last six months with wife and 3 kids at #2A, 1109 Fulerton (tel: 555-9371). Knows defendant was working at A & S stores as of 2 weeks ago, but does not know for sure that he still has that job.	☐ IN PERSON
				☐ REVERSE DIRECTORY
				☑ ENGLISH
				☐ SPANISH
				☐ OTHER LANGUAGE

NYSID # 1 2 3 4 5 6 7 Z

NYSID AKA'S: Mike Smith

NYSID READ BY: Garcia

1129 TIME

RECOMMENDATION BASIS	T	F	✓ UNRESOLVED CONFLICTS
1. Defendant has verified NYC area address AND one or more of the defendant's responses to "LIVES WITH" "HOW LONG AT CURRENT ADDRESS" or "EMPLOYMENT/SCHOOL/TRAINING" verified.	✓		
2. Defendant has a phone in his residence.	✓		
3. Defendant has lived at his current address 2½ years or more.		✓	
4. Defendant expects someone at his arraignment (not complainant or attorney). T for Yes only		✓	
5. Defendant lives with parent(s) or spouse.	✓		
6. Defendant is employed, in school, or in training program full time.	✓		
7. Defendant has no felony convictions.	✓		
TOTALS (Add up "Trues")	(5)		

DISP

BOND/CASH ALT
$ _____
☐ NO BAIL ☒ ROR

☐ DISMISSED ☐ PLEA 9-20-74
☐ ACD ☐ EGJ ☐ WGJ
☐ REMAND
☐ TRANSFER

AMENDED CHARGE: Petit larceny 155.25

SENTENCE: 90 DAYS JAIL 9-20-74

ADJOURNED PART: All-Purpose Part #5

ADJOURNED DATE: 9/20/74

MISC: D.A recommended $500 bail

JUDGE: Towns

APAR: Arraignment Part #1

PTSA

ADDITIONAL COMMENTS ON BACK OF THIS COPY

to the waste of court resources at the aborted hearing.

PTSA therefore devised a notification system that opens two-way communication between the Agency at court and the defendant in the community. The Agency notifies the defendant of his scheduled appearance, and the defendant acknowledges receipt of this notification either by presenting himself at PTSA's "contact area" in the court building or by telephoning the Agency. Either way, his obligations can be explained to him and his understanding of them can be confirmed.

To facilitate this process, PTSA developed a computerized notification system, safeguarded against access by anyone except PTSA personnel. Data from each interview report and worksheet are filed in the computer, as are the daily calendars from each criminal court. The calendars list the action taken on each case scheduled in the courtroom that day (for example, adjourned to another date, ROR'd, bail set, dismissed, or convicted and put on probation). The computer is programmed to generate letters that notify each ROR'd defendant—whether or not he was recommended for ROR by PTSA—of his next scheduled appearance date and ask him to telephone the Agency within 72 hours to acknowledge receipt of the letter. If the defendant visits or telephones, the status of his case, the adjourned date, and the courtroom in which he must appear are instantly available by reference to the computer file from any of PTSA's on-line terminals; at the same time, the file is updated to note that the defendant made contact. Every day, the computer automatically prints out a list of those defendants who failed to meet the deadline for acknowledging notification. Agency personnel then attempt to track these persons down by telephoning them, telephoning the persons they named as verification sources, or contacting a PTSA "Area Rep" in the community. This routine is repeated for each subsequent court appearance.

A further effort is made to secure voluntary attendance at court by ROR'd defendants who fail to show up for a scheduled appearance and for whom arrest warrants are issued. The computer prints a daily list of such cases, and PTSA staff attempts to contact them, advises them to return to court immediately, and arranges for their voluntary surrender and continuation of their ROR status. While PTSA cannot guarantee that the court will continue an individual's ROR status if he appears voluntarily, experience in similar cases permits staff to inform the defendants that it is the normal practice of the court to do so. (The impact of PTSA's effort to reduce the FTA rate is discussed below.)

An unexpected by-product of the computer notification system is that it became the

most accurate, current, and accessible source of information about the status of each open case and the disposition of each closed case in the Criminal Court—the lower, or misdemeanor, court in New York State. This occurred because PTSA's computer system calls for daily entry of court calendar information and cross-reference between the calendar and the individual case files. (The implications of the system for court management and coordination of the city's criminal justice agencies are described at page 31.)

Creating Community Ties: The Supervised Release Program. In New York's criminal justice system, all felony and misdemeanor cases are initially arraigned in the Criminal, or lower, Court (except a handful of felony cases taken by the prosecutor directly to the Grand Jury). All misdemeanor arrests, and many felony arrests (after charges have been reduced to misdemeanors) are disposed of in this lower court. Felony cases are disposed of in the Supreme Court only if the felony charges are substantial enough not to have been reduced to misdemeanors or dismissed at the Criminal Court arraignment, at the preliminary hearing, or at the Grand Jury stages. Thus, a felony defendant who is still in detention when his case reaches the Supreme Court is likely to have been charged with a particularly serious crime or to have a particularly heavy criminal record; the lower court has considered him a bad risk for ROR, has not permitted him to plead guilty to a lesser charge, and has set money bail high enough so that he has been unable to post a bond. Yet it is not certain that he will be found guilty or be given a prison sentence.

Meanwhile, his continued incarceration places a particularly heavy burden on the city's detention facilities because of the length of time it typically takes to process a felony case—often six or more months. Release can be secured for some of these defendants if the court is presented with an appropriate plan for the pretrial period. PTSA's Supervised Released Program was developed primarily to serve this kind of defendant.

Supervised Release attempts to provide a link to community service agencies for the defendant who lacks personal and community stability and who is in need of social services. Although PTSA itself does not offer direct services of this kind to defendants, within a year of its creation it had enlisted the commitment of over 120 community organizations and agencies in Brooklyn alone. Each agreed to provide support and services to defendants with few or no ties to the community who would otherwise remain in detention. While some of these agencies have been used only occasionally, others offer services that are needed by a substantial number of eligible defendants, and PTSA has established regular working relationships with them.

Potential participants are referred to PTSA's Supervised Release staff by defense counsel or by Supreme Court justices, a screening that permits the small staff to concentrate its efforts on likely candidates. Supervised Release counselors interview each referred defendant to assess his needs and motivation, and they research his criminal record and court appearance history. If it appears that the defendant would benefit from a service program and that he has a strong desire to participate, the counselor attempts to arrange a referral. A Supervised Release referral may, for example, require the defendant to enter a residential drug program or halfway house, to enroll in a manpower training or high school equivalency program, or to find a job or a place to live. After the referral has been arranged, the counselor prepares a report for the justice in whose court the defendant's case is pending. A representative of the agency that has agreed to accept the defendant attends court with the PTSA counselor. If the justice decides in favor of release, the counselor agrees to serve as the communication link between court and agency and to submit progress reports on the defendant until the case is disposed. If the defendant fails to cooperate with the community agency after release, he is terminated from the Supervised Release program, and the court is informed. But in most of these cases, PTSA has found, the defendant's behavior does not indicate that he is likely to abscond or commit crimes if he remains at liberty, and the court continues him on ROR.

Is PTSA Working?

The impact of PTSA's post-arraignment program has been easier to measure than that of its ROR effort. Every defendant who is granted Supervised Release was in pretrial detention, unable to meet money bail and likely to remain in jail for a substantial period until disposition of the felony charges. Every supervised release is therefore a direct and quantifiable reduction of the burden on pretrial detention facilities. On the other hand, PTSA costs for each of these releases are high.

The courts' use of Supervised Release has varied from borough to borough, and from time to time. Initially, the program was received with some caution by the Brooklyn Supreme Court justices. By mid-1975, however, approximately 25 defendants were being released to the Brooklyn program each month, and the staff there had an average active caseload of 125. Meanwhile, Supervised Release was incorporated into the Bronx PTSA office when it opened in December 1974. There, the program soon obtained supervised releases for an average of ten defendants per month; in addition, staff reports led to an

equal number or releases through justices' simply reducing the amount of bail. Experience with Supervised Release in Manhattan has paralleled that in Brooklyn.

The FTA rate of defendants on Supervised Release has never risen above three percent—a remarkably low rate for this presumably high-risk group, and one lower than that of other groups released on bail or ROR'd. The data on Supervised Release suggest another benefit: successful participation on the program is associated with non-prison sentences, apparently because the sentencing justice has before him evidence of the defendant's active participation in a rehabilitation program.

Changes in the administration of District Attorneys' offices since 1974 have affected the number of cases for which Supervised Release is appropriate. The Criminal Courts have traditionally been staffed by the youngest and least experienced Assistant District Attorneys, while those with greater experience have staffed the Supreme Courts. This practice limited the opportunity for dismissal or reduction of charges at an early stage in cases that more experienced ADAS would see as too weak or otherwise not warranting Supreme Court action. The 1970s have seen a number of experimental programs (such as the Early Case Assessment Bureaus, page 88) in which experienced ADAS take administrative responsibility to assure, from the beginning of the process, a vigor of prosecution that accords with the underlying facts of a case rather than with the initial charge.

As a result of such screening efforts, the number of felony indictments has dropped in every borough; in Brooklyn, it dropped 32.5 percent from 1975 to 1976. The greater concentration of genuinely serious offenders in the Supreme Court and the speedier disposition of other cases in the Criminal Court have naturally led to a reduction in the number of referrals to Supervised Release. PTSA has therefore reduced the size of the Supervised Release staff and has consolidated the program in its central office.

Meanwhile, PTSA and Vera researchers have been analyzing the characteristics of persons who are still being detained before trial. The results of this study may help to gauge the potential value of services such as bail hostels (an idea borrowed from the modern English practice) or day-attendance centers, both of which would offer more intensive support and supervision than is available through existing community agencies.

Measuring the Results of ROR. The impact of PTSA's ROR program is difficult to assess; a proper assessment requires knowing what the decisions on bail and ROR would have been if PTSA's services had not been available. The only really satisfactory way to measure it would be to apply PTSA procedures to a random half of the cases, and to compare the

ROR and FTA rates for that group with those for the cases processed without PTSA's services. A controlled research study of this type had been conducted when ROR interviews and recommendations were first introduced by the Manhattan Bail Project in the early '60s. The impact shown by that study led to a general belief that defendants were less likely to be released if they were not given ROR interviews, and that belief—whether or not it was still justified in the changed circumstances of 1974–76—made it impossible to secure the agreement of the courts and the Legal Aid Society to a controlled study of PTSA in which interviews and recommendations would be withheld from a random half of the defendants.

In the absence of controlled research, it seemed sensible to look for changes, since the introduction of PTSA, in the ROR rate (the proportion of all defendants proceeding beyond arraignment who are granted release on recognizance). Vera found little apparent change; the ROR rate has remained in the 45–50 percent range for most New York City courts. On the other hand, many persons who would have been ROR'd on misdemeanor charges in the late 1960s and early '70s now have their cases disposed at arraignment; for them, the question of ROR or bail does not arise. There is evidence suggesting that the availability of verified background information from PTSA's interview forms has made it possible for the courts to dispose of more cases at the first court appearance. But, again, PTSA has not been able, in the absence of a controlled study, to examine the possibility properly.

As the courts become more efficient in disposing of cases at the earliest possible moment, it might be expected that the cases remaining in the system would be more serious and that the ROR rate would decline. That the ROR rate has instead remained relatively constant is one reason for the general opinion that PTSA's ROR program has reduced the burden on detention facilities and increased the use of recognizance release. To keep the ROR rate constant in the face of a rising arraignment disposition rate, PTSA's operations must be resulting in the ROR of defendants who, before 1973, would have remained in detention. This impression is supported by research showing that a substantially greater proportion of defendants charged with serious felonies were granted ROR after the establishment of PTSA than before.

PTSA's impact on failure-to-appear (FTA) rates is easier to measure. Various studies conducted in New York in the late 1960s and early 1970s put the rate at more than ten percent. PTSA has always recorded FTA rates in two categories, "aggregate" and "willful."

The aggregate rate is determined from the number of defendants issued bench warrants (except stayed warrants) as a percentage of all appearances scheduled for ROR'd defendants. The willful rate is determined from the number of defendants who have *not* returned to court (voluntarily or involuntarily) within 31 days after the warrant's issue, as a percentage of all appearances scheduled for ROR'd defendants.

During a recent six-month period, the ROR'd defendants who had received positive PTSA recommendations at arraignment had an aggregate FTA rate of 6.4 percent. Within 31 days of their scheduled appearance dates, more than half the delinquent defendants returned to court, making the willful FTA rate for this group only 3.2 percent. During the same period, the aggregate FTA rate of defendants who had been ROR'd without PTSA recommendation was 9.5 percent, and their willful FTA rate was 5.6 percent.

The impact of PTSA's notification system on FTA rates is difficult to assess, but several studies have been conducted. One focused on the Area Reps, who were assigned to make personal contact with defendants when attempts by mail and telephone failed. The research disclosed that the Area Reps made virtually no difference to the appearance rates; the function was eliminated, and the staff was absorbed into other aspects of PTSA's program.

In another study, during August 1976, all defendants ROR'd in Brooklyn were randomly assigned to an "experimental" or a "control" group. The experimentals received the computer-generated notification letters, and attempts were made to contact them by telephone if they did not respond. The controls received no notification. Each defendant was then tracked through subsequent court appearances until disposition of his case. This study showed that the impact of notification varies for different groups of defendants. In certain charge categories, PTSA's notifications reduced the FTA rates by half. The impact was greatest when the time between release and court appearance was short, and it diminished markedly after six weeks. The findings suggest both that the notification system does make a difference and that further inquiry is necessary to discover how best to reach those defendants for whom the present notification system appears less effective.

Unresolved Issues

PTSA has done much, in three and a half years, to make the pretrial process more fair and efficient. And it has added an information and coordinating capacity to the court system that brings further reforms within reach. But PTSA has not resolved all the issues that were

raised at its creation or were surfaced by its operations. An indication of the extent of remaining problems is that over 40 percent of PTSA's positive recommendations for ROR are disregarded by judges. In some of these cases the defendant can raise the money bail set by the court; in others he cannot, and he remains in detention.

The most important and most difficult dilemma underlying that statistic is this: What should be done—and what can an agency like PTSA do—about the "dangerous" defendant with strong community ties who can be relied on to show up as required in court, but who, it appears, will commit crimes if released on ROR or bail? ROR programs draw their strength and their method from the American legal principle that restrictions on or conditions of pretrial release are permissible only to assure the appearance of the accused at trial. There has always been a tension between this principle and the realities of judicial decision-making. It is clear—and becoming clearer—that judges sometimes set money bail at a figure beyond the defendant's means not because bail in that amount is thought necessary to prevent the defendant from absconding, but because he is thought likely to commit crimes if he is not kept locked up. On the one hand, this practice seems contrary to the presumption of innocence and to U.S. Supreme Court pronouncements on the principles of bail. On the other hand, the pressure on courts to protect the community is great, and principles or presumptions are little comfort to victims of crime.

In a case where the judge's overriding concern is the defendant's propensity for further crime, community ties and court appearance record will usually take second place in the pretrial release decision. Yet application of PTSA's point system may trigger an ROR recommendation. Is this an unreasonable adherence to an irrelevant principle? Does the court's rejection of PTSA recommendations in such cases weaken the persuasive impact of positive release recommendations in the bulk of cases, where dangerousness is not an issue? If judicial practice cannot be brought into line with the principle, should PTSA's point system be brought into line with judicial practice? Underlying these questions is the impossibility of knowing whether, when high bail effectively results in preventive detention, the judge's prediction was right that the defendant would have committed a crime if released.

There is no reliable method for predicting an individual's conduct. Research has shown that higher scores on the PTSA point system, reflecting greater community ties, are associated with lower rates of rearrest before trial. But the relationship between PTSA point score and rearrest is not strong enough to label low-scoring defendants as "danger-

ous" and to warrant keeping them in preventive detention. Despite the higher rate of criminal activity while on pretrial release shown by the low-scoring group as a whole, the fact remains that *most* individuals in this group are not rearrested. PTSA and Vera have been no more successful than the countless others who have tried to develop an accurate system to predict further criminal conduct. Without such a device, there is little justification for PTSA to base recommendations to the courts on hunches about dangerousness. Conditions of bail may be designed to reduce the likelihood of recidivism among defendants who might commit crimes if ROR'd, but fiscal and ethical constraints prevent any widespread imposition of crime-control restrictions on unconvicted defendants unless the few who would be rearrested can be accurately identified. Attempts to produce an objective point system with substantial accuracy in predicting pretrial recidivism continue, but meanwhile the judges can be expected to reject ROR recommendations in cases where, for whatever reason, they think the defendant is dangerous.

There are other distortions in the pretrial process that seem to lead inevitably to rejection of certain of PTSA's positive recommendations. Some judges candidly deny ROR and set prohibitive bail in cases where they feel the defendant is obviously guilty and should be pleading guilty rather than forcing the prosecution to trial. These judges are not prepared to take the pressure of continued detention off such defendants because, if released, they might seek delays that would, as witnesses' memories fade, reduce the chances of conviction. This use of pretrial imprisonment as an aid to plea bargaining is not likely to be stopped until court processing is made more efficient and the prospect of speedy trial becomes credible to defendants who now may take advantage of delay while on ROR or bail. PTSA's main contribution to that prospect is the improved case- and court-management capacity that has become available through the Agency's information system.

Another dilemma is raised by the fact that, while community ties and related factors can be verified and analyzed for their predictive power, other factors that may lawfully affect bail decisions are more elusive and are not included in the point system. The New York Criminal Procedure Law directs judges, when considering ROR or bail, to assess not only the risk of flight, but also the weight of evidence against the defendant, the chances for conviction, and the probable sentence upon conviction. The statute's recitation of these factors reflects the commonsense notion that the worse the defendant's prospects, the more likely he is to abscond. PTSA cannot easily amend its point system to anticipate

judicial consideration of these factors, because the likelihood of conviction and probable sentence can only be guessed at until the time (during arraignment, at the earliest) when the prosecution and defense probe the weight of the evidence in an adversarial setting. This dilemma is obviously not PTSA's alone. The statute calls for consideration of these factors, and judges do in fact consider them when setting bail, but at the rushed arraignment hearings it is often impossible to explore evidence in detail. Judges therefore sometimes appear to rely almost entirely upon the prosecutor's judgment; if the ADA objects to recognizance release and suggests bail in a certain amount, the judge may rely solely on the ADA's suggestion as a summary indicator of the weight of the evidence against the accused and the likelihood of conviction and a heavy sentence. Revision of PTSA's point score does not seem likely to bring decision-making of this kind closer to the model envisioned by the statute.

None of these dilemmas will be resolved by sudden programmatic innovations. But PTSA's growing research capacity provides the system with new opportunities to examine the consequences of its decisions, illuminate the difficulties, and identify points where incremental improvements can be made.

Funding and the Future

From its birth in 1973, in Brooklyn, through the end of 1976, when PTSA was an integral part of the city-wide criminal justice process, the Agency was financed by the state Division of Criminal Justice Services and the city Criminal Justice Coordinating Council, using funds from the federal Law Enforcement Assistance Administration (LEAA). States and localities that fund projects this way cannot expect the federal subsidy to continue indefinitely; after three or four years, successful efforts can be continued only by state and local financing.

The path to institutionalization for each type of project must differ from jurisdiction to jurisdiction. Toward the end of 1976, Vera and representatives from responsible agencies of state and city government decided on the method for institutionalizing PTSA that seemed most suitable in New York City. It was decided not to fold PTSA into an existing city agency, not to make it a new agency within the executive branch of government, and not to place it under the administration of the courts themselves. Each of these options offered certain advantages, but the existing range of PTSA's services and the functions it is likely to develop in the future seem broader than the mandate of any agency or branch

of government. Therefore, a public benefit corporation has been created—the New York City Criminal Justice Agency, Inc.—to take over the existing PTSA operation and to build upon it a comprehensive system of services and information useful to the whole spectrum of individuals and agencies enmeshed in criminal justice.

In its first year, beginning mid-1977, half of the new agency's budget is to come from tax levy funds of the City of New York and half from established LEAA channels. The agency will operate, and be accountable, under a contract with the city.

It is expected that, by its second year, the new agency will be wholly financed from city funds and that its role within the criminal justice system will have expanded beyond the present boundaries of Vera's Pretrial Services Agency.

Help for the Victim: The Victim/Witness Assistance Project

A longstanding problem in the prosecution of criminal cases is that victims and other witnesses fail, at alarming rates, to show up for court hearings. The assumption, verified by various informal studies, is that they drop out because they lose patience with the protracted, inconvenient, and frustratingly slow proceedings. Little has been done to make this process less onerous. After victims have suffered assault, burglary, or other trauma, they often face long hours in uncomfortable settings, away from their jobs or families, in order to appear briefly in a court proceeding whose purpose and outcome are often not explained or, perhaps more likely, in order only to see the proceeding postponed again and again.

In its 1970 Appearance Control Project, Vera first attacked this problem by establishing a telephone alert system for prosecution witnesses. Appearance Control arranged for selected witnesses (both police and civilian) to remain at work or at home on the date of their scheduled court appearances until it was determined they were needed in court. Then they were summoned by telephone. (If a police officer witness was on patrol, the precinct was notified by telephone, and he was dispatched to court by radio.)

A controlled study showed that the alert procedures neither delayed court proceedings nor led to more dismissals. The research also suggested that a city-wide program could be expected to save police time worth about $4 million annually, and Appearance Control was institutionalized within the Police Department in all New York City boroughs except Staten Island.

The Victim/Witness Assistance Project was created in July 1975 to improve further the use and treatment of victims and other prosecution witnesses (including police), by reducing the time they must spend in court and by providing them with a range of needed services. The hypothesis was that witness participation could increase, leading to fewer postponements, higher conviction rates, and fewer dismissals—in short, a more efficient and humane criminal justice process.

The Victim/Witness Assistance Project was launched in Brooklyn, where about 47,000 cases are processed in the Criminal Court each year. Operating under a grant from the Law Enforcement Assistance Administration, it is a cooperative venture of the Criminal Justice Coordinating Council, the Kings County District Attorney's Office, the New York City Courts, the New York Police Department, and Vera. The Appearance Control Unit's staff in Brooklyn was outstationed to the new program.

The Project has undertaken three tasks. First, in order to reduce witness confusion and unnecessary appearances and to encourage appearances when they are necessary, the Project notifies all prosecution witnesses of the dates they are expected in court. Second, the Project provides Assistant District Attorneys with daily rosters of witnesses (civilian and police) for every case, indicating whether the witnesses are "expected to appear," are "not expected to appear," are "on standby telephone alert," or have not been reached. And third, the Project provides services that include a reception center for victims and witnesses, a children's play center, transportation to court, a crime victim hotline, a burglary repair unit, and a service counselor. Complaining witnesses, most of them victims, make up 90 percent of the Project's civilian caseload; the remainder are eye-witnesses.

More Efficient Use of Witnesses: How Notification Works

Project operations start in the Criminal Court Complaint Room, the point of entry for virtually all criminal cases, where civilian witnesses are interviewed by Project staff (police witnesses simply fill out a form). The resulting information is fed into an on-line computer, which creates case files that form the basis for future notifications of court appearances. Arraignment information is also fed into the computer—docket number, witness presence or absence at arraignment, court outcome, and adjourned date and court part.

As the first step in the notification process, the computer generates daily lists of "long dates" (cases adjourned for six or more days) and "short dates" (those adjourned for

five or fewer days). In long-date cases, the computer prints a letter that notifies the witness of his court date and asks him to phone the Project to confirm receipt of the letter. The caller may be placed on alert—if he can get to court within an hour from his home or job and can be contacted by phone—or he may be told to appear. (Witnesses excused from the outset receive no letter.) Whether the witness is required at court or put on alert, the notifier tries to encourage him to appear by offering sympathetic support and information about the Project's services. For the short-date cases, Project staff starts telephone or in-person notification efforts immediately after arraignment.

To facilitate notifications, the computer also generates three other daily lists of the short-date cases and long-date cases in which the witness has not yet responded. The first list—and the one the staff devotes most of its energy to—shows all witnesses scheduled for appearances the next day; the second, all those who have appearances in two days; and the third, those who have appearances in five days.

The staff members try to reach persons on the three lists by telephone. If they succeed, they follow the same procedure as if the witness had responded. For serious cases, a Victim/Witness community representative attempts to locate in person those witnesses who cannot be reached by phone.

Every evening, the computer prints a set of information sheets on Project cases scheduled for the next day in each court part. The sheets list witnesses by case, as well as each witness's appearance status (must appear, on alert, or excused), how he has been reached (telephone, letter, visit), and whether he is expected to appear in court on that day. These sheets are then forwarded to Assistant District Attorneys (ADAs) in the post-arraignment court parts to help them make informed decisions on how to proceed with their cases.

At the end of each day, the ADAs note the outcome of the proceedings (disposition, adjourned date, court part, and so on), which witnesses are not needed next time, and any additional witnesses who will be required for the next court proceeding. The information provided by the ADA is entered into the computer, and the notification cycle begins again.

The method for notifying police witnesses is similar to that for civilians, except that they are contacted at their precincts (by teletype or telephone) rather than at their homes, and officers' eligibility for alert status is determined by different, more objective standards.

A Service Program for Victims and Witnesses

The Project's services are designed to respond to the victim's immediate and longer-term needs. Direct services include a reception center, a crime victim hotline, and an emergency repair service. A key ingredient of these services is a network of community resources and groups to which the Project can refer victims of crime for help with special and long-term problems. Increasingly, the Project's service components have been staffed by volunteers recruited primarily from high schools, universities, and senior citizen groups. At the end of 1976, 500 volunteer hours were being contributed each week.

The Victim/Witness Reception Center. Victims and witnesses who come to court often wait several hours in crowded courtrooms or noisy hallways, at times encountering harassment from defendants or friends and relatives of defendants. In an effort to make that wait more comfortable, the Project created a reception center on the eighth floor of the Brooklyn Criminal Court building. It provides a safe, pleasant setting in which witnesses can wait until their cases are called. The court parts communicate with the reception center by intercom. Coffee, magazines, television, and telephones are available.

Most people who use the center are victims referred by ADAs. The center is also available for ADAs to interview their witnesses. Reception center staff members help victims to fill out claims to the New York State Crime Victim Compensation Board (when they have suffered injury resulting in loss of earnings, medical expenses, funeral expenses, or a need for emergency financial assistance) and refer them to the Project's service counselor when appropriate. A Project representative, with access to a computer print-out of cases scheduled for the day, directs persons to the appropriate parts of the building and answers questions about court proceedings.

Service Counselor. The Project's service counselor is available full-time in the reception center to work with victims and witnesses who have special service needs, who have been seriously traumatized as a result of the crimes committed against them, or who are intimidated and confused by the criminal court process. Besides providing support and encouragement, the service counselor and his staff of graduate students explain court procedures and the role of the victim and other witnesses in the process. If a witness reports an incident of harassment by a defendant, the counselor notifies the Detective Investigators Unit in the District Attorney's office.

Often the crime that has brought the victim to court is not the sole source of his difficulty. For example, for a woman who filed a complaint because her husband had abused

her and threatened her with a gun, the service counselor not only described the court process, accompanied her to the arraignment, and explained her case to the ADA, but also referred her to an organization for battered wives and, because she was without a source of income, expedited her application for welfare. The counselor often acts as an advocate—writing letters or making phone calls to insure prompt action on referrals. An attempt is made to follow up each referral to determine whether the client used it, and to what end.

Children's Play Center. Many parents—whether victims or defendants—are unable to leave their children with relatives or cannot afford babysitters when they must go to court. For this reason the Project constructed a children's play center on the fifth floor of the court building. The play center has helped ease this problem for parents and has reduced the number of small children sitting for many hours in crowded courtrooms.

The center is headed by a trained preschool teacher and accepts children up to 12 years of age; about 250 are served every month. Besides providing recreation and a learning environment for the children, the center offers services to parents: identification of gross health and developmental problems in their children; information on day care services and preschool facilities in their communities; material on health, nutrition, and child development and care; and referrals of those in need of social services to the Victim/Witness service counselor.

