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**REPORT ON WORK IN CRIME CONTROL AND
THE ADMINISTRATION OF JUSTICE**

Report of Progress on Technical Assistance, Research and Program Development Tasks Undertaken and Completed During the First Year of a Two-Year Contract Between the Vera Institute of Justice and the New York City Police Department and the Office of the Coordinator of Criminal Justice.

Submitted for Board of
Estimate Review

Vera Institute
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MISSION: CRIME CONTROL AND IMPROVEMENTS
IN THE ADMINISTRATION OF JUSTICE

PROGRAM FINANCIAL PLAN (November 1, 1985 - October 30, 1986)

PROGRAM	TOTAL PROGRAM BUDGET	POLICE/CJC CONTRACT	FOUNDAT. GRANTS TO VERA	NYS CPO RESEARCH	U.S. NIJ CPO RESEARCH	BURDEN CPO RES. GRANT	NYS DPCA/ATI CONTRACT	CSSP NYS/NYC CONTRACTS	FORD NWP RES GRANT	NYS/NYC NWP/VDP CONTRACTS	NYS PAROLE VDP CONTRACT	CJC/OMB SPEEDY DISP. CONTRACT 1	CJC/OMB SPEEDY DISP. CONTRACT 2	PROSPECTIVE OMB OR OCA CONTRACT	NIAAA RESEARCH CONTRACT	NYS DMROD CONTRACT	NYS PAROLE ALCOHOLISM CONTRACT	CLARK BAILBOND GRANT	BURDEN PRIVATE PRISONS	CLARK PRIVATE PRISONS
1 Technical Assistance in Implementation of the Community Patrol Officer Program, and Planning of Other Patrol and Community Crime Prevention Projects	\$111,521	\$111,521																		
2 Research on the Community Patrol Officer Program and on Other Patrol and Community Crime Prevention Projects	\$249,526	\$80,147	\$33,522	\$70,819	\$62,037	\$3,001														
3 Research and Technical Assistance on the Civilian Complaint Review Board	\$147,342	\$138,602	\$8,740																	
4 Research and Technical Assistance on the 115th Precinct Experiment and Related Stress-Reduction and Tour Assignment Projects	\$52,688	\$34,434	\$18,253																	
5 Planning, Research and Technical Assistance on, and Implementation and Enforcement of, Fines, Probation and Other Alternatives to Incarceration	\$145,847	\$14,682	\$78,349				\$24,631	\$26,786												
Demonstration Project (CSSP)	\$1,104,831							\$1,104,831												
6 Research on Career Criminals and on the Correlates of Serious Delinquency	\$46,838	\$21,676	\$25,163																	
7 Development of Employment and Employment Services for Crime Prevention Purposes	\$87,050	\$15,962	\$45,040						\$19,714	\$1,584	\$4,750									
Demonstration Projects (NWP, VDP)	\$4,550,000									\$4,550,000										
8 Research, Planning and Technical Assistance on, and Development of Methods to Reduce Delay and Backlog in the Courts	\$132,183	\$20,125										95095	\$16,883							
9 Research, Planning and Technical Assistance on Administrative and Dispositional Problems in the Family Court	\$7,565		\$1,654											\$5,911						
10 Research, Planning and Technical Assistance on Systems for Improved Handling of Public Inebriates and Other Distressed Street Populations, without Arrest	\$76,467	\$6,826	\$34,313												\$35,328					
11 Research, Planning and Technical Assistance on Improved Methods for Handling Mentally Retarded Offenders and Alcohol Abusing Offenders	\$208,126	\$12,872	\$16,070													\$91,362	\$87,822			
12 Other Criminal Justice Issues	\$79,507	\$3,478	\$3,414															\$54,962	\$4,729	\$12,924
TOTAL MISSION	\$6,998,610	\$460,324	\$264,516	\$70,819	\$62,037	\$3,001	\$24,631	\$1,130,817	\$19,714	\$4,551,584	\$4,750	\$95,095	\$16,883	\$5,911	\$35,328	\$91,362	\$87,822	\$54,962	\$4,729	\$12,924

MAJOR DEVELOPMENTS IN THE FIRST CONTRACT YEAR

This Status Report details the work performed by the Vera Institute of Justice during the first year of this most recent two-year planning, technical assistance and research contract with the City of New York, by and through the Police Department and the Office of the Coordinator of Criminal Justice. The Vera Institute was created in the early 1960s to provide City agencies with just such services, and the City has contracted with Vera to provide them through bi-annual contracts, similar to the current contract in form and intent, since 1967.

Past work under these contracts has shaped the development of policy in all of New York City's criminal justice agencies, and in the courts. It has also produced discrete operating entities that continue to perform functions developed and pilot-tested by Vera under prior contracts. Some of these "spin-offs" are: the Police Department's Felony Case Preparation Project, the Manhattan Bowery Corporation, the Criminal Justice Agency, the Victim Services Agency, the Court Employment Project, the Neighborhood Youth Diversion Project, the Wildcat Services Corporation, the Police Department's Appearance Control Unit, the Police Department's Pre-Arrest Program, the Brooklyn Dispute Resolution Center, and others described in previous Status Reports. Most of these programs have either produced resource savings to the Department and other City agencies, or have brought to bear on problems in the New York City justice system funds, from external sources (e.g., HUD, HEW, LEAA and NIJ, DOL, NIDA, NIAAA, New York State tax levy, and foundations), which would not otherwise have been available to the City.

The contract's specifications describe a substantial body of work on which the parties wish to proceed during the two-year term, and towards which the Institute is expected to generate supporting funds from other sources. The contract therefore contemplates that the work plan will evolve over the course of the contract term, as other funds are secured and as the priorities of the Police Department and the Coordinator's Office evolve. Vera managers meet regularly with managers from the Police Department (principally, the Office of Management Analysis and Planning, the Office of the Chief of Patrol and the Commissioner's Office) and with managers from the Office of the Coordinator of Criminal Justice, to review the work to date and agree on the forward work plan. Monthly narrative reports are submitted, detailing the work performed, in the preceding period, in each of the Program Areas covered by the contract. The reports are accompanied by expenditure reports detailing the individual personal services charges and OTPS costs incurred, in each Program, in each fund (including this contract) that supports each Program. Methods for reporting expenditures at this level of detail were introduced in the middle of this

contract year. The advantages include a computerized capacity to review and revise expenditure plans over the course of the year, to reflect changes in the City's priorities and to accommodate new funds as they become available. This six-page summary of Major Developments during the contract year that began November 1, 1985, closes with the financial plan for the period, as revised and agreed between Vera and the City in April, 1986.

Major developments during the year, by Program, are as follows:

PROGRAM 1 - Vera staff helped the Commanding Officers and CPOP Unit Supervising Sergeants implement new Community Patrol Officer Program Units in sixteen additional precincts, bringing the total of CPOP Units to thirty-seven by the end of August, 1986. Vera staff designed and administered to 160 new CPOs a program of training to prepare them for CPOP patrol; the training was also administered to roughly 100 additional officers serving as replacement or alternate CPOs and officers from the Housing Authority Police Department. Vera staff conducted a thorough review of CPOP operations in the first 21 precincts to which CPOP was expanded. A 110-page report of the findings from this review was presented to the Police Department. It concluded with 20 recommendations for actions to strengthen the institutionalization process. Vera staff met with and discussed the recommendations at length with the Chief of Patrol and other police officials and are currently assisting the Department to implement those which were approved. The most notable are:

- a) Preparation, and distribution throughout the Department's supervisor ranks, of a CPOP Operations Manual;
- b) Preparation of an Implementation Manual, for use by Precinct Commanders and Unit Supervisors in precincts to which CPOP is further expanded;
- c) Incorporation of materials on CPOP in the Police Academy's basic curriculum and its curriculum for in-service training;
- d) Creation of a CPOP training and professional development task force to make further enhancements to the CPO training program and to the process of developing and disseminating new CPOP tactics and strategies;
- e) Elevating service in CPOP Units to service in Anti-Crime and other units of equivalent career path value;
- f) Enlarging by three persons the resources available to the Office of the Chief of Patrol, to monitor and exercise oversight of CPOP operations;
- g) Launching a second operational review, covering the CPOP Units created since November 1, 1985.

PROGRAM 2 - Vera Research Department staff completed data collection and analysis for the study of CPOP in the pilot 72nd Precinct, and prepared the final report. Materials from the draft report were used by Vera planning staff and the Department's Office of Management Analysis and Planning, to guide the expansion and institutionalization of CPOP in the new commands. Vera secured external financial support for a comprehensive city-wide research examination of CPOP from the National Institute of Justice (\$120,000) and the State of New York (\$100,000 a year, for two years, through the Division of Criminal Justice Services). With these additional components of the research budget in hand, Vera's Research Department finished the research design phase, hired the field data-collection staff, and began field-testing the data-collection instruments. Formal data-collection begins in the first three research precincts in November, 1986.

PROGRAM 3 - Vera staff secured, coded and analyzed quantitative data on over 6,000 complaints received by the Civilian Complaint Review Board in 1984. In the second phase of this CCRB research, Vera staff secured qualitative data on a subsample of 150 of these cases. Vera staff completed preparations for a survey of the complainants, and of the police officer subjects of the complaints, in another subsample of several hundred CCRB cases. Vera researchers began drafting portions of the final report of this research, which will be available to the Police Department's managers in December, 1986.

PROGRAM 4 - Vera staff completed, and submitted to the Department and to the Mayor's Advisory Committee on Police Management and Personnel, a final report of Vera's evaluation of the Department's stress-reduction and "steady tours" experiment in the 115th Precinct. The report concluded that steady tours did reduce stress and that the management of this Precinct by (lieutenant) platoon commanders, which was made possible by steady tour assignments of the police officers in this precinct, led to significant management gains. Vera staff have now been asked to assist the Department to consider how these gains might best be replicated in other commands throughout the City.

PROGRAM 5 - Vera's Court Programs Department expanded and exercised management control over the New York City Community Service Sentencing Program, which supervised roughly 1,200 petty recidivists in their performance of unpaid community service in lieu of short jail terms. The sophisticated research modelling techniques used by Vera's Research Department to measure the impact of this program showed that 140 jail cells were freed up, as a result, for occupancy by more serious offenders. The final report of the evaluative research on this program was published in book form by Rutgers University Press this past summer

(Punishment Without Walls, by Douglas C. McDonald). Funds were secured from the National Institute of Justice and the German Marshall Fund of the United States to prepare a pilot project, in the Richmond County Criminal Court, to test the usefulness in New York City's courts of certain features of the European "day fine" systems for calculating the amount of fines, and certain new procedures to enforce those fines. Vera staff, in collaboration with staff from the Office of the Coordinator of Criminal Justice, completed the development of new systems with which the responsible City and State officials are now monitoring operations of the new "alternatives to detention" and "alternatives to incarceration" projects financed with State funds in New York City and elsewhere in the State.

PROGRAM 6 - Vera's Research Department completed the final report of research on the development of criminal careers in a cohort of juveniles who came before the Family Court on delinquency charges in 1977-78 and whose criminal records were up-dated through their 19th and 20th years. A variety of statistical models for predicting which of them would become high-rate serious adult offenders were run against this unique database, making this one of the very few prospective tests done of the "selective incapacitation" sentencing policy for crime control. The results are cautionary about the potential crime control advantages of this policy, at least when Vera's findings are compared to the enthusiasm expressed in recent years by others whose analyses of "selective incapacitation" were not grounded in prospective application of the predictive techniques. The final report, submitted to the Police Department and the Coordinator's Office in September, has already been used in policy discussions by staff of the Coordinator's Office.

PROGRAM 7 - Vera program staff provided management support to the Neighborhood Work Project (which employed and thereby provided a source of legitimate income to roughly 1,000 recently released prisoners in New York City) and the Vocational Development Program (which placed in permanent jobs 70 percent -- 300 -- of the ex-offenders enrolled in the program during the year). Towards the end of the year, Vera staff managed to expand substantially the business base of NWP, thereby assuring the provision of a source of earned income to substantially more recently released ex-offenders in the next contract year. In addition, the State Division of Parole, in a new contract with Vera, has increased the State's financial support of VDP's budget by 100 percent, secured Vera's technical assistance in training its parole officers to make more appropriate referral of unemployed parolees to job and job development services, and committed itself to assist in further increasing the number of recently released prisoners NWP can handle by identifying work for which other State agencies can contract with NWP. Meanwhile, Vera's Research Department completed a study of the employment

and crime opportunities that confront recently released prisoners, and of the choices they make between the two sources of income. And more of Vera's on-going research into the relationships between employment and unemployment, age, neighborhood context and crime were published. They continue to frame policy discussions and program planning at the City and State levels. (E.g., both the State's Project 2000 and the City's Commission on the Year 2000 relied on these publications to frame their analyses of the policy and program choices that lie ahead in these areas.)

PROGRAM 8 - Vera's Research Department completed the substantial data-gathering and analytic work necessary to support the City's formal, two-year Speedy Disposition Program, and the results were used to make the final distribution of funds to the prosecutorial offices participating in this effort. The program was designed to reduce backlog and delay in the Supreme Court, and thereby to relieve the Rikers overcrowding problem that results from increased times to disposition in felony cases. Vera's staff continues, under a separate contract, to provide the Coordinator's Office and OMB with quarterly measures of backlog, delay and times to disposition, in support of the City's continuing effort to control the rise in the detention population.

PROGRAM 9 - Very little work was performed in this program area, in this first contract year. Some technical assistance on the administrative and dispositional problems of the Family Court was given to City and court officials, and some work was done on preparation of a book-length manuscript describing these problems for a wider audience.

PROGRAM 10 - Vera's Research Department completed a controlled, experimental research evaluation of the three modes of alcohol detoxification available in New York City as alternatives to criminal justice processing of public inebriates. The comparative safety, costs, benefits and treatment success of the three modalities were established. The results are the subject of continuing discussions with New York City providers of alcoholism treatment services, providers of services to the homeless, and government officials responsible for planning and funding services of these kinds.

PROGRAM 11 - Vera's program planning staff worked with City and State officials to develop a pilot project to deliver a continuum of alcoholism and substance-abuse treatment services to alcoholic and substance-abusing inmates being released to New York City. The object of this effort, now primarily funded by separate state and city contracts, is to test the feasibility of

a new sequence of coordinated treatment and to evaluate the potential of such a system to reduce new crimes and returns to prison among released alcoholic and substance-abusing offenders.

PROGRAM 12 - Vera's Research Department assisted the Police Department in designing the new Cadet Corps program and conducted telephone surveys with sophomores on several New York City college campuses, to help the Department refine its recruiting effort. Vera's administrative units, pursuant to a request from the Coordinator of Criminal Justice, provided a thorough review of the management and finances of the Court Employment Project, Inc., and have since May been providing management oversight and fiscal systems support to CEP (including a \$150,000 cash-flow loan secured with Vera's assistance). These efforts are being undertaken to stabilize this agency, which is carrying out two large programs for the Coordinator's Office. Vera staff also helped set up and has been providing technical assistance to a Prosecuting Attorneys' Research Council, and have undertaken a major examination of the issues surrounding "privatization" of corrections.

PROGRAM 1 - TECHNICAL ASSISTANCE IN THE IMPLEMENTATION OF THE
COMMUNITY PATROL OFFICER PROGRAM AND PLANNING OF
OTHER PATROL AND COMMUNITY CRIME **PREVENTION** PROJECTS.

Introduction: Police Patrol Action-Research -- General Parameters

Police patrol is at the center of New York City's efforts to control crime and to make the city's neighborhoods secure; substantial and increasing amounts of scarce local tax dollars are devoted to it. Yet, police officials everywhere now recognize that the effectiveness of most patrol operations, the rationales offered for various patrol tactics and strategies, and the relative crime control impact of the deployment choices available to them are matters informed mostly by tradition and myth. They are also matters which have been largely inaccessible to outsiders whose research and technical specialties might be helpful to the development of useful knowledge about the patrol function.

The resources -- both uniformed and investigative personnel -- which the Department deploys to control crime and to respond to citizen calls for service are, for the most part, what may be termed "committed resources." That is, they are assigned to patrol precincts, investigative units and other line commands, where they are deployed principally in response to the enormous number of individual calls flowing through the 911 system and in response to the hundreds of thousands of individual crime complaints that call for at least some kind of follow-up detective investigation. To the extent that these modern deployment methods and patterns leave any patrol resources for "discretionary" deployment, the Department attempts to use them to ameliorate particular crime conditions or to reduce the general incidence of particular crimes.

The two essential problems are: (1) how to increase the amount of "discretionary" patrol resources available, and (2) how to direct whatever discretionary patrol resources are available to achieve more secure neighborhoods and more effective crime control. To some extent, because the Department (like police agencies everywhere) lacks solid information about how best to utilize police officers in "directed patrol" and about what crime control impact can be expected from any of the many possible discretionary deployment choices, it has been reluctant to divert resources to directed patrol from random "preventive" patrolling and responding to 911 calls. Alternative deployment patterns and the strategies and tactics associated with them need to be designed, tested and refined before a substantial redeployment of patrol resources is prudent.

The New York City Police Department and Vera have been engaged in a research and program development effort focused on the patrol force and on the issues of resource allocation, deployment, and crime control impact that bedevil this area of police work.

In the eight years prior to 1982, because of budget constraints reflecting the City's dire fiscal condition, the New York City Police Department lost over 9,000 sworn officers. Over the same period, the volume of calls for service received by the Department increased greatly, reaching approximately 6.25 million calls in 1981. Given this explosion in demand for patrol resources and the constraints on supply, the Department was forced to commit an even greater proportion of its patrol force to answering citizen crime and service calls, and even fewer resources were available to field commanders for deployment against specific crime and order maintenance problems on the local level. Under these conditions, when personnel were needed for local, directed patrol assignments, they were usually found by borrowing officers from other assignments for limited periods. As a result, the ability of individual officers and of the Department to execute directed patrol strategies has suffered, and specific crimes and criminogenic conditions have not been given the dedicated attention which the Department would like and from which it could learn. Further, with a larger proportion of the patrol force engaged in motorized response to calls for service, individual officers at the precinct level have had less opportunity to develop genuine familiarity with local crime problems, precinct conditions, and community anti-crime resources; they have become less well equipped to devise and execute tightly targeted crime control strategies than they were in the days before central radio dispatch technology.

A substantial body of research over the last decade has been aimed at finding and detailing in useful ways the crime-detering impact of conventional, motorized "preventive patrol." But because the probability that a randomly patrolling radio car will intercept a crime in progress is about zero, variations in the quantity of patrol cars in an experimental area, for example, have not led to variations either in the apprehension rate or in local criminals' perception of their risk of apprehension. As a result, the research to date in New York City and elsewhere (e.g., Kansas City) has been neither particularly encouraging to those hoping to improve crime control through better management of the patrol function, nor particularly illuminating about how to build more effective patrol strategies and tactics for future testing.

Early in 1982, under the research, planning and technical assistance contract between the City of New York and the Vera Institute, Vera staff began a long-term program development effort in the patrol function. This effort had as its starting point a thorough review of the literature on patrol research, on techniques for more efficient management of the "calls for service" function, and on crime analysis. Guided by the products of these efforts, Vera and the Department undertook a series of projects intended: (1) to free up for directed patrol some of the resources not committed to the 911 system and the random patrol function; (2) to detail the content of particular tactics and strategies employed in directed patrol efforts, where efforts of this kind naturally occurred in the operation of precinct

commands; (3) to assess the relative crime control benefits and the relative manpower and supervisory demands of these various tactics and strategies; and (4) to construct a demonstration project, for formal research evaluation, in which the knowledge generated in the other efforts would be applied to the design of a flexible patrol deployment strategy for neighborhood security and crime control. In 1984, this program development effort reached the fourth phase: the first demonstration project to test in practice the concepts emerging from the patrol research and planning effort is the Community Patrol Officer Program.

A. The Community Patrol Officer: Creating a New Role for the Police Officer.

Under the circumstances described above -- an increasing proportion of patrol resources committed to radio cars dispatched centrally, and a paucity of uncommitted resources for flexible deployment to address local crime conditions or quality of life problems -- meaningful contact between patrol officers and the residents of their precincts had declined. The officers had less time to spend helping residents deal with matters of concern in their neighborhoods. Quality of life (or "order-maintenance") problems such as prostitution, street drug trafficking, public intoxication and associated panhandling, and roving groups of unruly and intimidating youths got beyond the control of residents in many of the City's neighborhoods.

In this context, familiar to police managers and urban communities across the country, an important ingredient of any new deployment strategy is its capacity for reducing the physical, social and psychological distance between precinct patrol officers and the police in the neighborhoods to which they are assigned. Of course, Community Relations Units help in this regard. But the real challenge facing the NYCPD and most other large, urban police departments, is to develop strategies for more effectively and efficiently orienting the basic patrol operation to the particular needs of local communities.

Conceptually, a strategy incorporating this remedial objective must enable the Department to move into troubled neighborhoods and persuade the residents that the police are a concerned, responsive and powerful resource which can provide significant assistance in residents' own efforts to make their neighborhoods more secure, reduce the threat of crime, and control the order maintenance problems that diminish the quality of life in the community. The strategy must be feasible even while the Department continues to make the massive resource commitments necessary to respond adequately to calls for service on the 911 system, to provide emergency services, to investigate open cases, to prepare arrest cases for prosecution, and to provide security and order at the hundreds of public events that take place in the City every year.

Vera has found the New York City Police Department, both under Commissioner McGuire and under Commissioner Ward, informed

about and in sympathy with the emphasis on community-oriented patrol found in the current literature on police policy and research. This is not surprising, as the NYCPD evidenced an early commitment to the principles of community-oriented policing when, in the early 1970's, it experimented with the use of Neighborhood Police Teams (NPTs) in selected precincts. That experiment sought to establish more supportive relationships between the police and the public, to encourage greater police responsiveness to the needs of the community, and to clarify the delegation of certain field responsibilities within the patrol force. The NPTs proved not to be the proper vehicle for these objectives; this early "community-oriented policing" project failed, principally because it was not properly structured to respond to the overwhelming demands, from hundreds of neighborhood organizations, for their own NPTs. To respond by multiplying the number of Neighborhood Police Teams would have required vast resources and a massive departmental reorganization.