Crime Victim Hotline. The Project's hotline operates 14 hours a day, seven days a week, and is staffed by two full-time counselors and trained volunteers. Its purpose is to offer a listening ear and practical advice (in Spanish or English) to crime victims. The bilingual staff provides information on police and court procedures, crime victim compensation, Project services, and help available in the communities. The staff is also trained to give short-term counseling in crisis situations.

The number of hotline calls averages about 100 a week, and nearly two-thirds are from crime victims. Others include police and social service personnel who want information about the hotline.

Emergency Repair. The Project's emergency repair service, which also operates seven days a week, assists those who have been burglarized at hours when private repair services are not available. It was developed because Vera believes that in a system that affords little comfort to victims of predatory crime, and in a city where the chances are less than one in five that a burglary will lead to an arrest—and even slimmer that an ar-

rest will lead to restitution for the victim—it is necessary to do more than dust for fingerprints.

The service responds to calls, from anywhere in Brooklyn, made between 7:00 and 11:00 p.m. Two repairmen, whose tour of duty sometimes ends as late as 3:00 in the morning, fix broken locks, board up windows, and rebuild doors so that private and commercial premises are secured against further break-ins. Police officers responding to crime calls tell victims about the service; the officers or victim then telephones the Victim/Witness hotline for help. Hotline staff members communicate with the emergency repair van through two-way radio, and the crew reports to the local precinct both before and after undertaking a repair.

In addition to delivering emergency repair services to about a thousand victims of crime since the Project began, the emergency repair unit has saved many hours of patrol officers' time, which would otherwise have been spent guarding vulnerable commercial premises until the next morning when repairs could be made.

Transportation. The Project provides taxi vouchers for free transportation for witnesses unable to get to and from court on their own. Witnesses eligible for the service include elderly and disabled persons who cannot afford the cost of public transportation and parents who must take very young children to court.

Is the Project Working?

The Victim/Witness Assistance Project has prevented thousands of unnecessary court appearances. Since the Brooklyn Appearance Control Unit was incorporated into it, the unit's use of "alert" status to avoid wasted court appearances by police officers has increased from 50 to 70 alerts per day; alerts for civilian witnesses have nearly doubled. The officers whose alerts are not activated remain on the streets, and the result in the Project's second year was to free 65 tours of duty each day for patrol in Brooklyn—a diversion of more than $2 million in police time from unnecessary waiting to active policing. Current Project and police data suggest that the use of alerts might be further increased, leading to still more effective allocation of police manpower. Meanwhile, the Project continues to try to place as many police and civilian witnesses on alert status as possible.

The Project has not achieved comparable success in increasing civilian participation in prosecutions, however. There has been only marginal improvement, since the pre-

Project period, in appearance rates at the first adjourned date, and research shows that this margin is lost by the next court date. Overall, the attendance rate of civilian witnesses has increased only from 43 to 46 percent since the Project began.

The most difficult issue facing the Project, therefore, is civilian attendance in court. Unlike police witnesses, civilians appear on their own time, and usually without sanction if they fail to appear. They often drop out of the process if their property is restored or if they are inconvenienced by having to return repeatedly and wait long hours in court. Furthermore, findings from Vera's felony disposition study (see page 82 below) suggest that half of all victims in cases commenced by felony arrest had prior relationships—often close—with the defendants, and that many of them, having achieved an immediate end (punishment, revenge, escape) by causing the defendant's arrest, become reluctant to pursue the matter any further. To some extent, the Victim/Witness Assistance Project may be making prosecution a more comfortable and accessible process even in cases when it is not the best answer from the perspective of the victim. Therefore, the Project is designing an experimental program to offer mediation and conciliation as alternatives to formal prosecution for certain prior-relationship cases. The hope is that participation of victims in the resolution of their cases will be increased, and that resulting dispositions will better serve the interests of victims, defendants, and the community.

Modernizing the Information System through Computerized Disposition Reporting

The benefits of computerization, quick storage and retrieval of information and rapid communication of selected data to geographically dispersed points in the system, have been available all too slowly to the people who are trying to make New York's criminal justice system work. Indeed, this is one reason why the system always has had such difficulty: the paper avalanche has been too much to handle with the typewriter, the postal service, the filing cabinet, and the telephone.

But the situation has been improving. The Pretrial Services Agency's computerization of ROR information, begun in 1973, has been expanded to include information on all defendants except those released from police precincts on Desk Appearance tickets. As the PTSA data base expanded, it was evident that the on-line computer program, originally created for the agency's own operational and research needs, could fill information

gaps elsewhere throughout the criminal justice system.

In April 1976, the State Office of Court Administration (OCA) contracted with Vera to develop an automated system of disposition reporting tied to the existing PTSA information base. The goal was to relieve court clerical personnel of the burden of manually reporting case outcomes and to provide more complete and timely disposition information to the Division of Criminal Justice Services, which is charged with maintaining criminal history files for the state. Access to such files is required on short notice when defendants are being charged, arraigned, or sentenced. Decisions based on erroneous or incomplete records can, on the one hand, do individuals injustice or, on the other hand, put the community in danger.

Vera was given this assignment in part because of PTSA's experience with gathering, computerizing, and reporting data in the complex city court system and safeguarding the data from unauthorized use. By late 1976 court dispositions in Brooklyn, Manhattan, and the Bronx were being fed into OCA's new "offender-based transaction statistics" system on an experimental basis, and quality control procedures were being developed to assure accurate reporting.

It is expected that the new system will have potential for producing and processing other information useful to the courts, such as data necessary for calendaring and court management. The calendars now used throughout Manhattan Criminal Court, for example, are being printed by the new Vera-designed OCA system. Eventually, other elements of the criminal justice process—police, Legal Aid, corrections, and parole—may be able to improve their operations by using and contributing to the expanding computer system.

Working Inside the Prisons

In 1975, nearly a decade and a half after its initial work on bail, Vera reached the other end of the formal criminal justice system and began its first project within the prisons. Although the Institute had focused during the first 15 years on ways to keep persons from entering prisons, some of the techniques developed in that work had potential for making the prisons themselves more fair and efficient. The first opportunity came in early 1975, when the New York State Department of Correctional Services asked Vera to explore the possibility of applying the point score concept, developed for the Manhattan Bail Proj-

ect, to the process of making decisions on prisoners' applications for temporary release.

The Department, with its own funds and with a grant from the State Division of Criminal Justice Services, engaged Vera in two areas of work: first, to rationalize the grounds for and procedures by which prisoners are released temporarily for work, study, industrial training, special leaves of absence, and other purposes allowed by law; and second, to reconsider and clarify the rules and sanctions that govern inmate behavior.

Rationalizing the Temporary Release Program

In 1969, the Department began to explore programs for the temporary release of inmates. The idea was not new; in fact, it had been tried as long ago as 1906 in Vermont. But it had not been instituted on a large scale in New York until the 1960s, when the state legislature created a variety of temporary release possibilities. There had been no conclusive demonstration that temporary release programs aid inmate rehabilitation or reduce recidivism rates, but it was assumed that such programs, if sensibly administered, might help the individual offender make a successful transition from incarceration to paroled freedom and to a more productive life. Another objective was to avoid some of the harshest aspects of incarceration in fortress-like facilities far removed from the inmate's community.

The "Work Release Program for State Correctional Institutions," enacted in 1969, authorized inmate absences of up to 14 hours a day for three purposes: education, on-the-job training, and paid civilian employment. The law at first applied only to inmates in certain facilities who were within one year of becoming eligible for parole.

In 1970, the State Corrections Department's first work release program was begun at the Auburn Correctional Facility, and during that year 33 inmates participated. The following year, programs were established at Attica and Bedford Hills, and 66 inmates participated.

In 1972, the New York State Legislature reviewed the Department's experience and broadened the 1969 legislation, adding to the work release component a furlough program that authorized release for up to seven days to seek employment, maintain family ties, solve family problems, or attend short-term educational and vocational training courses. The new law also established a leave of absence program, allowing inmates to visit relatives suffering terminal illness, attend funerals, and obtain medical or dental treatment not available in the facility. By 1973 the number of facilities with temporary

release programs had increased to 12. In that year, 919 inmates were permitted work release or educational leave, and 7,501 furloughs and 660 leaves of absence were granted.

In 1974 the legislature further broadened eligibility to include inmates who were within one year of conditional release, and it added two more categories to the temporary release programs: a community services program (including release for participation in religious services, volunteer work, and athletic events) and an industrial training leave program. The number of temporary release programs thus grew to six. During 1974, nearly 1,600 inmates were granted work release or education leave, and there were over 15,000 furloughs and leaves of absence and 175 temporary releases for community service.

The steady rise in inmate participation in the various temporary release programs began to cause management problems. The Department of Correctional Services' request for Vera's assistance in 1975 reflected an awareness that its temporary release programs were also causing serious tension among inmates and that the process by which decisions were made to grant or deny temporary release was unsatisfactory. Vera's preliminary analysis identified three principal problems:

1. Inadequate staffing and operation of the selection process. Because of departmental budget constraints, the members of each prison's temporary release committee (usually consisting of a security staff member, a parole officer, and a service unit counselor) had other full-time responsibilities and were provided with little or no clerical staff. As a result, the inmate population was poorly informed about temporary release programs and about the specifics of the selection process. The infrequency of committee meetings led to delay in processing applications. Applications were often rejected perfunctorily, without inmates appearing before the committees, adding to the inmates' frustration. Since temporary release is available only to inmates within a year of their eligibility for conditional release or parole, and since the approval and review process was time consuming (each step took between one week and three months), participants often entered work release programs less than three months before achieving their freedom; in some cases, the brevity of such periods of transition defeated the purpose of the program.

2. Irrelevant or unclear criteria for selection. The principal criterion for selection was community safety. The inmate's need for and likelihood of success in the program were given little consideration. Further, the lack of fully stated criteria led many inmates

to view the system as unfair and allowed the selection process to be used to pressure inmates into more "acceptable" behavior rather than to facilitate their reentry into society. The lack of effective review increased inmates' alienation from the selection process.

3. Inadequate reporting for program management. There was no management information system from which to determine the number of applications received, the decisions made, the reasons for them, or the characteristics of persons accepted and rejected. Nor was information compiled in retrievable form about the success of temporary release programs: released inmates' job performance, completion of educational and training programs, subsequent performance on parole, and recidivism.

Vera's aim in the Temporary Release Project has been to increase the fairness of selection and to improve the likelihood of identifying inmates who are most likely to profit from temporary release, while protecting community safety. This has required development of a uniform selection process, adaptable to each component of temporary release and to each correctional facility. In addition, the Project has sought to increase inmate understanding of and involvement in the process and to develop a computer-based management information system to monitor it.

After analyzing initial data, Vera devised a point system similar in concept, though not in content, to that used in the Manhattan Bail Project. As a first step, an analysis was performed on the characteristics and temporary release performance of 337 men and women who had been admitted to the programs from four state prisons. The data were used to identify and give appropriate weight to the characteristics such as criminal and employment patterns, age, educational level, prison disciplinary record, and record of participation in prison programs. Based on the analysis, positive and negative point values were ascribed to each of 18 "predictability" characteristics. In its final form, the point system relies only on prior record and institutional behavior. Other factors, such as marital status, ethnicity, and juvenile record were included in the initial analyses for the purpose of basic research, but were excluded from the point system on ethical or legal grounds; these exclusions did not undermine the predictive power of the system.

In September 1976, the new point system was introduced at four correctional facilities to test the extent to which its use would bring greater uniformity to the selection process, reduce arbitrariness, ease administration, and limit the possibility for corruption in the decision-making process.

The point system consists of the following elements:

Criminal history:

1. Previous incarceration (2 points if none, 0 points if one or more).

2. Number of prior felony convictions (1 point if none, 0 points if one or more).

3. Number of prior misdemeanor convictions (1 point if none, 0 points if one or more).

4. Previous revocations of parole or probation, if resulting from attempts to abscond or rearrest (2 points if none, 0 points if one or more).

5. Outstanding warrants at time of commitment (2 points if none, 0 points if one or more).

6. Nature of prior and current convictions of crimes against the person (minus 6 points if any convictions for murder, sex crimes, or kidnapping first or second degree; minus 4 points if any manslaughter or first or second degree arson convictions; minus 2 points if any robbery, assault, possession of dangerous weapon, menacing, or first degree reckless endangerment convictions; 0 points if no convictions for violent crimes against the person).

Institutional behavior:

7. Program participation (2 points if completed a program or participated continuously for six months during the last two years or if carried out any work assignment or series of work assignments for ten months out of the past year; 0 points if not).

8. Discipline I (2 points if two or fewer Adjustment Committee decisions imposing a penalty within past year; 0 points if three or more).

9. Discipline II (2 points if no Adjustment Committee decisions imposing a penalty within last three months; 0 points if one or more of these penalties are imposed).

10. Record on previous release. (Plus 4 points if most recent unescorted participation on temporary release was successful and occurred during the past year. Minus 6 points if convicted of a crime, or arrested, with disposition of charges pending, or absconded while on temporary release within the last year; minus 3 points if convicted of a crime, or arrested, with disposition of charges pending, or absconded while on temporary release from one to two years ago. Minus 2 points if returned late or under influence of alcohol or drugs within the past six months. Zero points if none of the above apply.)

The new point system was designed for use with revised selection procedures that were

introduced at the same time. An applicant's score determines the way his application will be treated. Scores are divided into three ranges—low, middle, and high—for each type of temporary release (work release, furlough, educational leave, and so on). Applicants scoring in the low range are automatically rejected. Those in the middle range are considered individually by the temporary release committee. And those in the high range are automatically granted participation unless any of four "sensitive factors" is involved: history of mental instability, unusual notoriety in the community, serious sexual offenses underlying the current conviction, or substantial involvement with organized crime. Such cases, when the score is in the middle or even the high range, require further consideration by the temporary release committee before participation may be granted.

Under the new selection system, an inmate wishing to apply for temporary release meets with an interviewer to discuss his application and point score. During the interview, or within three days, the applicant may challenge the information used to score his application, and he may request further verification. If one of the four sensitive factors is involved, he may contest its relevance or its truth at a hearing. Negative decision by the committee may be appealed to the Department's central office, but decisions in favor of participation are final.

Early Results. The new selection procedures are being monitored by the Department and Vera. A computerized management information system is recording for research and evaluation purposes the details and outcomes of applications. In the project's second phase, to begin mid-1977, the information system will contain evaluations of performance on temporary release. This will permit easy and accurate scoring of inmates' subsequent applications, better informed parole decisions, and effective review of the point system itself.

In the first three months (through December 1976), 1,519 applications were made at the pilot facilities, and 54 percent of them were approved. Although that rate is not much greater than the rate at which such applications were approved prior to the new system, the number of inmates released has risen substantially because the number of fully processed applications has increased by over 20 percent.

Most of the applicants (68 percent) fell into the middle scoring range and thus went to committee hearings, where over half were approved. Fifteen percent were in the high and 17 percent in the low ranges. Five persons approved for furloughs under the new system absconded, compared to 14 persons, from a smaller number released, in the same

period of the previous year. (The term of participation is longer in the other temporary release programs, and absconding rates for them cannot be determined at this writing.) Of all the temporary release applicants, 66 made appeals and five were granted.

Of the 1,260 applicants falling into the middle and high ranges, fewer than ten percent involved any of the four sensitive factors, and almost all of these were in the "history of mental instability" category. Hearing officers found that a sensitive factor merited substantial consideration in about one-third of the cases; after consideration, some of these were still granted temporary release.

In December 1976, the Department of Correctional Services was awarded another grant by the Law Enforcement Assistance Administration (through the State Division of Criminal Justice Services) to expand use of the new selection procedures to all state facilities by October 1977. Under the grant, the Department has engaged Vera to refine the point system, forms, manuals, and management information system. Among the revisions contemplated are several aimed at reducing the proportion of cases that require discretionary decisions from the temporary release committees.

The experience gained in designing a point system for temporary release led to an agreement by Vera to aid in the development of guidelines for parole decision-making. Funds from LEAA were granted to Vera in October 1976 to work with the state Parole Board to develop a point system that will take into account severity of offense and prior criminal record in parole decisions. Such a system should reduce the workload of Parole Board members and make more visible to inmates the basis of their decisions.

Rationalizing Prison Rules: The Inmate Rulebook Project

New York State's Department of Correctional Services operates more than 25 facilities: minimum, medium, and maximum security prisons; camps; and halfway houses. Each of these has its own administration, atmosphere, and security problems; each has its own rulebook governing inmate behavior in general as well as a set of rules, specific to its own inmates, regulating such matters as visits, dress, and the use of corridors, messhalls, and recreational areas. The result has been that inmates transferred from one institution to another face inconsistencies in the regulations structuring their prison lives. The mix of cryptic general rules, elaborate special rules, and occasional departmental directives has made it difficult for the inmate to know what is and is not prohibited.

On September 1, 1975, at the direction of the state legislature, the Department of

Correctional Services issued a set of standards for inmate behavior at all Department institutions. The new standards provided some uniformity, but, having been drawn up quickly to comply with the legislature's mandate, they did not cover the full range of institutional regulation. Nor could they reflect a careful review of institutional needs, inmate concerns, and Departmental policies. Believing that such a review was desirable, the Department asked Vera to draft a completely new rulebook.

Vera's task was to produce a comprehensive restatement or code of inmate offenses and disciplinary proceedings. The work began in January 1976 and, at the end of the year, a final draft was being readied for submission to the Department for its review and, perhaps, its formal adoption.

After familiarizing itself with the varied documents detailing the existing rules and regulations, the project staff spent six months at New York correctional facilities—Greenhaven, Eastern, Wallkill, Clinton, Great Meadow, and Bedford Hills—observing the disciplinary process and interviewing administrators, staff, and inmates. Inmate rulebooks from many jurisdictions in this country and from England were reviewed, and visits were made to correctional facilities in New Jersey, Washington, D.C., Massachusetts, and Minnesota.

The staff found many departmental rules were neither clearly understood nor uniformly interpreted and enforced. There were areas of unnecessary over-regulation. Penalties imposed for similar infractions varied arbitrarily, and the absence of reasonable upper limits on punishments, geared to the seriousness of offenses, left the Department open to at least the appearance of abuse and injustice in particular cases. The lack of adequate procedures for fact-finding or review often reduced disciplinary proceedings to unreviewable determinations of punishment and left inmates persuaded of a presumption against innocence. Inmates were often unaware of their rights in disciplinary proceedings and their rights to review, and the uncertainties and unevenness of rules and procedures exacerbated conflict between inmates and prison staff.

Project staff held a series of meetings with two advisory groups to discuss drafts of revised rules. The advisory groups—one composed of prison staff from the various facilities and the other chosen from inmates who had been interviewed by Vera—helped shape the final drafts of the new rulebook.

By clarifying and specifying, as comprehensively as possible, what inmates are and are not allowed to do in the state's correctional facilities, the new rulebook should reduce

confusion and frustration among inmates while making the enforcement of rules easier for the prison staff.

Rules have been broken down into different grades so that punishments reflect the seriousness of the threat that each proscribed act presents to the personal safety of prison staff and other inmates or to the security of the facility.

At the top of the range of punishments—for offenses such as intentionally causing serious injury, rape, or taking a person hostage—is 15 days in special housing (segregated cells with limited amenities) or 30 days in keeplock (confinement to own cell) or 60 days' loss of privileges (such as movies or use of the yard or gym). Heavier penalties can be imposed for such acts, but only upon approval by the Department's central office. (Prosecutions may be initiated in the regular courts as well.) At the bottom of the new range of penalties is a maximum of 5 days' loss of privileges.

The rulebook is designed, like the Penal Law, so that punishments can be cumulative when several important rules are broken in one course of action. For example, if an inmate has disobeyed a direct order to stop fighting with another inmate, the maximum penalty for violating an order—14 days in keeplock or 28 days' loss of privileges—may not be sufficient. In such a case, the inmate is likely to have caused physical injury and may have damaged state property during the fight; he could then be charged with, and given the maximum penalty for, each of those additional offenses. Therefore, although the new code places limits on the power of the facility to punish offenses, it should leave sufficient latitude for maintenance of order and security.

In drafting the rulebook, Vera also sought to reduce the degree of regulation over details of inmates' lives. When no overriding Department interest in regulating a particular aspect of inmate behavior was identified, the existing rules were eliminated or substantially modified.

As the draft was intended for immediate use, it retained some restrictions on inmate conduct that take into account constraints on Departmental policy imposed by existing staff and physical plant. Vera's new draft is therefore not an "ideal" set of rules. Rather, it is a revision and restatement of existing rules, and it will no doubt be further clarified and simplified through regular review by the Department of Correctional Services of its experience with it. This process, too, should lead to greater fairness in the immediate as well as the distant future.

Further Development of the Diversion Idea

In 1967 Vera created the Manhattan Bowery Project to divert derelict alcoholics from police lockups, courts, and jails to a 24-hour medical facility. Since then the Institute has developed programs that remove from the criminal process several other categories of persons that might be handled better in other settings.

The Bowery Project was created to serve chronic derelict alcoholics, the Court Employment Project to serve accused persons for whom jobs or school might avert criminal careers, and the Neighborhood Youth Diversion Program to provide mediation, counseling, and other services for juveniles taken to Family Court.

As these projects proved valuable to the system and to the diverted individuals, they evolved into independent, separately funded and separately managed corporations. Vera has maintained informal ties with all of them, consulting on problems or new ideas, conducting or assisting in research studies, and helping to assure continued funding when it was threatened by New York City's fiscal crisis.

In 1976, nine years after the Manhattan Bowery Project set up its medical facility, Vera helped the Project design a non-medical detoxification service to test whether derelict drunks could be "talked down" and dried out without drugs and round-the-clock doctors and nurses. (The new service is to begin in January 1977.) The Court Employment Project was redesigned in cooperation with Vera, and in 1977 its client group will expand to include accused persons with serious prior records facing serious charges as well as young first- and second-time offenders. Vera's Research Department has received a grant from the National Institute of Law Enforcement and Criminal Justice to conduct a controlled research study on the impact of the Project.

Meanwhile, the Institute has been considering proposals for diversion from the criminal justice system of prostitutes, the mentally ill and disturbed, and former prisoners whose parole has been revoked for technical violations but who might, under suitable conditions, be safely given another chance.

The original diversion projects were discussed in some detail in Vera's ten year report (1972). Activities since then have been as follows.

The Manhattan Bowery Project

In the last five years the Manhattan Bowery Project expanded to New York's West Side, opened a non-medical detoxification center, and evolved into a comprehensive alcoholism treatment program offering a variety of rehabilitative services. For several years it has been the principal provider of services for skid row alcoholics in New York City. On January 1, 1976, New York State decriminalized public drunkenness, a measure passed in part because the Bowery Project had demonstrated that it is not necessary to use law enforcement mechanisms (police, jails, and courts) to get public inebriates off the street.

Downtown Project Operations. The core Bowery Project operates out of the New York City-administered Men's Shelter in the Bowery. Its mobile rescue teams approach derelicts who are in obvious distress and offer them the Project's services, which include detoxification with medical care in a 48-bed facility, and outpatient medical, counseling, recreational, referral, and other services. Between 1971 and 1976 the rescue teams (each composed of one policeman and one civilian, a recovered alcoholic) approached 22,500 individuals on the street, of whom two-thirds were escorted directly to the inpatient facility. Between 15 and 20 percent of these persons were new admissions each year; the rest had detoxified at the Project at least once and as many as ten or more times before. Over 3,800 of those approached declined admission but accepted some other form of assistance, such as transportation.

After detoxification, which usually requires five days in the facility, nearly half accepted referral to aftercare in hospitals and alcohol rehabilitation programs, including the Project's own outpatient department and therapeutic communities. The Project's outpatient department saw about 100 individuals a week, each averaging between three and four visits.

Project Renewal. A residential center in Brooklyn that offers recovering alcoholics job training, work experience, rehabilitation services, and job placement assistance, Project Renewal (an affiliate of the Bowery Project) has graduated 42 men since its inception in 1970. About 50 percent of those who enroll have stayed in the program more than six months; about half of those men stay for the full term of one year. At the heart of the program is the work the men do: 20 hours a week cleaning public play areas under contract with the city. In December 1973, a mayoral Certificate of Appreciation commended the project for "unfailing and outstanding service in providing safe and clean recreational areas throughout the city." Vera's participation in the planning and operation of Project

Renewal played a role in the conceptual development of "supported work" (see page 61).

Supported Therapeutic Environment Program (STEP). In October 1973 the Manhattan Bowery Project began STEP, a six-month residential program for recovering alcoholics at a single-room-occupancy hotel in Greenwich Village. It offers a "sober community" with counseling and other services for 14 men at a time, most referred from the Manhattan Bowery Project's outpatient department.

Expansion to the West Side. Over the past five years alcoholic derelicts have appeared in increasing numbers in neighborhoods of Manhattan outside the Bowery. In response to a request from officials and from residents of the Upper West Side, the Bowery Project began a pilot rescue operation there in December 1973. Street rescue teams approach inebriates and offer detoxification at one of two local cooperating hospitals. In the past two years its rescue teams have approached 3,200 individuals, of whom over 1,000 accepted hospital admission and 1,300 some other assistance. In February 1976 a 19-person STEP was opened at a West Side single-room-occupancy hotel. In addition to the program services developed at the Greenwich Village STEP, the West Side STEP has organized a work project that has engaged the interest and involvement of the community—STEP residents regularly clean and maintain the center malls on upper Broadway. Unlike Project Renewal and the other Bowery Project programs, its participants include women.

At the end of 1976 the West Side program had planned and, with a grant from the National Institute of Alcoholism and Alcohol Abuse, was ready to open a non-medical (or "social setting") detoxification center on West 51st Street. It will accept referrals from the rescue teams and other agencies. Based on successful non-medical treatment models in San Francisco and Toronto, it accommodates 40 residents for periods of up to five days, and nearly all are expected to be treated without any form of medication. A nearby hospital will provide back-up services for the estimated five percent of patients who need some medical attention or drugs during the detoxification period. Referrals to aftercare and long-term supportive services after detoxification are an integral part of the program design.

This development will permit Vera and the Manhattan Bowery Corporation to study the value and costs of different detoxification programs for different populations.

Funding. Since 1974, the core Bowery Project, like many other social service programs in New York City, has faced severe funding cutbacks, and in 1976 it began to explore ways to become eligible for third-party reimbursement such as Medicaid. One pro-

posed solution has been consolidation with a hospital, which would establish eligibility for such funds but would make the Project more costly to run. Meanwhile, Vera is attempting to put together a third-party reimbursement formula that, if approved, would assure the long-term survival of the Manhattan Bowery Project network.

The Court Employment Project

The Court Employment Project (CEP) was developed by Vera in 1968 to divert from full prosecution defendants who were at risk of beginning criminal careers but who seemed likely to profit more from counseling and education and employment referral services than from adjudication of guilt and imposition of sanctions. After a three-year demonstration in Manhattan, CEP became an independent city-wide corporation, funded by the city's Human Resources Administration. The Project's goals continue to be to reduce recidivism, avoid conviction, and improve the educational and employment prospects of its participants.

The Project has three major components. First, staff members screen arraignments to select eligible participants. Second, if the defendant, prosecutor, and judge agree, the defendant enters the program and receives weekly personal and vocational counseling and other services. Third, attempts are made to place him in a job or in a vocational or educational program. After he has been in CEP at least 90 days (four and a half months is the average), the defendant returns to court for disposition of his case. If he has attended counseling, pursued referrals or held a job, and stayed out of trouble, the Project recommends that the case against him be dismissed.

Project Results, 1971–1976. During these last five years, CEP provided counseling, referral, and other services to about 10,000 active participants and another 5,000 former participants and friends and relatives of defendants. Eighty-five percent were black or Hispanic, and their average educational level was 9.7 years. Their median age was 17, down from a pre-1971 median of 19. Of those diverted from the courts, roughly 60 percent had been arrested for felonies and the rest for misdemeanors; the most common charges were larceny, burglary, and possession of stolen property.

The rate at which CEP clients had their cases dismissed remained fairly constant throughout the five year period and averaged 60 percent. Another 36 percent were terminated from the program, usually because they failed to attend counseling or were rearrested. The remaining 4 percent were administratively discharged or referred elsewhere by

the program; this group included defendants who moved out of the city or exhibited drug or serious emotional problems that CEP counselors were not equipped to handle.

The rate at which clients attended counseling sessions—one fairly reliable indicator of success—rose over the five years, from about 60 percent in 1971-72 to about 68 percent in 1975-76. The proportion of job placements resulting from referrals went down, however, from 44 percent in 1971 to 24 percent by mid-1975, chiefly because of the economic recession, but also because of the younger age of the clients. Between 1971 and '76, the program staff made about 3,600 referrals to jobs, 2,300 to vocational training, and 900 to schools—some 6,800 referrals in all. Of these, half resulted in actual placements; in addition, 2,000 participants found job, training, or school placements on their own.

In response to needs identified by counselors, CEP in 1974 began remedial tutoring programs in basic literacy, math, and English as a Second Language. In September 1975, the Project became an extension of Brooklyn College's School of Contemporary Studies; qualified participants can enroll directly in a full-time degree program with job opportunities to help them subsidize their education.

Issues in Pretrial Diversion. From 1968 to 1975, the Court Employment Project dealt almost exclusively with youths between the ages of 16 and 19, first or second offenders facing only moderately serious charges. The initial decision to concentrate on this group reflected the fact that diversion from the courts was then a new and somewhat radical idea; prosecutors and judges were not prepared for a program that would remove from court processing defendants facing serious charges or having extensive prior records. Pretrial diversion for certain young defendants was suggested as a way to turn the negative experience of arrest into a more positive experience in which young offenders might receive rehabilitative services and avoid the stigma of conviction. Such diversion was also looked upon as a way to make the courts more efficient by freeing up resources that could then be concentrated on the prosecution of repeat and serious offenders.

In the mid-seventies, with court diversion projects established in over 200 jurisdictions around the country, attention turned to such questions as these: Are diversion programs handling the types of defendants who can most benefit from their services? Are they reducing recidivism? Are they placing restrictions on their clients' freedom that would not have been otherwise imposed? Are they ensuring clients due process? And, are they saving the criminal justice system any substantial amounts of money? Questions were also raised about where programs such as Court Employment should be located: in

their own offices, as independent, non-profit corporations? within the prosecutors' offices? within public defender or legal aid offices? under the jurisdiction of the court?

In 1974, during the House Judiciary Committee hearings on a bill to incorporate pretrial diversion into the federal law, Yale Law School professor and Vera Board Member Daniel J. Freed argued against the measure on the grounds that such issues had not been adequately explored. He pointed to the absence of reliable research into existing programs and their effects and to the difficulty of conducting such research on programs, like CEP, that ". . . appear to limit their recommendations . . . to defendants for whom—if convicted—imprisonment will represent both an undesirable and unlikely sentence."

In part as a result of the debate stirred by the hearings (the bill was not passed) and in part because a 1973 research study by an outside consultant had raised serious questions about the impact of CEP, Vera advanced two proposals. The first was a design for a rigorous controlled study of Court Employment's impact on dismissal rates, recidivism, and employment patterns of its clients. The study would also try to determine which of CEP's rehabilitative efforts work best, analyze the program's costs and benefits to taxpayers, and compare the Court Employment Project with diversion programs in other cities.

The research takes account of the concerns of program operators and others about the fairness of withholding CEP's services from the "control" group—those persons who are prosecuted in the ordinary way—in order that their court and employment experiences can be compared to those of the diverted, or "experimental," group. Since CEP does not have the resources to serve all potential clients in any case, eligible defendants are being selected on a first-come, first-served basis. For example, if the program can take 25 participants in a one-week period, all other eligible defendants during that week become "overflows" and are assigned to the control group. (See page 80 for more discussion of the issues surrounding controlled research on social programs.) The study began in late 1976.

Vera's second proposal was that CEP include among its clients—at least on an experimental basis—not only youthful first or second offenders facing moderately serious charges but also individuals with more extensive prior records facing more serious charges.

Political constraints on diversion of the more serious cases are not as substantial as they were when CEP was introduced in 1968, and, if diversion is to be a more efficient and fiscally sound method of handling eligible defendants than formal prosecution, it is clear

that programs like CEP must prove effective with cases that would not be dismissed in the normal course of events and would cost the system more if not diverted.

Funding and the Future. During the spring of 1976, New York City cut CEP out of its budget. Intake was halted, but a skeleton staff was maintained while the Chairman of the Mayor's Criminal Justice Coordinating Council and Vera staff sought ways to revive the Project. The city's Human Resources Administration finally agreed to refund CEP for 1976–77, though at a reduced budget.

The Project is now trying to deliver services to as many defendants as possible within the new budget. Vera's Pretrial Services Agency is helping by donating some screening and data-gathering services. As previously stated, the Project is including among its participants defendants who are charged with felonies and who have more serious prior records, with the expectation of savings to the criminal justice system in court and detention costs. In addition, because court services formerly provided by other agencies have been eliminated, CEP has begun to refer defendants involved in narcotics use to treatment programs throughout the city.

Neighborhood Youth Diversion Program

The Neighborhood Youth Diversion Program (NYDP) was developed by Vera and Fordham University as a community-based, short-term alternative to the Family Court juvenile justice system. The Program began as a three-year demonstration in 1970, funded by LEAA through Vera. It was independently incorporated in 1973 and has been funded ever since by the city's Human Resources Administration, Division of Special Services for Children. NYDP's target area is the East Tremont section of the Bronx, a poor, predominantly black and Puerto Rican community. The program's goals are to prevent institutionalization of juveniles between the ages of seven and sixteen and to maintain them in their families and community. They are diverted from Family Court to the NYDP program of counseling, special referrals, and advocacy with schools and other institutions.

Most NYDP participants are referred by Family Court intake personnel. Others are sent by the Board of Education's Bureau of Attendance, supervising probation officers, local police precincts, the Police Youth Aid Division, and the city's Division of Special Services for Children. Each child is assigned to an NYDP staff member called an "advocate," who meets regularly with him for counseling, recreational activities, school visits, and so on. Working with the child on a short-term basis, the advocate gets in touch with

community agencies and institutions that can assist both the child and his family in a long-term treatment plan.

At the heart of NYDP's program is the Youth Forum, an early model for extra-judicial settlement of personal conflicts. Panels of neighborhood residents trained in techniques of fact-finding, mediation, and conciliation, resolve conflicts and recommend treatment plans. The Forum's hearings provide an informal setting in which the youngster and his parents can discuss problems and find ways to solve them without further court involvement. On occasion, the Forum also mediates teacher-student disputes.

An attempt was made in 1973 to apply the Forum idea directly to the court process for cases not diverted at intake. NYDP and the Bronx Office of Probation created the Family Court Predisposition Panel (FCPP) to intervene after fact-finding but before disposition of cases that could not be diverted either because the complainant refused to agree or because the offense was too serious. This pilot project, funded by the New York Community Trust, operated from October 1973 to August 1975. FCPP mediators (similar to NYDP Forum mediators) worked with 47 youngsters and their families. They identified special services or informal arrangements that would meet the youths' needs and, through a Forum, recommended dispositions to the court.

Vera examined the case histories and final dispositions in the 47 cases handled by FCPP and compared them to those of 41 similar cases handled in the conventional way. FCPP cases reached disposition more swiftly and the youngsters involved received more social services, but these cases were not dismissed significantly more often than the comparison group of cases; the youngsters were placed under probation supervision less often in the FCPP cases, but dispositions were otherwise similar for the two groups. Following this research, the panel's operations and funding were discontinued.

Other Services. As NYDP developed, it increased its referral capabilities and set up liaison with other agencies—particularly those providing medical and psychiatric care. In the fall of 1972, with the cooperation of the Fordham University Teacher Corps and local School District 10, NYDP created an "Interim Learning Center" for junior high students who, because of behavior problems or learning difficulties, were unable to cope with the public schools. Its chief purposes were to increase the children's basic skills and, through counseling and individual attention, to change their attitudes about learning so they could eventually return to conventional school settings. By June 1974 (when funding cutbacks closed the school), 124 youngsters had attended the school for varying

lengths of time and, on the average, had increased their math and reading achievement by one grade level for each month in the Learning Center.

Beginning early in 1977, NYDP will undertake an innovative approach to truancy prevention. Two advocates will be assigned to provide intensive counseling to chronically truant elementary and junior high school students in half-day "learning readiness" programs on the NYDP premises. Forum panels will be used to develop and enforce contracts to seek parental cooperation.

NYDP also offers athletics, cultural events and tours, and camping trips, and it has maintained an emergency and special service fund to aid participants and their families. In 1976 NYDP cooperated with Vera in preparing and publishing *A Caseworker's Guide to the New York State Juvenile Justice System*. The guide is based on NYDP advocate training materials and provides information to those who work in the Family Court.*

Program Results, 1970–1976. In its first six years NYDP diverted over 1,800 children, 60 percent of whom faced delinquency charges, most commonly robbery and burglary; the remaining 40 percent were PINS—youngsters brought before the Family Court as Persons in Need of Supervision. Three-quarters were boys, and nearly all were black or Hispanic. Their average length of stay in the program was three months, and about one-third of the cases were referred by an advocate to a Forum. The majority of the Forum cases were successfully resolved so that no return to Family Court was necessary; in 1974–75 the success rate was 78 percent.

The Legal Action Center: Another Avenue to Change

An early decision at Vera was to work within the system in attempting to bring about useful change. But it is clear that change can also be effected through outside pressure—and such pressure, mounted through the courts, has increasingly won support from people inside government who have found that public interest litigation can help the administrators themselves to break old molds and force new ways of thinking in their agencies.

By 1972, Vera's exploration of this approach had become specific. A public interest law firm—the Legal Action Center, as it came to be called—was designed to focus in new ways on problems in the criminal justice area. The Legal Action Center was established

* Copies of the *Caseworker's Guide* and a supplement incorporating changes wrought by the Juvenile Justice Reform Act of 1976 (effective February 1, 1977) are available through Vera at $2.50 each.

in 1973, with principal funding from the Ford Foundation and the New World Foundation. It was to launch affirmative class actions seeking systematic reform and challenging the legality of particular laws, regulations, and official practices and policies. It was to challenge unfairness in the operations of criminal justice agencies and to press for opportunities for rehabilitation of persons with histories of involvement in crime or drug abuse. And it was to base its litigation on analysis of the responsible public and private agencies, which would help determine the kinds of reforms needed and whether a litigation strategy was likely to be effective.

While Legal Action's litigation would consist largely of "test cases" seeking new legal principles, the Center would also focus on the implementation of court orders issued under those new principles. Efforts would be made to follow through on cases to determine what, if any, changes were actually effected, and to pursue other approaches where necessary.

In order that the Center's litigation agenda might mesh with Vera's efforts, it was decided that the two agencies should have a close working relationship. Thus, in designing complex litigation, the Center could take advantage of Vera's capacity for empirical research. And when early stages of litigation revealed a pattern that might lend itself to settlement, Vera's program experience might be tapped to frame an appropriate agreement. But the Center was established as a separate entity with its own corporate structure and board of directors. While some persons serve on the boards of both the Center and Vera, the relationship between the organizations is informal, based on mutual interests.

The Litigation Program

Employment Discrimination. The Legal Action Center's first project was a series of lawsuits designed to open up opportunities for persons excluded from jobs and from services because of their criminal or drug abuse histories. Support for legal theories challenging such discrimination as irrational was drawn from the performance of ex-addicts and former offenders in several of Vera's employment projects.

For years, substantial public and private funds have been committed to the treatment and rehabilitation of offenders and drug abusers in order that they might be assimilated into the mainstream of legitimate society. Discrimination that excludes them from working and otherwise participating in our society seems irrational and counterproductive. The Legal Action Center sought to prove that most of these exclusionary policies are ir-

rational in a more fundamental sense—when the job is one that an ex-addict or ex-offender can perform as well as anyone else, the discrimination might violate the Constitution's guarantees of equal protection and due process of law.

Legal Action's preliminary analysis demonstrated that discrimination against reformed drug abusers and offenders is a major problem, affecting even those who are clearly rehabilitated and whose drug or other offenses were minor and obviously unrelated to the jobs or benefits that are denied to them. Many major public and private employers have sweeping policies denying employment in even their most menial jobs to all persons with any history of drug use, and they refuse even to consider fitness to perform on an individual basis. Thus New York City's Transit Authority flatly excluded former drug users from all its 47,000 jobs, including janitorial and clerical positions. The United States Postal Service likewise excluded this group—including a Center client who had briefly, many years ago, used cocaine—from thousands of jobs. Other employers and licensing agencies that do not have policies expressly excluding former drug users simply bar them as a matter of practice. One Legal Action client was denied an ophthalmic dispensing license on the basis of a single non-job-related conviction despite the fact that he had been trained in prison to work as an ophthalmic dispenser. Another client was denied civil service employment because she admitted having experimented with marijuana once at the age of fifteen.

The situation with regard to insurance, housing, health care, and access to welfare benefits is much the same. A Legal Action client who is steadily employed and supports a young child has had a life insurance application refused because she is an ex-addict. A major realtor told another client that no apartments were available to him because of his participation in an addiction treatment program. A seventy-one-year-old amputee was denied access to physical rehabilitation services solely because he was engaged in methadone maintenance treatment for his former drug abuse problems. The Center's staff found that in nearly every aspect of our society, former drug abusers are restricted from obtaining goods and services that most people take for granted.

The Center's staff decided that employment discrimination was the central problem, and it designed litigation that could establish the principle that employers may not lawfully discriminate against persons with drug abuse histories—that employers must give such persons an opportunity to compete with everyone else on the basis of their individual suitability for the particular job.

In *Beazer v. New York City Transit Authority* the Center won major court rulings that discrimination based on drug abuse history or treatment is unlawful—that it violates both the Federal Constitution and Title VII of the 1964 Civil Rights Act. The federal court's opinion is the first significant judicial recognition of the legal rights of rehabilitated drug abusers. The opinion contains extensive findings of fact covering most of the available scientific and other evidence demonstrating that drug abusers can be fully rehabilitated and that those engaged in treatment—including methadone maintenance—are fully suitable for employment. The ruling should have impact not only as legal precedent, but also as a means of persuading employers and others of the irrationality of blanket discrimination against former addicts. Most of the Transit Authority's 47,000 jobs—all of which were previously closed to former drug abusers—have now been opened up to this population, and Legal Action clients are now on the job at the Transit Authority. The case was described by Dr. Robert L. DuPont, Director of the National Institute on Drug Abuse (NIDA), as a "major breakthrough for former drug abusers." NIDA disseminated copies of the *Beazer* decision nationwide to drug treatment programs and Legal Services attorneys so that widespread advantage could be taken of the Court's factual and legal findings.

A supplementary court opinion in the *Beazer* case accepted the Center's argument that employment policies that discriminate against ex-addicts operate to exclude a disproportionate number of minorities and thus constitute a form of racial discrimination. This ruling provides a basis for challenging private, as well as public, employer discrimination. It also means that discrimination against ex-addicts can be judged by the relatively strict standards of Title VII of the 1964 Civil Rights Act; under this law, the employer has a heavier burden in justifying discriminatory policies than he does under the Fourteenth Amendment's "equal protection" standard.

Another Legal Action lawsuit, *Ocasio v. Klassen*, succeeded in reversing the Postal Service's policy of barring former drug users from all employment. As part of the settlement ending this federal lawsuit, new Postal Service regulations, drafted by the Legal Action Center, were adopted by the court. These regulations, now applicable nationwide, prohibit discrimination against former drug users in virtually all the Postal Service's 700,000 jobs, and they constitute a model for adoption by other employers or for settlement of other lawsuits. Approximately 75 Legal Action clients, previously denied work, are already working for the Postal Service in the New York area. Legal Action is plan-

ning a controlled study of their performance, in cooperation with Vera and the National Institute on Drug Abuse, in an attempt to obtain the kind of hard evidence on the job performance abilities of former drug abusers that is essential in further litigation over discrimination against them.

Following the favorable supplementary *Beazer* opinion, Legal Action launched a challenge to discrimination by *private* employers in *Davis v. New York Telephone Company*. The case involves a woman fired after seven years of satisfactory employment because of a misdemeanor conviction for marijuana possession. As in its cases challenging discrimination in public employment, the Center has chosen to litigate against an employer with the potential to offer a large number of secure, well-paying jobs to ex-offenders and ex-addicts.

Other pending cases challenge the manner in which licensing and civil service agencies operate to restrict former drug abusers' employment opportunities *(Captan v. Nyquist* and *Aken v. Civil Service Commission of the City of New York).*

The Center has completed preliminary work for challenges to a range of other forms of discrimination suffered by former drug users. Some of the possibilities have already been explored in individual cases. For example, the Center has successfully represented a mother who had been denied custody of her child solely because of her participation in drug treatment *(People ex rel. Esmael Quintana v. Tirado)* and an amputee who had been denied essential physical rehabilitative treatment for the same reason. But the Center's work has revealed that former drug abusers have serious problems obtaining adequate housing, insurance, and other benefits and services. A program has been developed that will challenge irrational discrimination in these areas as it has been challenged in the area of employment.

The Legal Action Center's attacks on employment discrimination against former addicts led naturally to its second major program, litigation challenging similarly irrational discrimination against persons with arrest and conviction histories. In this field, too, the Center's focus has been on employment because discrimination in that area seems to pose the most significant barrier to rehabilitation. Persons with criminal records have an extraordinarily difficult time getting jobs even when they appear to be entirely suitable for employment—as, for example, when their prior offense is unrelated to the job at issue and they have a demonstrated record of rehabilitation. Again, one major public employer whose policies in this area directly affected a substantial number of Center clients was the

Transit Authority. The Center went to court with *Connolly v. New York City Transit Authority* not only to establish new law barring such discrimination but also to take on the difficult problem of proof raised when an employer claims that it does not have a blanket policy barring all ex-offenders and that it deals with them on an individual basis. As courts strike down overt discriminatory employment policies, it seems likely that employers will attempt to shield employment discrimination from outside scrutiny by developing overly restrictive yet ostensibly "individualized" hiring and firing procedures. *Connolly* should provide a model for challenging this type of discrimination.

Throughout the civil service there are many other types of employment from which ex-offenders have been barred. Similarly, occupational licenses—essential for many trades—are often denied to persons with criminal records. Legal Action has established new law governing official standards and procedures in these areas. In *DePaolo v. D'Ambrose* the Center obtained a state court ruling that ex-offenders could not be barred from civil service on the basis of non-job-related convictions. *Keyer v. Civil Service Commission of the City of New York* and *Barandes v. Codd* successfully challenged, in federal court, civil service and licensing procedures that placed unfair and ordinarily insurmountable obstacles in the way of ex-offenders trying to prove their right to the jobs at issue.

Many civil service and licensing statutes have flat bans on the employment of former offenders. In *Smith v. Fuessenich* Legal Action is seeking a ruling in federal court that such legislation is unconstitutional. At least as significant a problem for ex-offenders is posed by legislation excluding from certain jobs any person who fails to meet a vague "good character" requirement. Legal Action recently brought a case designed to obtain a ruling that this kind of requirement is also unconstitutional.

Central to the discrimination problem is the fact that employers and licensing agencies are often able to get access to job applicants' criminal records, which tend to include irrelevant, outdated, and even inaccurate information. Legal Action is working on litigation designed to limit the dissemination of the records.

Legal Action has also helped develop legislation protecting ex-offenders against job discrimination. The Center's staff provided technical assistance, for example, on legislation passed by the New York Legislature in 1976 to prohibit irrational employment discrimination. The Center then brought the first suit seeking to implement that legislation; it was successfully resolved when the plaintiff was employed in the position he had sought *(Cicchetti v. New York City Housing Authority).*

Reform of the Penal Law. In 1973, New York State amended its penal law to mandate harsh sanctions for all drug offenders, even the most marginal. The Center challenged the application of these new legal provisions to persons arrested for selling or giving away methadone (usually obtained from treatment programs). Under the new provisions, they received the same harsh punishment as far more serious drug offenders—a mandatory prison sentence with a minimum set between 15 and 25 years, an automatic maximum of life imprisonment and, if released, lifetime parole. One of the Center's clients had been a heroin addict for 16 years, but for the past three years had successfully participated in a methadone treatment program. She was charged under the new law with the unauthorized transfer of a small amount of methadone. Despite her excellent prospects for rehabilitation, the court was required to subject her to the harsh lifetime sanctions. In a Legal Action suit, *People v. Carter,* the law's provisions governing methadone were held unconstitutional. Remedial legislation consistent with this decision was enacted shortly thereafter.

Pending in federal court is a Legal Action lawsuit, *Carmona v. Ward,* challenging the constitutionality of the life sentence and lifetime parole provisions of the law as applied to other drug offenders; the suit argues that mandatory imposition of these penalties, without regard to the severity of the offense or the nature of the offender, is cruel and unusual punishment. One of the petitioners in this case illustrates the problem. Her crime involved a $40 drug transaction. She was in methadone maintenance treatment at the time, was considered a good patient with excellent prospects for rehabilitation, had no prior criminal record, and was the mother of a young child. Although she was clearly a person for whom probation would be considered the appropriate sentence, under the New York drug law the judge was required to sentence her to an indeterminate sentence with a lifetime maximum, and lifetime parole without possibility of discharge if she were ever released.

Another part of New York's Penal Law authorized judges to hand out, to persons 16 to 21 years of age, indeterminate sentences with four-year maximums for minor crimes carrying a maximum of a year—or even 90 days—for adults. In *Sero v. Preiser,* the Legal Action Center argued that, because the state made no special effort to rehabilitate the persons subjected to this sentence and, in fact, mixed them indiscriminately with other prisoners in correctional facilities, the sentences violated constitutional guarantees of equal protection and due process. The federal court declared the sentence unconstitutional, and its order released more than 700 persons from prison and parole custody. Remedial legis-

lation was passed by the state legislature during the last stages of the litigation so that such sentences could not be used in the future.

Reforming the Administration of Justice. The Legal Action Center has launched a victimless crimes project to relieve the criminal justice system of persons and offenses for which it seems ill-suited and which place an overwhelming burden on it.

Over half of all arrests are for crimes that, because of their consensual nature, are termed "victimless"; they involve willing participants who pose no threat of real harm to others. While such offenders may be in need of assistance, they are not receiving it from the criminal justice system, and the economic and social costs of controlling crimes such as public drunkenness, prostitution, and gambling are enormous. In New York City, for example, nearly 45,000 prostitution-related loitering arrests are made each year at the cost of approximately $285 per arrest; the annual cost of police overtime associated with these arrests reaches $200,000-$300,000 in certain precincts.

Legal Action's initial effort in the victimless crime area has focused on prostitution. In New York, control of prostitution has been attempted through roundup ("sweep") arrests on disorderly conduct or loitering charges. The criminal charges resulting from these sweeps have been routinely dropped, however, and the women return to the streets after a brief period in police custody. The practice is conceded to have little impact on the prostitution problem; serving only to clear the streets from time to time. It does, however, create a sizable group of stigmatized and bitter women whose criminal records become a barrier to employment other than the selling of sex. Legal Action has challenged sweep arrests in the case of *Dominguez v. Beame.*

A rather different issue in the administration of justice is the intractable and emotion-laden problem of official brutality. Extensive investigation of conditions at a New York City correctional facility indicated to the Center's staff that guard brutality was common and that it was to some extent condoned—incidents of brutality were not properly investigated, and guards guilty of misconduct were seldom disciplined. Legal Action filed suit, on behalf of seven adolescent victims of guard brutality, against both the guards alleged to be responsible and against their superiors *(Outlaw v. D'Elia).* Substantial damages and injunctive relief have been requested in an attempt both to deter such conduct in the future and to establish by court order an effective system for supervising and monitoring correctional staff.

In another suit, *Graseck v. Mauceri,* the Center challenged the nature of legal repre-

sentation provided to some criminal defendants. Most defendants cannot afford private counsel and must depend on representation by public defenders or Legal Aid attorneys. As these lawyers are paid from public funds, the danger exists that they will place a higher priority on not offending public officials than on pursuing the best interests of their indigent clients. In *Graseck*, the Legal Action Center is attempting to establish the principle that such attorneys must be allowed to assert the rights of their clients as vigorously as do the members of the private bar. The case concerns an attorney who was discharged from his position with a legal aid agency, apparently as a result of improper pressure placed on its director by judges who were offended by the aggressiveness with which he pursued his indigent clients' interests.

Widening the Center's Impact

The Legal Action Center has recently taken a number of steps to extend the reach of its work. Though its professional staff is small—a director and six attorneys—its board of directors is diverse and expert (it includes practicing lawyers, law professors, physicians, a journalist, and others engaged in public affairs). Largely through the efforts of these board members, the Center has expanded its litigation capacity by involving members of the private bar in its lawsuits, on a *pro bono* basis. In addition, an expanding student intern program, conducted in cooperation with clinical education courses at several law schools, gives the Center's lawyers substantial backup.

Through a paralegal program, the Center has been able to supplement the test case program of litigation by providing specialized assistance to hundreds of individual ex-addicts and ex-offenders for whom no similar legal expertise is available to help with obtaining jobs, licenses, housing, insurance, adequate treatment, and confidentiality of their treatment and criminal records. This work has led the Center's staff to assist drug treatment programs to build up their own capacity to recognize and act on their client's legal difficulties in these areas.

The Center's focus has been on bringing change to the system in New York, but it is increasingly serving as a national backup resource, assisting attorneys throughout the country on matters within its expertise. For example, under a grant from the National Institute on Drug Abuse, the Center recently prepared for national distribution a publication, *Employment Discrimination and How to Deal with It: A Manual for People Concerned with Helping Former Drug Abusers*.

The scope and quality of the Legal Action Center's program has so far ensured continuing fiscal support from foundation and government sources. But, with a view to the future, it has made a major effort to supplement these funds by obtaining court awards for attorneys' fees to cover the costs of its major successful litigation. In a recent court decision applying the 1976 civil rights law's provisions governing attorneys' fees, the Center was granted one of the largest awards ever made in a case involving civil rights. By pursuing this source of funding, the Center is seeking further development of the law governing such awards so that it and public interest law firms like it may become substantially more self-sufficient.

3. The Wildcat Experiment: An Early Test of Supported Work

In the course of its work in criminal justice reform, and specifically in trying to find jobs for ex-addicts and ex-offenders, Vera has learned that some people may be permanently excluded from the labor market not because they are lazy or physically disabled or incapable of useful work, but because of a combination of other factors: a lack of work experience and the self-confidence that goes with it, an absence of skills and positive work habits, and a tendency on the part of potential employers to make negative prejudgments about people who have been in prison or on drugs.

Vera had been experimenting, even before 1971, with the creation of transitional jobs for such groups and had decided that the jobs require special "supports" to compensate for employees' deficiencies in experience, skills, attitudes, and work habits. Both structural and service supports seemed necessary. "Structural" supports include working in groups with co-workers who have similar backgrounds, performance pressures that increase to normal levels only as a worker's tolerance for stress increases, and sympathetic supervision. "Service" supports include vocational counseling and assistance with education, health care, legal problems, and so on. These are the key elements of the Wildcat Service Corporation, created in 1972 as a large-scale test of the feasibility and impact of supported work programs for the "unemployable."

Wildcat represented a commitment by Vera to the exploration of three ideas that seemed to hold promise. The first was that many idle and dependent people could, under specialized conditions, produce services needed by the larger community. The second was that welfare payments could be combined with other funds to make up salaries for a work force that would produce valuable services and give the public a positive return for its money, even in the short term. And the third was that some supported workers might develop sufficiently solid work histories and skills so that conventional employers would be willing to hire them for regular jobs (and thus take them off welfare).