It was against this background that the Department asked the Vera Institute for assistance in developing a strategy for encouraging more community oriented patrol and for making it as effective and efficient as possible. Toward that end, Vera staff first reviewed the major research studies of the patrol function conducted during the last dozen years or so. Three of those studies proved particularly important to the design of the Community Patrol Officer Program for New York. First, the Newark Foot Patrol Experiment¹ provides evidence of that program's impact on citizens' sense of safety and has spurred an emphasis on addressing order-maintenance problems at the neighborhood level.² Second, the foot patrol program conducted and evaluated in Flint, Michigan³ offers a useful model for constructing patrol beats, and provides supporting evidence of the efficiency of several operational devices for extending the crime suppressing influence of the patrol officer to periods when he or she is not physically present on the beat. Third, the Community Profile Experiment in San Diego⁴ provides very specific training curricula and operational techniques through which an officer can develop a substantial knowledge of his or her beat and a heightened sensitivity to the needs of the residents.

¹Police Foundation. The Newark Foot Patrol Experiment. Washington, D.C.: Police Foundation, 1981.

²See James Q. Wilson and George Kelling. "Broken Windows," Atlantic Monthly. March, 1982, pp. 29-38.

³Trojanowicz, Robert. An Evaluation of the Neighborhood Foot Patrol Program In Flint, Michigan. Michigan State University, 1983.

⁴Boydston, John E., and Sherry, Michael E. San Diego Community Profile: Final Report. Washington, D.C.: Police Foundation, 1975.

A review of existing patrol operations and structures in the NYCPD, augmented by the review of other recent experimentation in this field, led Vera's technical assistance staff to focus on creating a new role for individual patrol officers -- the Community Patrol Officer (CPO). The CPO concept recognizes a need to increase officer accountability for his or her beat. Traditional patrol practices, whether foot or motorized, do not foster beat accountability. Not only are the vast majority of the Department's patrol resources committed to radio motor patrol cars, but also the tour rotation resulting from the Department's duty chart does not permit assigning the same officers to the same beats or sectors on a daily basis; in a given week an RMP officer may be assigned to three or four different sectors. All these factors mitigate against an officer either amassing knowledge about conditions on a given beat, or being held accountable for correcting these conditions or at least handling them in a strategically sound way over time.

But accountability is not the only value which the CPO concept was designed to advance. It was seen to be desirable for officers to identify with the communities they patrol and to ally themselves with local merchants and residents in fashioning creative solutions to the problems that are found there. Current patrol practices are essentially reactive. Typically, as officers and their partners drive from call to call, their knowledge of conditions in any particular neighborhood is likely to be limited to the problem locations and the problem people. They are neither required nor encouraged to form relationships with law-abiding residents of the communities and, in reality, RMP officers have little time or incentive to do so. Under these conditions, patrol officers are evaluated on what are essentially quantitative work output standards and adherence to traditional police techniques.

The third value that Vera planners sought to advance in designing the role for CPOs was to provide an effective link between the residents and merchants in troubled neighborhoods and the full spectrum of resources available in the Police Department. To do this, an individual officer must be personally known by and accessible to the people. He or she must convincingly convey the Department's interest in helping the public improve living conditions in the neighborhood. The officer must be able to use his or her authority towards that end in the street and in the police bureaucracy (to advise other patrol units at the precinct and borough levels on where, when and how best to deliver their services in the neighborhood).

In short, the Police Department sought to become a more active participant in the efforts of local residents and merchants to improve the quality of their lives on the neighborhood level. Although existing patrol, investigative and crime preventive services can be and are used toward that end, the Department needed to create a visible, reliable, knowledgeable and continuous presence in each troubled community. Reorganizing and redeploying the entire patrol force in neighborhood teams would

not be financially feasible and would probably not be operationally desirable in the context of a massive, centralized communications and dispatch system such as the City possesses. To the Vera technical assistance staff, the alternative increasingly appeared to be to define a new role, for individual patrol officers, that combined (a) the on-site law enforcement activities of the traditional foot cop, (b) the outreach and community organizational activities of the Community Relations Officer, and (c) the problem analysis, strategic planning and tactical specification functions of the police planner. It was the creation of such a role that the Vera Institute recommended and the Police Department adopted.

B. Program Background and Expansion

The Community Patrol Officer program was implemented as a Pilot Project in Brooklyn's 72nd Precinct in July 1984. Its progress was closely monitored by the Program Development Team, consisting of members of the Police Department's Office of Management Analysis and Planning, the office of the Chief of Patrol, and staff of the Vera Institute of Justice. The initial goals of the pilot program were to determine if police officers could adapt to new style of policing, one which depends heavily on the individual officers' ability to work with community residents on the solution of crime and quality of life problems at the neighborhood level, and to determine if that style of policing is effective in dealing with crime, the perceptions of crime, and the maintenance of order. The program was initially implemented as a one-year pilot project; the plan was for the first year of pilot project operations to be followed by a six to eight month period during which the Vera Research Department would conduct a full evaluation of its effectiveness.

Vera conducted an operational review (not a full evaluation) of the first five months of the pilot's operation and delivered the findings, in an interim report to the Department, in December 1984. That report, the favorable community response to the program, and the positive perceptions of police command personnel in Patrol Borough Brooklyn South, led the Department to begin a careful expansion of the program in January, 1985. In that month, CPO operations were initiated in seven more precincts, one in each of the Department's Patrol Boroughs (except Queens which, because it contains the largest number of precincts in the City, received two, and Brooklyn South which, because the pilot was still operating in the 72nd Precinct, did not receive any expansion CPOP Unit.) Thus, by the end of January 1985, there was at least one CPOP precinct in each of the patrol boroughs and there were two in Patrol Borough Queens. The initial expansion precincts were: the 9th, 34th, 52nd, 81st, 102nd, 105th, and 120th.

The second expansion took place during March, 1985, when six additional precincts were added to the program. They were: the 13th, 25th, 43rd, 63rd, 88th, and 110th Precincts. One addi-

tional precinct was added to the program in April 1985, when the 7th Precinct was included to complete coverage of the territory within the Pressure Point I area. The next expansion occurred in June, 1985 when the 10th, 24th, 47th, 61st, 83rd, and 114th Precincts were added to the program. The final expansion, which was the last in 1985, took place at the end of October when ten additional CPOP Units were created in the 6th, 23rd, 41st, 49th, 70th, 78th, 79th, 84th, 109th, and 122nd Precincts. Thus, by the end of 1985, CPOP was operational in 31 of the City's 75 Precincts.

1. Expansion Implementation Plan

Preceding the program's expansion, Vera staff and members of the Office of Management Analysis and Planning developed an implementation plan which required adding a representative of the Chief of Patrol to the Vera/NYCPD Program Development Team (PDT). The PDT was assigned responsibility for the execution of the implementation plan. The specifics of this plan, which has been utilized in each of the CPOP expansions that followed, are sketched below:

a. **Precinct Selection and Initial Orientation.** The Chief of Patrol requests each of the Patrol Borough Commanders to nominate a number of precincts within the borough, in priority order, for CPOP implementation. Upon receipt, the nominations are reviewed by the Chief of Patrol and Chief of Department and are forwarded to the Police Commissioner with the Chiefs' recommendations. The Police Commissioner makes the final selection of precincts, and the PDT is notified. The PDT notifies the Commanding Officers of each selected precinct and forwards to them copies of the 72nd Precinct Status Report, to acquaint them with the general organization and operation of the program. Each Precinct Commander is also advised to recruit immediately a volunteer sergeant to head the CPOP Unit in his command. Two weeks after these notifications, a meeting at the Office of the Chief of Patrol is attended by each Precinct Commander, the sergeants they have selected, and the Commanders of the Patrol Zones in which the precincts are located. The meeting is chaired by the Chief of Patrol, and is conducted to accomplish the following:

Insure uniform implementation of CPOP in the various precincts and boroughs.

Familiarize all concerned with the history and development of the program.

Establish a timetable for program implementation.

b. **Precinct Level Planning.** At the conclusion of the Chief of Patrol's meeting, the sergeants from the new precincts are assigned to the Vera/NYCPD PDT for a three day orientation.

The first day is devoted to familiarizing the sergeants with their duties as principal planners of CPOP implementation in their precincts, and each sergeant is provided with written guidelines to assist him during the planning period. The sergeants are responsible for assisting the precinct commander in accomplishing the following:

Design CPO Beat Areas within the precinct.

Identify and recruit volunteer officers for the program.

Establish liaison with the local Community Planning Board.

Establish and equip a CPOP unit office in the precinct.

Develop the precinct phase of the CPO Training Program.

The second day of orientation is conducted by the Vera/NYCPD PDT at the 72nd Precinct, where the CPOP Supervisor in that command informs the new sergeants about the techniques developed there to operate the program, and reviews the various control devices which he has implemented to insure effective operations. On the third day of orientation, each new sergeant visits a second CPOP unit, operating within his borough of assignment, and reviews operations in that command. At the end of the orientation period, the sergeants return to their commands to begin the precinct-based planning process.

c. Selection of Community Patrol Officers. New CPOs are recruited by the precinct commanders and CPOP sergeants. All CPOs must be volunteers and are recruited on their agreement to work flexible tours as required to respond effectively to the temporal distribution of crime and order maintenance conditions within their beat areas. All new CPO personnel are subject to a central personnel index review.

d. Promoting Community Involvement. Prior to implementation of a new CPOP Unit, a meeting is held at the Vera Institute which is attended by the sergeants from the new precincts and the District Managers from their local Community Planning Boards. The purpose of the meeting is to inform the District Managers of the program's purpose, the manner in which it operates, and its relationship to the local Community Planning Boards. The District Manager from C.B. 7 in Brooklyn, who has worked with the program in the 72nd Precinct since its inception, attends and addresses the District Managers on how the program has operated within his board, and the manner in which the CPOP Unit and the Community Board cooperate in resolving local problems.

e. CPOP Training. A formal training program for new Community Police Officers was developed by the Vera Institute and is administered and coordinated by the Program Development Team. In essence, the training involves three elements: orientation, skills training, and resource utilization. The orientation phase instructs the officers on their new duties as Community Patrol Officers, and provides them with suggestions about how these duties can best be carried out. The skills training involves a two-day course, conducted at the Police Department's Crime Prevention School, during which the CPOs are instructed on how to conduct residential premises security surveys. The resource utilization training phase of training provides the officers with information on various programs and services offered by public and private agencies, which can be utilized by CPOs in dealing with problems arising on their beats.

The formal training program is conducted in three phases:

Four days of training at a central location
(The Police Academy or John Jay College).

Four training exercises conducted at the
precinct level.

Two days of training administered by the
Department's Crime Prevention Section

The four days of centralized training are conducted over a two week period during which training is interspersed with actual CPOP patrol. The first two days of training (which generally begins on a Monday) are primarily devoted to program orientation and exploration of the various patrol tactics which CPOs utilize. In addition to formal instruction, the trainees are engaged in group discussions with experienced CPOs from operating units. Also during the first two days, both the Chief of Patrol and the Police Commissioner address the new CPOs. At the completion of the first two days of training, the officers are returned to their commands, where actual CPOP patrol operations begin on the next day.

The second two days of centralized training are conducted the following week, and involve debriefing the officers on their experiences during their first several days of CPOP patrol, and reviewing with them the public and private agencies which CPOs can utilize as problem-solving resources. Among the public and private agencies which participate in this phase of training, by sending representatives to address the trainees, are:

The NYC Department of the Aging
The Victim Services Agency
Citizens Committee for NY
The Manhattan Bowery Project
The Boy Scouts of America
The NYC Volunteer Corps
The NYC Dept. of Housing Preservation and
Development
The Door

Police Department units which participate in the training program are:

Community Affairs Division
 Police Academy
 Police Cadet Corps Unit
 Youth Services Division
 Narcotics Division
 SPECDA

The precinct phase of the training program is conducted over a three week period following the centralized training. Usually, one training exercise is conducted each week; they include:

- (1) A joint training session conducted by the Precinct CPOP Sergeant and the Community Board District Manager, during which the CPOs meet representatives of the various City agencies which deal with the Board (e.g., Sanitation, Human Resources, Neighborhood Stabilization, etc.) and establish ground rules for working relationships with them.
- (2) Institutional Visits: Each CPO visits two service-providing agencies, in order to determine the services offered and to establish liaison with intake personnel there.
- (3) Precinct Interactions: A full day of precinct training is devoted to a series of meetings between the members of the new CPOP Unit and members of the precinct staff with whom they will be expected to work closely. These include: the Community Affairs Officer, the Crime Prevention Officer, the Crime Analyst, The Anti-Crime Unit Supervisor, the Precinct Detective Unit Supervisor, and the Highway Safety Officer.

C. Operational Review of the Community Patrol Officer Program

The Police Department's expansion of the Community Patrol Officer Program resulted in CPOP Units being put into operation in thirty additional precincts between January 3rd and November 2nd, 1985. Because CPOP calls for patrol officers and their sergeants to do things they did not do before, to think in new ways, and to learn and apply new skills, both negative and positive consequences flowed from the speed with which CPOP was expanded. Pilot operations in the 72nd Precinct had benefitted directly from the sustained attention of the Vera/NYCPD Program Development Team -- a degree of attention which could not be accorded to each of the expansion precincts. Consequently, the operational procedures and techniques developed for the pilot -- largely experimental in nature -- were, in effect, institutional-

ized by the exigencies of swift expansion to other precincts. While there were obviously some risks involved in proceeding to wider demonstration this quickly, there were counterbalancing aspects of the expansion which not only substantially reduced the risks, but may in the long run accelerate the pace at which the experimental strategies are modified and refined to a point where they may be fully adopted as standard operating procedures in the Department.

For example, although the rapid expansion diminished the ability of the Program Development Team to monitor field operations and institute modifications where necessary, it did enlarge the number of command and supervisory personnel involved in program monitoring and operation, and it greatly increased the variety of conditions and situations addressed by individual CPOs. The input received from these command and supervisory personnel, observing CPOs at work under a wide variety of conditions, has greatly increased the Department's knowledge about what works and what does not work in CPOP operations; this in turn has provoked a number of program modifications.

Vera's operational review was made possible because there was a hiatus in CPOP expansion between November, 1985, and August, 1986. Between mid-November 1985, and the end of January, 1986, Vera's program coordinator for CPOP and the Vera Liaison Officer assigned from the Department's Office of Management Analysis and Planning conducted a thorough review of the CPOP Units in each of the first twenty-one precincts in which the program had been implemented. (The last ten expansion precincts were omitted because of the relatively short period in which they had been operating CPOP units at the time of this first review.)

1. Purpose of the Review

One of the principal purposes for conducting the review was to determine the manner in which the institutionalization process affected CPOP operations in the expansion precincts. The development of the Community Patrol Officer Program parallels that of many other innovative programs developed within the Police Department and elsewhere: A pilot program is carefully designed and monitored; the early success of the pilot leads to early efforts to institutionalize it by expanding its base of operation; and this transition from pilot project to city-wide standard operation is the point at which many programs fail. Pilot projects receive careful attention and nurturing and, because of the attention paid them, they often enjoy more flexibility than can be permitted in routine operations under normal supervisory control. Personnel involved in pilots are often highly motivated because of their participation in something new and different and, as a result, often perform at a level which is difficult to sustain over a longer period of time. On the other hand, the risks of institutionalization are necessary -- it is the only way to find out if pilot procedures will work beyond the laboratory conditions in which they were developed.

Expansion of a program like a CPOP in an agency such as the Police Department requires the curtailment of some of the flexibility which was encouraged during the pilot and introduces new stresses. It tests the ability of the agency to recruit, into CPOP, personnel who are sufficiently motivated to undertake the new role under normal supervisory conditions. It tests the ability of the Department to effect change on a broad basis, involving the participation of command and supervisory personnel who had no role in the creation of the innovation.

While Vera's review of research on patrol deployment strategies, with which the planning of CPOP began, was focused primarily on identifying the positive or workable elements of previous experiments, it was also concerned with identifying the reasons why previous experiments failed. Particular attention was paid to the rise and fall of the Neighborhood Police Team Concept, in New York City and elsewhere. While CPOP is in many ways dissimilar to the NPT, there are enough common elements to make the demise of the NPT, in all of the major cities in which it was tried, a cautionary tale.

The NPT concept arose during a period when the Federal Government was providing large amounts of money to fund police research. As a result, there were several credible studies conducted of NPT operations in major cities. Vera's review of these studies identified the following as major causes of the failure of NPTs:

a. In some jurisdictions, attempts to implement the NPT strategy failed because the concepts of team policing were either not fully understood, or not fully operationalized. As a result, the program was either not fully implemented, or failed to operate in accordance with design.

b. In some instances, the geographic stability of the teams was not maintained, because dispatchers or dispatching procedures did not permit the teams to remain in their areas of assigned responsibility.

c. The service element of the NPT design failed in some areas, because supervisors there did not implement either the requisite team conferences or the community conferences, or both.

d. The team policing projects suffered everywhere from a lack of coordination, and from middle management interference.

e. As a result of these organizational impediments, Neighborhood Team Policing, as it was institutionalized, differed little from traditional patrol. As one researcher summarized it:

"It was not long before the team members noticed that team policing hardly differed from the 'policing' they had done before. In most cases, the style of police work changed very little.... But it is impossible to say whether the organizational style of team policing failed to produce a new patrol style or whether the organizational style of team policing was not, in those cases, created at all."⁵

Thus, in Vera's review of the early implementation of CPOP in expansion precincts, the reviewers were looking in particular for signs of the kinds of difficulties encountered by the NPT concept, as described above. In addition, the reviewers set out to make a detailed record of (and to provide a means of disseminating) what has been learned so far about the adaptability of the basic CPOP model to a wider variety of conditions, personnel and management approaches than were present in the pilot precinct. The review included the solicitation of ideas for improvements, from interested quarters within the Department and from the communities.

2. Method of Review

To conduct the operational review, Vera and NYCPD personnel pursued the following strategies:

- a. Relevant operating statistics for each of the commands were obtained and reviewed.
- b. Each CPOP Unit was visited and each unit's records were inspected.
- c. Each unit supervisor was interviewed in depth about unit operations.
- d. Each precinct commander was interviewed.
- e. Telephone interviews were conducted with the District Manager of each Community Board within which one of the 21 CPOP units was operational.
- f. Team meetings were held with each CPOP Unit, and the individual CPOs were invited to offer comments and recommendations on program operations.

⁵Lawrence W. Sherman, Team Policing: Seven Case Studies, (Washington, D.C.: The Police Foundation, 1973), p.73.

3. Results of the Review of CPOP Operations in 21 Commands

a. Degree of Departmental Support for the Expansion

Before reviewing field operations, Vera staff determined and analyzed the steps taken by the Police Department to avoid the pitfalls of institutionalization. These steps may be summarized as follows:

(1) **Replication of the Pilot Model.** Each expansion of CPOP has been tied quite closely to the design and procedures developed in the pilot -- this appears to be a genuine "replication" of the model created in the 72nd Precinct. All new unit supervisors have been required to visit the 72nd Precinct, confer with the Sergeant assigned to that command, and observe program operations there. These steps are appropriate ones for encouraging uniformity of CPOP operation throughout the city.

(2) **Command Support.** The program has received the enthusiastic, visible, and frequently articulated support of the highest ranking members of the Department. The Police Commissioner, the Chief of Department, and the Chief of Patrol have all voiced their commitment to CPOP, and have made this known in the various levels of the command structure, as well as to the individual CPOs entering precinct units. This is probably a necessary step, if CPOs, Unit Supervisors and other members of the force are to accept the new program as integral to the Department's interests and important to their own concerns.

(3) **Clarity of Policy Communication.** The Department issued a comprehensive order, detailing the intent of the program, and the manner in which the Community Patrol Officers are to be deployed. (In the development of this order, the Department took care to provide the new CPOs with the as much of the flexibility and accountability exercised by the CPOs in the demonstration project as was feasible.) In addition, each expansion of CPOP was preceded by a conference chaired by the Chief of Patrol and attended by the Zone and Precinct Commanders of the expansion commands; the policy, intent and operation of the program was discussed in detail at these meetings, with the effect of making the policy and content explicit and clear.

(4) **Uniform Training.** All new CPOP personnel attend a uniform training program, designed to orient them to both the conceptual and the practical aspects of the program. A key part of this effort to enhance uniformity is participation of experienced Community Patrol Officers in the training of new personnel.

(5) **Dissemination of Program Information.** Meetings of Unit Supervisors are held monthly by the Vera/NYCPD Program Development Team, and each supervisor reports on the development of CPOP operations in his command. In addition, police officers assigned to individual CPOP units are kept abreast of

program developments through a CPO Newsletter, which is distributed to all officers working in the program.

(6) **Follow-up and Control.** The Department instituted a number of procedures designed to insure that the program operate in accordance with program design. Each precinct is required to submit a monthly report providing both quantitative and qualitative information about CPOP operations. Every Unit Supervisor, Precinct Commander and Zone Commander involved is required to conduct monthly interviews of merchants and citizens within the CPOP Beat Areas to determine how the CPOs are performing. Precinct Integrity Control Officers are required to conduct periodic inspections of CPOP Unit operations and to coordinate their activities with personnel assigned to the Borough Field Internal Affairs Units.

b. Scope of Operations.

Precincts included in Vera's operational review (and the period of time these CPOP Units had been operating through December, 1985, when the review started) are as follows:

12 Months of Operation:

9th Precinct	72nd Precinct	105th Precinct
34th Precinct	81st Precinct	120th Precinct
52nd Precinct	102nd Precinct	

9 Months of Operation:

13th Precinct	43rd Precinct	88th Precinct
25th Precinct	63rd Precinct	110th Precinct

8 Months of Operation: 7th Precinct

6 Months of Operation:

10th Precinct	47th Precinct	83rd Precinct
24th Precinct	61st Precinct	114th Precinct

The scope of operations in these commands during 1985 may be summarized as follows:

There were a total of 194 months of CPOP operation in the 21 Precincts

There are 21 Sergeants, 206 Community Patrol Officers and 19 Police Administrative Aides assigned to CPOP operations in these precincts. The CPOs account for approximately 6.5% of all police officers assigned to these commands.

Of the 206 Community Patrol Officers, 21 are assigned as Unit Coordinators, and 185 are assigned as CPOP Beat Officers.

There are a total of 179 Beat Areas in the 21 Precincts. In 9 of the precincts, the Beat Areas cover all of the territory within the precinct, while in the remaining 12 only a portion of the precinct is covered. Each beat is covered by one permanently assigned CPO with the exception of 6 beats (three in each of two precincts located within the Pressure Point I area) to which 2 CPOs are assigned to provide two-tour coverage.

During the year, the 179 Beat Areas were covered for a total of 1,729 man-months of CPOP patrol.

c. Community Patrol Officer Activity Levels - Quantitative Measures

The Tables which follow summarize some of the quantitative measures of CPO activity in the 21 Precincts during the year 1985.