Vera hoped that most Wildcat employees would be able to move on to non-supported jobs, and the Wildcat supports were designed to encourage that transition. But Vera recognized that this hope might not be realized, and that for a minority of Wildcat employees a job in the open labor market may never be a realistic expectation. Some persons may need the supportive environment of a program like Wildcat throughout their working lives. But for such people (and from the taxpayers' point of view), a supported work career might be preferable to a lifetime on welfare, for it would give them self-esteem and enable them to earn a living and provide services of real value to the community.

The early results of the Wildcat experiment have been promising. As a private, nonprofit corporation, Wildcat was able to enlist the cooperation of the Secretary of Health, Education and Welfare in financing an experiment that made participants' welfare checks part of their supported work salaries. Other federal agencies have provided grants to bring salaries to more than double the welfare benefits and to finance a thorough, four-year controlled research study. The agencies pooling resources for this effort have included the National Institute on Drug Abuse of the Department of Health, Education and Welfare, the Law Enforcement Assistance Administration of the Department of Justice, and the Manpower Administration of the Department of Labor. In addition, the City of New York, through its Department of Employment, has made a substantial financial investment in the manpower training aspects of the program. City, state, and federal agencies contract with Wildcat to provide services, including the waterblasting of public buildings, pest control, repair of buildings, message delivery, erosion control, and maintenance of police precinct and court houses.

Much has happened in the field of supported work since Wildcat was created in 1972. After two years, the Wildcat labor force had grown from a handful to 1,400 persons, and promising initial findings from research had become available. In March 1975 the Labor Department joined forces with the Ford Foundation (which, through its sustaining grants to Vera, had helped get Wildcat off the ground) to launch a national supported work experiment, the Manpower Demonstration Research Corporation (MDRC).

In addition to its support from Ford and the Labor Department, MDRC receives funds from the federal agencies that have supported Wildcat and from the Department of Housing and Urban Development and the Department of Commerce. MDRC oversees the operation of 15 supported work projects in various parts of the country, each planned and managed locally. The projects are monitored through a common research design to measure their success in moving people from supported employment to normal jobs. In addition to ex-addicts and ex-offenders, MDRC projects offer supported work to other chronically unemployed persons, such as welfare mothers, out-of-school youth, former mental patients, and recovering alcoholics. In 1976, the Wildcat Service Corporation became a part of MDRC's national experiment.*

* More information on MDRC can be obtained by writing to Manpower Demonstration Research Corporation, 3 Park Avenue, New York, New York, 10016.

Early Explorations

It might be said that Vera stumbled onto supported work in the course of trying to figure out what to do for derelict alcoholics who had been treated at the Manhattan Bowery Project (page 42). That project had been established in 1967 as a detoxification and social service program for alcoholics who congregated in the Bowery, an area of Manhattan that has long been a gathering place for derelicts and the site of "drunk tank" round-up arrests. A year later, when Vera staff members were visiting Camp LaGuardia, a camp for alcoholics run by New York City in the nearby Catskill Mountains, they learned that local resort owners recruited summer help from the camp. The LaGuardia alcoholics seemed able, without drinking, to work well in groups at jobs such as dishwashing and kitchen cleanup. The Vera staff wondered whether working in groups at clearly-defined and relatively simple tasks gave the alcoholics essential supports that allowed them to stay sober and work productively.

To test that notion, Vera set up a pilot program in which a few outpatients from the Manhattan Bowery Project, working in groups, cleaned and maintained vacant lots on New York's Lower East Side. At the end of six weeks none of the workers had returned to drinking, and the project expanded to include clean-up of lots in a larger area. Later a more ambitious effort was built upon the experience of this pilot project. Called Project Renewal, it permitted a group of Bowery Project outpatients to share a common residence and to contract with the city to maintain public playgrounds (page 42).

Holland and England have networks of "sheltered workshops" for the physically and mentally handicapped—vast efforts subsidized by the governments of those countries. Vera staff members observed these systems with the idea that similar settings might be developed in America for the socially handicapped, especially persons with criminal and drug histories. To put the supported work concept to such a test, Vera set up a pilot project in which chronic alcoholics produced wooden toys for commercial marketing. This short-lived venture demonstrated that light manufacturing was not economically feasible and overtaxed the limited patience of the men. Vera planners turned, then, to ideas for supported work in the provision of services rather than the production of goods.

Pioneer Messenger Service. In 1971 Vera undertook its first effort to provide full-time employment and job supports for ex-addicts and ex-offenders. The Pioneer Messenger Service, a private non-profit corporation, was set up with funding from the U.S. Department of Labor. Pioneer operated as a commercially competitive business, offering

the same services to its customers as did profit-making messenger companies. It aimed to pay salaries and overhead through a combination of earned income and the Labor Department grant.

Pioneer took on only ex-addicts and ex-offenders with histories of chronic unemployment. (Planners found early that the program was ineffective for abstaining alcoholics, mainly because of their physical disabilities, and this group was dropped from the target population.) As the business expanded and became more efficient, its earned income paid for a larger proportion of its employees' salaries until, at the end, 100 percent of salary costs were covered through the sale of services. But Pioneer never achieved financial independence; counseling and other support services, along with high overhead costs, required continuing subsidies. The subsidy dropped, however, from $8,800 per participant in the first year to $3,000 by the end of the third—lower than the cost of jailing a prisoner, for example.

Pioneer showed that these ex-addicts and ex-offenders could be employed productively, some with no supports beyond those that the work milieu provided, others with counseling. The experiment confirmed for Vera and its funding sources that supported work could be a humane and efficient approach to the employment problems of these groups.

Pioneer also provided Vera with ideas on how to organize supported employment projects. Four of Pioneer's "structural supports" underpin the philosophy, if not always the practice, of supported work as it later evolved at Wildcat: (1) employment in groups with persons of similar backgrounds; (2) graduated demands for productivity accompanied by graduated rewards for good performance; (3) sympathetic but firm supervision; and (4) constant feedback to the employee so that he knows what is expected of him.

The Pioneer experience helped to shape Wildcat in other ways. The apparent need for permanent subsidy, for example, led Wildcat planners to two innovative concepts: welfare diversion, by which public assistance payments can be used as a base for crewmembers' salaries; and pooling monies of various types (welfare, research and demonstration grants, and service contracts) from agencies concerned with the participants' various problems (dependency, crime, unemployment, and addiction) at various levels of government (federal, state, and local).

But expanding to a large scale the simple Pioneer model—a subsidized business vying

for its share of the market—eventually would have incurred charges of unfair competition from non-subsidized rivals. Moreover, the private message delivery business did not lend itself to full-time work, promotions, and transition to better jobs. For these reasons, Pioneer phased out its commercial activities and, as a part of Wildcat, evolved into the principal messenger and delivery service for New York City's public agencies.

Other Early Experiments

In 1971, Vera conducted another supported work project, which demonstrated that ex-addicts could work competently and reliably at even very sensitive jobs. A branch office of the Off-Track Betting Corporation (OTB), the public corporation set up by New York City to accept bets on horse races, was staffed entirely by former addicts. The prospective employees were carefully screened, as the job required that they sit for long periods, handle large amounts of money, do complex computer transactions, and deal with customers who were often hurried and irritable. OTB management found that the ex-addicts did as well and were as trustworthy as employees at other OTB branches (although regular branches had fewer workers than the supported branch), and the corporation later opened two more offices employing supported workers.

In 1972 Vera pooled grants from the U.S. Department of Labor with funds designated under the Emergency Employment Act (EEA) for transitional jobs for the unemployed, to create still more supported jobs for ex-addicts and ex-offenders. Three projects were developed: masonry cleaning, newspaper recycling, and pest control. It soon became clear, however, that the EEA was not a useful vehicle for supported work. The program's future was uncertain, EEA slots were tied to time-consuming Civil Service hiring procedures, and EEA jobs did not lend themselves to stability, incentives, or group work, all of which were considered important job supports.

Hence, Vera opted for another course of action, the establishment of a separate corporation that would employ participants directly and contract with outside institutions for work. The Wildcat Service Corporation was the result.

Wildcat's Growth and Consolidation

Wildcat began operations in Manhattan in July 1972 with 53 employees. By the end of the first year, 300 ex-addicts referred from drug treatment programs were employed. To persuade city agencies to try Wildcat, services were provided free.

With strong financial backing from New York City, Wildcat expanded to 1,400 employees during its second year. A Manhattan corporate headquarters and operating units in Brooklyn and the Bronx were opened. Wildcat expanded its network to include prisons, pretrial service agencies, and parole offices in order to employ ex-offenders who were not necessarily ex-addicts. It also began to charge for some of its services: 12 contracts with municipal agencies brought in $350,000 in 1973–74.

Wildcat's rapid growth was soon checked. The declining national economy and the city's fiscal crisis diminished both federal and local grant funds. By the middle of 1976 (the end of the fourth program year) the number of employees had dropped to about 1,000, and the three operations units had been consolidated.

The corporation's budget rose from $1.6 million in the first year to a peak of over $13 million in the third year; the projected fifth-year budget is $10 million. The gross cost of the program per crewmember remained relatively stable, averaging between $9,000 and $10,000 per year, including salary, supervision, services, overhead, and materials.

Since 1972, Wildcat has steadily decreased its reliance on federal funds as local funding has increased. In the first year, federal funds accounted for 92 percent of Wildcat's budget. This decreased to 35 percent by the third year and to a projected 25 percent in the fifth year. Reliance on demonstration grants has also diminished as income from service contracts and from welfare diversion has risen. In Wildcat's first year, it received $150,000 in fees for services; this rose to $1 million in the third year and a projected $1.7 million in the fifth year.

Wildcat's Workers: Who They Are, What They Do

The average Wildcat worker is a minority male handicapped by an addiction and criminal history, a spotty or nonexistent work record, low education level, and few or no skills. He comes to the program when he is 32 years old and with a police record showing eight arrests and four convictions. He became addicted to heroin at age 19. He attended school for ten years but entered Wildcat with a fifth-grade score on arithmetic tests. He has no bank account. He was on some form of welfare before entering Wildcat and has not worked for at least six months.

The following case histories provide a glimpse of Wildcat crewmembers.

Benny Sampson came to Wildcat in 1974 when he was 50 years old. He was a pickpocket, petty thief, confidence man, burglar, and stick-up artist, and he had spent over half of the past 30 years in prison. For nearly all of his adult life Benny had been addicted to heroin and to the lure of fast money and easy living. While he was serving his last sentence he decided that he was tired of shuttling back and forth between jail and the streets, and that it was time to go straight. For him, going straight meant a job, a home, and time to spend with his family, all elements of what he calls "the mainstream." The way to join the mainstream, Benny concluded, was to get a job. He had last worked sometime during World War II and had stayed with that job for three paydays.

Released from prison, Benny returned to heroin for a brief spree and then enrolled in a methadone maintenance program and began to look for work. He found nothing. He was at an age when many men begin to think of retirement, and he had no skills that an employer would pay for, no work experience and, of course, no references. Once, applying for a job as a sewing machine operator, Benny was asked if he had ever used hard drugs. Knowing that one phone call by the employer would reveal the truth, he admitted that he had. He was turned down before the employer had gotten around to asking him whether he had a criminal record.

Jennifer Rodriguez was pregnant at 13, playing confidence games on New York's West Side at 15, earning a living as a prostitute at 16, and mainlining heroin at 17. By the time she was in her early twenties, she had been arrested for prostitution 18 times; an armed robbery charge brought her three years in prison. Released on parole, anxious to put her past behind her, she began looking for work. Everywhere she went, from the state employment service to private agencies to businesses, she heard the same thing: we have nothing now, but come back later, maybe something will open up.

Glenn Payne grew up in Harlem on a street that he describes as a hang-out for "pimps, whores, pushers, and winos." Unlike some of his friends, Glenn had liked school and was a voracious reader. But using drugs was the "cool" thing to do, and at the age of 15 he started snorting heroin at weekend parties. Twelve months later he was mainlining. Glenn dropped out of school at 17 and began supporting his habit by purse-snatching and rolling the drunks who fell asleep in midtown movie theatres.

As he grew older, Glenn and his friends graduated to the real thing—armed robbery with sticks, knives, and guns. Glenn was arrested four times before he was 19, though

he never spent more than two weeks in jail. His mother had him committed to a narcotics rehabilitation center in upstate New York. But while he was there he refused to participate in the group therapy sessions; he felt that he wasn't ready to give up the "good" times and companionship that came with taking drugs.

In 1973 when Glenn was 21, drugs became harder to obtain; pushers found their supplies temporarily cut off, and heroin was mixed with flour, talcum powder, and rat poison. One of Glenn's friends died of an adulterated "fix." For Glenn, using drugs was no longer fun, it was a struggle. He was over 18 and therefore vulnerable to a lengthy prison sentence if caught, and he was increasingly bothered by his parents' and girlfriend's accusations that he would never amount to anything.

The turning point came when Glenn and his friend Fred tried to hold up a grocery store. As Glenn dashed out with the money, he heard a gunshot. Glancing back over his shoulder he saw the shopkeeper holding a rifle and Fred sprawled on the floor, a bullet lodged in his spine. Fred would be a paraplegic for the rest of his life.

A few months later, Glenn enrolled in a methadone program.

For the first three years, 90 percent of Wildcat workers, like Benny, Jennifer, and Glenn, were referred to Wildcat from drug treatment programs—72 percent from methadone maintenance centers and 18 percent from drug-free programs. Although Wildcat requires only three months of previous treatment for applicants with drug abuse histories, employees had spent an average of 13 months in drug treatment programs before coming to the project.

The remaining ten percent of Wildcat workers were referred by correctional facilities, parole offices, or pretrial service agencies; about one half of these referrals also had addiction histories.

Wildcat's Projects. As of July 1976, Wildcatters had worked on some 1,150 projects throughout New York City's five boroughs. They had moved and shelved a quarter of a million New York Public Library books; maintained courthouses, district attorneys' offices, police precinct houses, and other municipal buildings; prepared architectural plans for microfilming; renovated firehouses and brownstone apartments; staffed information booths around the city; and planted trees in Brooklyn. Wildcatters had also acted as interpreters, clerks, and security guards; they had served as a maintenance force for Manhattan's garment center (cleaning streets, washing windows, painting, and so on), they

had delivered meals on wheels, taken blood pressure in health centers, and escorted the elderly on shopping trips. When a fire destroyed a New York Telephone Company switching station in 1975, Wildcat provided emergency messenger service to stranded businesses and government agencies. At the request of a civic group, Wildcatters distributed several thousand information kits to delegates to the 1976 Democratic convention.

As the accompanying table shows, Wildcat's projects in March 1976 fell into six broad categories, with most crewmembers employed in clerical or maintenance jobs.

Distribution of Wildcat Employees by Type of Work: March 1976

Type of Work	*Number*	*Percent*
Clerical and para-professional	509	45
Maintenance	388	34
Construction and painting	160	14
Messenger	69	6
Moving	9	1
Total	1,135	100

Note: In addition, 77 employees were in training programs.

Because some types of work have seemed especially rehabilitative to Wildcatters—particularly those activities that provide visible services to the community—Wildcat seeks out as many such projects as possible.

The responsibilities of Wildcat's administrative, legal, and systems departments are similar to those in private companies, and its operations department has been organized in pyramid fashion. Division Chiefs head up a particular type of work (clerical or maintenance, for example) and assign three or four projects to each supervisor. Supervisors plan, organize, and oversee the daily activities of four or five crews doing similar work. Crew chiefs, who implement the daily assignments, are in charge of five to seven workers. Both crewmembers and crew chiefs are supported workers whose wages are paid through pooled salary funds, including diverted welfare payments. Most crewmembers are hired

at $95 a week, and they are eligible for raises up to $115. Promotion to crew chief brings a raise to $135, the top of the supported workers' salary scale.

Wildcat's Impact on Employees

From the beginning, Vera has used several research techniques to monitor the progress of supported workers and to measure how useful the program has been in helping them lead more productive lives. The data show that employees stay an average of between nine months and a year at Wildcat. As of July 1976, 1,069 of the 4,048 persons who had been hired by Wildcat since 1972 were still working in the program. Sixty-two percent of those who had left Wildcat had not been able to meet the demands of the job, even though the demands were graduated. Most of these had been fired for excessive absence or lateness, and some for drunkenness or drug use on the job; others had left because they were dissatisfied with the work or because they knew they were about to be dismissed. Eighteen percent had resigned for reasons unrelated to work, such as medical problems, returning to school, or moving away from New York. Only 20 percent of those who had left had gone directly into regular jobs.

This disappointing statistic—Vera had hoped a higher proportion would move directly from Wildcat to non-supported jobs—is mitigated in part by the success of those who moved directly into the labor force and in part by the net savings realized by the taxpayer as a result of Wildcat's existence. Vera's research department conducted a study of 150 of the former Wildcatters who had graduated directly to regular jobs. Of the 106 individuals who were located by the researchers, 104 had kept their jobs for at least three months, 93 had kept them for at least a year, and 90—or 85 percent—had kept them for two years or longer. A cost-benefit study (discussed below) shows that, even without taking account of long-term fiscal benefits generated by Wildcat's immediately successful graduates, $1.25 has already been returned to the taxpayer for every dollar spent on Wildcat.

The Controlled Study. The effects of participation in Wildcat have been measured through a random-assignment controlled study in which 302 qualified applicants were offered jobs at Wildcat (the "experimentals") and 302 qualified applicants were not offered jobs (the "controls"). The controls were free to seek employment on their own.

The controlled study was designed to measure Wildcat's impact on participants' employability, welfare dependency, drug use, criminal activity, and living patterns.

Follow-up data on the individuals in both groups have been gathered by quarterly interviews and examination of official records. Over the three years since the sample was drawn, both groups have been reduced in number by a variety of factors: some died, some were later found to have been ineligible, and some of the control group members were inadvertently hired by Wildcat. The sample has thus been reduced to 269 experimentals and 262 controls. Full data were available, at the end of the third year, on 210 of the experimentals and 207 of the controls.

Analysis of data shows that the Wildcat participants have worked more, earned more, and been less dependent on direct welfare payments than the controls. Most experimentals wanted to be employed at Wildcat and came regularly to work (they worked an average of 39 weeks the first year), while the controls had difficulty finding and keeping jobs (they worked an average of only 12 weeks the first year). All of this affirms the major hypothesis of supported work: under the right mix of conditions, many "unemployable" ex-addicts can and will work, and the transitional experience will make some lasting difference.

The graph on page 72 shows that although the percent of experimentals holding jobs has decreased over the three years, the downward trend levelled off somewhat after the first year. And the employment rate of experimentals has remained significantly higher than that of the controls, through the end of the third year.

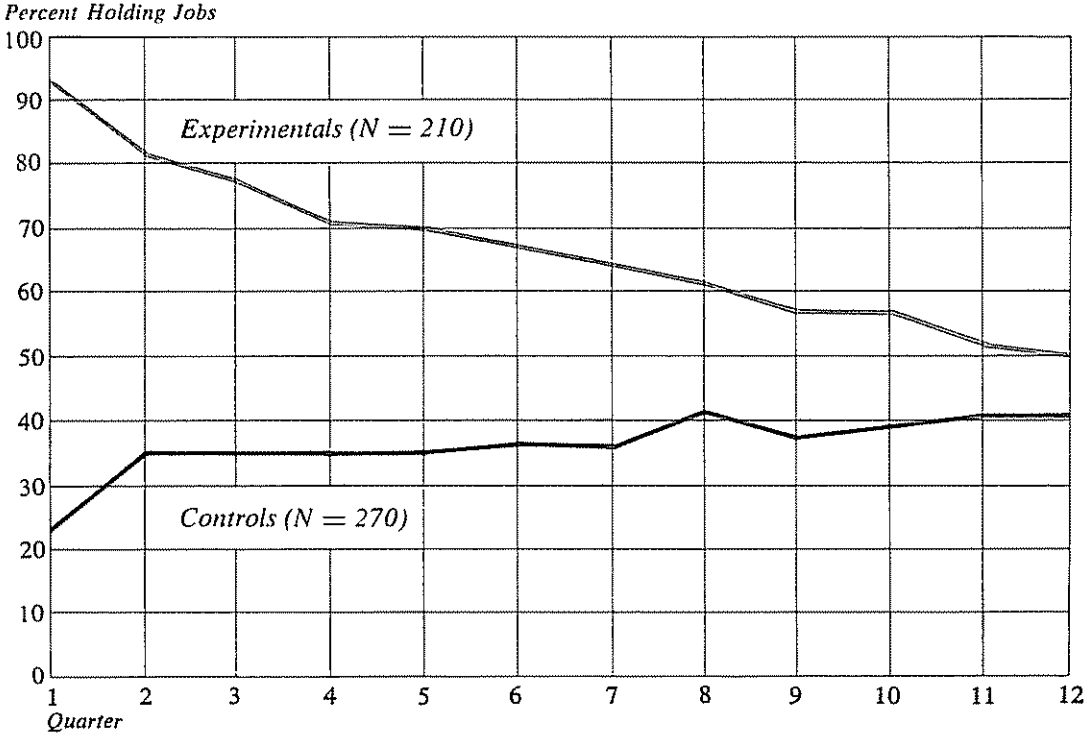
Supported work seems to have had a less well-defined impact on non-work-related aspects of employees' lives. In the first year, experimentals were arrested less often than controls—19 percent of them were arrested, compared to 31 percent of the controls. Subsequently, this difference narrowed. Thereafter, although experimentals were arrested as often as controls, they were less likely to be imprisoned.

At the end of the first year, the average experimental was supporting one more person and was more likely than the average control to be married or cohabiting. But he was no more likely to have detoxified from methadone, and he reported abuse of drugs or alcohol at the same rate as the control. (Regular heroin use was rare for both groups.)

The impact of Wildcat on participation in the labor force, however, was significant and continuing: experimentals have remained more likely than controls to be working at stable jobs, to be paying taxes, and to be independent of welfare.

Analysis of Public Cost vs. Public Benefits. The controlled research permitted a cost-benefit analysis of supported work. Information has been gathered continuously on the

Percent of Wildcat Experimentals Holding Jobs during the Three Years Studied
By Quarter



welfare, incarceration, and arrest-processing costs for, and tax payments by, each experimental (the failures as well as the successes) and each control. The grants that subsidize Wildcat's operating losses and the income paid to Wildcat on some of its contracts represent additional per capita costs of the program; these costs are partially offset by the monetary value of the public services performed by Wildcat. When the data available at this writing are drawn together, the following cost-benefit pattern is found:

- In the first year, the taxpayer received $1.02 in benefits for every dollar that the program cost.
- Over a two-year period, the taxpayer received $1.25 in benefits for every dollar of cost.

Expanding the Supported Work Concept

In 1973, as data from Wildcat's first year became available, Vera started to consider supported work programs for other disadvantaged groups. In September 1973, the Institute developed a supported work program in a New York City public high school, designed to integrate part-time public service employment with the school curriculum. Through a controlled study, Vera determined that the program had no impact on the students' academic performance and may have increased their absenteeism. Although this program failed and was terminated, partially on the basis of the early findings, the experience helped Vera to plan another supported work program for adolescents at Manhattan's Henry Street Settlement House. This program, begun in 1975, also combined work assignments, such as planting and maintaining a neighborhood park, with traditional school subjects, such as botany and geometry. In the first year and a half, 65 teenagers between the ages of 14 and 16 were paid stipends for tutoring, cleaning parks, and helping rehabilitate tenant-owned housing, among other things.

Early that same year, the Inner London Probation and After-Care Service in Great Britain asked Vera to help plan a supported work program for ex-offenders there. What emerged from discussions among the Probation Service, the Home Office, the Department of Employment, and Vera's London office (page 111) was Bulldog Manpower Services Limited, established in October 1975. By the end of 1976, it was employing 70 probationers and had provided supported work for more than 150. Their jobs included maintaining London's historic Highgate Cemetery, rehabilitating houses for the accommodation of the homeless and of battered wives, constructing a special playground for children at a school for the blind, and renovating historic dock-side buildings. Thus, in a sense, supported work has completed a two-way trans-Atlantic voyage; principles originating in the European sheltered workshop, modified and adapted to an American setting, now play a fresh role in British public policy.

Meanwhile, Wildcat's participation in the national supported work experiment, as one of the 15 sites of the Manpower Demonstration Research Corporation, has entailed major policy shifts. First, Wildcat has begun to enroll two new categories of employees: mothers receiving benefits under the Aid to Dependent Children welfare program, and unemployed youth who are high-school dropouts. Like the ex-addicts and ex-offenders on whom Wildcat originally focused, these groups are hampered in the conventional labor market by inexperience, poor educational preparation, and lack of job skills. But they

also have special needs (such as assistance in finding after-school daycare) to which Wildcat must be sensitive. A second shift is that no Wildcat employee may now remain in the program for more than 18 months, whether or not it has been possible to place him or her in a job in the regular labor market.

Looking Ahead

Conventional wisdom has held that ex-addicts and ex-offenders have neither the desire to work nor the capacity to seek or hold stable employment. Wildcat has disproved that. From its first day of operation it has attracted more applicants than it can accommodate. And there is evidence that although money is an important incentive, for many participants it is not the primary one.

Although the project has established that persons conventionally viewed as "unemployable" can perform useful work (the primary question it set out to answer), after four years of experience Wildcat cannot say for sure which employees will succeed and which will fail, or why. Wildcat has provoked other questions too. Can supported work embrace other disadvantaged groups such as welfare mothers, out-of-school youth, the mentally retarded, the elderly? Can supported work be managed by labor unions, probation departments, settlement houses, drug treatment programs? Can the necessary funds be pooled by such sponsors? Can permanent funding sources be found? Would some participants do better in part-time supported work, especially in the beginning, when they are making the difficult transition from idleness to employment? Will limiting the time an individual may spend in supported work promote transition to non-supported employment, or will it lead back to the street and welfare? Should permanent sheltered work programs be established for participants who may never be ready for non-supported jobs? Further experience and research by MDRC and by Vera should shed more light on these questions in the future.

Nevertheless, the feasibility and fiscal sense of supported work efforts have been demonstrated. The pooling of welfare and other public funds results not just in salaried work for the supported worker, but in a net saving to the taxpayer.

Less is known about the capability of Wildcatters to move on successfully to non-supported employment. Some workers have been able to do so, but they are still a minority. What are the major impediments to transition? Do they lie within the economy, in employer attitudes, in supported work program design, or in the capacities of the sup-

ported worker? Where should resources be applied to improve job placement—in job development? public information and education? support services? operations? These issues will be probed further by MDRC and by Vera.

Although employer prejudice is a barrier to transition, it is possible that Wildcat has changed attitudes to some degree. It may be that New York City employers are a little more open to hiring ex-addicts and ex-offenders than they were four years ago.

But the New York City economy—both public and private—provides fewer and fewer jobs, and graduation of Wildcatters into non-supported employment continues to be one of the most elusive of Wildcat's goals. The reasons are many, but one clear difficulty is the rather fixed barriers to employment that ex-Wildcatters face in the public sector, especially in human services delivery systems. Hospitals, for example, offer a number of jobs that could be filled by supported work graduates (many of whom have the requisite skills and education), but an addiction history is generally an absolute bar to employment in the health field. Yet the job development staff at Wildcat has found over the years that many supported work graduates would perform well in such human service jobs. Where there has been an opportunity to test this notion within Wildcat, as with Wildcat's contracts for delivery of meals to the elderly and handicapped, the results have been promising. Supported workers seem to find satisfaction in assisting individuals in need, they demonstrate patience and compassion, and they perform reliably and responsibly.

Vera therefore began, in mid-1975, to explore the possibility of creating a "second-stage" of supported work to test the performance of Wildcat graduates in human service jobs that do not have most of Wildcat's extra supports. It was thought that this more demanding employment would provide supported work graduates with employment records that would be attractive to social and health service agencies.

The first of these projects is Easyride, a transportation service for elderly and disabled residents of Manhattan's Lower East Side. It was launched in July 1976, with five former Wildcatters as drivers. By year end, they had provided over 6,000 trips to the elderly and handicapped, and the project was expecting delivery of ten specially-designed buses. In 1977 the workforce should expand to 20-25 former Wildcatters, and the service should become available to the 5,000 or so potential clients on the Lower East Side. The project has been funded by various agencies of the Department of Health, Education and Welfare and by the Urban Mass Transportation Administration; it also received grants from several private foundations. Although Easyride offers its employees group support, sensitive

supervision, and a job that provides visible social services—three important characteristics of supported work—the job is less "supported" than Wildcat, and the employees are off the welfare rolls entirely.