Table 1, CPOP Unit Activity for All Months of Operation in 1985, presents the yearly total on each activity for which statistics are routinely maintained. (The monthly activity level for each individual precinct may be found in the Precinct Activity Tables included in the Appendix to Vera's full Report.)⁶

Table 2, Average Monthly Individual CPO Activity for All Months of Operation in 1985, presents data on the average monthly activity of individual CPOs during 1985, by precinct.

The data contained in these tables are not presented for comparison purposes. Activity levels vary widely among commands just as crime and order-maintenance conditions vary in the different precincts. What is an appropriate level of enforcement activity in one precinct may be inappropriate or not possible in another. Similarly, the opportunity to engage in a wide variety of community service activities may be substantially greater in some commands than others. In the absence of proper, very detailed research (see Program 2 below), whether or not an individual CPOP Unit's activity levels reflect an appropriate response to the conditions existing in a command is better

⁶Each CPOP Unit maintains its own activity statistics on a monthly and cumulative basis, and submits these in a monthly report to the Chief of Patrol's Office, where staff prepare a consolidated monthly report. As all of these operations are performed manually, there is opportunity for clerical error. In addition, precinct CPOP Units occasionally revise statistics and telephone changes to the Chief's Office, which better informs the Chief of Patrol but does not result in the publication of amended reports. Table 1, and the Individual Precinct Tables contained in the Appendix to Vera's full report were assembled by consolidating the monthly reports prepared by the Chief of Patrol's Office and sending each Unit Supervisor a draft table on which to enter corrections. The corrected copies were then consolidated.

determined by the judgements of the Unit Supervisor, the Precinct Commander, and the residents of that community.

These statistics are valuable, however, for several reasons. The cumulative city-wide totals provide some measure of CPOP's impact on crime and order-maintenance problems and the involvement of CPOs in crime prevention and community relations activities. They also provide some insight into the manner in which the program has been implemented in the commands, and describe the balance between enforcement and community service activities in each of the precincts.

Table 1

COMMUNITY PATROL OFFICER PROGRAM
Unit Activity
All Months of Operation in 1985

Activity	Precinct																Total					
	7th	9th	10th	13th	24th	25th	34th	43rd	47th	52nd	61st	63rd	72nd	81st	83rd	88th		102nd	105th	110th	114th	120th
Arrest	22	81	24	12	20	3	68	26	16	64	2	3	101	26	41	33	4	13	9	15	18	601
Felony	56	307	24	15	29	13	158	22	41	114	1	29	142	25	19	48	19	15	7	14	34	1132
Misdemeanor Violation	9	72	0	12	106	9	199	262	86	410	6	69	453	4	140	120	3	91	59	51	6	2167
Total Arrests	87	460	48	39	155	25	425	310	143	588	9	101	696	55	200	201	26	119	75	80	58	3900
Summons	178	314	80	306	240	92	966	551	196	781	256	310	271	378	379	388	251	261	210	257	61	6726
Moving	6467	3376	799	2099	1384	1052	3851	1671	778	1373	345	1096	363	1378	714	788	1767	837	931	1015	375	32459
Parking	631	498	93	211	88	16	100	122	62	44	39	93	47	44	41	294	77	37	72	51	60	2720
Other	7276	4188	972	2616	1712	1160	4917	2344	1036	2198	640	1499	681	1800	1134	1470	2095	1135	1213	1323	496	41905
Total Summons	10	66	10	19	62	8	65	43	45	45	46	82	65	69	40	17	98	44	58	12	5	909
Abandoned Veh.	24	210	1	4	141	18	111	146	107	103	96	80	124	235	92	32	221	88	56	194	68	2151
Total	34	276	11	23	203	26	176	189	152	148	142	162	189	304	132	49	319	132	114	206	73	3060
Other Activities	17	109	64	9	122	21	72	125	30	120	18	10	47	203	523	111	17	62	15	16	47	1758
Intell. Repts.	0	24	3	0	0	0	316	96	2	157	0	1	219	159	15	56	81	21	2	50	131	1333
Block Watchers	27	99	1	33	3	7	58	41	11	21	26	22	31	16	0	0	14	7	72	3	161	653
Security Surveys	64	170	31	62	69	34	145	112	77	143	77	117	302	264	34	139	160	184	98	58	143	2483
Meetings Att.	1	1	0	0	0	2	5	2	1	2	1	2	8	4	0	0	0	4	8	5	1	47
Block Assoc.																						

Table 2

AVERAGE MONTHLY INDIVIDUAL CPO ACTIVITY FOR ALL MONTHS OF OPERATION IN 1985

Activity	Precinct (No. of CPOs)										
	7th.(11)	9th.(11)	10th.(5)	13th.(7)	24th.(9)	25th.(5)	34th.(9)	43rd.(9)	47th.(9)	52nd.(9)	
<u>Arrest</u>											
Felony	0.3	0.6	0.8	0.2	0.4	0.1	0.6	0.3	0.3	0.3	0.6
Misdemeanor	0.6	2.3	0.5	0.2	0.4	0.2	1.5	0.3	0.8	0.8	1.1
Violation	0.1	0.5	0.0	0.2	2.0	0.2	1.8	3.2	1.6	1.6	3.8
Total Arrests	1.0	3.5	1.6	0.6	2.9	0.5	3.9	3.8	2.6	2.6	5.4
<u>Summonses</u>											
Moving	2.0	2.4	2.7	4.9	4.4	1.7	8.9	6.8	3.6	3.6	7.2
Parking	73.5	25.6	26.6	33.3	25.6	19.5	35.7	20.6	14.4	14.4	12.7
Other	7.2	3.8	3.1	3.3	1.6	0.3	0.9	1.5	1.1	1.1	0.4
Total Summonses	82.7	31.7	32.4	41.5	31.7	21.5	45.5	28.9	19.2	19.2	20.4
<u>Abandoned Veh.</u>											
Rotation Tow	0.1	0.5	0.3	0.3	1.1	0.1	0.6	0.5	0.8	0.8	0.4
Sanitation	0.3	1.6	0.0	0.1	2.6	0.3	1.0	1.8	2.0	2.0	1.0
Total	0.4	2.1	0.4	0.4	3.8	0.5	1.6	2.3	2.8	2.8	1.4
<u>Other Activities</u>											
Intell. Repts.	0.2	0.8	2.1	0.1	2.3	0.4	0.7	1.5	0.6	0.6	1.1
Block Watchers	0.0	0.2	0.1	0.0	0.0	0.0	2.9	1.2	0.0	0.0	1.5
Security Surv.	0.3	0.8	0.0	0.5	0.1	0.1	0.5	0.5	0.2	0.2	0.2
Meetings Attended	0.7	1.3	1.0	1.0	1.3	0.6	1.3	1.4	1.4	1.4	1.3
Block Assoc formed	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Table 2 (CONTINUED)

AVERAGE MONTHLY INDIVIDUAL CPO ACTIVITY FOR ALL MONTHS OF OPERATION IN 1985

Activity	Precinct (No. of CPOs)											
	61st.(9)	63rd.(9)	72nd.(9)	81st.(9)	83rd.(9)	88th.(9)	102nd.(9)	105th.(9)	110th.(9)	114th.(9)	120th.(9)	120th.(9)
<u>Arrest</u>												
Felony	0.0	0.0	0.9	0.2	0.8	0.4	0.0	0.1	0.1	0.1	0.3	0.2
Misdemeanor	0.0	0.4	1.2	0.2	0.2	0.6	0.2	0.1	0.1	0.1	0.2	0.3
Violation	0.1	0.9	4.0	0.0	2.6	1.5	0.0	0.8	0.7	0.7	0.9	0.1
Total Arrests	0.2	1.2	6.1	0.5	3.7	2.5	0.2	1.1	0.9	0.9	1.5	0.5
<u>Summonses</u>												
Moving	4.7	3.8	2.4	3.5	7.0	4.8	2.3	2.4	2.6	4.8	0.6	0.6
Parking	6.4	13.5	3.2	12.8	13.2	9.7	16.4	7.8	11.5	18.8	3.5	3.5
Other	0.7	1.1	0.4	0.4	0.8	3.6	0.7	0.3	0.9	0.9	0.6	0.6
Total Summonses	11.9	18.5	6.0	16.7	21.0	18.1	19.4	10.5	15.0	24.5	4.6	4.6
<u>Abandoned Veh.</u>												
Rotation Tow	0.9	1.0	0.6	0.6	0.7	0.2	0.9	0.4	0.7	0.2	0.0	0.0
Sanitation	1.8	1.0	1.1	2.2	1.7	0.4	2.2	0.8	0.7	3.6	0.6	0.6
Total	2.6	2.0	1.7	2.8	2.4	0.6	3.0	1.2	1.4	3.8	0.7	0.7
<u>Other Activities</u>												
Intell. Repts.	0.3	0.1	0.4	1.9	9.7	1.4	0.2	0.6	0.2	0.3	0.4	0.4
Block Watchers	0.0	0.0	1.9	1.5	0.3	0.7	0.8	0.2	0.0	0.9	1.2	1.2
Security Surv.	0.5	0.3	0.3	0.1	0.0	0.0	0.1	0.1	0.9	0.1	1.5	1.5
Meetings Attended	1.4	1.4	2.6	2.4	0.6	1.7	1.5	1.7	1.2	1.1	1.3	1.3
Block Assoc formed	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.0	0.0

The statistics in Tables 1 and 2 yield only a partial picture which needs, in time, to be augmented by a review of other issues (e.g., CPOP Unit program activities, command and citizen perception) But these data provide a logical point at which to begin looking at the expansion of CPOP and the potential impact of it.

(1) Enforcement Activity -- Arrest and Summons

The Community Patrol Officer Program was not implemented as a traditional enforcement effort (which would be measured by volume of arrests). CPOs are not meant to conduct their patrol as if they were uniformed Anti/Crime officers (whose primary function would presumably be to make arrests). However, traditional, arrest-oriented law enforcement is an important aspect of the CPO role, and the authority to make arrests and issue summonses is one of the CPO's most powerful weapons in dealing with crime and order maintenance problems at the community level. This is why, during CPO Training, it is emphasized that CPOP is not a public relations program -- that it is a program for working cops. New CPOs are reminded that, in helping neighborhoods to rebuild and become safe havens for their residents, it is a CPO's primary function to use the power of arrest and summons to deal with violations of law and public order. They are advised that the community response to their efforts will be formed more by their ability to make the neighborhoods safe than the friendly gestures they make. The following statistics suggest that the CPOs have accepted enforcement as one of the principle dimensions of their role.

During the year 1985, the 185 Community Patrol Officers, assigned to Beat Areas for varying periods in the 21 precincts under review, effected a total of 3,900 arrests. Of these, 601 were for felonies, 1,132 were for misdemeanors, and 2,167 were for violations. In addition, the CPOs issued a total of 41,905 summonses, of which 6,726 were for moving violations, 32,459 for parking violations, and 2,720 were for ECB, Penal Law, and other violations. The level of enforcement activity varied widely among the 21 precincts, but appeared to be a function of the varying levels of crime and order-maintenance problems existing within the precincts. The CPOP Units with the highest levels of arrest and summons enforcement activity were:

The 72nd Precinct with 696 arrests (including 101 felonies) and 681 summonses, for 12 months of operation in 1985. Each CPO averaged 6.1 arrests per month, including 0.9 felony arrests, for the period.

The 52nd Precinct with 588 arrests (64 felonies) and 2,198 summonses, for 9 months of operation. Each CPO averaged 5.4 arrests per month.

The 9th Precinct with 460 arrests (81 felonies) and 4,188 summonses, for 12 months of operation. Each CPO averaged 3.5 arrests per month.

The 34th Precinct with 425 arrests (68 felonies) and 4,917 summonses, for 12 months of operation. Each CPO averaged 3.9 arrests per month.

While it would be difficult to conduct a rigorous analysis of the individual arrest and summons incidents, there is a consensus among Unit Supervisors and Precinct Commanders that CPO enforcement activities were directed against specific problems and conditions within the Beat Areas and were not, in the main, the fortuitous result of random patrol. For example, the CPOs in the 34th Precinct had the second highest rate of summons issuance of the 21 Units, issuing 4,188 summonses during the 12 month period. Almost all of these summonses resulted from the Unit's efforts to curtail street level drug sales in the area by rigorously enforcing the traffic laws to deter buyers (particularly school-aged youths from New Jersey) from entering the area.

What could not be documented in the review were the details of the numerous enforcement actions which resulted from information supplied by CPOs to other units of the Department. During the year, the CPOs in the 21 precinct submitted a total of 1,758 Intelligence Reports, many of which resulted in arrest actions by other Department units. In addition, in almost every command, CPOs have furnished information to Precinct Detective Units, Anti-Crime Units, and RIP (Robbery Identification Program) Units resulting in arrests of dangerous criminals. While such events are not officially recorded or documented beyond the occasional letter of commendation prepared by Detective Unit Commanders, verification of numerous incidents of this type was uncovered in interviews with the PDU, Anti/Crime, and RIP Unit commanders in the various precincts.

(2) Other-than-Enforcement, and Community Service Activities

CPOs engage in a wide variety of nonenforcement and community service activities, not all of which result in the maintenance of easily retrievable statistics.⁷ However, statistics are maintained on some of the more visible activities, and they provide some insight into the total range of CPO operations.

⁷There are a wide variety of CPO activities which, while documented, do not result in the maintenance of ongoing monthly compilations. Routine operations, such as responding to 911 calls, making agency referrals, doing complaint follow-ups, visiting merchants and community residents while on patrol, etc., are recorded in individual CPOs' Activity Logs but are not subject to monthly tabulation.

(a) Removal of Abandoned Vehicles. During the year, CPOs in the 21 Precincts caused the removal of 3,060 abandoned vehicles from their Beat Areas. Rotation Tow was utilized in the removal of 909 of these, while the Sanitation Department was summoned to remove 2,151.

(b) Attendance at Community Meetings. CPOs attend Precinct Community Council meetings, Parent Teacher Association Meetings, Church meetings, Block Association meetings, Civic Association meetings, etc. On many of these occasions the officer merely attends as a department representative and is available to discuss police-related problems as they arise. On other occasions, the meetings are arranged precisely to have the neighborhood CPO meet with residents to discuss specific community problems with them, or to discuss specific crime-prevention techniques.

During the year 1985, the 185 CPO beat officers attended a total of 2,483 community meetings. The frequency with which CPOs attend such meetings differs among the various precincts and is dependent upon the level of community organization existing within the precinct. While in the majority of precincts each CPO attend 1 such meeting monthly, there were several commands in which each CPO attended an average of 2 or 3 community meetings each month.

(c) Recruitment of Block Watchers. CPOs attempt to stimulate interest in the Department's Block Watcher Program, as a means of increasing the crime resistance of the Beat Areas. They attempt to recruit block watchers while attending community meetings, while conducting complaint follow-ups, and by circulating fliers. These activities are co-ordinated with those of precinct Community Affairs and Crime Prevention Officers who conduct the actual block watcher training. During the year, CPOs assigned to the 21 precincts recruited a total of 1,333 block watchers. (In a similar manner, CPOs attempt to recruit Beat Area residents for participation in the Department's Auxiliary Police program, but there are no statistics available on the results of their efforts in this area.)

The opportunity to recruit block watchers is dependent upon a number of factors: citizen perceptions of crime conditions in the precinct, degree of existing community organization, stability of the residential population, and previous efforts to recruit block watchers in the precinct (in some CPOP commands, program implementation had been preceded by successful efforts to recruit large numbers of block watchers). In five of the 21 precincts the CPOs have not recruited any block watchers. Feedback from the CPOs in those commands indicates that this phase of CPOP operations was never emphasized in their precincts. (Subsequent to the Vera field visits, one of these five precincts instituted a concerted effort to recruit block watchers which culminated in a mass meeting at which over 40 residents were enrolled in the program.) By contrast, some commands have emphasized this phase of CPOP operations; there are 5 CPOP Units which have succeeded in recruiting over 100 block watchers each.

They are:

34th Precinct -- 316 block watchers
72nd Precinct -- 219 block watchers
81st Precinct -- 159 block watchers
52nd Precinct -- 157 block watchers
120th Precinct - 131 block watchers

(d) Security Surveys. With the wider implementation of CPOP, there was a clear policy decision to limit CPO security surveys to residential premises inspections, and to reserve security inspections of business premises for the precincts' Crime Prevention Officers. In addition, it was decided that sensitive residential surveys (i.e., those in which residents indicate that they possess unusually large assets, coin collections, jewelry, etc.) also be reserved for the Crime Prevention Officers. Thus, the Crime Prevention Section organized its training program for CPOs to focus on residential premises security, and designed abbreviated inspection reports for their use. CPOs conduct residential premises security surveys either proactively (by soliciting community participation at meetings, etc.), or reactively while following up on complaint reports. While CPOs conduct the actual inspections, their reports are first reviewed by the Precinct's Crime Prevention Officer before they are forwarded to the residents. Again, this procedure is an acknowledgement of the superior training and expertise of the Crime Prevention Officers, and it is intended to insure that the recommendations made by the CPOs are fully in accord with Department policies.

During the year, the CPOs in the 21 precincts conducted a total of 653 crime prevention security surveys of residential premises. CPOP Unit participation in this phase of operations varied widely throughout the precincts, but there were only two Units which did not conduct any surveys. The leading units in this activity were the 120th CPOP Unit with 161 surveys and the 9th CPOP Unit with 99 surveys.

(e) Community Organizing. Part of the rationale for the design of CPOP was for CPOs to enlist the assistance of community residents in dealing with crime and order maintenance problems in their neighborhoods. Citizens were invited to assist in these efforts by becoming block watchers, by increasing the security of their residences, and by utilizing other crime prevention techniques. But organized citizen involvement through community organizations (Block Associations, Tenant Associations, Merchant Associations, etc.) is presumed, in the CPOP design to hold the most potential for effecting greater security and crime control in the community, and for extending to non-tour hours the deterrent effects of the CPOs personal patrol of steady Beat Areas.

CPOs were therefore directed to work with organized groups on the development and implementation of crime-prevention strategies in their Beat Areas. Citizen participation activities, such as neighborhood and tenant security patrols, were to be encouraged. In addition, the CPOs were directed to assist in the creation of community organizations in those parts of their Beat Areas in which they did not yet exist. This last function, community organizing, proved to be one of the most difficult tasks attempted by the CPOs and, as later sub-sections of this report indicate, it has proved to be a source of frustration to them. Nevertheless, all of the CPOP Units have attempted to foster the creation of community organizations, and during the year 1985, the 21 CPOP Units were responsible for the organization of 47 Block Associations. (Counting the 22 Block Associations formed by the 72nd CPOP Unit in 1984, CPOP operations have resulted in the creation of 69 Block Associations since the inception of the program.)

(f). CPOP Unit Program Activities. While not subject to precise quantitative measurement, a brief description of the CPOP Unit program activities in the various units, should be included in this section both because of their importance to defining the CPO Program and because of the amount of time invested in them. In many of these program efforts there was a strategic focus on the polar ends of the population, the young and senior citizens. The reasons for this are: victim vulnerability, crime prevention, and what may best be described as a strategy for increasing the involvement of CPOs with all of the elements of the community. Senior citizens and youths are among the most often victimized residents of the community. Many CPOP Unit program efforts were designed to reduce this risk of victimization both by direct intervention (e.g., Senior Citizen Escort programs, Child Safe Haven programs, etc.) and by fostering crime prevention actions on the part of these groups. Youth are also among the most crime-prone in the population, and many CPOP Unit program activities attempt to reduce their participation in criminal activities through counseling, by providing wholesome activities to engage them in, and by assisting them to enter educational or vocational programs. Lastly, some CPOP Units proceeded with program activities in this area out of a belief that, by focusing on youth and senior citizens, the CPOs would ultimately be able to reach all of the community because the effort will be appreciated by parents and elder siblings of the youth, and by children of the seniors.⁸

⁸While this approach is grounded in little more than theory, evidence is mounting that it is sound strategy. For example, CPOP activities at the grade school level (e.g., child fingerprinting programs, safety lectures, etc.) have led to the involvement of CPOs in PTA organizations, which has led to the development of crime prevention efforts involving the parents.

Some CPOP Unit program activities (Unit Programs) simply involved CPOs attempting to get community residents to participate in existing Department crime prevention programs such as Block Watchers, Operation I.D., Auxiliary Police, etc. Others involved the design and implementation of programs to deal with crime or order maintenance problems in the neighborhoods. In a large number of the precincts the CPOs operated Senior Citizen Escort Programs (transporting the seniors to shopping areas, banks, etc.). In some precincts, the CPOs sponsored Safe Corridor programs (providing the seniors with specific routes to take to shopping areas and patrolling these routes during specific hours). In all of the precincts the CPOP Units were involved in programs dealing with neighborhood children and youths: child fingerprint programs, Safe Haven programs, safety lecture programs, athletic leagues, bicycle registration programs, etc.

The emergence of CPOP Unit program activities demonstrates some imagination on the part of some CPOs and Unit Supervisors in tackling the task of becoming involved in the everyday life of the community; it also demonstrates recognition on their part that traditional enforcement efforts alone are not sufficient as a remedial response to the crime and order-maintenance problems the communities face. The Appendix to Vera's full Report presents detailed information on CPOP Unit Programs that were underway in the first 21 precincts during the operational review period. For illustration, two are outlined here:

Drug Awareness Workshops -- 72nd Precinct

Since the inception of CPOP in the 72nd Precinct, the CPOs have devoted much of their efforts to dealing with street-level narcotic trafficking within the Beat Areas. Their initial efforts focused on traditional enforcement, and resulted in a large number of arrests. As a result of these activities, there is a perceivable difference in the level of street narcotics trafficking in the area. For example, when the CPOP pilot began, 61st Street between Fourth and Fifth Avenues was generally regarded as one of the prime retail drug locations in New York City; street sales were very evident and there was a constant procession of cars passing through the block for the purpose of buying drugs. The law-abiding citizens on the block existed in fear of the drug dealers and when the program began, were afraid to be seen talking to the Beat Officer. The Unit focused collective energy and attention on this block and, in addition to coverage by the Beat Officer, made it the target of frequent pass-bys by the CPOP Unit van. Various enforcement strategies were designed and implemented, including always covering the Beat Area either by the assigned CPO or one of the Unit alternates, or, if necessary, by reassigning one of the other CPOs in the absence of the assigned officers. When personnel were available, the Beat was frequently covered on two tours. This high-visibility CPO activity, concentrated on one block, resulted in a large number of high-visibility arrests. After several weeks of this sustained attention, the law-abiding residents of the block developed confidence

in the CPOs and began to flood the Unit with intelligence information on narcotic activities. Some of this intelligence (regarding street sales) resulted in additional arrests by the CPOs; other information (regarding inside sales) resulted in the submission of intelligence reports to the Borough Narcotics Unit and action from that quarter. In addition to these enforcement activities, the CPOs identified and began working with drug programs in the area, and succeeded in securing placements for over 40 addicts in residential drug treatment programs. Street sales on 61st Street were, as a result, substantially reduced if not completely eliminated. In some instances dealers have, of course relocated, and others have moved indoors. But the change on the block is very evident to informed observers, and street traffic is now limited to residents and their children.