Easyride has developed close working relationships with the Metropolitan Transportation Authority and with area health and social service facilities. These agencies regard Easyride not as a rehabilitation project for ex-addicts and ex-offenders, but as a health-related transportation service of high quality. The distinction is an important one to the former Wildcatters, and to their future employment prospects.

The project also extends the innovative financing arrangements evolved for Wildcat and the MDRC supported work projects. For example, in Easyride's second year, approximately half the operating costs will be borne by the Medicare program, under special authorization from the Secretary of HEW, to test the potential for saving Medicare money by increasing the mobility of a population that is at risk of costly institutionalization. This funding approach parallels the welfare diversion mechanism that helps fund Wildcat, but Easyride's subsidy comes from novel use of money that would otherwise be spent to institutionalize Easyride's clients rather than from welfare checks that would otherwise support the workforce. Again, the distinction is important.

Meanwhile, Easyride is providing Vera with a further measure of the abilities of supported work graduates, particularly their tolerance for stressful, demanding jobs that involve unsupervised personal contact with clients.

Within the next year, the job creation team at the Institute will assess the effectiveness of second-stage supported work in enabling former supported workers to move into more conventional human service jobs. This effort is an attempt to demonstrate the dual role that job creation efforts can play—filling gaps in human services and making good use of the abilities of the formerly "unemployable."

4. Exploring the Criminal Justice Process through Structured Research

OPINIONS about the "crime problem" abound, but there is a persistent dearth of information upon which such opinions can be soundly based. Little is known about why some people commit crimes while others, similarly situated, do not. Nor do we know whether or how budding careers in crime can be aborted and reshaped toward socially constructive ends, or how the vast (but seemingly never sufficient) public investment in criminal justice—in police, courts, prosecutions, prisons, probation, and so on—might be allocated to bring about swifter, fairer justice at reduced cost. Nor, for that matter, is enough known about what is happening in the criminal justice system: who is caught up in it, and why; how they are being handled, why, and with what effect.

Vera has found it necessary to get those facts firsthand. It has found that case papers, docket books, and the experience of police officers, prosecutors, and court clerks are generally more revealing than the readily available tables of aggregate data. Each Vera project has been as much an attempt to generate new and better information as an attempt to bring about change.

Developments since 1971

In 1972 Vera's various research projects were consolidated into a Research Department so that operations research and program evaluation could be applied to as many areas of activity as possible. The more structured research program has, in turn, improved communication among the projects.

Vera's Research Department gathers information useful in planning projects, helps to design programs in a way that makes them amenable to evaluation, provides day-to-day operational data to program administrators, performs cost-benefit analyses, and makes recommendations for policy changes when the facts seem to call for them. The ideal relation between Vera research and the Vera projects is best characterized as "action-research"—described by Thomas Mathieson in *The Politics of Abolition* as "the gathering of information [that is] first of all related to the action itself, in an attempt to refine and improve the action, and not first of all to a general sociological theory. In other words, the loyalty is towards the action, and not . . . towards the theory. The assumption is that the information . . . improves the action, which in turn leads to a new disclosure of information, and so on. . . ."

Only occasionally does Vera conduct original research beyond its immediate capacity to act upon the findings, as when the Research Department conducted limited studies

in conjunction with Vera's technical assistance efforts in other jurisdictions (see Chapter 5). More relevant in these pages is the Institute's major study of the processing of felony arrests in New York City's courts (described below). Although this study, like the three others discussed below, was intended to deepen the understanding of a broad audience about criminal justice matters, it has immediate implications for action that could lead Vera to test a number of new program ideas.

Issues in Vera's Program-Related Research

Vera's researchers are relied upon to provide quantitative measures of program impact when that is possible; such measures are sought by state and federal funding agencies, by other jurisdictions considering program replication, and by Vera planners. A central issue of research arises from the need, when attempting to quantify program impact, to eliminate the possibility that extraneous factors make the program appear successful or unsuccessful. Thus, when comparing a group of program participants to a group of non-participants, it is necessary to control the impact of factors other than the program itself. This is best done by randomly assigning individuals who are eligible for the program either to an "experimental" group (to whom the program's services are actually given) or to a "control" group (to whom the program's services are not given).

Controlled research involving human subjects often raises ethical issues, but in the criminal justice field it also can pose problems under constitutional guarantees of due process and equal protection of the laws. Considerations of this kind make quantitative measurement difficult in programs that are viewed as leading to more favorable court action for participating defendants. For example, Vera's plans for a controlled study of the impact of the Pretrial Services Agency on release rates were abandoned in 1976 when the city's Legal Aid Society and several judges insisted that it would be unconstitutional to withhold the Agency's services from a control group (page 19). A similar debate delayed an evaluation of the Court Employment Project (page 46).

Some Vera programs do not lend themselves to the quantitative rigor of controlled research for a different reason: there is little need to measure the impact of programs designed primarily to ensure minimum standards of human service for deprived groups—programs like the Manhattan Bowery Project (page 42) or the services provided in the Victim/Witness Assistance Project (page 25).

Thus, although Vera conducted one of the first controlled studies in this country on

the effect of an innovative social program when it measured the impact of the Manhattan Bail Project upon court release decisions in 1962-63, it did not do another until 1971. Two small controlled studies were conducted in that year: one on the Bronx Sentencing Project (page 121) and another on the Appearance Control Unit (page 124). In 1972 Vera launched its most ambitious controlled research project, a four-year study of the impact of its supported work program, Wildcat, on public expenditure and on the crime, addiction, and employment patterns of participants (page 70). In January 1977 it begins a two-year study of similar design to measure the impact of the Court Employment Project.

Vera continues to believe that controlled research is the preferable way to test most programs' impact and costs and benefits. But rigorous research of this kind is costly and beset with practical as well as theoretical problems. A 1975 controlled study of the Victim/Witness Assistance Project's procedures for notifying witnesses of court appearances was not delayed or prevented by ethical objections, but the results were compromised when police officers, in their enthusiasm, notified the witnesses in the control group. And there is no denying the practical difficulties for program operations posed by the rigor of controlled research. For example, the random assignment to Wildcat jobs of only half the persons referred by drug treatment agencies in the program's first thirteen months made some of those agencies hostile; a few refused to make further referrals.

Nevertheless, experience over the years suggests that controlled research is possible in the criminal justice field, that its costs are usually justified, and that there are ways to ease some of the difficulties. For example, instead of measuring program impact and costs by providing all services for one group and none for another (thus inviting objection from those who already believe the service has value), it is sometimes possible to assign persons randomly to alternative programs (for example, medical and non-medical detoxification services for public inebriates).

Vera has also learned that objections to controlled research on grounds that it arbitrarily withholds service from some persons in need can best be countered when resources are insufficient to serve everyone who is eligible. As funds sufficient for comprehensive adoption of a new program are usually unavailable until its merit has been demonstrated through a limited pilot project, opportunities for controlled research arise regularly. And, from Vera's action-research perspective, study of new and evolving programs is particularly rewarding; research of the pilot phase is not the best means of casting final judgment

upon a program's merits, but it makes possible improvement of program design before the project has become comfortably established. It is perhaps not surprising, then, that Vera's research efforts have contributed to decisions to terminate some programs (for example, the Family Court Predisposition Panel, page 48, and the public high school supported work program, page 72) and to revamp elements of other programs (for example, the notification procedures of the Victim/Witness Assistance Project).

Study Descriptions

The following are summaries of four Vera research efforts that were not directly related to Vera projects discussed elsewhere in this report, and that merit separate treatment here.

Felony Disposition Study (1973-1976)

Penal policy and the administration of criminal justice are largely shaped by aggregate statistics and by unchallenged assumptions about their meaning. For example, the police made 100,739 felony arrests in the four major boroughs of New York City in 1971, but fewer than 4,000 of these arrests led to "felony time" sentences of more than a year in prison. Aggregate data such as these, mirrored in studies from other jurisdictions, fuel demands for legislation to limit plea bargaining and to require automatic prison sentences in felony cases. Such policies, intended to protect the public and to curb the incidence of predatory felonies—particularly those of personal violence—are rooted in assumptions reinforced over the years by assertions from judges, prosecutors, defense lawyers, and police responsible for processing cases through our overburdened urban court system. Their answer to the public demand for better crime control has been that the felony convictions and sentences necessary for incapacitation of dangerous criminals and for effective deterrence are bargained away for guilty pleas to lesser offenses because resources are insufficient to take cases to trial. Police accuse prosecutors of being more interested in clearing congested calendars than in pressing for felony convictions at trial; judges are held up for public condemnation for acquiescing in "outrageous" charge reductions, for dismissing cases outright, and for handing down overly-lenient sentences in order to speed the flow of cases.

But the assumption that better crime control will result from higher rates of convictions and of felony time sentences for felony arrests is undermined by evidence gathered

in recent years from victim surveys and police records. It appears that roughly twice as many victim felonies are committed than are reported to the police; and, in New York City, the odds that a felony complaint will lead to a felony arrest are about one in five. Crime control may not depend very much on whether convictions and prison terms result in the fraction of cases where a felony arrest is made. Nevertheless, these arrests deteriorate—are dismissed or end in misdemeanor convictions—at an alarming rate, and the appearance remains that predatory felons are being loosed upon society by a system that "bargains away the courthouse." But the statistics cannot answer the crucial question: are the individual *results* of these cases, the dispositions negotiated in the congested court system, in rough accord with our notions of justice for the individual and safety for the public, or are they not? The answer depends on the individual situations lying below the surface of the aggregate data. What percentage of the felony arrests that end up as dismissals or misdemeanor convictions involved "real" predatory felonies and what percentage are "garbage cases," as they are termed in courthouse vernacular?

Vera's felony disposition study attempted to look below the surface of the aggregate data to answer these questions.* To establish the framework in which individual cases are disposed, complete records, from arrest through disposition, were analyzed for a probability sample of 1,888 felony arrests (out of the 100,739) made in New York City in 1971. The Criminal and Supreme Court dispositions, reached months or even years later, were as follows:

- 44 percent ended in dismissal or acquittal.
- 98 percent of the remainder reached disposition, without trial, by guilty plea. Seventy-four percent of the pleas were to misdemeanors or lesser charges, only 7 percent of the pleas were to the same felony as charged at arrest, and only 19 percent of the pleas were to other felony charges.
- 50 percent of the guilty pleas were followed by "walks"—that is, a fine, probation, or other sentence not requiring jail or prison time.
- Only 9 percent of the convictions (5 percent of all dispositions) resulted in sentences of more than a year ("felony time").

Vera then took a second, smaller probability sample to probe the facts underlying the

* The report on this study will be published in February 1977 as a monograph entitled *Felony Arrests: Their Prosecution and Disposition in New York City's Courts*. Copies may be obtained from the Institute at $3.50.

pattern of deterioration of felony arrests found in the large sample. For the cases in this "deep" sample—369 felony arrests reaching disposition in New York's courts in 1973—the arresting officers, prosecutors, defense attorneys, and judges were interviewed. Much of what the researchers found was surprising.

The defendant had a prior relationship—often close—with the victim in roughly half of all cases commenced by arrest for a victim felony. (So-called "victimless" felonies, such as drug or weapon possession, were analyzed differently.) As the accompanying table shows, prior relationships were frequent not only in cases commenced by arrest for felonies of personal violence (homicide, rape, assault), where they were expected, but also in cases commenced by arrest for robbery and burglary, where they were not expected. The underlying relationships were between spouses, former spouses, lovers, prostitutes and pimps or customers, neighbors, in-laws, addicts and dealers, even landlords and tenants.

Percent of Cases Involving a Prior Relationship between Victim and Defendant By Felony Charged at Arrest

Murder, Attempted Murder, Manslaughter	56%
Rape	83%
Robbery	36%
Assault	69%
Burglary	39%
Grand Larceny-Auto	21%
Grand Larceny-Other	55%
Total	47%

For each type of crime, the rate of dismissal, and the rate of charge reduction in cases that were not dismissed, was much greater in the prior-relationship cases than in the stranger cases.

The other major factor determining disposition was the defendant's prior criminal record, or lack of one. (It was expected that the majority would be recidivists, but 40 percent of the defendants never had been arrested and another 40 percent never had been sentenced to jail or prison.) The more serious his criminal history, the more likely the de-

fendant was to be convicted and to receive a heavy sentence. Seventy-seven percent of convicted defendants with no prior record walked, compared to only 16 percent of convicted defendants who had previously served time.

Even at this first level of detail, the deep sample data undermine the rationale for mandatory prison sentences. Do we want to insist on prison terms where conduct is technically felonious but the victim and defendant are reconciled (even to the point of getting married, as happened in one case) between arrest and disposition? If defendants in felony cases reaching disposition in the courts are unrepresentative of those committing felonies in the streets (because, for example, it is easier to identify and arrest a man who seizes money from his girlfriend than one who mugs a stranger), will felony convictions or mandatory prison terms better protect the public?

It is impossible to explore here all of the detail surfaced by this research. A few examples, from some of the crime categories that arouse the greatest public concern, must suffice.

- Assault. Prior relationships were more common here than in any other arrest category except rape, and dismissal—most often because the victim withdrew the complaint—was the most common disposition. Sentences in prior-relationship assaults that survived dismissal were stiffer than sentences in stranger assaults, a finding that at first surprised the researchers. But further probing revealed that prior-relationship assaults serious enough to trigger a felony arrest and to motivate the victim to cooperate with the prosecution in securing a conviction were also likely to involve injury serious enough to draw time at sentencing. In contrast, the more spur-of-the-moment altercations making up the stranger assault cases involved few injuries; sentences were therefore lighter, although the victims were more cooperative (there were no dismissals because of complainant noncooperation) and conviction was more likely.
- Robbery. Robbery is thought to be a predatory rather than a spontaneous crime like assault, and the robber may be the archetypal "real" violent felon haunting the public imagination. Indeed, a defendant arrested on robbery charges was half again more likely to be convicted as was a defendant initially charged with felonious assault. He was four times more likely to be convicted of a felony, three times more likely to be sentenced to jail or prison, and ten times more likely to be sentenced to felony time.

The effect of prior relationship was dramatic: only a third of the prior-relationship cases resulted in conviction and none drew felony time, while nearly 90 percent of the

stranger cases ended with convictions and a third got felony time.

As the prior-relationship robber is not a familiar image, an example from the study may help.

An argument over money arose between an intoxicated 59-year-old man and the woman who had been his common-law wife for 15 years. He struck her and seized $5 and some food stamps. She had him arrested for robbery and went to the hospital, where she required 12 stitches. She withdrew the charges a few days later. The police officer had been surprised at her initial insistence on arrest. "Usually with these squabbles we just go in there and try to separate them and let them cool off. They usually don't want anyone arrested—just want us to scream at one party." Conviction and sentence were out of the question, according to the judge: "They were arm in arm before me, and she told me he was a damn good provider. Could I as a judge prevent this?"

The prosecutor in the case observed that the defendant "wasn't the typical robber," but he was not very different from defendants in the 11 other prior-relationship cases among the 53 deep sample robberies—nine of which were dismissed. On the other hand, the surprising incidence of prior relationships in robbery cases processed by the courts is surely not typical of the robberies perpetrated on the public—only a quarter of all reported robberies are ever cleared by arrest, and the strangers are harder to catch.

Dispositions in the stranger cases seemed generally responsive to the defendant's prior record. A convicted stranger robber with no record (there were very few of these) had only one in six chances of being sentenced to jail or prison; the likelihood rose to nine in ten if he had prior arrests. In several cases, the disposition might have been substantially more severe were it not that the prosecutor's case was weakened by the shady character of the victim. Nonetheless, the stranger robbers who hurt their victims and had records of prior arrests were convicted of felonies and were sentenced to felony time.

▫ Burglary. Burglary, too, is not often associated in the public imagination with prior relationships. But the technical definition of the felony encompasses any trespass with intent to commit any crime. The following case from the monograph illustrates the possibilities.

An elderly woman remonstrated several children for throwing rocks at her window. She received a midnight visit from their two mothers who, intoxicated and belligerent, pushed her front door open and confronted her. Neither had been arrested before. They were initially charged with burglary (because they entered with the intent, it was alleged,

to commit assault). They pled guilty to criminal trespass (a misdemeanor) and were discharged on condition that they not bother the complainant again.

Among the 60 percent of burglaries that did *not* involve prior relationships, there were fact situations that fall equally wide of the stereotype. For example:

A drunk passed out in front of a house and fell in through the window as it broke. He pled guilty to criminal mischief and was discharged on condition that he attend Alcoholics Anonymous. "There was definitely no burglary involved," according to the prosecutor.

The first degree burglar—the dreaded armed night prowler—does not appear in court as often as he seems to appear in citizens' reports of burglary; not one defendant in the deep sample was even charged with first-degree burglary. But the "real" burglar is likely to avoid detection by careful choice of victim and by making his getaway before the crime is discovered. Only 16 percent of all reported burglaries are cleared by arrest.

Different problems blocked full prosecution of grand larceny-auto and gun possession arrests. In virtually all of the former, there were substantial evidentiary difficulties in establishing that the defendant intended to do more than use the auto without authority (a misdemeanor), and many of the cars were old enough to make it difficult to establish their value at more than $250—the felony cut-off for grand larceny. Most of the gun possession cases raised substantial constitutional questions about the search or, when the gun was not seized by a search, substantial evidentiary obstacles to establishing that the defendant ever possessed the gun. Most of these cases ended in guilty pleas to reduced charges—a knowing trade-off by prosecutors and judges who preferred to establish some guilt on the record without risking acquittal at trial or reversal on appeal. Those cases presenting a good chance of non-reversible conviction at trial and involving defendants judges thought might commit further criminal acts (those with prior records, for example) were singled out for more severe dispositions.

By and large, the Vera study found, dispositions of felony arrests seemed in accord with the acts that provoked the arrests and with the character of the defendants. Many felons undoubtedly do "get away with it," but most often because they escape arrest or, at least, are not arrested for serious felonies in cases free of evidentiary difficulties.

There was much in this study to suggest that rough remedies such as abolition of plea bargaining or enforcement of mandatory minimum prison sentences would wreak havoc

with a complex and surprisingly sensitive system, while failing to offer much compensating protection to the victims of predatory crime.

There was also much to suggest a need for new approaches to help rationalize the process. For example, many of the incidents leading to arrests, although technically felonies, might have been better resolved through mediation or family counseling services. And if such cases were removed from the criminal justice system, greater care could be taken—and more resources applied—to ensure that the real predatory felons are fully prosecuted and appropriately sentenced.

The study also indicated that if the deterioration of felony arrests is to be reduced, the distribution of arrests must be shifted toward predatory stranger crimes. Rather than legislate schemes for the abolition of plea bargaining or for the imposition of mandatory felony time sentences, it might be wiser to help the police experiment with patrol and investigation strategies for apprehending more of the felons who commit crimes against strangers.

Evaluation of the Early Case Assessment Bureaus (1975-1976)

In 1974, when Vera was engaged in the felony disposition study, a series of workshops at Yale Law School brought together for extended discussions a number of New York's criminal justice officials, including the Brooklyn District Attorney, and staff members of the Vera Institute. Much of the discussion concerned the evident failure of the system to screen felony cases soon after arrest; something was needed to ensure quick disposition of weak cases and speedy, full-scale prosecution of serious cases against serious offenders.

Out of the workshop discussions emerged a proposal for an Early Case Assessment Bureau (ECAB). It was hoped that if Assistant District Attorneys (ADAs) with at least two years felony trial experience in Supreme Court were transferred to the Criminal Court Complaint Room, where they could supervise the work of the relatively inexperienced ADAs assigned there, they might be able to anticipate the final court outcome of each felony arrest even before the first court appearance. They could then and there decide to dismiss the weak cases or reduce them to misdemeanors for prompt disposition at Criminal Court arraignment, and speed the strong cases to the Grand Jury for indictment and Supreme Court disposition.

Vera and the District Attorneys worked together in early 1975 to design such a program, and ECAB went into operation in Manhattan in May 1975. The second bureau

opened in Brooklyn in August and the third in the Bronx in October.

The Early Case Assessment Bureaus were programs of the respective District Attorneys' offices, not of the Vera Institute. But, as the effort was about to get underway, the New York State Division of Criminal Justice Services asked Vera to study the impact of ECAB.

Following the assignment of experienced ADAs to ECAB, the bureaus adopted as their basic management technique the assignment of each new felony case to one of the following "tracks."

"A" track: Serious cases in which all elements necessary for successful prosecution of the case as a felony are present. (These cases, when possible, go directly to the Grand Jury for indictment on the same day, and no police or civilian witnesses need even appear in Criminal Court for arraignment.)

"B" track: Serious cases in which there is some obstacle to immediate prosecution that a Criminal Court preliminary hearing on the felony charges will help resolve (for example, doubts about the reliability of a witness).

"C" track: Cases in which information necessary for a proper assessment—a witness's testimony or an item of physical evidence, for example—is not yet available and a proper tracking assignment cannot be made immediately. (When this information becomes available at a subsequent point in the process, ECAB should be informed so that the case can be retracked.)

"D" track: Cases in which a felony conviction will not be sought and in which the Criminal Court ADAs are directed to accept a plea of guilty to a lower charge at arraignment.

"E" track: Cases dropped in the Complaint Room because the complainant wishes to withdraw charges or the ADA deems the evidence legally insufficient.

Vera's research aimed to answer three questions: Has ECAB increased the speed of dispositions? Has ECAB changed the pattern of dispositions? Do ECAB's operations yield cost savings? To answer these questions, Vera compared the processing of felony arrests that entered the courts before ECAB to the processing of felony cases entering after the program was introduced. The research revealed the impact of ECAB to be substantial, and from the data gathered for the evaluation there emerged a number of specific ideas for further improvements.

It had been expected that ECAB screening would increase the proportion of cases dis-

missed in the Complaint Room itself. ECAB did not, however, make a significant change there. The ECAB prosecutors explained to the researchers that, in felony arrest cases warranting dismissal, they preferred the dismissal occur in open court rather than in the relative informality of the Complaint Room.

On the other hand, each ECAB assigned more cases to the "D" track (more than 50 percent of the total) than to any other track and, as might be expected, the rate of disposition at Criminal Court arraignment of cases commenced by felony arrest nearly doubled. To the extent that ECAB accelerated dispositions in this way, further court appearances became unnecessary; in cases where the defendant would not have made bail, pretrial detention, too, was averted.

Equally important, ECAB made sufficiently sparing use of the "A" and "B" tracks so that the workload of the Grand Jury and Supreme Court ADAs was reduced. The Grand Jury was not presented with some of the weak cases that, before ECAB tracking, would have been put before them for indictment. As a result, a higher proportion of the cases sent for indictment were indicted and stayed in the Supreme Court for prosecution as felonies. More of the Supreme Court prosecutions were successful, and a greater proportion of Supreme Court convictions were felony convictions.

These improvements in case processing had a substantial fiscal impact: reduction of pretrial detention costs, savings of court resources by avoiding repeated adjournments (particularly in the "D" track cases), and similar savings in the time of police and prosecution personnel. The data suggest an annual saving of over a million dollars in each of the boroughs where ECAB operates.

In each borough the ECAB program developed differently, responding to different local crime patterns, judicial practices, and prosecutorial priorities. The variations in goals and methods were identified and explored through observations in the Complaint Rooms, interviews with the ADAs and analysis of data from court records and other sources. By comparing the results of these different approaches, Vera was better able to focus on specific problems and suggest improvements; a few are summarized below.

- Too many cases must be assigned to the "C" track because the information necessary to make a more useful tracking decision is unavailable at the Complaint Room stage. Specific efforts to reduce delays in assembling information such as criminal histories ("rap sheets"), witness testimony, or results of laboratory tests, and various methods to ensure timely contact between ECAB prosecutors and civilian witnesses have already been sug-

gested. (Some of these program ideas are being explored by Vera's Victim/Witness Assistance Project in Brooklyn.)

- The more experienced ECAB attorneys were more likely to reduce charges at the outset; the less experienced staff members were more likely to leave such decisions to the next ADA in the process. Further, the prestige of the more experienced ADAs in the Bureaus won greater cooperation from police officers and increased the likelihood that ECAB decisions would be complied with by ADAs in the arraignment and trial courts. The research identified ways for ECAB to take greater advantage of the supervising ADAs.
- Improved procedures for communication within all the District Attorneys' offices could give ECAB useful feedback and increase the cumulative impact of tracking decisions made in the Complaint Room. Existing patterns of communication between ECAB and ADAS in the various courts do not encourage efficient retracking of "C"-track cases after the missing information is assembled. The research indicated that the procedures of trial court ADAS could be changed to reduce the proportion of "C"-track felony cases that reach the Grand Jury without an appropriate retracking decision by ECAB.
- Finally, the data gathered in the course of the ECAB research confirmed a number of findings from Vera's felony disposition study. The factors found to affect disposition of the various crimes sampled for that study were reflected in tracking decisions of the Early Case Assessment Bureaus. Thus, the recommendations flowing from the earlier study draw further strength from the ECAB evaluation.

Women on Patrol (1975–1976)

Only during the last several years have police departments across the country assigned substantial numbers of women to patrol and, from the start, this development has been surrounded by controversy. Critics have argued that when faced with danger female officers would panic and would thereby endanger their partners, that they would be more likely to use a gun when threatened, and that they would lack the stamina and strength necessary to chase a suspect or to carry an injured person. Advocates have maintained that greater interpersonal skills would make female officers better able than males to handle irate citizens and less apt to incur attack upon themselves and their partners.

In 1974, the New York City Police Department approached the Vera Institute for assistance in assessing the patrol performance of the City's policewomen. In order to combine Vera's research capacity with the practical experience of police personnel, a joint

study was undertaken, funded by the National Institute of Law Enforcement and Criminal Justice.*

The data collected in Vera's study are specific to New York City where, unlike many jurisdictions, radio motor patrol is conducted in "two-man" cars, and are specific to a time when officer morale was suffering. But the results show clearly that the patrol performance of the women was more like that of the men than it was different, and the research adds to a growing body of evidence that justifies assignment of women to patrol.

The initial research plan—to examine the performance of large cohorts of recently appointed male and female officers—was altered by New York City's growing fiscal crisis; a hiring freeze imposed in December 1974 precluded appointment of additional officers. Then, in June 1975, layoffs began that terminated 88 percent of the women appointed during the previous two years. Thus, the study followed immediately on a period of great instability for all police officers and for policewomen in particular; performance may have deteriorated as a consequence.

The sample was selected in August 1975 and consisted of 41 female officers who had at least six months' experience on a patrol assignment and 41 male officers, roughly matching the women with respect to date of appointment to the Department, length of time assigned to the precinct, and length of actual experience on radio motor patrol. Each male subject officer worked either in the same precinct as his female counterpart or in a precinct similar in demographic and crime characteristics. The sample, although smaller than originally intended, was large enough to permit statistically sound inferences about the performance of the male and female subject officer groups.

Although the matching procedures insured that the past patrol experience of male and female subject officers would be similar in most ways, there was no way to control for other, perhaps more important elements of that experience. For example, the proportion of female officers in the precincts to which subject officers were assigned ranged from two to six percent. Thus, women entering a new precinct were far less likely than men to find experienced officers of the same sex who could serve as role models.

It proved difficult to make any comparison of officers' capacity for patrol duty from the Police Department's routinely-gathered data. For example, the men had higher scores

* The full report of this study is to be published in 1977 as a monograph entitled *Women on Patrol: A Pilot Study of Police Performance in New York City*. Copies may be obtained from the National Institute.

on firearms tests; but only two shots were fired—both by the same male officer—in the almost 120,000 hours that subject officers spent in various duties during the seven-month study period. Instructors in the Police Academy driving course observed that the women were slower and more cautious drivers than the men and needed training in "aggressive" (emergency reaction) driving; but during the study period there were only two accidents involving subject officers as drivers (one male and one female). The men outperformed the women in Police Academy tests of strength and endurance, such as push-ups and the one-mile run; but officers ran less than twice per thousand hours of patrol, during the tours of patrol observed for this study. And the greater frequency with which the men were credited with arrests was neatly counterbalanced by the greater frequency with which the women were credited with assisting at arrests. A more important difference discovered in the file search was that the women took almost twice as many sick days as the men during seven-month study period.

To make a useful comparison of actual patrol performance, however, it was necessary to observe the subject officers' performance directly, and to reduce it to objective elements.

The 'Control-Seeking' Model for Analyzing Patrol Behavior. A new approach to assessing patrol performance was used: the incidence and progression of "control-seeking" by officers in officer-civilian encounters was observed, reduced to objective elements, and recorded. Control-seeking behavior—attempts to influence another to take particular action—may be verbal or physical, gentle or violent, subtle or obvious. A patrol incident can be described objectively as a sequence of specific officer control attempts and civilian responses, and for each control attempt within an incident a discrete objective can be identified. Thus, the control-seeking model makes it possible to evaluate the relative success of different control techniques, and the relative success of the individual officers or groups of officers with each technique. The development of this analytic model, and its application in this study, lays the groundwork for an inventory of police strategies for control and their relative effectiveness in different types of patrol incidents.

Findings about Patrol and about Women on Patrol. Subject officers were observed by carefully selected and trained police and civilian observers who worked in pairs consisting of a civilian and a police officer, usually of opposite sex. The observers rode in the radio patrol cars with subject officers and their patrol partners for 3,625 hours. They recorded each action taken by the officers in the 2,400 police-civilian encounters that were

observed. On the average, there were only five or six such incidents per eight-hour tour of duty. In 42 percent of the incidents, the subject officer and partner responded to unfounded reports or to reports of problems that had run their course, had already been handled by other officers, or could not be located upon their arrival on the scene. Twelve percent involved the taking down of reports about past crimes. Arguments, complaints about noise, traffic accidents, and ambulance cases accounted for an additional 20 percent. Only 13 percent of the incidents presented a likelihood of confrontation with someone engaging in or accused of committing a crime. The data suggest that, on an average tour, the New York Police Department's patrol force is in active contact with civilians less than half the time, and with crime suspects far less often.

But if patrol is a generally routine occupation, it is not predictably so. Ordinary service calls can result in heightened passions. Family disputes are frequently cited as "tinderboxes." In such situations, the officer's style of patrol and success in seeking control may be critical to the outcome.

- 'Style' of Patrol and Civilian Response. One officer may make small talk to put civilians at ease when another would be primarily concerned with getting the facts down for a report. One officer may sympathize, where another would moralize. Do male and female officers adopt different "styles" of policing?

The research permitted an examination of the frequency with which officers engaged in various verbal and physical actions during incidents. Half the total were either routine actions such as information-gathering, directing traffic, and transporting victims, or were physical activities such as walking, running, and climbing. Over 40 percent of the actions were either positive verbal expressions such as explaining, complimenting, and expressing thanks, or were support-seeking expressions such as requesting assistance from patrol partners. Only seven percent of all the actions by officers of either sex were control attempts.

The male officers were observed to perform more actions than their female counterparts, but there were almost no differences observed in the relative frequency with which specific types of action were performed. The women were neither more nor less likely than the men to perform unrequested services for citizens, and they behaved as the men did when a civilian was seriously injured, unconscious, or dead. No activity pattern characteristic of male or female officers as a group—no particularly male or female patrol style—emerged from data.

Despite the lack of differences between what male and female officers were observed to do on the job, civilians of both sexes reacted more favorably to the women. A sample of civilians who had contact with subject officers was interviewed after the incidents. Reactions were more favorable toward female officers than toward males on every question asked. And the positive feeling apparently carried over to the Police Department as a whole: civilians encountered by patrol teams that included a female officer indicated a higher regard for the Department than did the civilians encountered by teams that included a male subject officer.

▫ Gaining and Keeping Control. Exercising control over civilians, important though it may be, is not very often required of patrol officers. On the typical eight-hour tour, only two or three control attempts were observed; observers saw no control-seeking behavior at all in three-quarters of the incidents.

Over three-quarters of the control attempts that were observed were verbal; of these, ordering was most often used. Requests and orders, together accounting for about 60 percent of officers' verbal control attempts, were judged effective about 75 percent of the time for both men and women. Making recommendations, too, was a frequent and relatively successful control technique. Other verbal techniques—threatening, reasoning, and "verbal manipulation" (shaming, flattering, or offering inducements)—were less frequently used, and proved generally less effective.

Just as differences between the men and the women in overall "style" of patrol were minimal, there appeared virtually no differences between them in the frequency with which they used the various control techniques. Some officers had characteristic sequences of control-seeking (starting with a low-key approach and getting tougher, or vice versa). But the men and women could not be distinguished, as groups, in this regard. The women were as likely as the men to choose physical techniques when attempting to control, and there was no evidence to support predictions, from those who opposed the assignment of women to patrol, that female officers would be more likely than men to resort to their weapons. In less than one percent of the control attempts observed by the researchers did the officer display a weapon, and use of a weapon (usually a nightstick) was even more rare.

The women did not, however, achieve the immediate objectives of their control-seeking at quite as high rates as the men (although the differences were small and generally not statistically significant). The women were significantly less successful than the men

in achieving their control objectives only when threatening or reasoning; but these techniques accounted for only seven percent of their control attempts.

Of course, the rate at which officers realize their immediate objectives with a particular technique is not a full measure of its utility or of their patrol skill. Reasoning may be a less certain means of gaining control than handcuffing, but the types of incidents that were observed suggest that reasoning is more often appropriate in police-civilian encounters. And a series of "unsuccessful" attempts at control by incrementally more instrusive techniques may be more appropriate patrol behavior than leaping directly to physical contact from, say, a failure at recommending. Similarly, that the women were slightly less successful than the men in achieving the immediate objectives of their control-seeking behavior may mean only that the women were using male-tailored techniques and strategies, rather than choosing approaches to particular situations most likely to achieve their control objectives.

The men, as well as being slightly more successful in their control-seeking behavior, were more likely than the women to seek control. But the difference is accounted for by the women's apparent reluctance to join their partners in *concerted* control-seeking.

Nevertheless, the women did not display an indiscriminate passivity. In the incidents judged by observers to present danger, male and female subject officers were equally likely to engage (solely or jointly) in efforts to gain control. And, although the women were more likely than the men to hold back in the few incidents calling for substantial physical strength or endurance, they did not let conventional notions about division of labor get in the way when their patrol teams were presented with emergencies, as when it was necessary to restrain a civilian.

Implications of the Study. Most of the disparities between patrol performance of the women and patrol performance of the men disappeared when the women were on patrol with female partners or when they were on patrol in a particular precinct where women had been assigned to patrol since 1972 and the precinct supervisors openly expressed favorable attitudes toward their presence on the patrol force. Socially-conditioned attitudes and behavior—protectiveness or disdain by men and passivity or yielding by women—appear to inhibit the full development of women as patrol officers.

Recommendations flowing from the research therefore include: training to sensitize men in supervisory positions and on the patrol force to the needs and capabilities of patrolwomen; pairing women who are newly-assigned to patrol with other, more expe-

rienced female officers who can serve as role models, at least for an initial period; and assertiveness training for women assigned to patrol, similar to efforts to improve the performance of women in executive ranks of government agencies.

An important result of the study was the "control-seeking" model itself. It provides a systematic approach to answering two basic, but difficult, questions about patrol performance: "What do officers do on the job?" and "How effectively do they do it?"

In this study, the lack of sufficiently detailed and widely accepted performance standards precluded measuring officers' actions against preestablished norms of good policing. (Indeed, as the field of police patrol has been so completely dominated by men, there is substantial danger that prevailing practices will be accepted, without qualification, as the standard against which to measure performance of new, female entrants.) But individual officers—whether male or female—differ with respect to their most effective control-seeking strategies. The most effective technique for one officer in a given situation might be a direct order, while another officer's characteristics (bearing, height, sex, or race, for example) might make a recommendation or a gesture more effective than an order in the same circumstances. In some situations the need for gaining and keeping control may be so great that the only appropriate technique is the one most certain of success, but in other situations a mild technique, even one that fails, may be most compatible with good policing, and the attempt with a less intrusive technique may improve attitudes of civilians toward the police in general.

The control-seeking model may therefore prove to have further value as a tool for analyzing and monitoring the elusive patrol function and for designing training programs that encourage officers to develop styles of patrol best suited to their individual strengths and weaknesses.

Violent Delinquents (1975–1976)

The juvenile justice system, hailed as a major step toward enlightened treatment of children when it was created in the early part of this century, has come under increasingly sharp attack. On the one hand, the system is perceived as needlessly heavy-handed, stigmatizing many—perhaps most—of the children brought up on delinquency charges for minor misbehavior. For them, diversion and a focused delivery of social services appear more appropriate than adjudication and sanctions. On the other hand, the view gains currency that the system coddles juvenile villains, or at least encourages their delinquency by

ambivalent, over-lenient responses, and that juvenile delinquents are more numerous and ruthless than ever before. Get-tough legislation has been enacted in many jurisdictions, mandating harsher penalties at the same time that diversion programs are achieving permanence.

In this confused atmosphere public and legislative concern has focused on *violent* delinquency as a growing problem, and one that seems clearly to require a tougher approach, for the protection of the community, and a watering down of the juvenile system's *parens patriae* ideals. But the changes demanded to meet the threat of violent delinquency could damage the entire juvenile justice system, particularly as information about violent delinquency is largely anecdotal and journalistic. Therefore, in 1975 a Vera staff member began a study at the request of the Ford Foundation to define and quantify the problem of violent delinquency, to survey the present state of knowledge about its causes, and to review the available treatment and prevention strategies.*

Scope of the Problem. Vera looked first at national arrest data. Although the increase has slowed considerably in recent years, arrests have been increasing since 1970 for all categories of crime, and arrests of juveniles have been increasing faster than arrests of adults. The rise is steepest and steadiest for violent crimes against persons—homicide, rape, robbery, and assault.

Arrest data are a poor measure of the incidence of crimes, however, for many offenses are not reported to the police, and less than half of reported crimes are cleared by arrest. Increases and decreases in arrest rates may reflect changes in police arrest and charging policies or in the efficiency of police reporting systems. Among the reasons to read juvenile violence data with caution are the results of various self-report delinquency surveys, in which samples of juveniles respond anonymously to questionnaires about their criminal activity. One pair of surveys, covering a stratified random sample of children throughout the country in 1967 and again in 1972, showed that both the frequency and the seriousness of self-reported delinquent acts *declined* over the five-year period.

The Vera Cross-Sectional Study. In an effort to develop more up-to-date information about the scope and nature of violent juvenile crime and about judicial responses to it, Vera examined all court and probation records of a ten percent random sample of the

---

* Written by Paul A. Strasburg and tentatively entitled *Violent Delinquents: A Report to the Ford Foundation,* the study is to be published in late 1977 by the Monarch division of Simon & Schuster, New York.

delinquency petitions brought in 1974 in three counties in the New York metropolitan area: Manhattan and Westchester Counties in New York, and Mercer County in New Jersey.

Forty percent of the 510 juveniles had not been brought to court before; about a third had been to court before, but not more than three times; and about a quarter had four or more prior offenses on their records. Although 29 percent of the sample had been charged at least once, including the current charge, with serious violent crime (a violent offense causing injury requiring at least some medical attention), the proportion charged with serious violent offenses on more than one occasion was much smaller—6 percent.

But Manhattan's juvenile delinquents were much more often and more seriously violent than those in the less urban Mercer and Westchester Counties. More than half of the Manhattan sample had been charged with serious violence at least once, and 12 percent more than once. Even so, when the figures from the Manhattan sample are projected for all juveniles brought before the court annually, only about 250 would have been charged twice or more with serious violent crime, and only 60 would have been before the court three or more times on such charges.

While the dimensions of the problem of violent delinquency seem, from this probing, to fall short of the extreme estimates of alarmists, they are impressive enough for serious attention to be devoted to containing it, preventing it, and treating it.

Dispositions in the Juvenile Justice System. In its felony disposition study (page 82), Vera was able to probe the reasons for dispositional patterns in particular kinds of adult felony prosecutions. The violent delinquency study did not permit analysis at such depth, but the sampling of case records did permit some analysis of the larger patterns.

By and large, a juvenile delinquent's record (number of prior offenses, number of violent offenses, seriousness of violence in the violent offenses) had the effect one would expect—the more serious the record, the more likely the court was to find him delinquent, to detain him pending disposition, and to place him in a secure facility or under supervision in the community. But a substantial proportion of cases involving charges of violence drop out of the system along the way, and the proportion is higher in Manhattan—where charges of violence are more common and more serious—than in the other counties studied. Concern about this, and about delay between arrest and disposition in serious cases (only about half reached disposition within six months) was evident in interviews conducted by the Vera researchers with 69 judges, lawyers, prosecutors, psychiatrists,

probation officers, and program administrators and researchers. There was consensus that dispositional alternatives were inadequate to do very much for or to the juvenile guilty of serious violence. And there was consensus that, in the long term, methods would have to be found to prevent juveniles from developing patterns of violent delinquency—that occasions for punishment and treatment come too late, even in the juvenile system.

Causes of Violent Delinquency. Vera's search of the literature dealing with the characteristics of violent delinquents and the causes of their behavior highlights how little is really known. Consensus is hard to find. There is general agreement that, in the bulk of cases where delinquency is violent, environmental influences and situational pressures are of paramount importance in triggering the violence. But there is no satisfactory explanation of why some juveniles become violent while others, similarly situated, do not.

The only accepted fact is that violent behavior is highly complex and multiply determined. Even the most sophisticated studies available are unable to demonstrate conclusively the power of any single explanation. Thoughtful responses to the problem, therefore, must build on a few basic, frequently observed facts. These may be summarized as follows:

- Violent acts appear, for the most part, to be occasional occurrences within a random pattern of delinquent behavior, rather than a "specialty" of a particular group of juveniles. The number of delinquents who are chronically violent is quite small. Recidivists may be responsible for the large majority of violent offenses by juveniles, but it is not possible to predict violence simply on the basis of prior offense records. On the other hand, the best among many unreliable predictors of future violence is a prior record of violence.
- When committing a violent act, a delinquent is more likely to do so in company with at least one other juvenile than alone.
- Boys are more delinquent than girls, but a female delinquent is as likely to have committed a violent act as a male delinquent. Female violence tends to have somewhat less serious consequences, however.
- Older juveniles tend to be more seriously violent than younger juveniles, but there is evidence, including data from the Vera samples, that the younger age groups (13 to 15) are catching up.
- From available records it appears that minority youths—and especially black youths—have been both more delinquent and more violent than white youths.

▫ The great majority of youths arrested for violent delinquency are not psychotic or otherwise seriously disturbed emotionally, although many are neurotic and are characterized by poor impulse controls. Rage, low self-esteem, lack of empathy, and limited tolerance for frustration are typical of the majority. Environmental factors play an important role both in developing these traits and in facilitating their expression through violence.

▫ Many if not most delinquents have learning problems, but the causes of those problems and their relationship to delinquency and violence are not easy to establish. Specific learning disabilities may be an important factor, although existing research is inadequate to prove a causal connection.

▫ A two-parent family seems to offer some protection against delinquent behavior, but the presence of both parents has little to do with whether a delinquent becomes violent. Other factors, including the quality rather than the quantity of familial relationships, seem to be more influential in this regard.

▫ Within community boundaries, differences in socioeconomic status appear to be weakly correlated with juvenile violence, although children from poor communities—particularly from ghettos in large metropolitan centers—are more likely to become delinquent and violent than children living in more affluent communities.

Treatment and Prevention. Whether delinquency, like illness, can be cured by "treatment" is the subject of a debate that may never be resolved but is certain to continue for many years. At present, however, the argument for "treating" juveniles who have committed violent delinquent acts is weakened by the lack of an agreed and tested theory, upon which treatment can be based, regarding the causes of violence.

Treatment of psychiatric disorders has provided the basic model for most of the intervention techniques that have been used to treat violent delinquents. Vera's review of the treatment literature, however, indicates that psychiatrically-based treatments have not produced large-scale or dramatic successes in dealing with violence. Nor have the alternative models—notably those based on social work techniques—achieved major breakthroughs.

Among the disappointments arising from Vera's study of this field is the paucity of data about the treatment of violent delinquents in particular. Delinquents with histories of violence or with characteristics associated with a propensity for violence have routinely been denied access to many of the treatment-oriented programs from which the literature about the success or failure of treatment is derived. (The cases sampled for Vera's

cross-sectional study evidence this discrimination against those most obviously in need of treatment.) Data about the impact of treatment methods on violent delinquents is therefore scarce. In addition, the conventional outcome measure used in treatment experiments is recidivism, a measure so broad that subtle but important changes (such as reduction in the frequency or severity of violence) would not be seen if they occurred. Finally, few of the treatment programs that have been evaluated have been examined with sufficient rigor to make their conclusions reliable or generalizable.

Nevertheless, it was possible to draw some general guidelines from Vera's survey:

- No specific treatment has been shown effective for violence. There are, however, a number of promising interventions that are designed to reduce anti-social behavior generally and that may be useful in reducing violent behavior. There is evidence that some forms of treatment are more effective than others with certain personality types frequently associated with violent behavior, but this evidence remains highly tentative.
- Application of a single method of treatment is not likely to change the violent behavior of a delinquent. Effective treatment is more likely to require several kinds of intervention and support—not surprising in view of the multiple problems that characterize most offenders. Consequently, a range of treatment, together with good diagnostic, planning, and management capabilities, is probably necessary for any significant success.
- Among the forms of treatment usually applied to delinquents, group techniques appear to hold more promise than individual treatment methods. But each treatment method may benefit some delinquents at various stages—another indication of the need for continuous assessment of delinquents in treatment.
- No treatment method can be expected to bring about complete "cures" within a short period.

Averting the development of violent behavior is an attractive goal, in part because the search for effective treatments is so frustrating. But the conventional strategies for delinquency prevention call for herculean social reform efforts—improving the delivery of public services, increasing educational and employment opportunities, and so forth. Laudable though these reforms may be, they have proved difficult to launch or test as delinquency prevention measures: as the target population of potentially violent youth is expanded, the cost increases and the probability of impact is reduced. In the long run, measures such as these may prove essential, but there is still an immediate demand for more focused prevention strategies that work.

Other common prevention strategies were also reviewed in the Vera study: incapacitation (incarceration, in secure facilities, of the delinquents who seem likely to commit violent offenses if released); deterrence (increasing the cost of violence by increasing the likelihood of apprehension and punishment, while increasing juveniles' employment prospects, for example); and "target-hardening" (reducing the opportunity for violent delinquency by protecting the potential victims). The major theoretical problem with these strategies is the inadequacy of available prediction methods. No technique for predicting future violence has proven accurate even half the time with any group or subgroup. The safest prediction, statistically and clinically, is that no one will be violent in the future. It is even more difficult to target, in advance, the individuals who will be the victims of violence.

This review, like the review of treatment strategies, suggested that information about effectiveness is scarce and that no one prevention strategy holds promise of sufficient success to be the exclusive focus of policy or of further research.

Recommendations. The Vera study serves as a starting point for some badly-needed programming—by others as well as by Ford and Vera—for the seriously violent juvenile delinquent. By mapping this relatively invisible, but increasingly important field, it identifies particular intervention and prevention strategies that merit experimentation. By highlighting the substantial gaps in present knowledge, the study suggests a focus for further, policy-oriented research.

5. Vera Outside New York: Helping and Learning

THE Vera Institute of Justice was born in New York City in response to the crowding of New York jails with poor people who could not afford bail. The Institute's main preoccupations have remained local.

But Vera has always been aware that there might be applications of its work beyond the five boroughs of New York, and that its contribution to New York might be enriched by insights from those who confront similar problems and attempt somewhat different solutions in other jurisdictions. In fact, Vera was drawn into the larger arena by its first undertaking. The Manhattan Bail Project led in 1964 to the National Conference on Bail and Criminal Justice, co-sponsored with the U.S. Department of Justice, and discussion of Vera's Bail and Summons Projects at that conference spawned a federal Bail Reform Act and a national bail reform movement. By the mid-60s, a stream of inquiries was coming into Vera from outside New York, and from abroad, regarding the Institute's work and the possibilities and difficulties of carrying out similar efforts elsewhere.

Through its first response to an inquiry of this sort—in 1964, when Vera went to Des Moines, Iowa, to help design and launch a bail project modeled on Manhattan's—Vera found that there is as much to learn through providing technical assistance as there is to give. For example, Vera's experience of getting a bail project started in the subtly different context of Des Moines and Vera's familiarity with that city's subsequent development of the project beyond the limits of the New York model proved valuable when Vera went on to plan the Pretrial Services Agency for New York City.

After 1964, many jurisdictions used Vera's programs as models. More than 50 cities modeled projects on Vera's Court Employment Project and hundreds followed Des Moines in adapting the Manhattan Bail Project to their local arraignment processes. The Manhattan Summons Project, the Manhattan Bowery Project, and the Wildcat Services Corporation have also been replicated in cities across the country—sometimes with more success than Vera had with the originals.

In some of these cities, Vera planners and researchers worked for weeks or longer with officials who needed to understand better their own systems and the Vera models before framing and implementing local versions. Some jurisdictions relied only on Vera's project and research reports, or supplemented that kind of material with regular correspondence or telephone contact with members of the Vera staff in New York. And, from time to time, jurisdictions assigned personnel to come to New York to study the projects in operation and to probe Vera's strategies for effecting change.

The Institute's involvement with the concerns of other jurisdictions grew in this ad hoc fashion until, by the early 1970s, technical assistance was a daily concern and it was clear that some structure for the effort was necessary.

In the past five years, Vera has experimented with a number of methods for providing technical assistance without diminishing its capacity to act in New York. The need for limits is real: Vera's staff is small and its usefulness to New York would be undermined by too great a fascination with replicating elsewhere the pilot projects that prove successful in that city. On the other hand, change comes slowly in the criminal justice field and short, superficial involvement—a dose of "expertise"—is usually not enough for effective transfer of lessons from one jurisdiction to another. There are different practical and political obstacles to be identified and met, there are different facts to be unearthed, and there are different personal and institutional arrangements to which any project model must be adapted if it is to survive transfer to a new criminal justice system. For Vera to assist properly, and for it to learn from the experience, a day here and a day there of even the most experienced staff member's time does not suffice.

Technical Assistance in the United States

A formal Technical Assistance Program was established within the Institute in March 1972 under a special grant from the Ford Foundation. The grant supported a Technical Assistance staff and the temporary assignment to specific technical assistance efforts of other personnel with special knowledge or experience gained from Vera projects. Most of the calls and letters requesting information or assistance were routed directly to the Technical Assistance staff, who attempted to frame useful responses or visited selected jurisdictions to work with officials in planning and implementing reforms—calling upon Vera's core and project staffs only as necessary.

During the first two years of this formal Technical Assistance Program, the staff concentrated on developing in other cities projects patterned after Vera's New York City programs: the Manhattan Bail, Summons, and Court Employment Projects; the Manhattan Bowery Project; and the Bronx Neighborhood Youth Diversion Program. It became apparent that their efforts were successful only where Vera's experience and techniques could be actively combined with local officials' knowledge, commitment, and political support. When these ingredients were not present, Vera personnel faced the Sisyphean task of duplicating Vera programs in hostile and unfamiliar terrain. Where the

mix was right, technical assistance became a sharing with local officials of techniques for preliminary fact-gathering, problem analysis, and program planning. The object was not just to put a project into operation, but also to leave behind the attitudes and skills necessary for further innovation and experimentation.

After its first two years, the Technical Assistance staff began receiving requests for more ambitious planning assistance: would Vera help in developing "comprehensive" criminal justice plans for jurisdictions and assist in implementing the programs and projects that emerge from the planning? Requests of this kind came from such scattered agencies as the New York State Division of Criminal Justice Services, the Corrections Department of the Douglas County (Omaha), Nebraska, Board of Supervisors, and the New Jersey Governor's Office. Vera's Technical Assistance Program responded to these overtures, but "comprehensive" planning in criminal justice is often little more than a prerequisite for federal funding in the state and local jurisdictions, and is, in any event, exceedingly difficult for the reasons sketched in Chapter 1.

The Institute soon directed its Technical Assistance Program away from such efforts and focused it on a more specific set of planning problems. At this time, in 1974, the Manpower Demonstration Research Corporation (MDRC) was launched by the Ford Foundation and the U.S. Labor Department to test in a number of jurisdictions the supported work idea developed by Vera's Wildcat Service Corporation (page 61). MDRC made good use of Vera's Technical Assistance Program in planning, developing, and operating the national supported work effort. In addition to assisting MDRC directly, the Technical Assistance Program helped develop MDRC supported work project plans in Illinois, New Jersey, Ohio, West Virginia, and Washington.

In the criminal justice field, too, the Technical Assistance Program reached for greater efficiency by helping to create single-purpose agencies that bring programs together from a number of jurisdictions to provide technical assistance to each other. For example, the New York State Association of Pretrial Service Agencies was formed in 1976, with Vera providing some of the impetus and with Vera project personnel filling four of the eleven officerships. The Association provides a forum for discussion of issues in the pretrial process and of problems in ROR and diversion programs. It will permit the State's growing but loosely connected network of programs to coordinate in seeking executive, judicial, and legislative resolution of problems as they arise. Vera played a similar but more subordinate role in the creation of a national association along similar lines.

Vera's Technical Assistance Program continued to work directly with local officials around the country and, by the end of 1976, had completed formal projects in more than 35 jurisdictions. Some were supported by the Ford grant, some by the jurisdictions requesting assistance, and some by a mix of funding. It would be unnecessarily grueling to detail—or even to list—all of those projects. Three examples should suffice to indicate the variety.

Tucson, Arizona. In 1972, Vera provided technical assistance to help the Pima County, Arizona, Attorney develop a diversion project for adult defendants, patterned after Vera's Court Employment Project. In developing the Tucson project, Vera's Technical Assistance staff worked closely with the Tucson Police Department, which then requested technical assistance in developing citation and summons projects. A Police Foundation grant to the Tucson police paid the costs of Vera's assistance in the planning and, later, the evaluation and improvement of a field release system for Tucson. Most of the technical assistance efforts followed a similar pattern.

Cincinnati, Ohio. Also in 1972, Vera's Technical Assistance staff began working with the Cincinnati Police Division. The arrangement was different from Tucson's from the start because Vera employees were placed *within* the Division's Criminal Justice Planning Section. As time went on, and as each project led to another in much the same way that Vera's projects have evolved in New York City, the Technical Assistance staff in Cincinnati grew in size, attracted local personnel for new staff positions, became less dependent on the Vera Institute, and in 1976 became a wholly autonomous Cincinnati Institute of Justice. The new Institute is funded by the City of Cincinnati and maintains its close ties with the Police Division—four police officers are on loan to the Institute—but it now has its own base and a program that covers the full range of criminal justice concerns. From 1972 to 1976, Vera's Technical Assistance staff in Cincinnati helped plan and establish:

- A 35-bed detoxification unit, and later a supported work program, for derelict alcoholics;
- A stationhouse release-on-recognizance program;
- A program for efficient service of warrants;
- A pretrial release-on-recognizance program;
- A city prosecutor's program for mediation, rather than prosecution, of misdemeanor complaints filed by civilians;

A case information unit in the Police Division to allow ready access to case status and dispositions;

A special facility for juvenile runaways as an alternative to court proceedings; and

An Incident Referral Project within the Police Division, so that officers can, in appropriate cases, make social service referrals instead of arrests.

Houston, Texas. Vera's most recent technical assistance effort arose in an unprecedented way. A federal lawsuit, *Alberti v. The Sheriff of Harris County, Texas,* was brought in 1972 to challenge the overcrowding of Houston's pretrial detention facilities. In December 1976, when the jail population had reached 200 percent of capacity, the court ordered Harris County officials to proceed forthwith to contract with the Vera Institute for technical assistance in refashioning Houston's Pre-Trial Release Agency. The project is underway.