Despite the success they had in suppressing/street-trafficking drug problem in this Beat Area, the CPOs recognized the high risk which drugs continued to present to the children and youth, in this and other Beat Areas of the precinct. As a result, the CPOP Unit initiated a Drug Awareness Program. To insure that each of the CPOs was qualified to conduct drug awareness workshops with neighborhood children and to discuss both the physiological and psychological effects of drug use, the Unit contacted the Assistant Director of Training at the Police Academy and arranged for all the Unit's CPOs to attend a two-day Drug Awareness training session at the Academy in November, 1985. The Unit then approached the Precinct Community Council which arranged for financial backing for the program. The Council obtained a donation from a local merchant to purchase T-shirts for every youth who attended a workshop. (The T-shirts bear the international symbol for not doing something (a circle with a diagonal line through it) superimposed over drug paraphernalia, and the legend "Say No To Drugs -- 72nd Precinct Community Patrol Officer Program" on them.) Small drug awareness workshops are now conducted by CPOs for neighborhood youth, focusing separately on two age groups, (7 to 12, and 12 to 17). The workshops are held at the neighborhood level, in a home, a church, or other community facility.

Community Awareness Program -- 63rd Precinct

During the early months of CPOP operations in the 63rd Precinct, CPOs became aware of the lack of knowledge on the part of the leaders and residents of the community as to the nature and extent of crime and order-maintenance problems within the area. This lack of knowledge resulted in residents' apathy and a general misunderstanding of the Police Department's concern with these problems, what it was doing about them, and the importance of community involvement in Unit program activities. The Unit developed a Community Awareness Program, to promote awareness of citizens about the nature and extent of conditions in the area, to promote their involvement in dealing with these conditions, and to increase the level of citizen awareness about the Department efforts to improve the quality of life in the area.

Two or three times each month, a small group of between 8 and 10 civilians (community leaders, elected officials, school officials, residents, etc.) are taken in the CPOP van for a tour of the precinct. They are shown the various locations where unruly youth congregate, the drug-prone locations, and the sites of other disorderly conditions within the precinct. The CPOs explain the conditions at each location and what efforts are being made to deal with them. The tour lasts between one and two hours and is followed by a meeting at the station house during which the conditions reviewed are discussed and the civilians are invited to suggest means by which the precinct could better deal with the problems and means by which the public itself could assist in addressing them.

This program appears to have been well received by both the public who have participated in it and by the representatives of service-providing agencies operating within the precinct. For example, all of the drug counselors from Local School District 22 have participated; they report that the first-hand view of drug-prone locations and areas where the youth congregate, and the conditions at those locations, has been helpful to them in performing their duties.

d. Qualitative Assessment of CPOP Operations in the 21 Commands.

Vera's qualitative assessment of CPOP operations in the 21 precincts, sketched below, is based on information from a variety of sources. Among those interviewed were: all CPOP Unit Supervisors, all CPOP Precinct Commanders, all Community Planning Board District Managers, approximately 90% of all of the CPOs in the 21 Precincts, and the representative of the Citizen's Committee for New York who conducted Community Organizing Training workshops in each of the Units. Other sources of information were: feedback provided by other members of the Program Development Team who had visited the CPOP Units and observed operations; reports of the Ethical Awareness workshops conducted for CPOs; information submitted by the Units for publication in the CPO Newsletter; records of the Civilian Complaint Review Board; and letters of commendation received by the Department and the Precincts.

(1) Implementation of the Program in the Expansion Precincts

In general, implementation of the CPOP in the expansion precincts has been successfully accomplished. In all of the precincts, the CPOP Units have been established and are working in general accordance with program design. The process of program development at the Unit level -- in terms of the speed with which the CPOs begin to perform non-traditional, or community-policing functions -- has been directly influenced by the time of year at which the program was implemented in the unit. Precincts which implemented the program in the winter or spring had the opportunity to begin to develop a base of community support for

their activities before the onset of the more demanding street conditions so prevalent during the summer months. On the other hand, the CPOs in precincts which implemented the program at the beginning of the summer were forced to devote their initial energies to dealing with street conditions, before they could begin building a firm base of community support. Neither developmental pattern appeared preferable, with respect to gaining community support for the program.

There also appeared to be a relationship between the level of crime and order-maintenance conditions existing within a precinct and the speed with which CPOP Units began to develop a rounded program combining traditional enforcement with community service. In general, it appeared that the greater the challenge to the officers, the greater their response. CPOP Units implemented in commands which experience a high level of crime and order-maintenance problems generally responded to those conditions not only with high levels of enforcement activity, but also with a determined effort to foster crime-prevention activities by community residents and to implement a variety of Unit program activities. On the other hand, CPOP Units implemented in relatively more stable communities with lower levels of crime and order maintenance problems not only engaged in significantly lower levels of enforcement activity, but appeared more limited in the number and type of non-traditional strategies they employed. The differences seem to be more a function of opportunity than a function of desire or ability of the CPOs.

Clear parallels were observed between the manner in which the pilot program developed in the 72nd Precinct and its development in the expansion precincts. Initial CPOP operations tend to focus on the identification of street conditions and the initiation of enforcement and other traditional strategies to deal with them. After this response is well underway, CPOs tend to begin focusing on program and service needs in the area and developing unit program activities and other strategies to address them. It is only at this point that the officers begin to explore means of involving community residents and merchants in crime prevention activities. Despite the similarity of these developmental patterns in the expansion precincts, it should be noted that each succeeding round of expansion precincts has been affected directly by the experiences reported from or observed (during training) in the precincts which preceded them. There has been a concerted effort by the Program Development Team to foster exchange of information and experience between the various CPOP precincts, which has to some extent resulted in accelerated the pace of development the newer precincts.

(2) Command Support.

Not surprisingly, one of the most important factors in the development of a good CPOP Unit seems to be the degree of support the Unit gets from the Precinct's Commanding Officer. The strength of that support appears to be based, as one might suspect, on the commander's perception of the degree to which

CPOP is likely to meet the needs of the precinct as he perceives them. In the vast majority of commands into which the program has been expanded, it appears that the Precinct Commanders perceive quality-of-life problems to be of equal importance with crime conditions. As a result, and because these commanders view CPOP operations as directed at quality-of-life problems as well as embodying traditional enforcement values, they tend to give CPOP the support it needs. These commanding officers also tend to view CPOP as a long-term strategy for dealing with crime problems through the implementation of crime prevention strategies and the involvement of community residents in the development of such strategies.

There are a few commands, however, in which the precinct commanders' perception appears to be that crime (as conventionally measured) is such an overwhelming problem within the community that traditional enforcement action is the indicated response. The result in these cases tends to be to direct CPOP operations away from long-range strategies and functions for which it was principally designed, toward activities which are presumed to have a more immediate impact on crime.

In interviews conducted with the Commanding Officers of the twenty-one Precincts, sixteen commanders indicated unequivocal support for their Units as designed. They cited a variety of reasons for this level of support, among which were:

(a) CPOP operations deal with a wide variety of problems existing in the precinct. The Unit personnel engage in crime enforcement activities as well as dealing with quality of life problems.

(b) Community feedback is extremely positive.

(c) The CPOP Units has made the commanding officers' job easier by dealing directly with the issues of concern to the precincts' residents. (All of the commanders interviewed indicated that they received substantially fewer complaints from the community as a direct result of CPOP operations.)

(d) Several of the commanders indicated that CPOs deal effectively with long-term conditions which had defied previous precinct corrective efforts.

(e) Several of the precinct commanders cited the intelligence-gathering capability of CPOs as a definite plus which resulted in the solution of serious crime cases.

The Commanding Officers of the remaining five precincts evinced some support for the CPO Program as designed, but each voiced reservations. These may be summarized as follows:

(a) One commander of a high-crime precinct indicated that, while he believed CPOP was effective in his command, he felt the results were not as evident there as they had been in other precincts. He feared that the CPOs would raise the expectations of the public to a level which could not be satisfied, because of the severity and difficulty of the crime conditions within his precinct.

(b) A second commander indicated that, while he believed the program was effective in addressing the needs of residents, it unduly limited the Commanding Officer's prerogatives in the deployment of his personnel.

(c) The remaining three commanders indicated that, while the program was effective in dealing with quality of life conditions and satisfying the community in that regard, crime was the most important problem within the precinct and they believed CPOP not to be well-designed for direct reduction of crime.

The majority of the twenty-one precinct commanders evinced their support for the program in tangible ways that contributed directly to the effectiveness of CPOP in their precincts. Among these manifestations of support were the following:

(a) Many commanders issued policy guidelines, within their commands, about the manner in which unit operations were to be conducted. They disseminated these through written memoranda and through supervisory conferences to reduce middle-management interference with CPOP operations. In these commands, there is a clear presumption that CPOP personnel and equipment are to be used only for CPOP operations unless a significant emergency exists.

(b) The majority of commanders placed CPOP Unit alternate personnel in non-chart assignments, in order to fill in for absent CPOs. In several precincts, the Precinct Commander made the alternates full-time members of the CPOP Unit, to be deployed on a daily basis in support of Unit operations. As a result, when all personnel are present for duty in these commands, the Unit Supervisor is able to provide two tour coverage in some Beat Areas or he can utilize the alternate personnel for related enforcement or community service activities.

(c) The majority of commanders made immediate replacement personnel available to the Unit when CPOs or CPO alternates left.

(d) The majority of commanders encouraged high visibility for CPOP operations, by insuring that the Unit Supervisor and, in some instances, individual CPOs attend important community meetings, (e.g., Precinct Community Council, Community Planning Board, etc.).

(e) The majority of the commanders maintained frequent, if not daily contact with Unit operations. In some precincts the commanding officer dealt primarily through the Unit Supervisor while in others they frequently debriefed individual CPOs to find out what was going on in the various Beat Areas. One commanding officer visited the CPO Unit office daily and to review operations with the CPOs present at that time.

(f) Many of the commanders demonstrated satisfaction with the efforts of individual CPOs (and gave a clear signal to other CPOs) by giving them desirable precinct assignments such as Anti-Crime, Community Affairs, and Crime Prevention.

(3) Program Expansion within the Twenty-one Precincts

Initial program operations within each command were shaped by the Department's strategy of replicating the pilot model. As a result, each CPOP Unit began with a maximum of 9 Beat Areas which, as previously indicated, sometimes covered all of the territory within a precinct and sometimes covered only a portion of it. Beyond initial operations, precinct commanders were encouraged to plan further development of CPOP after having had the opportunity to become familiar with it and evaluate its effectiveness. As a result, several precinct commanders have redrawn the boundary lines of Beat Areas, either to increase the size of the beat, or to provide for a more equal distribution of workload among the several beats. In addition, the Commanding Officer of the 72nd Precinct implemented a 10th Beat Area to increase the level of CPOP coverage within that command.

During the interviews, each of the Precinct Commanders was asked if he intended any modifications to program operations in the near future. Several indicated that they were formulating plans to increase the number of Beat Areas within their commands, and several others indicated that they were conducting studies of the Beat Area boundaries to determine the feasibility of enlarging some of them. (Subsequent to these interviews, two of these Precinct Commanders did in fact increase the number of Beat Areas within their precincts. The 52nd Precinct increased the number of Beat Areas from 9 to 11, while the 114th Precinct increased the number of Beat Areas from 9 to 10.)

(4) Personnel Concerns

Throughout the development of the Community Patrol Officer Program a number of personnel issues have been raised by Department managers and by Vera's technical assistance staff. During the review, information was obtained to address these issues; the results are presented in this subsection.

(a) **Role Development.** One of the threshold questions is the ability of police officers to adapt to the new role of Community Patrol Officer. While the role builds on the basic training and skills of any police officer, its effective performance requires that the CPOs develop a whole new range of skills and attitudes, many of which they had never associated with the role of police officer. While each dimension of the CPO role requires development of at least one new skill, the dimension of the role that presents the most direct conflict with previous police experience is that of "planner." Police officers assigned to standard patrol duties (e.g., radio motor patrol, foot patrol, etc.) are not required to plan, but to respond as directed by their supervisors and by the central communications unit and to perform their duties in accordance with Department regulations. CPOs are required to plan by surveying their Beat Areas and identifying the crime and order maintenance problems of greatest concern to the public; prioritizing their efforts in dealing with these problems; determining the most appropriate times for their patrols; identifying service needs in the community, and assisting in the development of unit activities directed at meeting these needs, etc. To many of the officers entering the program, this was the first time in their police careers that they were called on to participate in the decision-making process.

There is growing evidence that the police officers assigned to CPOP have adapted well to this part of the CPO role. A review of the quantifiable data presented in an earlier section of this report demonstrates that, while the CPOs continued to utilize enforcement tactics to deal with many of the problems encountered in the Beat Areas, they also became involved in a variety of community-oriented policing activities. There is also evidence that they have gradually accepted the planning dimension of the role, and are developing in this area. During this operational review by Vera, the monthly work plan of every CPO was examined for each month of operation. The findings were encouraging: a large number of CPOs showed significant improvement, over time, in the manner in which they identified and analyzed problems; and, over time, they became more creative in developing strategies to address the problems they were identifying. In general, CPOs' early attempts at this kind of problem-identification and strategic planning reflected an exclusively enforcement orientation. In the beginning, the CPOs were limiting their strategies to actions they could take individually to deal with identified problems. However, as they gained experience in the program and began to explore other means of dealing with problems, their proposed strategies began to include collabora-

tive efforts with groups of local residents and merchants and other agencies. For example, in some Beat Areas CPOs identify burglary as one of the principal crime problems, and also identify it as a priority issue during a particular time period. In designing strategies to deal with this problem during the early months of program operation, many of the CPOs proposed enforcement strategies such as: "perform high visibility patrol in area"; "work with Anti-Crime unit on burglary reduction"; "work evening (or day) hours to deter burglaries"; etc. As the months passed, these same officers began to identify compound strategies to deal with the problem, such as: "increase patrol visibility in area, and inform residents of problem, and solicit security surveys of residents, and recruit block watchers in area, and form tenants security patrol." In essence, with the passage of time and the gaining of experience, many of the CPOs demonstrate an appreciation of the limits of their individual efforts in effecting change, and a recognition that they need to help find a collaborative role for the public in the crime reduction and order-maintenance efforts they plan.

(b) Burnout

As many studies have indicated, policing is a stressful occupation. CPOs are subject to all of the stress faced by other members of the force on patrol, with the possible exception of the stress engendered by continually responding to calls for service. In addition to the normal stress of the job, CPOs face other stressors not encountered in normal patrol operations. Undertaking a new role with new dimensions is in itself a significant source of stress. Further, many of the new duties of the CPO role may produce stress: speaking at public meetings, attempting to help a local resident solve a problem which involves coordinating actions with other public or private agencies, resolving a longstanding problem or condition, becoming involved with local residents or merchants as people rather than as perpetrators or suspects -- all may be sources of stress for a CPO. CPOP is a high visibility assignment; in accepting the role, officers lose much of the anonymity enjoyed by officers assigned to RMP cars on rotating tours. Probably the greatest potential source of stress for a CPO is his acceptance of continuing responsibility for the people and conditions within his Beat Area.

Given this, it would be reasonable to anticipate that officers assigned to CPOP may burn out; it would be beneficial both to the Department and to individual officers to try to determine when and why this occurs. There is still very little information available to address this need. Routine CPOP operations have been in effect for a little over a year, and there is not yet very much evidence of burnout. Vera staff looked at some of the possible indicators of burnout (unit morale, personnel turnover, disciplinary actions, civilian complaints, sick and accident reports, etc.) and found little to indicate the emergence of significant problems.

(c) Personnel Turnover

All of the personnel assigned to CPOP are volunteers; as such, they may return to normal patrol duties merely by making a request to do so. In addition, it could be anticipated that some personnel initially selected for the program would not prove suitable, after being given an opportunity to perform. Personnel turnover could result from other causes, too; in some instances it might be burnout from the different stressors discussed above. As a result, some turnover in personnel was anticipated when CPOP was designed, and the identification and training of CPO alternates was intended to insure the availability of trained personnel to replace officers who, for one reason or another, left the program.

To begin to address this question, Vera staff gathered information on the turnover rates in each of the 21 precincts reviewed. This information is presented in Table 3, following.

Table 3
Personnel Turnover During 1985

By Command:

<u>Pct.</u>	<u>No.</u>	<u>Pct.</u>	<u>No.</u>	<u>Pct.</u>	<u>No.</u>
7th	1	43rd	2	83rd	3
9th	4	47th	1	88th	1
10th	2	52nd	2	102nd	2
13th	7	61st	2	105th	5
24th	1	63rd	2	110th	5
25th	2	72nd	8	114th	3
34th	6	81st	4	120th	1

Total 64

Reasons for Turnover:

- 15 -- Transferred to other Commands (e.g., Applicant Investigations, OCCB, PMD, IAD, Aviation, MISD)
- 15 -- Received other Precinct Assignments (e.g., Anti-Crime, Community Affairs, SNEU)
- 16 -- Voluntarily returned to chart
- 8 -- Replaced by Unit Supervisor
- 5 -- Promoted to Sergeant
- 3 -- Resigned or Retired
- 2 -- Extended Sick Report or Modified Assignment

A review of the data in Table 4 discloses the following:

- (i) Sixty-four police officers left the 206 police officer positions in CPOP, for a turnover rate of 31%. (It should be noted, however, that the 8 Police Officers who left the 72nd Precinct's

CPOP Unit had each served as CPO for at least one year. If the 72nd Precinct is removed from the calculations, 56 officers left from 196 CPOP positions, for a turnover rate of 28.5% during the first year of operation.)

- (ii) Of the 64 officers who left the program, 35 (or 55%) left for reasons of perceived or actual career advancement. Five were promoted, 15 received desirable assignments in other department units, and 15 received desirable precinct assignments.
- (iii) Five of the officers left through retirement or resignation or because of extended sick report or modified assignment.
- (iv) Only 24 officers left the program because they were either dissatisfied with the CPO role and preferred normal patrol assignments (16), or because they failed to perform in accordance with the standards set by unit supervisors (8). Thus the turnover rate for reasons which could be associated with burnout or dissatisfaction was only 11.7% during the year.

The various turnover rates described above can be further analyzed. The low turnover rate resulting from supervisory dissatisfaction with performance (3.9%) reflects favorably on the selection processes implemented by the precinct commanders and supervising sergeants. The 14.6% rate of turnover for career advancement (not including promotion) also suggests that high quality personnel were selected. CPOP has presented, to many young police officers, an opportunity to demonstrate their abilities and to receive the recognition due their efforts.

While turnover resulting from upward career moves may be regarded as a positive aspect of program operations, it also discloses one of the more serious problem areas identified by this operational review -- perceptions on the part of the majority of CPOs that the program is out of the mainstream of Department operations, and that participation in it holds no clear career advantage to the officer. While the transfer of CPOs to a specialized department unit (e.g., Aviation Bureau, OCCB, PMD, IAD, MISD) may clearly be perceived as positive career moves (offering, as these transfers do, opportunity for advancement to detective assignments or for pursuit of a specialized career path), it is less clear that CPOs who opted for other precinct assignments (Anti-Crime, SNEU, Community Affairs) made more than a lateral move.

Sergeant Philip Massina of the Department's Office of Management Analysis and Planning conducted exit interviews with all of the personnel who left CPOP to accept other desirable precinct assignments. He found that the vast majority of officers inter-

viewed stated they left CPOP only because they perceived it to be in their best career interest to do so. Some stated that they submitted requests for transfer to OCCB and were notified that they did not meet career path requirements for such a move because they had not spent the required period of time in an investigative assignment. Others indicated that, while they had not made such requests, they believed that they could not advance to investigative assignments because CPOP did not meet career path requirements for doing so. All of those interviewed stated that they found CPOP a more rewarding assignment than the one to which they had moved, and that they had left CPOP reluctantly. Similar negative perceptions of the career opportunities associated with participation in CPOP were voiced by the majority of CPOs during CPOP Unit rap sessions, held as part of this operational review, and will be discussed in a later subsection of this report.

While some level of turnover of personnel may be anticipated (and may indeed be healthy) high rates may be detrimental to program operations. The Department makes a substantial investment in the training of CPOs, and high rates of turnover increase these costs. In addition, high rates of turnover at the unit level may negatively affect unit operations for a variety of reasons and may erroneously signal to the residents of the Beat Areas that CPOP is just another "public-relations" program. In reviewing operations in the twenty-one commands, there was one precinct -- the 13th -- in which an unusually high rate of turnover (88%) appears to have affected development of the program; this is because the high turnover occurred during such a very short period of time. In contrast, the 80% turnover rate in the 72nd Precinct CPOP Unit did not visibly affect operations, because it occurred after the completion of the first year, and was conducted in an orderly fashion over a number of months.

(d) Disciplinary Actions

CPOs are given a wider range of duties than patrol officers in conventional modes of deployment, and they are given the wider scope of authority necessary to perform them. This fact, coupled with the substantial size of CPO Beat Areas, poses potential hazards. Because CPOs enjoy greater freedom to pursue program objectives, more opportunities exist for misuse or abuse of authority. The Police Department took many steps, in both the design and implementation of CPOP, to minimize potential hazards of program operations. Among these are:

(i) Careful selection of supervisory and operational personnel.

(ii) Full integration of the program at the precinct level, involving the direct participation of all supervisory personnel in the command.

(iii) Implementation of a schedule which requires Zone, Precinct and Unit commanders to conduct interviews of informed members of the public, to determine their perceptions of program operation and any problems resulting from them.

(iv) Introduction of a reporting system which requires precinct and unit commanders to account for the activities of the CPOP personnel.

(v) Assignment of specific program review responsibilities to precinct integrity control officers.

(vi) Imposition of review responsibilities on other investigative units of the Department (i.e., the Field Internal Affairs Units, and the Investigation and Evaluation Section of the Chief of Patrol's Office.)

(vii) An Ethical Awareness Program specifically geared to the hazards faced by CPOs.

In addition to these steps, elements of CPOP itself were designed with a view to reducing the potential hazards. Some examples are: the relatively large Beat Areas contribute to the integrity of the program by insuring that each officer has a sufficient volume of work to occupy him daily. The high public visibility that goes with performance of the CPO role fosters the permanent assignment of each officer to a particular Beat Area, reduces the anonymity of standard patrol operations, and makes it more difficult for an officer to avoid detection if he or she were to engage in misconduct.