Although the Tucson project, described above, was much more typical of Vera's Technical Assistance Program, the peculiar origins of the Houston project show the forces that are typically at play in technical assistance projects.

At earlier stages of the lawsuit, the federal judge found the overcrowding in Houston's jail "severe and inhumane . . . in violation of the law and [costing the] taxpayers of Harris County over $1,500,000 annually in unnecessary detention." The judge ordered renovation and new construction, and the expenditure of $15 million was approved by the electorate. But by 1975 the judge perceived that "multiple, interrelated factors contribute to overcrowding and substandard conditions [and a satisfactory resolution of the problems requires] an integrated, stage-by-stage approach." The first stage, in the judge's view, must be an effective release-on-recognizance program. "It does not make good business sense," the judge wrote in one of his opinions in the case, "to build or renovate a detention facility . . . until it is known how many inmates necessarily must be housed. This cannot be known until a sound Pre-Trial Release Program and related operational procedures have been fashioned, placed in operation and then accurately evaluated in terms of projected jail population."

In fact, a Pre-Trial Release Agency (PTRA) had been established by members of the Houston Bar Association in 1972. But PTRA had never won access to the jail, where 80 percent of all persons arrested in Houston are kept until court appearance. The judge, after hearing testimony, offered this analysis of PTRA's inadequacies:

[*M*]*ultiple, overlapping government jurisdictions, each endowed with co-extensive,*

mutually exclusive political authority [*resulted in*] *lack of communication and lack of motivation . . . to resolve joint problems through joint efforts.* [*But*] *by far the most significant single factor influencing the agency's lack of success was the organized effort of commercial bail bondsmen to sabotage* [*it. They see* PTRA] *as a potential economic threat to their "market"* [and] *have admittedly brought considerable political pressure to bear on both city and county officials to hamper efficacious operation of the agency. . . . For the most part, their efforts have been successful. . . . The result is an agency which has almost ceased to function as a viable component of the Harris County criminal justice system* [*and whose recommendation to*] *release a defendant on his recognizance lacks credibility with the judiciary, the final arbiters of its success or failure.*

During the lawsuit, a Houston attorney who had worked in the Manhattan Bail Project some years before was called to testify. Following his testimony, the federal judge called for testimony from the Vera Technical Assistance Program about what help could be provided, and from the Administrative Judge responsible for the criminal courts in Houston about what changes the local judiciary felt were necessary. Harris County was then ordered, over its representatives' strong objections, to enter into a contract with the Vera Technical Assistance Program to "overhaul and update the 'Model-T' system of pretrial release presently used in Harris County."

Vera has reason to hope that assisting Harris County's criminal justice system may prove no more difficult than other technical assistance efforts, despite the litigious origins of the effort. The major difference seems to be the open expression, in Houston, of problems and conflicts that plague criminal justice systems throughout the country. The effort will, in any event, be instructive for Vera.

Technical Assistance Abroad: England, France, and Germany

The administration of criminal justice has been under stress and has been the subject of scrutiny and experimentation in foreign jurisdictions, much as it has in the United States. Differences in laws, procedures, and practices tend to make foreign systems seem peculiar or irrelevant to many American practitioners, and little of the foreign work in this area has been applied to the solution of problems in American criminal justice. American experience is similarly discounted by many foreign officials who view it from different political, social, and cultural perspectives. Yet many of the underlying problems are similar, and each country's criminal justice system is rich with ideas for new ways to ap-

proach old problems in every other system. The difficulty is in getting close enough to the day-to-day realities of foreign systems so that their relevance can be perceived.

In 1974, Vera was invited by the Home Secretary (the English Cabinet member responsible for criminal justice and penal policy) to establish an office in London and assist in adapting American innovations to the English context. The Home Secretary wrote to Vera:

Of course, there are many exchange visits across the Atlantic in the field of criminal justice and penal policy; but joint working over an extended period is, I think, something different and new, and I believe it could have great promise.

The Home Office was prepared to pay for the technical assistance but could finance only a part of the cost of an office of this kind. Initial American funding came from the German Marshall Fund of the United States—an American foundation established, by a grant from the German government to commemorate the Marshall Plan, precisely in order to facilitate exchanges at the practical level between agencies in industrialized societies that are dealing differently with similar problems.

The Office of Technology Transfer of LEAA's National Institute of Law Enforcement and Criminal Justice also made funds available, as did the Ford Foundation, so that the Vera London office could create a two-way flow of knowledge and experience between the English and the American systems. The Inner London Probation and After-Care Service (ILPAS) asked that the Vera "presence" be housed within its own structure.

With funding from both countries, with the blessing of the appropriate authorities in England, with access to the everyday workings of London's courts, prisons, probation offices, and community treatment programs (all staffed by ILPAS, Europe's largest probation service), two senior members of Vera's staff opened an office in London at the end of 1974.

Vera-in-London. It is the popular view, on both sides of the Atlantic, that Londoners are more law-abiding than New Yorkers and that the London criminal justice system—from its unarmed police force to its bewigged barristers and judges—is relatively free of difficulties. But in 1975, when 492,486 felonies were reported to the New York police, the citizens of London reported 452,578 "indictable offenses" to New Scotland Yard. The volume of arrests for these categories was similar as well—roughly 100,000 in each city. As the two cities are about the same size (7.9 million in New York and 7.6 in the Metropolitan Police District of London), their criminal justice systems are under com-

parable loads. The two systems have distributed responsibilities for administering criminal justice (prosecution, corrections, supervision) somewhat differently, however, and, since 1776, have evolved legal systems that differ in small but important ways. The resulting contrasts in legal principle and administrative practice, which have surfaced with clarity in the course of Vera's technical assistance effort, have provoked some useful revision of Vera's perspective on aspects of the American system.

The first program effort in London focused on bail. The pretrial detention population in England's prisons had risen 157 percent between 1964 and 1974, bringing the total prison population near to crisis numbers. And, at about the time when Vera established a presence in London, an official Home Office Working Party had called for experimentation with schemes like Vera's Manhattan Bail Project for presenting community ties information to magistrates so that more defendants could be released before trial.

Early in 1975, after a planning phase encompassing the probation, prison, and police services, the judiciary, and the Home Office, Vera launched a pilot bail project in one of the Inner London magistrates' courts. The project staff, assigned from the probation service, refined the basic procedures for efficient gathering, verifying, and presenting of community ties information at the first court appearance of newly-arrested defendants in the English system. At the same time, Vera designed and launched two alternate models. In one, based in Brixton prison, England's largest pretrial detention facility, prison and probation staff worked cooperatively to present verified community ties information at the second court appearances of defendants not bailed at first appearance. In the other, based in England's High Court (to which every pretrial prisoner may apply for bail at any time), prisoners' applications for bail were supplemented with verified community ties information gathered by the joint prison/probation team.

Each of the models was monitored by the Vera staff, who assisted in changing and adding features as suggested by the quickly-accumulating data. By October 1975 the Home Office decided that the court-based model was preferable and issued a circular to all magistrates' courts and probation services in England and Wales, recommending adoption of procedures modeled on the Vera/ILPAS pilot. In addition, the creation of a Bail Unit at the pretrial prison had excited interest among prison officers and in the Prison Department. The officers, whose normal functions are primarily security-centered, had applied in surprising numbers to work in the new Unit; and the Unit's efforts to secure release of their own prisoners, while only marginally successful, were judged by Prison

Department psychologists and management teams to have improved officer-inmate relationships generally. The Prison Department decided to continue the Unit as a supplement to the court-based projects and to encourage the introduction of similar efforts at other pretrial facilities.

From the various pilot projects came new data about English bail practices. Vera published several analyses of the data and distributed others confidentially to key decision-makers; in this way, the program of action-research had an impact later when Parliament revamped the whole system in the Bail Act of 1976. By the time the Act received royal assent, in November 1976, the Vera/ILPAS Bail Project was operating in four Inner London magistrates' courts and, with the help of fifty specially-trained volunteers, was securing bail hostel placements or providing conditional or supervised release to many of the defendants whose community ties were so weak or past records so bad that bail would otherwise have been denied.

As a technical assistance effort, the Vera/ILPAS Bail Project was referred to with respect in parliamentary debate, in officials' public pronouncements, and in magistrates' comments from the bench. From Vera's perspective, however, the major benefit was the way that prevailing American perspectives on bail and bail reform were challenged by experiencing the day-to-day operations of England's quite different system.

For example, in England the police have wide powers to release on bail following arrest, and they use those powers in roughly half the cases so that unnecessary deprivations of liberty and unnecessary waste of police manpower are avoided. Enough of the remaining defendants are released by the magistrates so that the proportion of defendants who achieve pretrial liberty in England appears at least as great as in the United States. Nevertheless, in England there is no "right" to bail, and magistrates may deny bail outright and order pretrial detention not only to prevent absconding but also for reasons that an American judge may not, strictly speaking, even consider when setting the amount of bail—to prevent the commission of a new crime and to prevent interference with witnesses or evidence. In England, the court may not require defendants to post money bail, and the use of American-style professional bondsmen is illegal; the court may require the defendant to find "sureties" (persons who promise to pay a sum—usually a small sum—if the defendant flees), but a surety must be someone with an existing personal relationship with the defendant. Prompt hearings to review pretrial custody (at least every eight days, prior to conviction) are required in English magistrates' courts, placing a pressure on the prose-

cution either to prove the case or agree to pretrial release, and review of a defendant's pretrial custody by a judge of the nation's highest court is available at any time. Written reasons for refusing bail are required from the court in some circumstances and, after the Bail Act of 1976 takes effect in 1977, written reasons will be required in almost all cases where bail is refused.

This quick sketch of the English system, while glossing over some of its problems, suggests that it has answers to some of the more pressing issues in the American bail process. In particular, when English magistrates set bail their intention—and the effect of their decision—is the defendant's release. When a law enforcement interest seems to require detention, it can be fully articulated and consideration can be given to specific noncustodial alternatives that might meet the risks posed by a particular defendant's release. If custody is thought necessary, it is ordered in clear, unambiguous, and reviewable terms—courts need not resort to "granting" bail in amounts beyond the means of the defendant and his friends. The problems for the American system in these areas were outlined in Chapter 2 of this report.

Adapting any of these features of the English system to the American context would be at least as difficult as it was to adapt the Manhattan Bail Project for use in London. But further improvement of the American system—particularly the development of useful and narrowly focused programs of conditional or supervised release—seems much more possible after working within a system where the choice of bail *or* pretrial custody is clearly presented and the reasons for custody can be clearly articulated.

While the London bail project was getting underway, Vera's London staff designed and found funding for a supported work program modeled on New York's Wildcat Service Corporation (page 61). The London version, called Bulldog Manpower Services Limited, started operations in October 1975 and grew steadily until, at the end of 1976, it had a work force of 70 "unemployable" probationers. Although Bulldog, like Wildcat, stands outside the criminal justice system as a not-for-profit corporation, and although Bulldog draws directly from Wildcat most of its techniques for supporting unemployables through a period of transitional employment, there is a major difference that may yield lessons of importance to the United States.

A critical question in supported work programs is how best to meld the employees' often conflicting—but equally strong—needs for social work assistance and for the experience of self-sufficiency in the context of work. Wildcat has encountered difficulty in

building into its organization the capacity to deliver counseling and other social work supports without undermining the reality of the job. In London, all referrals to Bulldog are made by probation officers who are highly qualified social workers and whose caseloads average 40 clients (a low figure, by American standards). After some initial confusion, Bulldog was able to build a reliable system for referring the employees' personal problems back to the probation officer—even those problems brought to the surface by the pressures of holding a steady job. Bulldog can therefore offer an unambiguously real job (though one that is flexibly supervised) in the knowledge that quality social work support is delivered, off the job site, to employees who need it in order to hold their jobs and to make the transition to non-supported work.

Through their project efforts, the Vera staff formed working relationships with virtually every component of the criminal justice system—from bobbies on the street to judges of the High Court. In addition, contacts were established with academic institutions and voluntary agencies. The staff has attempted to share with American officials and practitioners the understanding of the English system that this network of relationships permits. For example, Vera prepared a *Compendium of Selected Aspects of the British Criminal Justice System,* which details certain procedures, practices, and programs judged likely to provoke useful thinking in America. The *Compendium* was prepared for distribution by LEAA's National Institute of Law Enforcement and Criminal Justice. In September 1975, and again in October 1976, the Vera staff brought English and American officials and practitioners together for discussion of practical problems in the two criminal justice systems. And a series of publications, including a monograph on bail, should help to expose to a wider professional audience some of the insights that have been flowing from the work.

Vera-in-Paris. Early in 1976 officials from the French Ministry of Justice visited New York to examine Vera's projects and discuss its action-research approach. Upon their return to France, they published an article that suggested a similar approach be attempted in that country. During a later visit to Paris by a team from Vera, various aspects of the French system were identified as particularly relevant to American problems—despite fundamental differences in legal and administrative structures between the two countries. The Ministry of Justice offered to host a Vera office in Paris along lines similar to the Home Office arrangements in London. By December 1976 plans for such an office and a preliminary work agenda were completed. The effort is to begin in January 1977, with

American support from the German Marshall Fund and the Ford Foundation, together with financing for technical assistance from the French government.

The Federal Republic of Germany. At the request of the German Marshall Fund, the director of Vera's London office made contact early in 1975 with officials of the Ministry of Justice in Bonn. An exchange of visits followed, similar to the exchange that preceded the establishment of the Paris office. It was decided not to open yet another foreign office but to reach for some of the mutual benefits of technical assistance through other means. At the end of 1976, Vera agreed to send a delegation from New York and London to discuss the Institute's work at a three-day conference at which the various German states would be represented by officials from the ministries of justice, labor, and health. The federal Ministry of Justice officials and the Institute agreed that, following the conference, individuals with operational responsibilities in the German system who expressed an interest in and understanding of Vera's approach would be selected to spend extended fellowships in New York, working with Vera there. The German Marshall Fund agreed to support these arrangements. Thus, the relationship with Germany is developing towards another model of technical assistance—one that Vera hopes will retain the opportunities for insight that come from day-to-day groping with the practical problems of different systems of criminal justice, while protecting against over-commitment of Vera's senior staff.

No one technique for providing technical assistance has emerged that balances perfectly Vera's work in New York and Vera's responsibility to assist when other jurisdictions ask for help in replicating that work. But the process of searching for the best approach—a workable balance of publications, outstationed staff, and fellowships at the Institute—has helped Vera continue to question its own assumptions about the criminal justice system and about the programs it has generated. One result is that the work in other U.S. jurisdictions and in foreign systems has brought Vera full circle, back to the reconsideration, from new perspectives, of the issues it started with in 1961—pretrial detention and pretrial release.

Appendices

Appendix A: Projects and Research Studies, 1961-1971

The following paragraphs describe briefly most of Vera's first-decade projects and research efforts that were not reported earlier in this report. The reader will note that many of them held the seeds of future Vera programs—for example, Traffic Court Alert and Calendar Control were antecedents of the Victim/Witness Assistance Project; and the Manhattan Bail Project, of course, led to the Pretrial Services Agency. Nearly all of the projects that worked—that is, made a process or procedure fairer or more efficient—were institutionalized within criminal justice or social service agencies. In some cases, only those components that were found useful were kept, and the others were dropped. This incremental approach to reform continues to characterize Vera's role in New York City.

Manhattan Bail Project (1961–1964). The Manhattan Bail Project, Vera's first demonstration project, sought to develop an alternative to the traditional reliance on money bail, a condition of pretrial release that discriminated against the poor. The Project developed procedures to bring about the pretrial release on recognizance of defendants who could be trusted to return to court for disposition of their cases. Judges were given recommendations for release based on verified information about accused persons' ties to family and community. In order to prevent discrepancies and bias in project recommendations, they were determined by reference to a point score: each of ten items of information about a defendant was assigned a positive or negative numerical weight reflecting the power of the information to predict his return to court, and defendants were recommended for release on recognizance if they scored 5 or more on a scale running from minus-2 to plus-15.

In three years' operations, 98 percent of those released on Project recommendations returned for their court appearances. The findings led to the National Conference on Bail and Criminal Justice in 1964 and, following the conference, pretrial release projects were developed in many parts of the country. In 1966, the bail reform effort stimulated by the Manhattan Bail Project culminated in passage of the Federal Bail Reform Act.

Manhattan Summons Project (1964–1971). The Manhattan Summons Project, operated in conjunction with the New York City Police Department, sought to secure the release of reliable defendants still earlier in the criminal justice process. During the experiment, Vera personnel staffed several police precincts and interviewed persons arrested for minor offenses. Those who met the criteria were recommended for release; the precinct

booking officer usually followed the recommendation. Early operations disclosed that more than 95 percent of the persons released appeared in court when required. The Project was expanded throughout Manhattan in 1966, with police personnel assuming operational responsibility, and it became city-wide in 1967. Besides benefiting the accused, the procedure enabled the Police Department to conserve a substantial number of man-hours. Reported at the 1964 National Bail Conference, it was adopted by at least ten other jurisdictions during the following year alone. In 1971, the procedure was incorporated into the New York State Criminal Procedure Law, making it available to police departments throughout the state.

Bail Re-evaluation Project (1966–1967). The Bail Re-evaluation Project sought to develop techniques for releasing additional numbers of defendants before trial. It gathered information about the backgrounds of detained defendants that was not available at the time of arraignment, and it devised forms of conditional release for those defendants who did not have strong community ties. The Project was able to recommend some form of release for about half of the almost 4,000 persons it interviewed in over 14 months. The courts accepted more than 60 percent of the Project's recommendations for some form of release or for reduced bail. Although the Project reduced the City's detention costs by an estimated $400,000 during this period, no support could be found for institutionalizing the effort. It was not until Vera created the Pretrial Services Agency in 1973 that the lessons of the Bail Re-evaluation Project were systematically exploited.

A controlled research study, conducted in conjunction with the Bail Re-evaluation Project, showed that access to a monitored telephone for those in detention helped them secure their release: twice as many persons in the experimental group, who had access to the telephone, raised bail as did those in the control group. At the conclusion of Vera's participation in this experiment, the Department of Corrections incorporated procedures allowing greater access to telephones for prisoners trying to raise bail.

Police Liaison Office (1966–Present). An outgrowth of the Summons Project and of the Police Department's desire to participate directly in future program development was the establishment of a Police Liaison Office at Vera. Initially staffed by two police lieutenants, the unit fluctuates in size according to its workload. The Liaison Office allows Vera direct communications with police officials and facilitates joint planning of experimental programs.

Reducing the Language Barrier in Police Lockups (1966). Because so few police

officers assigned to precinct detention duty spoke foreign languages, Vera helped the police arrange to have Spanish-speaking defendants transferred shortly after arrest to the custody of the Department of Corrections, which employed more bi-lingual personnel. This change helped to eliminate rancor toward the police in the Puerto Rican community and to curtail suicides in the lockups.

Twenty-Four Hour Arraignment (1967). For six months Vera and its Police Liaison Office examined the effect of an experimental 24-hour arraignment court in Manhattan that was designed to eliminate unevenness and backlogs in arraignment processing. The project revealed that a 24-hour court would not be necessary if the Night Court's jurisdiction were extended to include offenses that warrant fingerprinting, and if a second Night Court were created. As a result, Night Court's jurisdiction was expanded, and the second court was established in Brooklyn. The experiment also resulted in the District Attorney's office assuming responsibility for the screening of cases coming into the system and the preparation of court complaints, functions previously executed by court personnel.

Traffic Court Alert (1967). This project tested a method to eliminate unnecessary court appearances by police officers in traffic cases by permitting the officer to remain in his normal patrol assignment on an "alert" status during days when he was scheduled to appear in traffic court. If his testimony was needed in court, the alert was activated and the officer directed to appear. The project was initiated in Manhattan and expanded throughout the city. It was phased out in 1971 when jurisdiction over traffic offenses was shifted from the criminal courts to the Department of Motor Vehicles. During the life of the experiment, 75 percent of the police officers scheduled to appear were placed on alert, and only 15 percent of them were required to appear in court. (The principles behind the project were carried over to Vera's Appearance Control Project [see below] and, later, to the Victim/Witness Assistance Project.)

Police Guidelines on the Use of Deadly Force (1967). In 1967, the State Penal Code provisions regarding the authorized use of deadly force were revised. The Police Commissioner requested Vera's assistance in formulating guidelines that would be more restrictive than the law and would demonstrate the Department's commitment to preservation of life and safety of the public. The guidelines were distributed to police officers in explanation of a detailed and restrictive Department Order issued at the time.

Bronx Sentencing Project (1968–1971). This program developed short pre-sentence reports suitable for misdemeanor cases as well as a program for the diversion from jail of

adults convicted of such crimes. Before the Project began, the Office of Probation was able to prepare pre-sentence reports on only about 12 percent of convicted adult misdemeanants in the Bronx Criminal Court. Little information was available to judges in the remaining cases, and the sentence possibilities were normally either jail or some form of unsupervised release. The Project designed and introduced a short-term pre-sentence report that could be prepared within a few days of conviction—much more quickly than the conventional probation document. The essential facts were gathered in 30-minute interviews and were then verified by telephone, and the interviewer obtained information on the disposition of all prior arrests (often missing from the criminal record available to the judge). The information was reduced to an objective score by reference to sentencing guidelines developed in cooperation with the judges. If a defendant's score was sufficiently high, a non-custodial sentence was recommended. If the Project could not recommend such a sentence, the short-form report was marked simply "for information only." Sentences followed the recommendations at a rate of more than 80 percent.

Although the Project procedures brought relevant information to the court in a timely fashion, and although it moved toward a reduction of sentencing disparities, it did not decrease the court's reliance on jail sentences until it developed a new referral system with the community agency that had been most successful with clients referred during the first phase. This agency expanded its service capacity in order to take on addicts and agreed to accept convicted defendants whose sentencing was adjourned for one to six months. Sentencing in these cases was then based upon the defendant's performance with the community agency as well as upon information in the short-form report. As a result, the proportion of cases handled by the Project that received non-custodial sentences rose from 44 percent to 57 percent.

When the Project ended, the Office of Probation took over responsibility for the short-form pre-sentence reports, and a variety of public and private agencies assumed responsibility for the diversion part of the program.

Calendar Control (1968). This project developed procedures to eliminate unnecessary court appearances by parties to a criminal court action. Persons who had valid reasons for being unable to make a scheduled court appearance contacted the project staff who then arranged for a postponement of the case, after obtaining the agreement of the other parties. Elements of the project were incorporated into later Vera programs.

Fingerprint Transmission (1968–1971). Vera and the Police Liaison Office devel-

oped a closed-circuit television system to transmit "hard copies" of fingerprints between the Brooklyn Police Photo Section and the Central Identification Section in Manhattan. The system reduced transmission time from one and a half hours to less than a minute. It was phased out when responsibility for the maintenance of criminal history records was transferred to a state agency.

Police-Community Career Development Program (1968). Fifty unemployed, unskilled young men and women were enrolled by Vera in a career development program to test whether the police and other city agencies could prepare such persons for jobs with a combination of work, remedial education, and vocational training at a technical institute. Although most of the trainees were placed in jobs after the training period, the program was considered only a limited success and was not institutionalized.

Community Patrol Corps (1968). Vera helped plan and operate an experimental Community Patrol Corps in one precinct of Central Harlem. Some 30 neighborhood youths were given training by the Police Department and provided a range of services to community residents. Results of the experiment were positive, but no funding was found to continue the program.

Criminal Court Information Booth (1968). For one summer Vera set up and staffed an information booth for the public on the ground floor of the Manhattan Criminal Court building. Since that time the booth has been manned by court personnel.

Administration of Justice Under Emergency Conditions (1968–1969). Following the urban riots in 1967 and 1968, Vera was asked by the Mayor's Criminal Justice Coordinating Council to design a detailed emergency procedure for New York City's criminal justice agencies that would permit them to meet the demands civil disorder might impose. A number of cities have used the plan as a basis to construct their own emergency procedures and centers.

Family Court Law Officer (1968–1970). As a result of studies in cooperation with the Criminal Justice Coordinating Council, Vera recommended that the city's Family Courts establish the position of a law officer who would screen cases and represent the public in those warranting prosecution. Until that time, prosecution was by attorneys who were members of the Police Department. Vera suggested that elimination of the police prosecuting role would provide greater objectivity in the process. A pilot grant was made to implement the plan, and the prosecution function has since been assumed by attorneys of the city Corporation Counsel's office.

Addiction Research and Treatment Corporation (1966—Present). In response to a request by the Mayor, Vera developed the city's first large-scale ambulatory methadone maintenance program for the treatment of heroin addicts. The program was designed to increase the availability of methadone treatment, to explore some of the unknowns about the drug, to provide a range of social services to addicts-in-treatment, and to experiment with transferring patients from methadone maintenance to drug-free treatment. Initially funded by the National Institute for Mental Health, the program was administered by an independent corporation. Vera, under a separate grant from the National Institute of Law Enforcement and Criminal Justice, has coordinated the research accompanying program operations. This research, centered on the medical, social, and criminal justice aspects of the program, has been conducted by Yale Medical School, Columbia School of Social Work, and Harvard Law School.

Pre-arraignment Processing (1969). Developed by Vera through the Police Liaison Office, this project created techniques to speed and modernize the pre-arraignment process. Prior to the project, all arresting police officers and complaining witnesses were required to remain in court as long as eight hours until the arraignment of the defendant. Under project operations, the officer and complainant were excused after the case was screened by an Assistant District Attorney and the court complaint was drawn. After a successful pilot in the Bronx, the procedures were introduced in Queens; they currently apply on a limited basis in all boroughs except Staten Island.

Appearance Control Project (1970–1973). This program, built upon the experience of the Calendar Control and Traffic Alert Projects, organized prosecution witnesses' appearances in a more efficient manner. Gathering accurate information about civilian and police witnesses' whereabouts and availability, the Project instituted alert procedures that resulted in elimination of unnecessary court appearances. It also developed a system of mail and telephone notifications that, in many circumstances, proved more efficient than the traditional subpoena process. The Project was absorbed into the Police Department and continues to operate in Manhattan, the Bronx, and Queens. (Most functions of the Brooklyn Appearance Control Unit are currently structured into Vera's Victim/Witness Assistance Project.)

Plea Negotiation Project (1970). This was an attempt by Vera to make verified information about defendants available to judges and prosecutors during the plea bargaining process. During a demonstration in the Bronx, however, Legal Aid attorneys responsible

for gathering the information found that the size of their caseloads prohibited their taking time to do the extra work, and the Project was dropped.

Heroin Maintenance Proposal (1971). At the request of the Mayor's Narcotics Control Council, Vera developed a proposal for a heroin maintenance program for addicts who fail in or refuse other methods of treatment. The proposal, which called for up to one year of heroin maintenance before transfer to other kinds of treatment, included a plan for research into heroin tolerance levels, the drug's effect on motor and cerebral functions, the psychological and physical reasons for addiction, and other matters related to heroin addiction. While the experiment has not been carried out, the planning research provided valuable source material for further development, and the idea of heroin maintenance was recently endorsed by the Human Resources Committee of the National League of Cities.

Cardiac and Blood Research (1971). Vera and the Coagulation Research Laboratory of St. Vincent's Hospital in Manhattan began a pilot study to determine if systematic blood donation by men between the ages of 30 and 60 would reduce the high incidence of heart disease associated with males that age group. A double benefit was sought, because the city's hospitals were in short supply of clean blood; much of the reserves had been purchased from less than ideal sources—addicts and others whose blood was contaminated by hepatitis virus. Forty civilian and 237 police volunteers were randomly assigned to groups donating from one to five pints annually. All participants were given regular free medical exams, and the results were used for the research. At the end of the first year, the project was turned over to St. Vincent's, where the research has been continued. More than 60 percent of the 237 police volunteers have continued, for six years, to donate blood regularly, suggesting that a large-scale, long-term study is feasible.

Preventive Detention Study (1971). The District of Columbia Court Reform and Procedure Act, passed by Congress in 1970, gave judges the power to deny bail and order pretrial detention of certain defendants on grounds other than their likelihood of absconding. Vera and Georgetown University Law School studied the use and impact of the law over a 10-month period. The chief finding was that the preventive detention law was rarely used. During the first ten months the law was invoked with respect to only 20 of a total of more than 6,000 felony defendants who entered the D.C. criminal justice system. It was found that prosecutors were reluctant to become involved in lengthy preventive detention hearings; prosecutors and judges seemed to prefer other, perhaps less clearly authorized, means of insuring pretrial detention of the defendants they thought were danger-

ous. These included high money bail and the five-day "hold" provision of the 1970 statute. A publication issued in 1972 reports case histories of persons for whom preventive detention was sought and the legal and procedural problems that emerged.

Planning of a Criminal Justice Bureau within the Police Department (1971). Based on the work done by the Vera Police Liaison Office, the Police Commissioner requested Vera's assistance in evaluating the Department's capability to address criminal justice problems. As a result of this study, a Criminal Justice Bureau was established within the Department. This reorganization provided central control over the Department's criminal justice activities, including its procedures for the arrest, detention, and transportation of prisoners, the supervision of police personnel appearing in court, and the enforcement of warrants. The new Bureau also facilitated coordinated planning and liaison with other criminal justice agencies.

Appendix B: Financial Information

The following tables show the Vera Institute's grant expenditures over the five fiscal years covered in this report. The expenditures are shown by categories that conform as closely as possible to the chapters of this report and to the functional areas of the Institute's work they support. (Audited financial reports for each of the five years are available from Vera's fiscal department).

The scales of the graphs used to illustrate these tables are not uniform. In the Summary, Criminal Justice Reform, and Supported Work tables, the bars show millions of dollars; in the Research and Technical Assistance tables, they show hundreds-of-thousands of dollars.

Agencies that made the decision to fund a Vera project or study are noted in all cases, although in some cases the money may have come to the funding agencies from yet another source. For convenience of presentation, common acronyms or short forms for the names of funding agencies have been used in most cases. The following glossary explains them:

AOA—Administration on Aging of the U.S. Department of Health, Education and Welfare

ASA—New York City Addiction Services Agency

CJCC—New York City Criminal Justice Coordinating Council

DCJS—New York State Division of Criminal Justice Services

DOCS—New York State Department of Correctional Services

DOE—New York City Department of Employment

DOL—United States Department of Labor

DPW—New York City Department of Public Works

Ford—Ford Foundation

HRA—New York City Human Resources Administration

ILPAS—Inner London (England) Probation and After-Care Service

LEAA—Law Enforcement Assistance Administration of the U.S. Department of Justice

NIDA—National Institute on Drug Abuse of the U.S. Department of Health, Education and Welfare

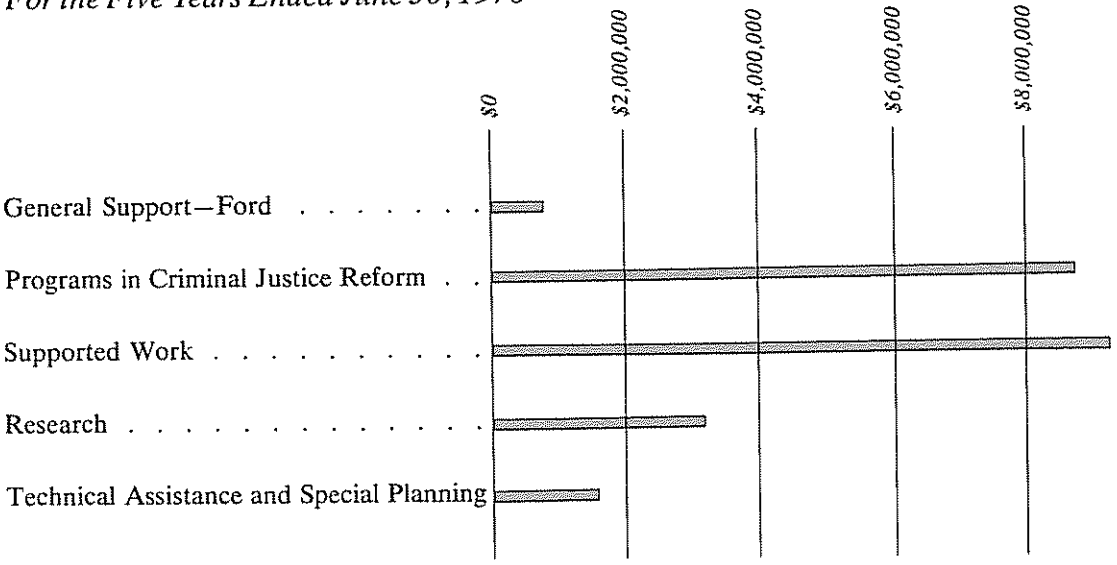
NILECJ—National Institute of Law Enforcement and Criminal Justice of the U.S. Department of Justice's Law Enforcement Assistance Administration

NYPD—New York City Police Department

OCA—New York State Office of Court Administration

OEO—Office of Economic Opportunity of the U.S. Department of Health, Education and Welfare

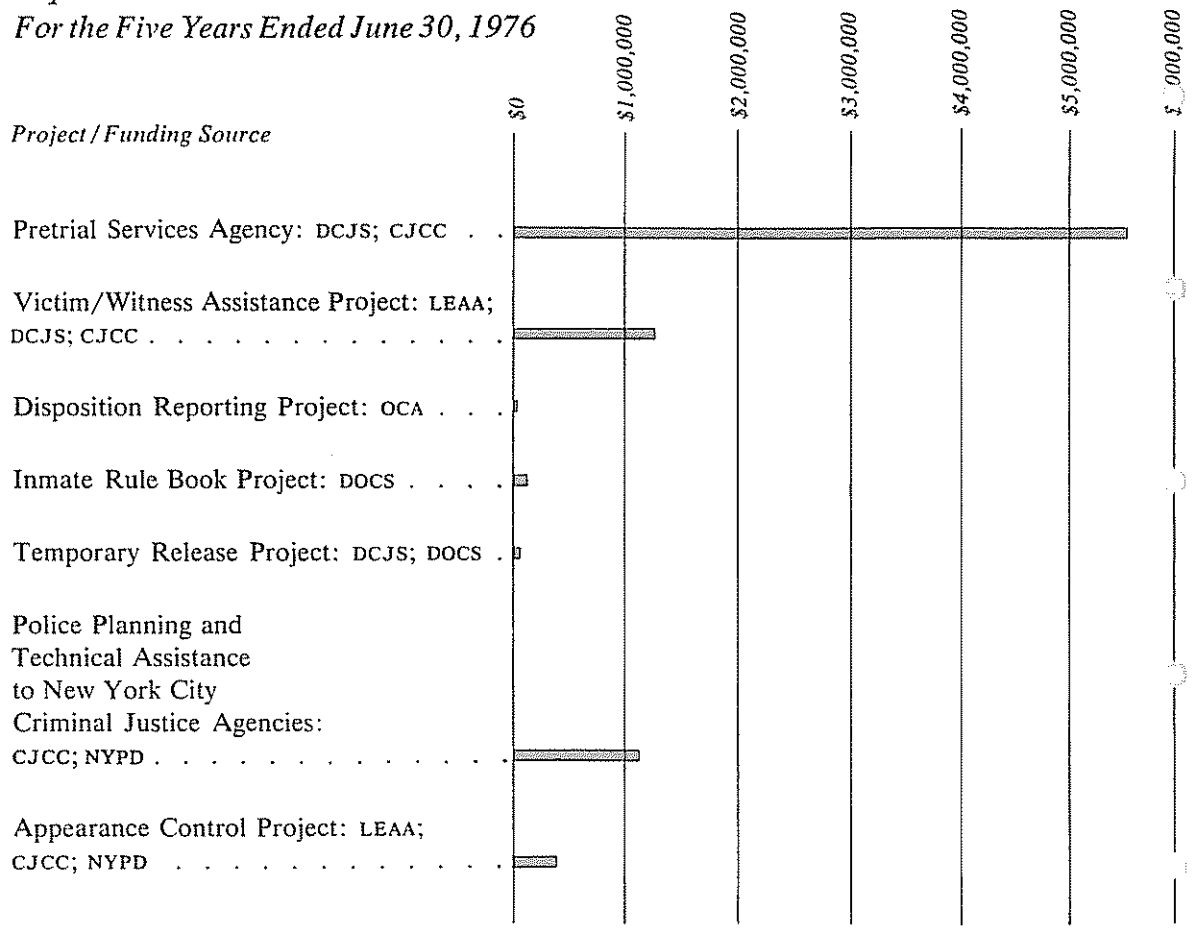
Summary of Grant Expenditures
For the Five Years Ended June 30, 1976



Fiscal Years Ending June 30 (in thousands of dollars)						
1972	*1973*	*1974*	*1975*	*1976*	*Total*	
$ 216	$ 238	$ 222	$ 180	$ 32*	$ 888	General Support—Ford
511	574	1,220	2,283	4,302	8,890	Programs in Criminal Justice Reform
263	1,945	3,033	2,108	1,815	9,164	Supported Work
186	427	801	810	1,058	3,282	Research
113	258	271	426	499	1,567	Technical Assistance and Special Planning
$1,289	$3,442	$5,547	$5,807	$7,706	$23,791	

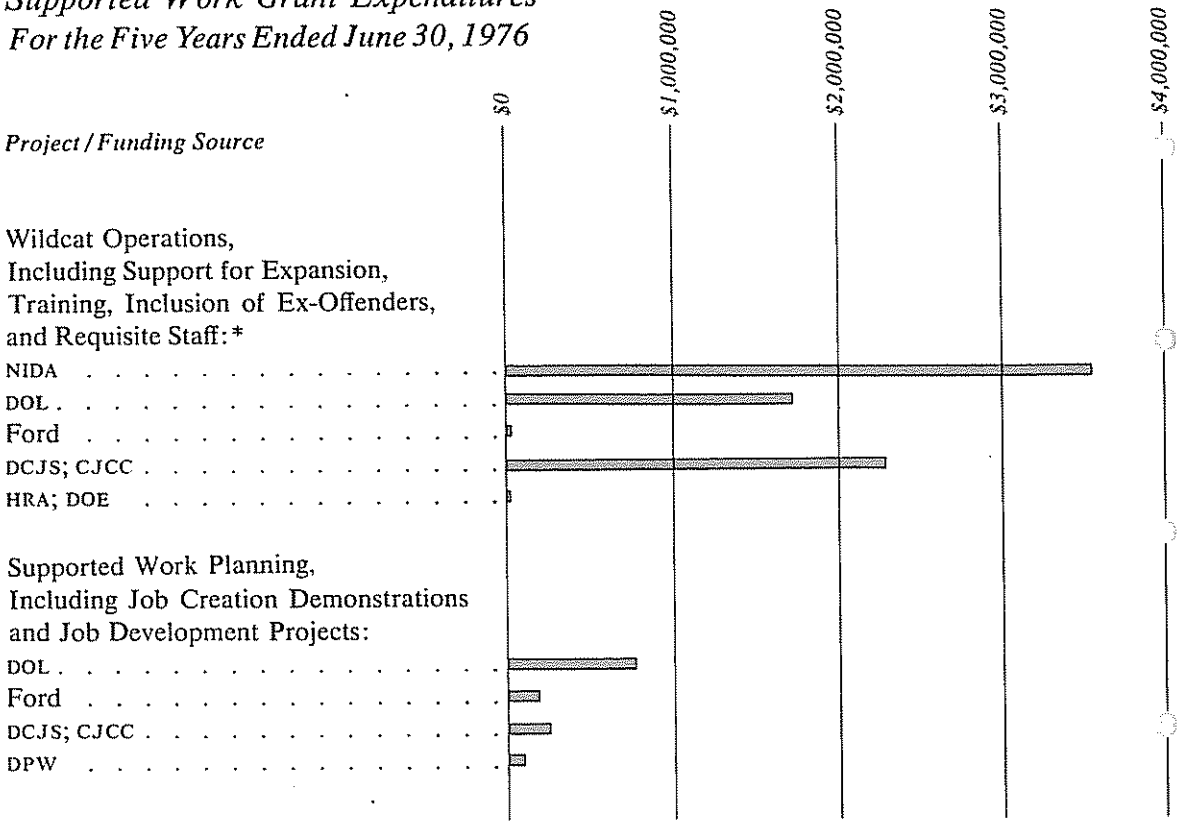
** In 1976 Vera refunded $91,000 to the Ford Foundation. The amount refunded represents general and administrative costs charged to Ford in the preceding years that were subsequently recovered from Vera project funders pursuant to grant re-negotiations.*

Criminal Justice Reform Grant Expenditures
For the Five Years Ended June 30, 1976



Fiscal Years Ending June 30 (in thousands of dollars)						*Project / Funding Source*
1972	*1973*	*1974*	*1975*	*1976*	*Total*	
	$ 109	$ 917	$1,895	$2,721	$5,642	Pretrial Services Agency: DCJS; CJCC
			67	1,203	1,270	Victim/Witness Assistance Project: LEAA; DCJS; CJCC
				18	18	Disposition Reporting Project: OCA
				55	55	Inmate Rule Book Project: DOCS
				39	39	Temporary Release Project; DCJS; DOCS
$ 308	259	287	321	266	1,441	Police Planning and Technical Assistance to New York City Criminal Justice Agencies: CJCC; NYPD
203	206	16			425	Appearance Control Project: LEAA; CJCC; NYPD
$ 511	$ 574	$1,220	$2,283	$4,302	$8,890	

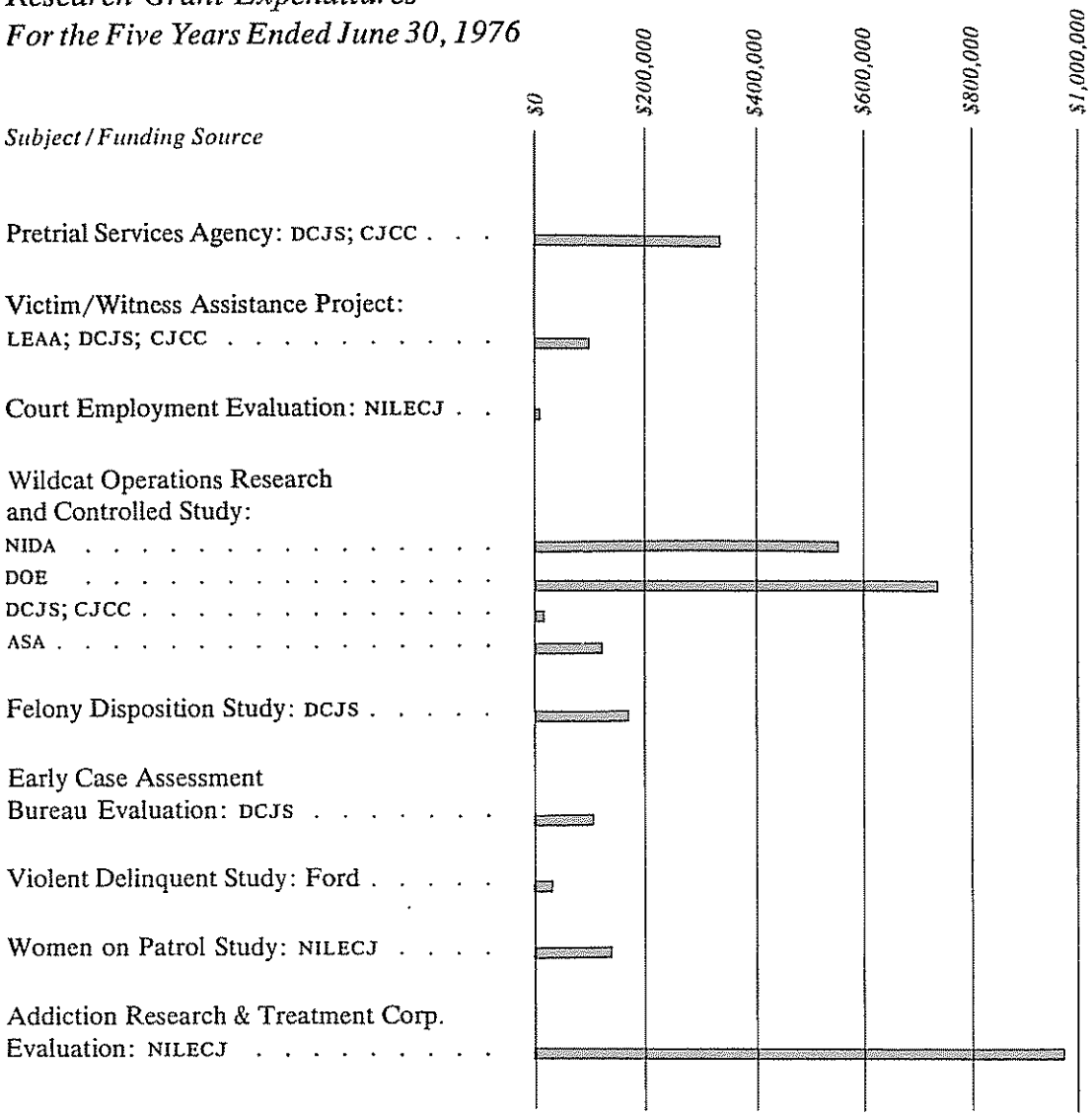
Supported Work Grant Expenditures
For the Five Years Ended June 30, 1976



** The amounts reported here represent only that portion of Wildcat's operations budget funded by agencies participating in the supported work experiment through the Vera Institute. Complete financial statements for the Wildcat Service Corporation are available directly from it.*

Fiscal Years Ending June 30 (in thousands of dollars)						*Project / Funding Source*
1972	*1973*	*1974*	*1975*	*1976*	*Total*	
						Wildcat Operations, Including Support for Expansion, Training, Inclusion of Ex-Offenders, and Requisite Staff:
	$ 950	$ 992	$ 998	$ 632	$3,572	NIDA
	47	396	506	814	1,763	DOL
	58	6			64	Ford
	367	1,219	434	326	2,346	DCJS; CJCC
		49			49	HRA; DOE
						Supported Work Planning, Including Job Creation Demonstrations and Job Development Projects:
$ 78	236	232	145	43	734	DOL
89	75	34	25		223	Ford
95	123	86			304	DCJS; CJCC
1	89	19			109	DPW
263	$1,945	$3,033	$2,108	$1,815	$9,164	

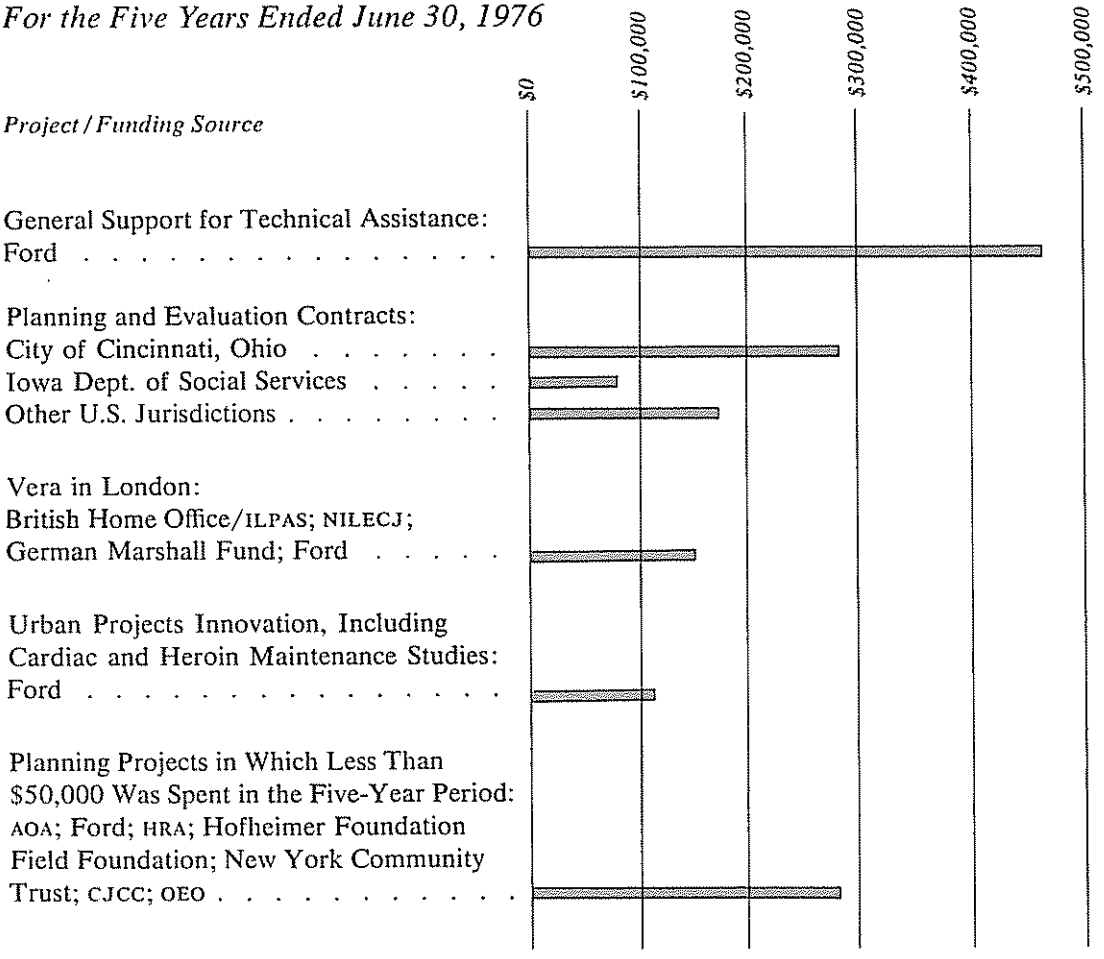
Research Grant Expenditures
For the Five Years Ended June 30, 1976



Fiscal Years Ending June 30 (in thousands of dollars)						*Subject / Funding Source*
1972	*1973*	*1974*	*1975*	*1976*	*Total*	
		$ 54	$ 85	$ 135	$ 274	. . . Pretrial Services Agency: DCJS; CJCC
						Victim/Witness Assistance Project:
			8	43	51	. . . . . LEAA; DCJS; CJCC
				15	15	. . Court Employment Evaluation: NILECJ
						Wildcat Operations Research and Controlled Study:
12	$ 1	96	142	328	579	. . . . . NIDA
		230	264	232	726	. . . . . DOE
			20		20	. . . . . DCJS; CJCC
	113	15			128	. . . . . ASA
	45	100	43	3	191	. . . . . Felony Disposition Study: DCJS
						Early Case Assessment
			1	125	126	. . . . . Bureau Evaluation: DCJS
			14	28	42	. . . . . Violent Delinquent Study: Ford
			12	131	143	. . . . Women on Patrol Study: NILECJ
						Addiction Research & Treatment Corp.
174	268	306	221	18	987*	. . . . . Evaluation: NILECJ
186	$ 427	$ 801	$ 810	$1,058	$3,282	

965,000 of the total was expended by Harvard, Yale, and Columbia Universities; Vera provided coordination and sulting services.

Technical Assistance and Special Planning Grant Expenditures
For the Five Years Ended June 30, 1976



Fiscal Years Ending June 30 (in thousands of dollars)						*Project / Funding Source*
1972	*1973*	*1974*	*1975*	*1976*	*Total*	
						General Support for Technical Assistance:
$ 8	$ 98	$ 134	$ 125	$ 102	$ 467	. . . . . Ford
						Planning and Evaluation Contracts:
3	34	63	93	94	287	. . . . . City of Cincinnati, Ohio
			17	67	84	. . . . . Iowa Dept. of Social Services
		27	93	59	179	. . . . . Other U.S. Jurisdictions
						Vera in London:
						British Home Office/ILPAS; NILECJ;
			44	107	151	. . . . . German Marshall Fund; Ford
						Urban Projects Innovation, Including
						Cardiac and Heroin Maintenance Studies:
50	59	1			110	. . . . . Ford
						Planning Projects in Which Less Than
						$50,000 Was Spent in the Five-Year Period:
						AOA; Ford; HRA; Hofheimer Foundation;
						Field Foundation; New York Community
52	67	46	54	70	289	. . . . . Trust; CJCC; OEO
$ 113	$ 258	$ 271	$ 426	$ 499	$1,567	

Appendix C: Vera Trustees, Officers, and Project Directors

Board of Trustees

Burke Marshall *Chairman*	Herbert Sturz *President and Director*	R. Palmer Baker, Jr. *Secretary*

Gary Bellow
Norborne Berkeley, Jr.
Amalia V. Betanzos
Bernard Botein
(deceased)
W. Haywood Burns
David N. Dinkins
Daniel J. Freed
Joseph Goldstein
Nicholas deB. Katzenbach
Jay L. Kriegel
(from January 1977)
Elizabeth Licht
Orison S. Marden
(deceased)
Robert B. McKay
Lloyd E. Ohlin
(to January 1977)
Oren Root
David Ross
Lucille L. Schweitzer
Joseph B. Williams
Charles R. Work
Adam Yarmolinsky

Other Officers

Deputy Director:
Robert Goldfeld
(to March 1977)
Michael E. Smith
(from March 1977)

Associate Directors:
Lucy N. Friedman
Michael E. Smith
(to March 1977)
Paul A. Strasburg

Treasurer:
Stanley R. Hellman

Major Current Vera Projects, and Directors

Corrections Project

Vera Institute of Justice, 275 Madison Avenue,
New York, N.Y. 10016
Director:
John Masten

Easyride Transportation Project

125 Delancy Street, New York, N.Y. 10002
Director:
Claire Cooney

Vera-in-London

73 Great Peter Street,
London SW1P 2BN, England
Director:
Charles R. Morris

Vera Research Department

Vera Institute of Justice, 30 East 39th Street,
New York, N.Y. 10016
Director:
Lucy Friedman

Court Employment Research Project
Vera Institute of Justice, 275 Madison Avenue, New York, N.Y. 10016
Director:
Sally Hillsman Baker

Pretrial Services Agency
305 Broadway, New York, N.Y. 10007
Director:
Michael J. Farrell (to April 1977)
(Jeremy Travis, from April 1977)

Vera-in-Paris
Ministere de la Justice, 4 rue de Mondovi, 75001 Paris, France
Director:
Paul A. Strasburg

Vera Technical Assistance and Police Planning Department
Vera Institute of Justice, 30 East 39th Street, New York, N.Y. 10016
Director:
Michael J. Farrell

Victim/Witness Assistance Project
50 Court Street, Brooklyn, N.Y. 11201
Director:
Jeremy Travis (to April 1977)
(Mark Feinstein, from April 1977)

Vera-Related Non-Profit Corporations, and Directors

Addiction Research and Treatment Corp.
22 Chapel Street, Brooklyn, N.Y. 11201
Director:
Beny R. Primm, M.D.

Legal Action Center
271 Madison Avenue, New York, N.Y. 10016
Director:
Elizabeth Bartholet (to June 1977)
(Deborah M. Greenberg, from June 1977)

Court Employment Project, Inc.
346 Broadway, New York, N.Y. 10013
Director:
Ian Bruce Eichner

Manhattan Bowery Corp.
8 East 3rd Street, New York, N.Y. 10003
Project Director:
Robert Morgan, M.D.
Administrative Director:
James C. Rice, III (to March 1977)
(Edward I. Geffner, from March 1977)

Wildcat Service Corp.
437 Fifth Avenue, New York, N.Y. 10016
Director:
Carl B. Weisbrod (to March 1977)
(Al Cave, from March 1977)

Neighborhood Youth Diversion Program
1910 Arthur Avenue, Bronx, N.Y. 10457
Director:
Warren Williams

Colophon

This five-year report, designed by Freeman Craw, was set—in metal and film versions of the English Monotype Times Roman—and printed by Allen, Lane & Scott, Inc., New York and Philadelphia.

Vera Institute of Justice, 30 East 39th Street, New York, N.Y. 10016. 212 YU 6-6910