Despite these steps taken, the potential for misconduct exists and the Department must guard against it. Vera's operational review focused on data about disciplinary actions at the command level, and on Civilian Complaints filed with the Civilian Complaint Review Board. Data on disciplinary actions is presented in Table 4, which follows, and the data on Civilian Complaints is reviewed in the next subsection.

A review of the data in Table 4 discloses that, of the 16 disciplinary actions taken against CPOs in the 21 Precincts during the year 1985, 13 resulted in command disciplines, 2 were determined to be unfounded by the Precinct Commander, and only 1 resulted in Charges being preferred against the officer. (It is useful to note that nothing in these data is unique to the Community Patrol Officer Program.)

Table 4

Community Patrol Officer Program
Disciplinary Actions -- 1985

By Command:

<u>Pct.</u>	<u>No.</u>	<u>Pct.</u>	<u>No.</u>	<u>Pct.</u>	<u>No.</u>
7th	1	43rd	0	83rd	2
9th	3	47th	0	88th	2
10th	0	52nd	2	102nd	1
13th	0	61st	1	105th	1
24th	0	63rd	0	110th	0
25th	0	72nd	1	114th	0
34th	2	81st	0	120th	0

Total 16

Causes of Disciplinary Actions:

<u>No.</u>	<u>Cause</u>
6	Off Post - 4 Command Disciplines, 2 Unfounded
1	Fail to Appear at Training Session (Charges)
1	Fail to Appear at Traffic Court (CD)
1	Fail to Return Radio (CD)
1	Late for Rollcall (CD)
1	Haircut (CD)
1	Fail to Sign Out (CD)
1	Smoking in uniform (CD)
1	Improper use of Dept Vehicle (CD & replaced)
1	Open Locker (CD)
1	Reason Unknown (CD)

(e) Civilian Complaints

Data was obtained from the Civilian Complaint Review Board on the total number of civilian complaints filed against all members of each of the CPOP precincts for the period of time in which the program was operational during 1985. During Vera's review, Precinct Commanders and Unit Supervisors were requested to review command files and determine the number of civilian complaints filed against CPOs during the year. Although the possibility exists that there are civilian complaints against CPOs of which the Precinct Commanders had not been informed by the CCRB, the number indicated by the commanding officers was recorded and was used in the construction of Table 5, which follows.

Table 5
Community Patrol Officer Program
Civilian Complaints -- 1985

<u>Precinct</u>	<u>No. of Civilian Complaints Received by CCRB, from Inception of CPOP through December 31, 1985</u>	<u>No. of Civilian Complaints Against CPOs, known to Precinct Commanders</u>
7th Pct	16	5
9th Pct	79	2
10th Pct	26	0
13th Pct	45	0
24th Pct	28	1
25th Pct	34	0
34th Pct	83	2
43rd Pct	67	0
47th Pct	36	4
52nd Pct	96	1
61st Pct	28	0
63rd Pct	45	0
72nd Pct	105	8
81st Pct	52	0
83rd Pct	20	0
88th Pct	35	0
102nd Pct	42	0
105th Pct	46	2
110th Pct	40	0
114th Pct	26	0
120th Pct	63	0
Totals	1012	25

The data in Table 5 discloses that, of 1,012 Civilian Complaints filed against police officers in CPOP precincts, only 25 or 2.5% were filed against CPOs, who constitute 6.5% of the police officer personnel assigned to these commands. In providing this information, the precinct commanders noted that almost all of the CPO civilian complaints known to them arose out of enforcement actions.

To the extent that these data are reliable, they indicate that CPOs are drawing civilian complaints at a much lower rate than other members of their commands. This is a welcome finding, particularly because in many of these precincts the CPOs were very active in enforcement, and in all of these precincts the CPOs had very high visibility and an unusual amount of citizen contact. One plausible explanation for this is that the community is supportive of the CPOs' activity and less likely to misunderstand what the officers are trying to accomplish. Another is that the CPOs have learned remarkably well, from their training and their day-to-day experience, how to accomplish their patrol assignments with a minimum of friction.

While this is encouraging, the Department should anticipate receiving larger numbers of civilian complaints against CPOs in some of the precincts. In at least two of the commands, the 105th and the 72nd, command personnel are aware of an organized effort on the part of local drug dealers to discourage CPO enforcement activities by filing civilian complaints against those officers who are effectively interfering with drug trafficking.

(f) Career Path

During the team rap sessions which were conducted as part of this operational review, all of the CPOs expressed concern about the absence of a clear career path for Community Patrol Officers. Several expressed the view that CPOP was a dead-end job and, despite the fact that they perceived it as personally rewarding, they felt it did not further their careers. (Some of the younger officers expressed opinions which evinced a distorted view of career opportunities within the Department. The majority realized that service in career path assignments, such as anti-crime, was no guarantee of advancement into other investigative assignments or the Detective Bureau, but they did feel that such assignments would at least qualify them for consideration for career advancement, while service in CPOP would not.) Many of the CPOs had very realistic impressions of their personal ability and their value to the Department. They were selected from among the volunteers for CPOP because of their past performance, and had confidence in their ability to perform effectively in any given assignment. However, they saw themselves falling behind their peers in meeting the Department's criteria for career advancement. They saw personnel junior to themselves, with no more impressive credentials than theirs, serving in Anti-Crime units and thus qualifying for advancement, while they served in CPOP and fell behind.

These sentiments echoed those expressed by officers who had already left the program to accept career path assignments at the precinct level. One of the unfortunate consequences of these perceptions (which were based on fact) is that the program has lost the services of some of its most capable and dedicated officers to assignments which, while important, do not tap their full potential. CPOP is weakened programatically by continually losing its best personnel (and, indeed, its role models) to other precinct assignments.

(g) Personnel Development

The duties of a Community Patrol Officer involve utilization of a variety of knowledge and skills not normally associated with the police patrol role. Many of the non-traditional tasks CPOs perform involve their participating in activities which are normally associated with other professions. For example, CPOs are directed to assist communities in organizing block, tenant or merchant associations in efforts to focus community resources on crime prevention activities. Community organizing is a recog-

nizable profession, having its own literature, research base, and learnable skills. Persons entering the field are not only required to familiarize themselves with its literature and research, but are generally required to serve internships, a process which may take years to accomplish. While it is not the intention of the Department to convert CPOP officers into professional community organizers, full realization of the potential of the program requires that CPOs begin to develop skills in this area and learn to utilize the services of skilled professionals to assist them.

Because they lack knowledge and skills in the non-traditional areas of CPOP, it is generally very difficult for CPOs to conceptualize roles for the community in solving problems that have long been viewed as the sole responsibility of the police. For example, while many of the officers face substantial drug problems in their Beat Areas, it is difficult for them to conceive of a role for the community to play in drug enforcement other than providing information to the officers on drug activities within the neighborhoods. Despite this, some CPOs have begun (at times on their own initiative, and at other times with outside assistance) to develop drug enforcement strategies which provide a meaningful role for community residents. Such developments are extremely encouraging not only because they demonstrate personal development on the part of those CPOs, but also because they serve to stimulate similar development among other officers and CPOP Units.

e. Administrative and Managerial Matters

In this operational review, Vera staff also considered a number of administrative and managerial issues. As indicated above, the rapid pace of CPOP expansion taxed the ability of the Vera/NYCPD Program Development Team to monitor initial operations in each of the expansion precincts. It also limited the Team's ability to insure that command level personnel in the Boroughs and Zones were fully informed of both the conceptual framework and the practical operation of the program. As a result, it was reasonable to anticipate that the expansion would not be problem-free. In addition, the very process of institutionalizing a program containing so many elements that differ from standard patrol practices was certain to result in administrative and operational discrepancies in some of the commands.

(1) Compliance with Operations Order 91

The Vera staff found general compliance with the provisions of Operations Order 91, which was intended to govern program operation in the various commands. CPOP Units are maintaining required records and operations are being conducted in accordance with program design. The regular patrol supervisors assigned to the precincts are providing functional supervision over the CPOs while on patrol, and are signing the officers' memorandum books to indicate this.

Most precinct and zone personnel who have some functional contact with CPOP are familiar with the general organization and structure of the program, but many are not conversant with the details of its operation. As a result, many misconceptions do exist about the purpose of the program and the actual duties of the officers assigned to it. This is not a surprising finding. Although the Department has taken a number of steps to insure that information on CPOP has been disseminated throughout the various levels of the chain of command, the complexity of CPOP operations and the degree of flexibility necessary to insure the most effective adaptation of the program within each precinct, are not easily translated into a standard Police Department written order. In a sense, while there are many superior officers with a good understanding of the program, only those directly associated with its operation fully understand it.

Even within the precincts that had CPOP Units, many of the sergeants and lieutenants lacked a complete understanding of the program. While they accepted the responsibility of providing functional supervision to CPOs while they were on patrol, they tended to view CPOP as the province of the sergeant assigned as CPOP Unit Supervisor, just as they view Anti-Crime as the province of the sergeant assigned as its supervisor. Given their very substantial responsibilities for supervision of the remainder of the precinct's force, this is not an unreasonable position, nor is it necessarily an undesirable one. What is undesirable is the occasional interference with program operations that resulted from uninformed actions of precinct supervisors.

During Vera's unit inspections, the monthly activity reports of every officer in CPOP were reviewed for each month of program operation. This review revealed that, in some commands, CPOs were periodically pulled from CPOP duties to be given normal precinct assignments (RMP duty, DOAs, EDPs, etc.). This problem was reviewed with the Unit supervisors and the precinct commanders: in most instances, the problem arose from either a lack of knowledge on the part of the supervisor concerned, or a misinterpretation of the "emergency" provision of Operations Order 91 (which permits CPOs to be given routine patrol assignments under unscheduled emergency conditions). This problem has been dealt with in various ways by commanding officers. In some precincts, the commanding officers have issued explicit written orders about such uses of CPOP personnel. In others, the commanders devote portions of their supervisory staff meetings to discussing CPOP operation. Permanent resolution of the problem has been complicated by the large number of promotions and transfers that took place during the past year, which forced CPOP Unit supervisors and precinct commanders regularly to inform and instruct new supervisory personnel.

A review of Unit records and interviews with Unit supervisors, precinct commanders, and CPOs, discloses that this was not a significant problem in the majority of precincts, but that it was a serious problem in a few.

(2) Unit Supervision

In several of the precincts, the CPOP Unit supervisors were assigned additional duties, primarily for TOPAC supervision. Interviews with these sergeants indicated that the practice did not detract from their ability to supervise CPOP operations, and may have enhanced operations. These sergeants indicated that having direct supervision over the TOPAC unit enabled them to coordinate the activities of CPOs with TOPAC personnel, to deal more effectively with precinct conditions.

Unit supervisors were, for the most part, rarely assigned to other duties. However, during those months in 1985 when there was no sergeants' promotion list and the Department experienced a severe shortage of sergeants, CPOP supervisors were routinely assigned to general patrol supervision or desk duty. While this practice may have slowed program development in some commands, it does not appear to have had a lasting negative impact.

(3) Unit Equipment

The Police Department has made a substantial investment in the equipment necessary to support CPOP operations. Office space has been allocated in each precinct station house, and in most instances is adequate. In several commands, however, physical plant limitations have resulted in CPOP being assigned insufficient space to support unit operations.

One of the most critical items of equipment is the unit van, which is used for supervisory purposes and to support unit operations in a variety of ways. The rapid rate of program expansion outpaced the Department's ability to supply new vans to each of the CPOP units. As a result, at the time of Vera's review, five of the thirty-one operating precincts had vans which were borrowed from the Patrol Boroughs concerned. Several of these borrowed vans were in such disrepair that they could not be used to support CPOP program activities that involved participation by elements of the public, such as Senior Citizen Escorts.

(4) Community Profile Records (Beat Books)

All of the Beat Books in the twenty-one precincts were thoroughly inspected. In general, the inspection disclosed a number of apparent problems with beat book maintenance.

(a) While the Monthly Work Plan section of the books was generally being maintained in accordance with design, and while they provide some evidence of both personal and program development; the Beat Condition Logs were being misinterpreted and misused in some commands. These logs were designed to reflect CPO activity in response to two kinds of stimulus: activity directed at dealing with specific citizen complaints, and activity directed at dealing with major or long-term conditions within the Beat Areas. The most common error found in maintaining these logs was that they were being used as substitutes for

memorandum books, thereby causing unnecessary work for the officers, and diminishing the value of the record.

(b) The Community Profile Section of the Beat Book was poorly maintained in most books, in most precincts. There were only a few instances in which the amount of work done by the officer reflected the number of months that the program had been in operation in the command. In essence, it appears that the officers' dislike for the clerical duties involved in beat book maintenance have resulted in their not really trying to maintain them. The overall poor quality of the community profile section in many of the commands also indicates that this matter had not received necessary supervisory attention. The most notable exception to this general observation was the 34th Precinct where, despite the high level of activity recorded by the officers with respect to both enforcement and community service, the community profile sections of their beat books reflected a level of work commensurate with the period of time in which the program had been in operation there.

(5) Beat Size

One of the issues of great concern at each stage of CPOP's development -- design, implementation and expansion -- has been the size of the CPO Beat Areas. Beat design in the expansion precincts was based on the limited experience gained in the pilot project. As a result, only limited guidance could be given to the supervising sergeants and precinct commanders. In general, they were told to consider the following factors in designing their beats:

(a) the beats should be large enough to insure that CPOs have a sufficient variety of conditions and problems to occupy all their time;

(b) natural and community boundaries should be taken into consideration;

(c) beat size should be more dependent on the number and type of street conditions encountered than on population density;

(d) where possible, the beat should include one or more schools;

(e) where the beats do not, taken together, cover the entire precinct, consideration should be given to designing them in a manner which would permit their expansion if experience should prove this feasible and desirable; and

(f) if there was a question as to how large an area could be effectively patrolled by an individual CPO, it was preferable to make the beat(s) smaller initially and then, if experience indicated, to expand them.

Because conditions vary among the twenty-one precincts, beat sizes vary. The smallest CPO Beat Areas are found in the borough of Manhattan, where beats average between 14 and 18 square blocks. The largest beats are found in Queens and in Brooklyn South, where beats average between 25 and 40 square blocks. In general, most CPO Beat Areas are fairly large, particularly so when compared to the linear posts assigned to traditional foot patrol officers. In reviewing CPOP operations, beat size was discussed with the unit supervisors, precinct commanders, and CPOs. These discussions disclosed the following:

(a) There were only two precincts in which a total of three beats were considered to be too large to be patrolled effectively by the CPOs assigned.

(b) Despite the large size of some of the Beat Areas, the CPOs appeared able to handle the problems within them in an effective manner.

(c) There was only one precinct, the 34th, in which beat size appeared to negatively effect CPO performance. While the beats in that command were, by program standards, relatively small, the high volume of crime and order maintenance conditions within five of the nine 34th Precinct Beat Areas taxed the abilities of the officers to make a lasting impact.

(d) The CPOs in two of the higher crime precincts indicated that, while their beats were not too large, it would have facilitated program operations for them to have begun with smaller beats and then to extend them as they gained experience.

(e) In the 179 Beat Areas in the 21 precincts reviewed, there were a total of only five boundary changes made on the basis of operational experience.

f. Community Support

There are several ways to gauge the reception CPOP has received from the communities. They are: direct feedback received by precinct commanders from community residents, communications received by the Department, and feedback received from Community Planning Board District Managers.

During this operational review, each of the precinct commanders was asked to summarize his perceptions of community response to the program. All of the commanders indicated that community feedback had been extremely positive. They indicated that, based upon comments offered at community meetings and the precinct community council meetings, their communities were very aware of the program's existence and the work being done by the CPOs. All of the commanders indicated they had not received any

negative feedback on the program from community residents or organizations.

The Department has received numerous communications from individual citizens and community organizations praising the work performed by CPOs. The exact number of such communications is unknown, but the Office of Management Analysis and Planning has approximately 500, which were received directly by precinct CPOP units. Some additional number were received at Police Headquarters.

Telephone interviews were conducted with all of the District Managers of the Community Planning Boards covering the twenty-one precincts. Each was asked to state his or her opinion of CPOP, his or her perceptions of community response to the program, and any specific information which would assist the Police Department in improving CPOP operations. Without exception, each District Manager stated that the program was highly successful within his or her Community Board boundaries. Each District Manager indicated that close working relationships had been established between the CPOP Unit and the Community Board. Each indicated that the precinct commander made periodic reports to the board on CPOP activities, and that the results were good.

Each of the District Managers indicated that he or she had been briefed on CPOP before it was implemented in the Board's area, and had been consulted on the design of Beat Areas. They stated that they had met with each of the CPO officers and had assisted in the training at the precinct level. Only one District Manager offered negative comments about the program. She indicated that, while she thought the program excellent, CPOs in her area were being assigned duties she thought should not be given to police officers, such as community organizing (which she believed to be the function of the Community Board itself). She further indicated that she insisted that the officers not contact service agencies directly, but instead go through the Board.

4. Summary Conclusions of Vera's Operational Review of CPOP

The initial expansion of the Community Patrol Officer Program, from one to twenty-one precincts, was effected with remarkable success. Each of the expansion precincts was operating in general accord with program design, and there was ample evidence that the initial goals of the program were being met.

Personnel assigned as Community Patrol Officers in these commands have been extremely active, both with law enforcement activities and with the provision or organizing of community services. Unit program activities, developed in each of the commands, have been directed at a wide variety of crime prevention and service needs, and have been warmly received by community residents.

A review of disciplinary and other records indicates that, while the Department granted CPOs a greater degree of latitude in performing their duties than is given to officers assigned to normal patrol functions, this does not appear to have resulted in the creation of any substantial disciplinary or misconduct problems. Indeed, the data suggest that the CPOs are subject to disciplinary actions and civilian complaints at a rate lower than is experienced by officers assigned to normal patrol duties.

CPOP has generated overwhelming support from precinct commanders and from community residents.

All of the problems identified during the review of operations stem from the rapid pace of program expansion, and from the foreseeable consequences of institutionalization. By comparison with problems that have arisen in the institutionalization of other programs, CPOP's are quite modest and none of them cannot be successfully addressed by the Police Department.

5. Recommendations and Remedial Actions Taken

The report of Vera's review of CPOP operations in the first 21 precincts included a number of recommendations for modifications in the administration and operation of the Community Patrol Officer Program. Vera staff have met and discussed these recommendations with representatives of the Department's Office of Management Analysis and Planning and with the Chief of Patrol and his staff. Work has begun on implementation of most of the recommendations. Briefly, Vera's recommendations fell into three categories: administration, training, and operations. Principal recommendations, and the status of each at the time of this Status Report, are as follows:

a. Program Administration.

(1) Publication of a CPOP Operations Manual. Because the operation of the Community Patrol Officer Program differs in so many ways from traditional patrol deployment strategies, operational orders do not effectively inform personnel about the total scope and complexity of CPOP operations. To improve program communication, it was recommended that the Department publish widely a CPOP Operations Manual which would, in narrative form, detail the operation of CPOP Units. The Department has approved this recommendation and the Vera Institute has written and has submitted a draft of this manual for Department consideration before publication.

(2) Increase Central Administration of CPOP. The rapid growth of CPOP has outpaced the ability of the Vera/NYCPD Program Development Team to monitor carefully the development of the program in each of the expansion precincts. In addition, the PDT currently lacks

the ability to serve as a focal point for the necessary transfer of program innovations between the various Units. It was recommended that the Department increase the number of personnel assigned to program development activities. The Department has accepted this recommendation and, at the current time, has increased the program monitoring and development staff of the Chief of Patrol's Office by three members (one Sergeant and two police officers who were former Community Patrol Officers).

(3) Inclusion of Community Patrol Officers in the Department's Career Path Plan. While Vera's operational review of the first twenty-one precincts disclosed that personnel turnover among CPOs appeared to be within acceptable limits, it also disclosed that much of the turnover resulted from the fact that service in CPOP did not qualify officers for advancement, while service in other precinct assignment such as Anti-Crime did. Because of this, CPOP had lost many of its most talented officers to career path assignments. It was, therefore, recommended that the Department equate service in CPOP with that in Anti-Crime Units or other career path assignments. The Department has accepted this recommendation and revised its career path plan to grant the same credit for service in CPOP as is granted to personnel serving in Anti-Crime or SNEU Units.

b. Program Operations.

The concentration of the Department and of Vera staff on program expansion during the past year resulted in curtailing tactical developmental work. In essence, the operational format of CPOP was locked-in at the end of the first six months of pilot operations. In consideration of what has been learned during the past year, it was recommended that several operational modifications be adopted.

(1) Development of a Program Implementation Manual. Although program expansion to additional precincts has proceeded in a careful and effective manner, it was recommended that the Department develop a Program Implementation Manual to assist new precincts in implementing CPOP. The Department has approved this recommendation and the Vera Institute preparing a draft manual for consideration by the Department.

(2) Periodic Use of Scooters by CPOs. Although the principal deployment tactic used in CPOP is one-man foot patrol, the program's success to date has been, in large measure, the result of a number of flexible deployment strategies. Almost all of the precinct commanders and unit supervisors interviewed during the operational review suggested that scooters be used, when

available, as a means of increasing the CPOs' ability to move between problem points within the Beat Areas. Vera endorsed this field recommendation in its report to the Department, and it has been accepted by the Chief of Patrol, who has issued an operational directive authorizing the use of scooters by CPOs at the discretion of the precinct commander.

c. Training and Professional Development.

Because institutionalization of a program as complex as CPOP, within an organization as large and compartmentalized as the Police Department, is a difficult undertaking, Vera suggested several ways in which the institutionalization effort would be aided through additional training and professional development incentives. The Department has favorably reacted to these recommendations and several have already been implemented while others are in the planning stage. Specifically:

(1) The Department has approved the creation of a CPOP Training and Professional Development Committee, to be made up of representatives of the Chief of Department, Chief of Patrol, Office of Management Analysis and Planning, Chief of Personnel, Police Academy, and the Vera Institute. The Committee will be responsible for formulating recommendations regarding CPOP training curricula, the development of a CPOP conference, and the implementation of a series of command level CPOP training seminars.

(2) The Department approved several recommendations regarding modifications in the central CPOP training program. These changes were introduced in the training administered in connection with the most recent expansion of the program to six additional precincts (August, 1986). Five new training modules were developed in response to findings from the operational review. In addition to the classroom presentations to new CPOs at John Jay College, each new CPO is now assigned to perform 3 tours of duty with experienced CPOs in one of the established CPOP Units (one tour, in each of the first three weeks of his or her assignment to one of the new CPOP Units). This is intended to provide new CPOs with an immediate opportunity to see how the concepts presented during training are translated into action by experienced CPOs. Classroom presentations are now augmented by the introduction of four new training modules. The first two, covering SPECDA and the Narcotics Division, were introduced to insure that the CPOs are brought up to date on the full scope of the Department's efforts to combat drug abuse, and to inform officers of the manner in which their work in CPOP, and the information they develop from community sources cultivated through that work, can be linked to these other Police Department

efforts. A training module on the Police Cadet Corps was introduced as well, to acquaint the new CPOP officers with the organization and operation of the Police Cadet Program (which includes the assignment of Cadets to their CPOP Units). The final new training module is centered on a presentation by a community panel made up of representatives from civic organizations (who already work with CPOP Units in their neighborhoods) and one Community Board District Manager. The panelists who piloted this module in August effectively presented citizens' views of the Police Department, their expectations about police services, and the manner in which they have worked with the CPOP Units in their precincts. The citizens' panel was presented on the final day of central training and was judged effective in tying together the various training modules that preceded it. It will be continued, in future rounds of Central Training.

D. Continued Monitoring of CPOP Operations

Vera continues to assist the Police Department's development of CPOP, by monitoring operations in all of the precincts in which the program has been implemented. Upon completing the Operational Review described above, Vera's technical assistance staff began to gather data on program operations during the year 1986, preparatory to conducting formal inspections of the ten CPOP Units which began operations in November, 1985. The operational review of those CPOP Units will be conducted during September and October of 1986. In preparing for the review, Vera collected data on program operations in all of the CPOP Units for the year 1986. This data is contained in Table 6, below.

E. Expansion of the Community Patrol Officer Program To Additional Police Precincts

Vera continues to assist the Police Department in extending the Community Patrol Officer Program to additional police precincts. In June, 1986, Vera's technical assistance staff began working with command personnel of the 5th, 20th, 42nd, 67th, 73rd and 103rd Precincts, which were scheduled to begin CPOP operations in August, conducting the orientation for the sergeants assigned as supervisors to the new CPOP Units and assisting in developing each precinct's implementation plan. Vera organized and administered the CPO Training Program at John Jay College on August 4th, 5th, 13th and 20th, for the personnel from the six new precincts as well as 15 replacement personnel for the existing CPOP Units and 20 Housing Authority Project Community Officers.

This most recent expansion of the program benefited from the work done in conducting the operational review, as several of the recommendations made in that report had been implemented by the time the new personnel were selected for training and the new units were readied for operation. Command and supervisory

Table 6

COMMUNITY PATROL OFFICER PROGRAM
 Unit Activity
 January 1 to June 30, 1986
 By Patrol Borough

<u>Activity</u>	<u>PEMS</u>	<u>PEMN</u>	<u>PBEX</u>	<u>PBEkS</u>	<u>PBEkN</u>	<u>PBQ</u>	<u>PBSI</u>	<u>TOTAL</u>	<u>1985</u>	<u>Imp. To Date</u>
Arrests										
Felony	98	67	83	68	86	28	13	443	625	1068
Misdemeanor Violation	508	151	134	129	70	93	18	1103	1185	2288
	150	281	393	210	290	169	2	1495	2232	3727
Total Arrests	756	499	610	407	446	290	33	3041	4042	7083
Summonses										
Moving	781	1237	1590	1233	1220	1037	495	7593	7179	14772
Parking	5231	4504	5574	4209	4472	3983	741	28714	34513	63227
Other	536	137	140	409	147	202	79	1650	2795	4445
Total Summonses	6548	5878	7304	5851	5839	5222	1315	37957	44487	82444
Abandoned Vehicles										
Rotation Tow	61	202	79	229	179	170	36	956	974	1930
Sanitation	101	1310	565	270	403	427	47	3123	2282	5405
Total	162	1512	644	499	582	597	83	4079	3256	7335
Other Activities										
Intell. Repts.	119	187	301	67	157	143	23	997	1855	2852
Block Watchers	157	127	85	41	413	204	403	1430	1380	2810
Security Surveys	148	20	93	156	95	155	58	725	680	1405
Meetings Attended	270	169	433	522	444	309	134	2281	2724	5005
Block Assoc. formed	22	12	16	11	4	6	1	72	49	121

personnel received copies of Vera's report of the review of the first 21 precincts, which assisted them in implementing the program in their commands. The new CPOs received three days of on-job-training at experienced CPOP Units, which was interspersed with the formal training dates. The training program was modified to include a Citizen Panel made up of representatives of civic associations experienced in working with CPOP Units in their neighborhoods. The panel, which included the District Manager of Community Board 13 in Queens, the President of the Mill Basin-Bergen Chemical People's Task Force, and representatives of civic associations in the North Bronx and Bedford Stuyvesant, discussed the manner in which the CPOP Units in their communities worked with citizen groups, and the public's expectations about police services.

Vera will continue to assist the Police Department in its program expansion efforts. Current Department plans call for two further expansions during this fiscal year (6 additional precincts in December, 1986, and 6 more in March, 1987). This round of expansion will bring the total number of CPOP Units to forty-nine.

F. Beat Book -- The CPO Newsletter

Because of the innovative character of the CPO Program, the Vera Institute edits and publishes a CPO Newsletter which is distributed on a bi-monthly basis to Command and supervisory personnel, as well as to all of the CPOs. The principal purpose of the newsletter is to disseminate program information between the various CPOP Units. Each CPOP Unit contributes a unit column for inclusion in the Newsletter, and feature and news articles are written by Vera staff and other contributors. A representative of the Department's Office of Management Analysis and Planning conducts a final review of Newsletter content prior to publication and distribution. Copies of all editions of the Newsletter are included in an appendix to this Status Report.

E. Programs to Foster Crime Prevention Through Police-Community Cooperation

Operation of the Community Patrol Officer Program provides the Police Department with an opportunity to foster the development of community-based crime prevention program throughout the city. CPOP was designed, in part, to encourage and enable the cooperative development of such programs. Officers assigned to this duty have been given preliminary instruction in the techniques of community organizational development, and have been instructed to attempt to form community organizations (block and tenant associations) where they do not exist within their beat areas. They have been further instructed to work with such organizations in the development of crime prevention programs involving public participation.

During the early development of CPOP, Vera assisted the Department in obtaining the services of the Citizens Committee of New York, a non-profit organization which specializes in the development of community organizations, to assist the Department and Vera in the CPOP training program by conducting a one-hour workshop on community organizing. Because of the importance of this phase of the program's operation, Vera assisted the Department in helping to obtain a \$60,000 grant from the Guggenheim Foundation to the Citizens Committee, to enable that organization to expand its training efforts in the Community Patrol Officer Program. Utilizing funds provided by this grant, the Citizens Committee administered a Phase II training program -- a three-hour intensive workshop on community organizing -- in all of the existing CPOP Units during 1985-86. A Phase III effort, made possible by renewal of the Guggenheim Grant, will enable the Citizens Committee to conduct specialized workshops to deal with specific problems being addressed by the individual CPOP Units.

The results of these efforts became apparent during the first 12 months of operation of the pilot CPOP Unit in the 72nd Precinct. During that period, the 72nd Precinct's CPOs developed a wide range of programs involving the community in crime prevention efforts. The CPOs attended nearly 500 community meetings, were instrumental in forming 30 new block associations, and recruited 137 new blockwatchers. They were also responsible for developing a variety of police-public crime prevention programs, including the development of a Safe Haven program for the neighborhood children.

During the past year, Vera has continued to work with each of the CPOP Units on the development of community-based crime prevention programs. As indicated in Table 6, above, CPOs have attended over 5,000 community meetings, recruited over 2,800 new blockwatchers, conducted over 1,400 residential security surveys, and were instrumental in the formulation of 121 new block and tenant associations. In addition, each of the CPOP Units has undertaken the development of program initiatives designed to involve community residents in crime prevention activities. These activities, ranging from the formation of sports leagues for neighborhood youth to the development of community-based anti-drug programs, are reported in some detail in an appendix to the Operational Review, which is an Appendix to this Status Report.

Vera will continue to work with the Department in the development of pilot projects in which police officers work with community groups in the development and operation of crime prevention and crime control efforts at the precinct level.

PROGRAM 2 - RESEARCH ON THE COMMUNITY PATROL OFFICER
PROGRAM AND OTHER PATROL AND COMMUNITY CRIME
PREVENTION PROJECTS.

Introduction - Research Context of CPOP

The police are not simply nor primarily law enforcers.¹ Maintaining order, or keeping the peace, is their principal mission,² and it is the way they expend most of their time.³ Because of the ambiguity in the order-maintenance function, and because of the relative clarity, social acceptability and political utility of what have come to be called "law enforcement activities," police agencies everywhere have tended to shy away from consciously organizing their resources for effective order-maintenance. Instead, setting into a more reactive law enforcement posture, they have emphasized communications and rapid response to calls for service. The resulting mobilized patrol forces have become largely anonymous, from the perspective of the community residents, and have only a limited capacity to reverse their unawareness of and unresponsiveness to the problems of disorder which trouble the public.⁴

These facts, articulated and demonstrated effectively by other researchers, constitute a substantial part of the emerging knowledge base that informs present-day policy discussions about policing and that shaped the development of New York's Community Patrol Officer Program (CPOP). Additional propositions help to

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¹ ~ ~ on Bittner, The Functions of Police in Modern Society (Washington, D.C.: U.S. Government Printing Office, 1970). James Q. Wilson, Varieties of Police Behavior (Cambridge, Mass.: Harvard University Press, 1968).

² Michael Banton, The Policeman in the Community (New York: Basic Books, 1964); Egon Bittner, "Police Discretion in Emergency Apprehension of Mentally Ill Persons," Social Problems, 14 (27, #92, 1967); Mark Moore and George Kelling, "To Serve and Protect: Learning from Police History," The Public Interest 70 (Winter 1983), 22-48; Allan Edward Levett, Centralization of City Police in the 19th Century United States (Doctoral Dissertation, University of Michigan, 1975); Robert Fogelson, Big City Police (Cambridge, Mass.: Urban Institute, 1971); and Richard Ericson, Reproducing Order: A Study of Patrol Work (Toronto: University of Toronto Press, 1982).

³ Herman Goldstein, "Police Response to Urban Crisis," Public Administration Review (Sept./Oct., 1968) 417-423; Thomas E. Bercal, "Calls for police Assistance," American Behavioral Scientist 13 (May/August, 1970) 681-691; and Albert J. Reiss, The Police and the Public (New Haven, Conn.: Yale University Press, 1971).

⁴ Moore and Kelling, supra note 2; Fogelson, supra note 2; and Arthur Niederhoffer, Behind the Shield: The Police in Urban Society (Garden City, N.Y.: Doubleday and Co., 1967).

shape the current policy context for police reforms: (1) That the capacity of the police to control the volume of street crime directly is quite limited and that they can and should give more attention to the order maintenance, or quality of life problems that fester on the neighborhood level.⁵ (2) Police impact on these problems ought to be enhanced by their acting as problem-solvers, controlling some of the resources that should be applied to these local conditions.⁶ (3) Citizen fear of crime is a substantial problem in its own right and is more profoundly influenced by perceptions of disorder than by the actual volume of street crime,⁷ and there is a theoretical basis for believing that alleviating quality of life concerns on the neighborhood level will not only reduce fear, but may also reduce the actual volume of street crime in the area.⁸

This, then, is the general research context in which the New York City Police Department has launched the Community Patrol Officer Program. As other cities have also been moving toward "community-oriented" policing there have been several important, program-specific additions to this research context. The principles that shaped the Neighborhood Police Team experiments of the 1970s,⁹ also gave rise to the "community profiling" activities in San Diego,¹⁰ the foot patrol program of Flint, Michigan,¹¹ the Citizen Oriented Police Enforcement (COPE) program in Baltimore County,¹² and the Fear Reduction Experiments

⁵David Bayley, "A World Perspective on the Role of the Police in Social Control," in The Maintenance of Order in Society (Toronto: Canadian Police College, 1982); Wilson, supra note 1, Moore and Kelling, supra note 2; Bittner, supra note 2.

⁶Herman Goldstein, "Improving Policing: A Problem-Oriented Approach," Crime and Delinquency 25 (2, 1979), 235-258.

⁷Wesley Skogan, Dan A. Lewis, Aaron Podelsky; Frederick Dubow; and Margaret T. Gordon, The Reactions to Crime Project, Executive Summary (Washington, D.C.: National Institute of Justice, 1982.); and, Police Foundation, The Newark Foot Patrol Experiment (Washington, D.C.: Police Foundation, 1981).

⁸James Q. Wilson and George Kelling, "Broken Windows," The Atlantic Monthly (March, 1982) 29-38.

⁹William Gay, Talmadge H. Day, and Jane Woodward, Neighborhood Team Policing (Washington, D.C.: NILECJ. LEAA, 1977.); Alfred Schwartz and Sumner Clarren, The Cincinnati Team Policing Experiment: A Summary Report (Washington, D.C.: Police Foundation and the Urban Institute, 1977); and Lawrence W. Sherman, Team Policing: Seven Case Studies (Washington, D.C.: The Police Foundation, 1973).

¹⁰John E. Boydston and Michael E. Sherry, San Diego Community Profile: Final Report (Washington, D.C.: Police Foundation, 1975).

¹¹Robert Trojanowicz, An Evaluation of the Neighborhood Foot Patrol Program in Flint, Michigan (Lansing, Mich.: Michigan State University, 1983).

¹²Cornelius J. Behan, "The Comprehensive Robbery Impact Pro-

in Houston and Newark.¹³ Each of these researched police initiatives represented a different mechanism for providing community-oriented police services, reducing citizen fear, or both.

The growing professional interest in community-oriented policing is also a logical response to the prevalence of disorder and incivility on the neighborhood level and to the historical over-emphasis of police agencies on rapid, mobile response.¹⁴ Nevertheless, it raises a set of questions -- important policy and practical questions -- for which available empirical research is either insufficient or inadequate.

(1) The literature on community-oriented policing encourages community involvement with police in the process of problem identification and in the development of strategies to attack those problems. Yet there is little empirical data describing the nature and effectiveness of the various structures and processes that can shape or channel such public involvement, or how the police can best deal with information from the community when it is provided. Hence, the idea of strengthening the accountability of police officers to the communities they serve is not easily translated into practice.

(2) James Q. Wilson¹⁵ long ago established a useful typology of situations in which the amount of discretion exercised by patrol officers and the capacity of police administrators to constrain that discretion vary. The situation in which the discretion appears to be greatest, and the capacity to constrain it appears to be the least is, Wilson suggests, the "citizen-invoked, order-maintenance" situation. Community-oriented policing programs like CPOP encourage proactive approaches to quality of life problems and are likely, therefore, to increase the frequency with which the police officer encounters such highly discretionary situations. Thus, there is a need for empirical descriptions and analyses of what patrol officers, in roles like CPO, decide to do and not to do, how they reach these decisions, and how police agencies and communities influence and can effectively control and direct such officers' decision-making.

(3) Some researchers have suggested that the approach of the police to problems of disorder in the street vary importantly by the ethnic and socioeconomic composition of the community.¹⁶ In

gram of the Baltimore County Police Department," paper presented to the International Robbery Seminar, April, 1984.

¹³Police Foundation, Experiments in Fear Reduction: Houston and Newark Program and Evaluation Plans (Washington, D.C.: Police Foundation, 1983).

¹⁴Wilson, supra note 1.

¹⁵Wilson, supra note 1.

¹⁶Jonathan Rubinstein, City Police (New York: Farrar, Straus

fact, this may apply not only to their identification of certain conditions as problematic, but also to the corrective strategies they undertake. These hypotheses need to be tested and the variations in conditions and strategies should be described empirically in the context of a program operating in a variety of communities.

(4) There is, most of all, a pressing need to know more about the community-oriented police strategies and programs that are actually developed by officers who attempt to relieve different classes of order-maintenance problems, the extent to which these strategies and programs are in fact implemented, and the effects they have -- if any -- on the problems to which they are addressed. Available research often fails to tie police officers' activities to specific problems, or to provide direct measures of the state of the problem after police officers have intervened. Thus, to the extent that conclusions have been reached about the effects of police patrol programs on order-maintenance problems, they have been, for the most part, inferred from citizen surveys.

(5) The Wilson-Kelling suggestion (that alleviating quality of life problems can reduce citizen fear and, perhaps, even the volume of crime in the community) has intrigued many police professionals, in New York and elsewhere; it is another hypothesis that cries out for empirical exploration. But to do so would require research measuring independently the impact of community policing programs like CPOP on the quality of life problems addressed, the public fear levels before and after introduction of the programs, and any changes in crime volume in the targeted neighborhoods.

(6) It seems reasonable to assume that some officers should be better able than others to exercise the discretion and initiative required to perform the order-maintenance function effectively on the neighborhood level. This individual function has not been closely examined in previous research, in part because of a program emphasis upon the activity of organizational units (e.g., Neighborhood Police Teams, COPE) rather than individual officers, and in part because few experiments have attempted to measure the effects of programs actually implemented by, or to evaluate the performance of, individual officers. There is, therefore, little empirical data on which to base an assessment of correlations between the performance of the officer and his or her background and attitude.

A. Research on the Pilot CPOP Project in New York City

In the summer of 1984, staff from Vera's Research Department (which reports to the Institute's Director and conducts its

and Giroux, 1973).

research independently from Vera's planning and technical assistance staff) began an independent evaluative study of the Community Patrol Officer Program when it was in its pilot phase in the 72nd Precinct in Brooklyn. At that point, the major research concerns were whether the CPO role, as it had been designed, could in fact be implemented by regular patrol officers, and how they would react to its demands. This first, exploratory research effort relied primarily upon extensive field observations and field interviews with CPOP Unit members and with other officers of the 72nd Precinct.

A member of Vera's Research Department spent hundreds of hours walking the beat with each CPO in the 72nd Precinct and accompanying the CPOs on some of the occasions when they acted together as a tactical unit. In addition, each of the CPOs was the subject of in-depth interviews during the fall of 1984 and again in the summer of 1985. These observations and interviews focused on how the officers implemented the new CPO role and how their experiences affected their images of themselves as police officers, their perceptions of the communities in which they were working, and their relationships with other officers in the Precinct.

Another set of interviews were conducted with 25 regular patrol officers in the Precinct, to measure their perceptions of and attitudes toward the CPO program. To examine a different dimension of the pilot project, Vera researchers interviewed a random sample of residents in each of the 72nd Precinct's nine CPO Beat Areas. These interviews explored residents' perceptions of the quality of life problems in their neighborhoods, their awareness or lack of awareness of the CPO program and their overall assessment of police performance.

Statistics describing the volume and nature of crime complaints and arrests in the Beat Areas prior to the commencement of the CPO program and for a full year after the program began were collected, to determine whether any changes in official indicators of the crime problem occurred during the program's first year. And an analysis of changes in the volume of calls-for-service was conducted, based on calls received during sample periods before and after the program began.

Data collection for this preliminary CPOP research continued until late in the summer of 1985. Over the past year, these data were analyzed and a report was drafted; preliminary findings were presented to the Department at several points along the way, and served to help shape the development and the expansion of CPOP to its present 37 precincts. The Final Report will be delivered at the end of October, 1986. Useful findings from the pilot research included:

Police officers can in fact perform the CPO role, as designed, although they performed the problem-solving and information exchange dimensions of the role more effectively than the planning and commu-

nity organizing dimensions.

CPOs are effective in rapidly identifying major problems in a beat and in devising, with the assistance of the CPO sergeant, strategies to address them. They appear to be somewhat less effective in analyzing the problems, systematically using community input and regularly recording the effects of their activities.

CPOs are quick to attack priority problems when they first survey their Beat Areas, and they rely heavily on their conventional law enforcement powers to do so.

Many CPOs engaged in community outreach with initial anxiety and hesitancy. The outgoing style required for effective CPOP policing is unusual and unfamiliar; it does not come easily to everyone. However, after a while, all of the pilot CPOs did it and they reported being surprised by the positive community and command responses they received.

CPOs seemed fairly good at identifying community organizations within beats and in assessing their strength and importance. However, their ability to assist local residents and merchants to organize, and their ability to motivate existing organizations to act in a coordinated fashion, varied considerably from one officer to another.

Many CPOs quickly developed a sense of personal responsibility for their Beat Areas and evinced a willingness to vary their tours and to put in extra time to address community needs.

The CPOs found their new roles more satisfying than conventional patrol. In part, this seemed to be because residents and merchants in the Beat Areas were quick to define the CPO as "their cop". The CPOs mentioned especially the opportunity the new role afforded them to follow-through and actually accomplish something with respect to local problems, the opportunity to exercise discretion and initiative (with the approval of their supervisor) in varying their tours and tactics, and the opportunity to get off the rotation chart and work relatively steady tours.

The CPOs believed that they enjoyed a great deal more support from the community than they would have had if they had been functioning as regular patrol officers. However, as time went on, the CPOs complained about what they perceived to be the inadequacy of civilian involvement in problem-

solving strategies and the difficulties they encountered in getting Beat Area residents and merchants to organize for that purpose.

There was much evidence that the CPOs were able to pick up important information about the neighborhood, local crime patterns and criminals operating in the neighborhood which they would not get if deployed in conventional patrol roles. They knew that information of this type was acted on, and/or passed on to other police units (e.g., Narcotics) which used it.

CPOs actively sought guidance, assistance and support from the CPO Sergeant, and the personal comfort of the individual officer in the role appeared to be strongly affected by his or her contacts with the Sergeant.

The CPO Sergeant was important also in bolstering the morale of the unit in planning, coordinating and directing tasks which involved more than one officer and in linking the CPOs to the supervisory command structure of the precinct.

The Community Board in the 72nd Precinct enthusiastically welcomed the program and actively supported the efforts of the officers to address quality of life problems in the Beat Areas. As a result, the CPOs were unusually successful in provoking other City agencies to cooperate in coordinated attacks on such problems.

Non-CPO officers in the pilot precinct, by the end of the research period, evidenced a good grasp of the CPO concept but not a deep familiarity with the day-to-day operations of the CPOs. They were supportive of the Department's decision to experiment with the role and they saw it as no more difficult than the RMP assignment.

The community surveys conducted toward the end of the data collection year indicated that approximately 35% of the respondents were aware that CPOs had been operating in their neighborhoods. Generally, the respondents had rather positive attitudes toward the police and this was especially so for those who were aware of the CPO program.

Using as a measure of crime volume the total number of complaints in twelve categories of major felonies and selected misdemeanors, there was a 5.1% drop in crime reports in the CPO Beat Areas compared with a 7.4% decline in the non-CPO beats, over the research period. The difference seemed to

be a function of increased police activity and citizen reporting in the CPO Beat Areas. (For example, in a couple of Beat Areas CPOs focused attention on the problem of street narcotic trafficking. As a result, there was an increase of 93 drug complaints in these beats. Had the drug complaints remained at their pre-program level, the overall measure of crime reports would have declined by 8% in the CPO Beat Areas.)

Of course, nothing definitive can be said about the implementation or impact of CPOP, based solely on research of a pilot program operated in a single precinct. However, expansion of the program into dozens of other precincts around the City affords an opportunity to address a number of questions of interest not only to Department officials, but to police administrators and scholars across the nation. Toward that end, Vera has secured grants from the National Institute of Justice (\$120,000) and the New York State Division of Criminal Justice Services (\$100,000 a year, for two years), to supplement funds provided for this research program under the City contract, and has just begun a much more comprehensive and systematic study of CPOP. The design and potential utility of this research is described below.

B. Expanded Research on the Community Patrol Officer Program

The roughly 350 Beat Areas in which CPOP is now operating present an extremely wide range of neighborhoods, in terms of basic demographic characteristics and in the volume and types of crime and calls for service arising in them.

Vera will study the program as it operates in six selected precincts, consisting of approximately 50 beats, in six of the seven borough commands of the City. This strategy will create samples of approximately 50 CPOs and six Sergeants. By tracking the activities of each sampled CPO officer in his or her beat, the research staff will construct a sample of between 250 and 300 specified and verified crime or order maintenance problems and the same number of corrective strategies proposed by the CPOs. The strategies, in turn, are expected to include two or three times their number of specific actions or programs planned by the officers and approved by the Sergeants. The research is designed to identify those programs that were actually implemented and measure their effect on the crime or quality of life problems to which they were addressed.

This unique data base of related problems, strategies, programs and impacts provides an opportunity to address many of the crucial issues identified in the Introduction to this section of the Status Report. Vera researchers will also

collect detailed information about the background, attitude and performance of each of the sampled CPOs and CPOP Sergeants, and will assess the reactions of neighborhood residents to the activities of the CPOs and to changes in the conditions of their neighborhoods since the program began. Thus, this expanded, systematic CPOP research affords an opportunity to study not only the impact of various CPO attacks on crime and quality of life problems, but also the relationship between those impacts, on the one hand, and, on the other hand, public perceptions and street crime volume at the neighborhood level. (The research will also explore relationships between officer background and attitudes, officer's performance, and the impact of their CPOP work on the quality of life problems they attack.)

This research program is designed to produce immediate benefits as well as knowledge for long-term use in further development of community policing strategies in New York City. Thus, in addition to providing the Department with an evaluation of CPOP, the research will: provide a means of evaluating individual officers whose activities clearly differ from those of the regular patrol officer; help to identify those qualities which the NYCPD should seek in officers who might be assigned to this duty; provide the Department with information on which to estimate the length of time officers should be continued in this role and the kinds of support that should be given to them; provide means for assessing and structuring the performance of command personnel assigned responsibility for Community Patrol Officers; and provide the Department with information about alternative ways to define quality of life problems in the City and to estimate the effects of Departmental activities directed at them.

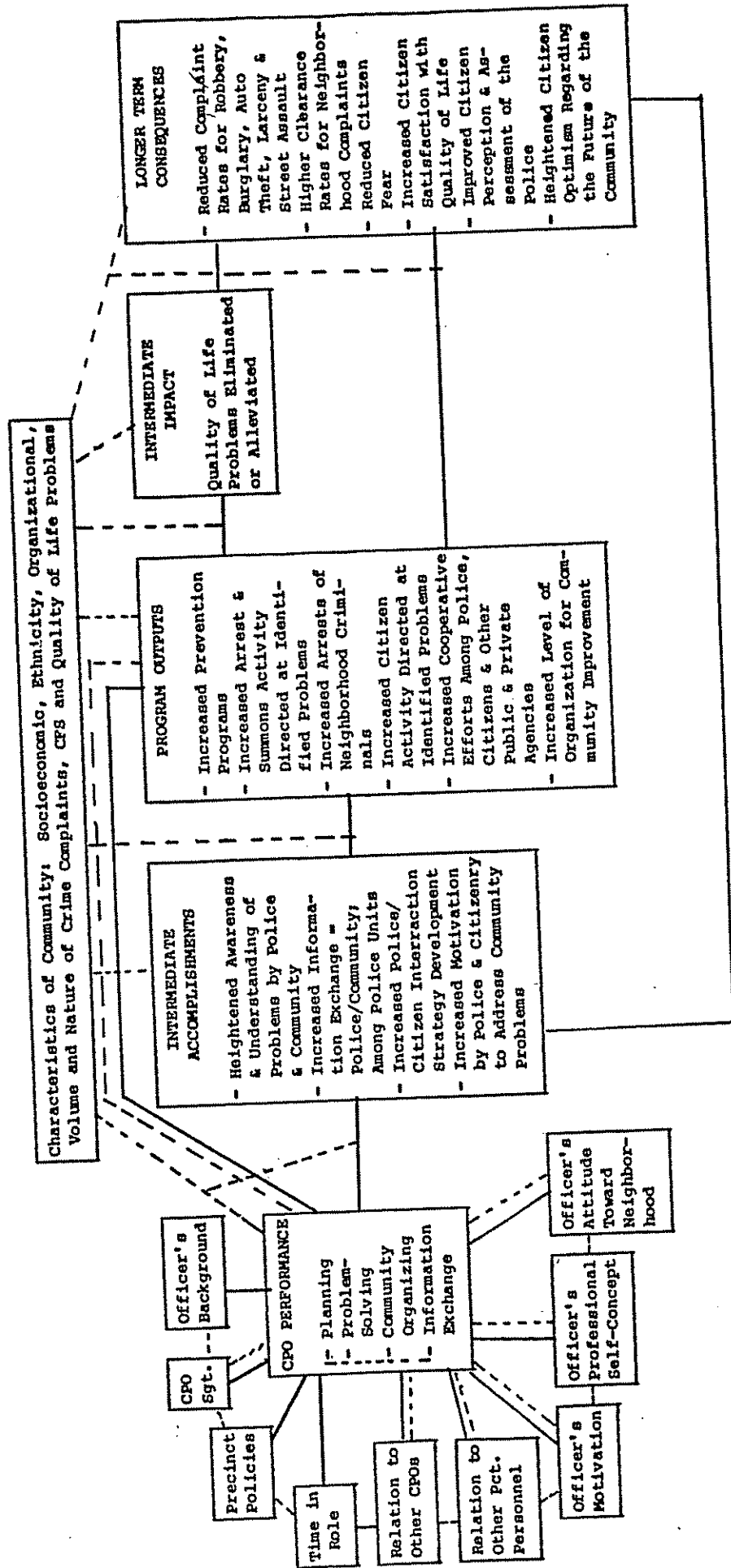
The research, which got underway in the summer of 1986, will be carried out over a two-year period, including a labor intensive data collection effort that will require approximately 14 months to complete. The project will be completed in June, 1988.

1. A Working Model of Factors Effecting CPO Performance, Outputs and Consequences

The structure and procedures of CPOP have been described in detail in the preceding section of this Status Report. Figure 1, on the following page, graphically summarizes the factors and processes which, from a research perspective, appear to effect the substance and quality of a CPO's performance and the paths by which that performance ought to produce the desired impacts.

FIGURE 1

A MODEL OF THE CPO PROCESS AND ITS OUTCOMES



a. CPO Performance - The CPO role consists of four major dimensions -- planning, problem solving, community organizing, and serving as an information exchange between the police and the community. A CPO may perform one or more of these functions well. The dotted lines connecting them in Figure 1 reflect a hypothesis that interactions among these functions affect performance, although it would be premature to further specify those relationships before collecting and analyzing the data. (For example, effective planning might improve the quality of a CPO's problem-solving and community organizing activity, although that relationship has not been demonstrated empirically. But it is conceivable that a CPO may be a rather poor planner but be extraordinarily effective at solving problems in his or her Beat Area.)

A working assumption would be that CPOs' overall performance is a function of how well they perform each dimension of the role. Yet this assumption should be tested. It might also be argued that the ultimate test of effectiveness is the extent to which the desired impacts of the CPO's performance are achieved. If the research succeeds in assessing the relationship between CPOs achievements and the CPO's performance of each dimension of his role, it will be possible to determine the relative weight that should be accorded to each dimension of the role and to establish, for the Department's routine use, a more impact-oriented evaluative measure of CPO performance.

b. Factors Shaping Performance - CPO performance is itself influenced and shaped by a variety of factors. The research will seek to identify and assess the factors that affect that performance. In the model, several of the variables thought to be the most likely influences are depicted as circles surrounding CPO performance. While most of these are self-explanatory, a few require special comment.

It may be that the single most important influence on the CPO's performance is the CPO Sergeant -- the content of his or her direction and assistance, the style of supervision and the nature of the relationship that grows between the two officers. Research on the pilot project underscores the importance of the sergeant, but those could be idiosyncratic to the circumstances and personalities involved in the 72nd Precinct.

Some of the variables identified in the model precede an officer's assumption of the CPO role. This is obvious with regard to background factors, especially the length and nature of prior experience as a police officer. It may also apply to the officer's reason for volunteering to be a CPO, his or her self-concept as a police officer and his or her relationship to other precinct personnel. However, because these factors are themselves in process, they may change with the CPO experience and continue to shape the quality of

performance.

Research on the pilot project also suggests that a CPO's relationship to other CPOs influences satisfaction with the new role, which may, in turn, affect the quality of his or her performance.

Finally, officers may or may not bring pre-conceived attitudes toward the neighborhood to their new role. It is clear from the pilot research that the CPO experience affects whatever attitudes a CPOP officer starts with. In the course of the pilot project, officers developed both knowledge and understanding of the people, problems and life styles found in their Beat Areas. It is reasonable to expect that these developments would be associated with more effective performance, and that their opposites would form a substantial obstacle to CPOP officers' serving the needs of the community.

The variables influencing performance are themselves interrelated, as indicated by the dotted line which connects them in the model. Several of these variables are also influenced by the experience the officer has as a CPO, as indicated by dotted lines pointing back to the box representing performance.

c. Intermediate Accomplishments - It is expected that a CPO's efforts will generate more information about local problems, heightened awareness of a commitment to correcting these problems both in the precinct house and in the community, and increased interaction between the police and public for the purpose of developing action strategies. The two-directional lines connecting CPO performance to intermediate accomplishments suggest that success or failure in achieving these goals will, in most cases, have a feedback effect on CPO performance.

The model also depicts dotted lines running through the intermediate accomplishments to connect performance directly to output. This describes the situation in which actual programs are undertaken in the absence of, or before, specific identification of problems and responsive strategies. This is a likely development at the beginning of a CPOP Unit, when the officers are anxious to make an impression in order to secure attention and credibility in their Beat Areas. This situation may continue even when a CPO is particularly ineffective in organizing the community and involving the citizenry in his/her planning. Specifically, under these circumstances, it is likely that the program outputs will involve unilateral action by the police.

d. Program Outputs - The main line of the model suggests that heightened levels of awareness, understanding, commitment and interaction should produce a variety of action

programs directed at the Beat Areas identified problems. The CPO program presumes that the nature of the priority problems varies from one Beat Area to another and that the action strategies and the means of carrying them out should be tailored to the problem in the context of the particular community. Thus, the model does not attempt to identify substantive problems or programs. It does recognize, however, that the range of programs is likely to include some which are implemented by the police alone, some which are implemented by residents and merchants with the awareness, but not the involvement of the police, and others which are implemented jointly by the CPOs, the public and perhaps other public or private agencies.

The lines connecting the intermediate accomplishments to the program outputs are two-directional, indicating that the experience of mounting the programs can feed back on the awareness, interaction and commitment of the police and the community. Another solid line represents the likely feedback effect of program implementation experience on CPO performance.

e. **Intermediate Impacts** - The tactical actions designed and implemented through the CPO program are intended to correct or alleviate quality of life problems in the beat. The extent to which they succeed in doing so is an important measure of the program's impact. The two directional lines running back from this type of impact, through program outputs and intermediate accomplishments to CPO performance, reflect the feedback of program impact on all the preceding stages.

f. **Longer-Term Consequences** - There are two reasons why impact on quality of life problems is not seen as the final goal of the CPO program. In the first place, the kinds of program outputs produced by the CPO process may exert influences on crime and clearance rates, residents' fear, and residents' perceptions that are independent of any effect they might have on the quality of life problems in the community. Thus, the model provides two directional solid lines to connect program outputs to longer-term consequences.

At the same time, the thesis advanced by Wilson and Kelling in "Broken Windows" (1982) suggests a direct connection between quality of life problems on the one hand and crime rates, fear levels and citizen perceptions of the police on the other hand. Taking a cue from the Newark Foot Patrol research (1981) and the Northwestern research on fear of crime (Skogan *et al.*, 1982), Wilson and Kelling suggested that, by reversing the signs of disorder on the neighborhood level, community policing programs can increase the public's use of public space and its commitment to the future of the community and, thereby, contribute to a decline in the rates of conventional street crimes. Thus, two solid one-directional lines connect the intermediate impacts to the

longer-term consequences in the model. (It is important to note that testing this theoretical relationship requires measuring the actual impact of CPO programs on the quality of life problems to which they are addressed. That is rarely done, because the configuration of quality of life problems and the strategies employed to correct them vary greatly from one community to another. This makes the collection of impact data logistically very complex.)

g. **Characteristics of the Community** - Finally, the model indicates that the entire CPO process is carried out within the context of neighborhoods with distinctive social, cultural and economic characteristics and traditions. These community characteristics are seen as affecting both the content of the variables encompassed by the CPO process and the relationships among those variables. Thus, what works for a specific purpose in one neighborhood may be ineffective or even counterproductive in another.

2. Major Questions to Be Addressed by the Research

The model of the CPO process presented above yields a wide range of research questions. In general, the research seeks to describe and analyze empirically the content of the variables identified in the model and to determine whether the relationships among the variables actually operate as the model suggests.

The kinds of questions which the research will address are presented below, organized around the major categories of variables identified in the process model. The way these variables will be operationalized, the methods of data collection, and a plan for data analysis (including a model for statistically analyzing the effects of the CPO process on quality of life problems, citizen perceptions and the volume of conventional street crime in an area) are all presented in the next subsection of this Status Report.

a. **CPO Performance** - The very long list of specific questions to be addressed under this heading can be summarized as touching upon three general areas of concern: what are the range of activities which CPOs actually carry out in performing the various dimensions of their role; how do levels of effective performance on the major dimensions of this role correlate with one another; and what factors (from the officer's background and attitudes, the network of relationships in the precinct, the policies and procedures of the Department and the precinct, and the characteristics of the beat) influence the level of performance?

b. **The CPO Sergeant** - The Sergeant is the CPO's field supervisor and, based on the pilot research, may be the most powerful influence on a CPO's performance. Thus, this expanded research is concerned to describe and evaluate the

substance and style of supervision exercised by the CPOP Sergeants; to describe the relationship between supervisory substance and style and the effectiveness of CPO performance; and to describe how the Sergeants see CPOP (including their own role in it) as being influenced by formal and informal police policies, procedures, and structures, on the one hand, and by the characteristics, concerns and structures of the community, on the other.

c. **Intermediate Accomplishments** - The processual model in Figure 1 suggests that the CPOP process will first produce increased information-sharing between the police and the public, and then an increased level of problem recognition and motivation to correct those problems on the part of both parties. The research seeks to determine whether these intermediate states actually occur and the conditions, including the content and quality of CPO performance, associated with their occurrence.

d. **Program Outputs** - The CPOP process is designed to produce broad strategies and specific programs for solving the particular problems identified by the CPOs. The research will describe the strategies and programs undertaken, in their relation to various categories of problems, police and citizen involvement in them, the extent and manner of their implementation and the reactions of the CPOs, CPO Sergeants and involved citizens to that experience. Again, the purpose is to determine what qualities of CPO performance seem most closely associated with effective implementation.

e. **Consequences for Quality of Life Problems** - The essential threshold question under this heading is the extent to which the priority problems identified through the CPOP process are actually alleviated by the action strategies and programs that CPOs develop. The research will measure that effect and, thereby, permit an answer to the question of what actions work with respect to various classes of problems and under what conditions. It should also permit a clearer view of the extent to which CPOP's impact on problems varies with the content and quality of CPO performance.

f. **Longer-Term Consequences** - Here the principal challenge is to measure the levels of these phenomena in the Beat Areas (crime complaint rates, fear levels, citizen satisfaction with life in the community and with the quality of police services) and to determine the extent to which they vary by (1) the measured impact of CPOP programs on quality of life problems, (2) the demographic characteristics of the community, and (3) the effectiveness of CPO performance.

3. Sample Selection

The research design calls for the development of data bases that cover: CPO background, perceptions, self-

conceptions and attitudes toward various phenomena; the supervisory relationships between CPOs and CPO Sergeants; various perceptions and attitudes of the Sergeants; CPO role performance; characteristics of the beats patrolled by the CPOs; quality of life and order-maintenance problems identified and analyzed by CPOs; strategies developed by CPOs; programs undertaken by CPOs and civilians in the Beat Areas; levels of awareness regarding local problems evidenced by police and civilians, and their desire to act on those problems; the effects of CPOP action strategies and tactics on the problems to which they are addressed; crime complaint rates in the Beat Areas; levels of civilian fear and satisfaction with the quality of life in the neighborhood; and assessments of police services among residents of the Beat Areas.

The list of variables is long and the data collection process will be demanding. A sampling strategy is needed to permit relating all of the variables to the individual CPOs, to the quality of life problems identified by them and to the action programs they undertake. For that purpose, the CPO Beat Area is the most useful sampling unit. By sampling beats, the research will be sampling CPOs assigned to them, supervising sergeants, problems, programs, and community characteristics.

For this purpose, Vera staff first considered selecting a random sample of 50 beats from among the roughly 350 Beat Areas in which CPOP would be operating in the Fall of 1986. This strategy would involve running the data collection process in half of those beats for a six month period and then in the other half for another six month period. After further consideration, this strategy was rejected for both methodological and logistical reasons.

In the first place, the strategy is inconsistent with the nature of supervision in the CPO program. Typically, eight to ten CPOs operate in a single precinct under the supervision of a single sergeant. To study the style and substance of supervision, it is necessary, therefore, to see the sergeant interacting with all of his subordinates and to determine when and how he or she decides to commit the whole unit to assisting with a problem in a single beat. Analyses of this scope would not be possible using a sample selection strategy that pulled the beats out of their precinct contexts.

Secondly, it would be extraordinarily difficult to manage data collection simultaneously in twenty-five beats scattered randomly over the City, especially given the amount and complexity of the data to be collected.

For these reasons, it was decided to select six precincts for the research and include all of the beats and CPOs in each precinct. The first three will be selected from

among the 37 precincts in which the program will be operating in the Fall of 1986. Data collection will be carried out in each of the three precincts for a six month period. Another three precincts will be selected for a second data collection period. Six of the seven borough commands will be represented in the research, by selection of one precinct from each.

This strategy will still provide a sample of at least 50 Beat Areas and a similar number of CPOs. Taken together, the beats will encompass a wide variety in terms of selected demographic characteristics such as racial/ethnic composition, population density, socio-economic status and various crime statistics.

It is estimated that sampling 50 beats will produce a stratified sample of approximately 250 quality of life problems to be studied and an equal number of strategies of resolving them. Although this will not be a randomly drawn sample of problems, it should include the full spectrum of types of priority problems that occur in the larger universe of Beat Areas. The following procedure will be used to develop the set of problems to be studied in depth: Each CPO is required to maintain a Beat Book, in which he or she is expected to identify and analyze the major quality of crime and order-maintenance problems in the Beat Area, to set forth a strategy for addressing the three top priority problems each month, and to make at least monthly entries describing what has been done and what has been accomplished with respect to each of those priority problems. Vera research staff will carry out data collection in each Beat Area for a six month period. During that time, it is reasonable to assume that the CPOs would give priority status to an average of two additional problems in each Beat Area. Thus, 50 beats, averaging 5 priority problems within the data collection period, would yield a sample of 250 problems and 250 strategies.¹⁷

¹⁷This strategy for sampling the problems CPOs identify and attack provokes questions about reliability. How do we know that the problem identified by the police officer as a priority actually exists, and why should we accept his contention that it is a priority concern in the beat?

When the problem is first identified by the CPO, the researcher will probe to find the officer's documentation of its existence. The researcher will ask similar questions of the CPO Sergeant and then go to the community to observe it. Thus, if the problem is not verifiable, it will not be accepted into the sample by the researcher.

On the other hand, a CPO might be tempted to identify as a problem a condition which is verifiable but is easily resolved and not a priority in the community. It is conceivable that the research will accept problems of this order and trace the effects

It is not possible to tell how many CPOP action programs would be sampled by this approach, because a given strategy may call for several programs implemented by different actors at different times. For example, a problem of heavy narcotics trafficking on several contiguous blocks within a Beat Area might be addressed with a strategy which includes: undercover investigations by Narcotics Unit personnel; subsequent efforts to monitor drug locations with an eye to closing them under appropriate city ordinances; outreach to users, to make referrals to public or private drug treatment agencies; drug use prevention workshops by the CPO at local schools; and a drug use awareness and prevention campaign carried on by local residents and citizen organizations. Each of these could be considered a program in its own right and the research would attempt to collect information about each. In light of this example, it seems reasonable to estimate that the sampling approach would produce a sample of at least 500 CPOP action programs.

This strategy results in selecting sample beats in which CPOP has been operating for varying lengths of time. The universe from which the sample is selected contains beats in which CPOP has been operating for as long as 21 months. This research would consider length of program operation as a variable, but would not stratify the sample selection by that variable.

On the other hand, because season of the year affects both the volume and nature of the problems in a community as well as the patrol techniques used by the CPOs, the research design controls for season. Specifically, half of the 50 sample precincts have been selected for data collection

of strategies and programs targetted toward them. However, it seems unlikely that this will happen very often. In the first place, the CPOP Sergeant would have to approve the CPO's designation of the problem as a priority and, thereby, expose himself to criticism from his or her superiors. In this regard, the Department has already instituted procedures which are designed as a check against any self-serving tendency of this kind. CPOP Sergeants are required to conduct weekly interviews with the public in each Beat Area. The Precinct Commander and the Zone Commander must also go out to interview people in the Beat Areas on a regular basis. And both of these officers, as well as the Precinct Community Affairs Officer, attend community meetings where they get independent input on what the community residents consider their priority concerns. The Precinct C.O., in turn, expects to see those problems identified and addressed by the appropriate CPOs and will demand an explanation when he does not. Therefore, while there almost certainly will be some ambiguity about the priority nature of some of the sampled problems, it is reasonable to assume that these will be relatively few.

during the period November 1, 1986 to April 30, 1987 and the second half of the sample data for collection from May 1, 1987 to October 31, 1987.

Splitting the sample in this manner offers additional advantages. The amount of data which must be collected and the variety of sources from which they must come are considerable. That process is made more manageable by focusing research resources on three, rather than six, precincts at one time. Moreover, this scheduling should enable the Vera researchers to complete and test all of the programming required for data analysis, and to undertake the analysis of the first group of 25 beats, even while the data are being collected on the second group of 25 beats. This will permit Vera to report some preliminary findings before data collection has been completed on the second half of the sample.

4. Data Collection Procedures

Data will be collected on the research variables as follows:

- a. CPO Background - Age, race/ethnicity, gender, education, time as police officer, prior assignments in the police department, time in precinct, time in CPO role, prior commendations, prior disciplining. These data will be called from departmental files on the officer and from personal interviews.
- b. CPO Perceptions and Attitudes - At the beginning and at the end of the data collection period, each CPO will be interviewed in depth with respect to his or her: professional self-concept; reason for volunteering for CPOP; expectations of the role; career aspirations; attitudes toward the community he or she is assigned to patrol; perceptions of the quality and utility of CPOP training; perceived relationship to the other CPOs and to other precinct personnel; perceived relationship to and assessment of the CPOP Sergeant. Some of these variables have been measured in other police research projects (e.g., professional self-concept). Whenever that is so, existing scales will be considered for adoption or adaptation. All of these variables have been explored through the interviews conducted on the pilot program in the 72nd Precinct and that experience has helped in constructing the necessary interview schedules.

When the CPOs are reinterviewed at the end of the six month data collection period, the interview schedule will be supplemented with a series of questions concerning the officer's experiences and perceptions over that period.

- c. CPO Performance - Data will be collected describing the CPO's performance as planner, problem solver, community organizer and information exchange link. The planner dimension is reflected in the officer's performance in identifying and analyzing problems, developing problem-solving strategies, and monitoring and, where appropriate, modifying the implementation of those strategies.

The problem-solver dimension is reflected by the officer's effectiveness in carrying out his or her responsibilities under each of the strategies, motivating relevant others to do the same, including other police units, and coordinating the efforts of all relevant parties to a particular strategy.

The community organizer dimension is reflected in the officer's effectiveness in soliciting and using community input into the process of problem identification and strategic planning of remedial actions, identifying community resources that would contribute to problem-solving strategies, securing the involvement of these resources in the actions taken, and bringing local residents together to help define the interests of the community when there is an absence of existing information.

The information exchange dimension is reflected in the CPO's effectiveness in securing information not previously available regarding the community, its crime and quality of life problems, its criminals and its potential resources, and in the officer's presenting this information in useful form to the precinct command and the borough command, when appropriate. In addition, CPOs are expected to present information to the community regarding its problems, the problem-solving strategies he or she has developed, and the potential strengths and limitations of police resources for dealing with these problems.

Data on these dimensions will be drawn from several sources, including:

- 1) Beat Books - Especially those sections dealing with problem identification, strategic development and activity reporting.
- 2) CPO Monthly Interviews - In addition to the previously described in-depth interviews conducted at the beginning and the end of the data collection period, supplemental interviews will be conducted each month with each CPO. At present, the CPOs are required to review their problems and

work plans (action strategies) with the CPO Sergeants at least once per month. At that time the preceding month's activities are reviewed, the priority ranking of the problems is reviewed, new priorities are substituted and the coming month's work plan is agreed to. Research staff will observe in these reviews and ask additional questions as needed to track the CPO's performance.

- 3) CPOP Sergeant Interviews - During the monthly visits, the CPO Sergeant will be interviewed to describe his or her supervisory performance vis-a-vis the CPO and to record his/her ongoing assessment of CPO performance.
- 4) Citizen interviews with Members of the Public - Each month following the interviews with the CPOs and CPO Sergeants, the research staff will go into the community to verify, through observation and interviews with people affected by the problems identified by the CPOs, the CPOs' claims regarding progress made. These interviews will seek citizen assessment of the problem-solving strategy, the extent to which the CPO has involved the citizenry in development of the strategy and the CPO's own actions vis-a-vis the problem.

At the end of the six month period the data from all of these sources will be assembled to evaluate each CPO's performance. Vera research staff will develop various methods of rating performance, including, perhaps, the use of expert rating panels.

- d. CPOP Sergeant Supervisory Style and Rating - In addition to the monthly interviews with the Sergeant regarding the CPOs' work plans and progress, two in-depth interviews will be conducted with the sergeants at the start and at the end of the data collection periods. These interviews will focus on the sergeant's perception of the CPOs and his or her own supervisory objectives and techniques, his orientation to the community and to the command structure and other police units in the precinct. These data will be used to construct categories that are descriptive of supervisory concerns and techniques. Each sergeant will be classified in by category of supervisory style.

In addition, CPOs' own assessments of the CPOP Sergeants' performance will be noted over the course of six months, and the Precinct Commanders will be interviewed about it. An effectiveness rating, based on the assessments of the CPOs, will be developed to supplement the categorization of

supervisory style.

- e. **Perceptions and Attitudes of the CPOP Sergeants -** The two in-depth interviews with the CPOP Sergeants will be used to collect data about his or her views on the CPO role, the CPOP Sergeant's role, the Department's procedural directions for performing, regulating and evaluating each role, and the changes, if any, that he or she would like to see brought about in either role.
- f. **CPOP Sergeants' Backgrounds -** Age, race/ethnicity, gender, education, prior assignments, time as a member of the force, time as a Sergeant, time as a CPOP Sergeant, prior commendations, prior disciplining, any other notable elements in his or her police experience. These data will be collected from Department files.
- g. **Intermediate Accomplishments -** Data concerning the levels of increased awareness of problems, increased exchange of information, increased police/public interaction and increased determination to act against the problems will be gleaned from the monthly beat book entries and supplemental research interviews with CPOs, CPO Sergeants, and citizens affected by the problems.
- h. **Program Outputs -** As previously indicated, for each problem in the sample, a problem-solving strategy will be described, as will each of the action programs initiated to pursue the strategy. Thus, every program will be linked to its strategy and the specific problem it is intended to address. In addition, each program will be described in terms of its objectives, its actions, its implementing agents, the extent to which the program was actually implemented, and the major difficulties encountered in implementation. These data will permit careful categorization of strategies and programs in relation to particular types of neighborhood problems, and an assessment of the extent to which those programs and strategies were actually implemented. The sources for these data would be the beat books, the supplemental, monthly interviews with the CPOs and the CPOP Sergeants, and field observations and interviews with residents and merchants.
- i. **Quality of Life Impacts -** For each sampled problem, the strategy will identify the objectives which the CPO seeks to accomplish with respect to it. At the beginning of the research, when the initial three priority problems are identified, research staff will examine relevant statistical data and will

observe in the community, to verify the existence and scope of the problem. Thereafter, the researcher would track progress through the monthly supplemental interviews with the CPO and the CPOP Sergeant, through examination of entries in the beat book, and through field observations and interviews with those affected by the problem. These data will be used to categorize impact on or progress toward alleviating the problem.

- j. Longer-Term Consequences - Crime complaint statistics will be collected in each beat for the three months before the study period through three months after it ends. This will provide an entire year of crime complaint statistics. These statistics will be collected only for the offenses of robbery and burglary.

Statistics will be collected describing the volume and nature of calls for service emanating from the beat during the three months following the completion of data collection for that beat. A random sample of all calls for service arising in each beat during ten days in this period will be drawn.

Research staff will interview merchants, service providers and residents who live or operate in the immediate vicinity of each of the problems that are included in the research. The first purpose of these interviews is to assess the impact which the intervention strategy has on the problem. In addition, the interviews will include questions on the respondents' fear of crime, perceptions of quality of life problems in the neighborhood, and assessments of local police services and on how these perceptions and attitudes may have changed over the recent past. The responses to these questions will be aggregated by Beat Area and by precinct.

In addition, a sample of community leaders in each precinct will be interviewed about community problems, fear levels, police services and the operations of the CPOP Unit. These data will also be used in estimating the extent to which the operation of CPOP has any impact on community attitudes, and the CPOP strategies that are most useful in that regard.

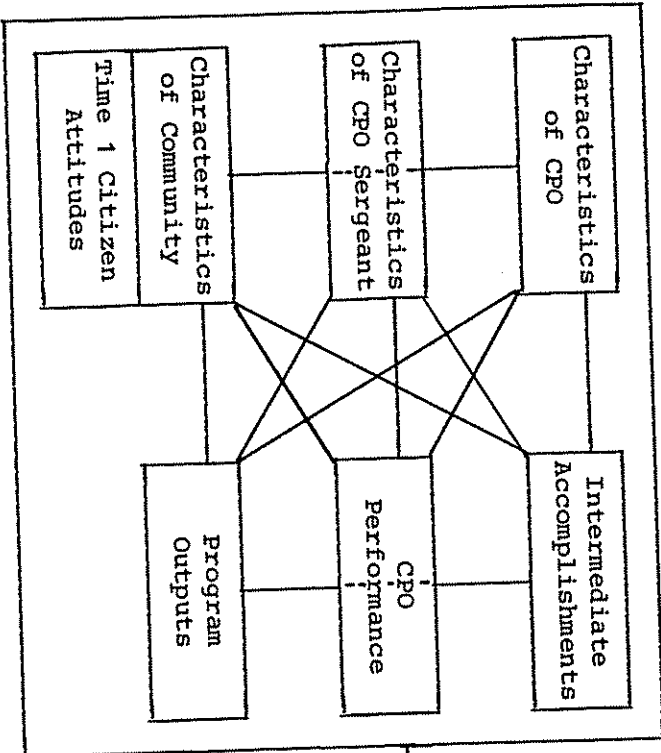
5. Analysis Plan

Figure 2 illustrates the strategy for analyzing the data to be collected in this research. Given the nature of the

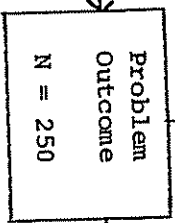
data collection strategy, there will be both quantitative and qualitative data to work with at every stage of the analysis. Analysis will be divided into four stages. In the first stage, the task is to examine the interrelationships among characteristics and attitudes of the CPOs, their Sergeants and their beats, as well as interrelationships among these variables CPO performance, intermediate accomplishments, and program outputs. The goal here is to describe in qualitative and quantitative detail how the CPO process develops and to show how aspects of that process relate to each other, and to the characteristics of CPOs, their Sergeants and their beats.

ANALYSIS PLAN

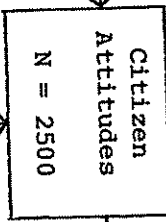
STAGE 1
(Time 1)



STAGE 2
(Time 2)



STAGE 3
(Time 3)



STAGE 4
(Time 4)

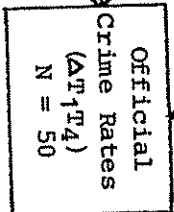


FIGURE 2

Though qualitative interviews and observations would form the basis for a detailed description of every stage of the model in Figure 1, they play a particularly important role in the first stage of the analysis. This is due both to the small number of "cases" at this stage (i.e., 50 beats, 50 CPOs, and approximately 6 Sergeants), and the complicated interrelationships hypothesized among the variables. Nevertheless, a content analysis of this material as well as of items drawn from survey and archival data will be used to present a statistical description of these processes. The analysis will depend primarily on simple correlational and cross tabular techniques.

In stage two is an examination of "problem outcomes" (i.e., the extent to which problems have been alleviated), using multivariate regression techniques as well as qualitative materials. Here the sample will comprise the roughly 250 "priority problems" identified by the CPOs. Problem outcomes would be measured both as an ordinal scale and as a nominal level variable comparing "success" or "failure." Accordingly, the analysis would include both OLS and logistic regressions. The independent variables examined in these regressions would be developed from what is learned in the first stage of the analysis and would reflect the varying issues examined there. As the collection of stage one data for each problem outcome will precede scoring of the dependent measure, there is assurance, for analytic purposes, that all of the independent variables in this analysis occur prior to the problem outcomes. Thus the naive recursive regression format is appropriate.

Stage three examines the influence of stage one variables and problem outcomes upon public attitudes such as "fear of crime," "quality of life," and "perceptions of police."

The final stage of analysis examines official crime statistics. While complaint report statistics represent the best available way of estimating long-term effects of the program upon crime rates (short of a large scale victimization survey which is beyond the scope of this research program), particular caution must be exercised in this stage of the analysis. In the first place, police officers may encourage increased crime reporting as a problem-solving strategy.¹⁸ If a CPO is relatively new on a beat, reported crime rates may go up because there has been an increase in police services.¹⁹ In addition to these

¹⁸For example, a CPO may encourage citizens to more often report the less serious crimes that now go unreported, in order to encourage the flow of conventional patrol resources to an area.
¹⁹Vera's research into the pilot program in the 72nd

precinct suggests that this phenomenon occurred there. ²⁰Accordingly, we chose not to construct a "control group" design for this problem. Such a design would have been extremely costly and probably impossible to carry out. In the first case it would have meant the independent collection of complaint reports from precinct files. It would demand that we both identify and extract data not classified by beats. A more serious problem, however, is presented by the fact that the beats examined will have had CPOs on duty prior to the advent of the research program. Finding control groups for most beats would thus demand that we end the CPO program in other beats. This would not be acceptable to the police department nor would it be likely to be

In summary, the analysis of this rather rich data base will be an interesting and quantitative approach, reflecting the complexities of the theoretical model of the CPO process, and the complexity of CPO itself.

Though interpreting the findings from this stage of analysis will be difficult, a significant negative effect of problem outcomes upon complaint rates and calls for service would demonstrate the utility of CPO problem-solving in reducing actual crime rates in the community. On the other hand, given the small number of cases in this analysis and the fact that complaint reports themselves are only a proxy measure of actual crime rates, a failure of this variable to show significance could not be interpreted as a definitive indication that CPO problem-solving has no influence upon actual crime rates.

With these cautions in mind, it is still important to attempt an analysis of the "long term" influences of problem outcomes upon official crime rates. A multivariate regression approach will be used. The dependent measure would reflect the change in official crime rates following the six-month data collection for each Beat Area. It is the influences of varying levels of problem solving performance during the six-month period upon crime rates that is of the most interest here.²⁰ Because the number of "cases" included in this analysis is small, it will be possible to include only three independent variables in the regression model. (Again, data for these variables would have been collected prior to data on official crime rates.) The three variables likely to be used include a measure of citizen attitudes and a measure of problem outcomes for each Beat Area, as well as a control for the amount of time the program has been operating in that community.

problems, the fact that there will be again at this stage of analysis only 50 "cases" -- the 50 beats -- severely limits the number of control variables that may be used in examining the question.

6. Schedule of Activities

The research will be carried out over the two-year period that began on July 1, 1986 and ends on June 30, 1988. It will involve work in four phases:

Phase I is devoted to final planning and extends for four months. Given the large number of variables involved in the research, this is a particularly busy period. The research precincts will be selected and prepared for the full-time presence of a Research Assistant over a six month period. The remaining data collection procedures and forms will be developed and pre-tested. These will include procedures for securing background data on the CPOs and CPOP Sergeants; for the in-depth interviews of these officers; for collecting and organizing the data needed to evaluate CPO performance and the CPOP Sergeants' supervisory activity; for interviewing citizens in the beats regarding program impacts and citizen fears; and for collecting and coding crime complaints and CFS data in the beats. In addition, design materials will be reviewed and critiqued during a meeting of the research program's external Advisory Committee, and the management of the NYCPD will be briefed on the evolving details of the research plan. Finally, three Research Assistants will be trained for data collection work.

Phase II will be devoted primarily to the collection of data on the first half of the research sample (3 precincts, 25 beats and related officers, problems and programs). It will extend from November 1, 1986 through April 30, 1987. One meeting of the external Advisory Committee will be held during this period to review experiences with the data collection procedures and instruments. In addition, the construction of data files will be begun. The time commitments of most of the senior research staff assigned to the program will be reduced during this phase.

Phase III will involve the collection of data from the second half of the sample (another 3 precincts, 25 beats and related officers, problems and programs). This phase will also extend for six months from May 1, 1987 through October 31, 1987. In addition, the data analysis plan will be finalized during this period as will the related programming. The analysis plan will be run on the data from the first half of the sample, and the analysis plan will be reviewed again, on the basis of this experience. The external Advisory Committee will be convened once during this period to review the analysis plan before it is applied to the first half of the sample. The time commitments of most of the senior professional staff assigned to this research program will increase substantially at this phase and would continue at this level through the end of the research project.

Phase IV will last for eight months, extending from

November 1, 1987 through June 30, 1988. During this phase, a statement of preliminary findings from analysis of the first half of the sample will be prepared and shared with the NYPD and funding agencies. Data from the second half of the sample will be analyzed, and the two samples will be combined and analyzed together. The final report will be designed and written. Management of the NYCPD will be briefed on the findings and their implications for police policy and practice. Similar briefings will be provided to the other funding agencies.

The external Advisory Committee will meet three times during this period. First, they will review the preliminary findings. Some time later, they will meet again to discuss the proposed plan for final analysis of the combined sample and the proposed outline of the final report. Finally, they will meet to review and discuss the draft final report.

The final report will be submitted to the Department in the fall of 1988.

PROGRAM 3 - RESEARCH AND TECHNICAL ASSISTANCE ON THE
CIVILIAN COMPLAINT REVIEW BOARD

Introduction

The CCRB has responsibility for receiving, investigating and disposing of civilian complaints about four types of police behavior -- excessive force; abuse of authority; discourtesy; and ethnic slurs. It is estimated that about 50% of the complaints received allege excessive force, about one-quarter deal with acts of discourtesy, slightly less than a quarter with abuse of authority, and a very small percentage claim that an officer used an ethnic slur. A very large percentage of the complaints are disposed of either administratively; because the complainant refuses to press the complaint or to cooperate in its investigation, or by conciliation with the complainant. The remaining complaints (ranging from 14% to about 30% of complaints received, depending on the category of complaint) are disposed of following a full investigation. The majority of fully investigated complaints are closed as "unsubstantiated," apparently because the investigation fails to produce evidence sufficient to decide the case in favor of either the complainant or the officer. Where the evidence is sufficient, a complaint may be "substantiated", or "unfounded," or the officer may be "exonerated." In "substantiated" cases, the Board may recommend that formal charges be brought against the officer within the Department, that the officer be subjected to command discipline, or that the officer simply be given training or instructions to correct the misbehavior.

A. The Questions Assigned to Vera

As part of the **City's** review of these matters, the Police Department asked The Vera Institute to design and execute research on the **Department's** procedures for receiving and disposing of civilian complaints. Independently, Vera had begun an exploration of the ways other jurisdictions handle civilian complaints against police officers, and was contemplating a study of the substance of complaints coming before New York **City's** CCRB and the process by which the CCRB disposes of them. The idea was to subject these matters to systematic research of the kind Vera developed to illuminate the nature of felony cases coming before the Criminal and Supreme Courts and the ways that prosecutors, judges and defense attorneys reach dispositions in cases presenting different types of fact patterns. (Felony Arrests: Their prosecution and Disposition in New York City's Courts (Lonqman, 1981).

Vera accepted the assignment from the Department and has focused its research effort on the following questions:

Does the CCRB dispose of its complaints in a fair and consistent manner?

Are the dispositional alternatives available to the CCRB as useful as they might be? (More specifically, can anything be done to achieve more definitive dispositions in the large number of complaints that are now found to be "unsubstantiated"?)

How can the case-related data generated by the CCRB process be used to provide information for management and training purposes in both the CCRB and the Department generally?

Does the present CCRB process and structure serve the Department's objectives as well as it could? (This issue subsumes the preceding questions, but includes at least the following additional concerns: What specific objectives does the Department seek to address through the CCRB? How do complainants come to the CCRB and what are their motives and expectations? What are their reactions to the process once they've experienced it? What are the perceptions and expectations of police personnel with respect to the CCRB and what are their reactions to the process?)

B. The Data Available

The CCRB maintains a considerable amount of computerized information on all of the cases in which it accepts jurisdiction. For each such case, data on disposition and disciplinary recommendations is maintained, of course. In addition, computerized information is available on a large number of variables that may influence case outcome. These include: the type of complaint and where and when it was received; the number of victims and complainants and the sex, age, ethnicity and number of previous complaints made by each; the number and nature of each specific allegation made in the case, including some description of the type of force, injuries, abuse of authority or ethnic slur alleged; the month and day of the alleged incident; the situation in which contact with the victim occurred; some characteristics of the victim at the time (e.g., previous record, using alcohol or drugs, arrest made); the number of police personnel involved; the age, ethnicity, sex, duty status, mode of dress, height, weight, rank, command, and number of previous CCRB complaints made against each member of the force involved in the incident.

C. The Research Project

Vera staff researchers are making use of the existing CCRB data base to pursue three separate but related research strategies: (1) a statistical analysis of case outcome, (2) a qualitative review of the disposition process, and (3) a survey of complainants, victims and officers.

1. A Statistical Analysis of Case Outcome

Although Vera originally considered selecting a sample of 1985 cases for analysis, it was soon found that too many 1985 complaints would either not have reached final disposition or not have been entered on the computer at the time of data-collection. Instead, for purposes of statistical analysis, Vera has employed the complete 1984 CCRB data tape, consisting of information on over 6,700 complaints which contain over 10,000 separate allegations. Vera categorized complaints not only by complaint category (Force, Abuse of Authority, Discourtesy or Ethnic Slur), but also by the type of situation which generated complaints. This latter categorization is useful because different assignments are likely to generate different patterns of police-civilian interaction. For example, a large proportion of the complaints entering the CCRB (26%) arise from traffic situations. Analysis shows that traffic complaints were more likely to involve discourtesy and less likely to involve force than complaints that arise from other types of situations (dispute, crime report, patrol).

By categorizing cases according to situation, type of allegation and complainant ethnicity, the CCRB data are being used to pursue questions concerning the fairness and consistency of the disposition process: Do case outcomes vary according to type of allegation? If so, is there evidence that more serious allegations are handled more seriously? Is there rationality and proportionality in the disposition process? Is this affected by the types of situation which give rise to complaints? Are outcomes influenced by the race or ethnicity of the complainant?

The logic of this approach is: (1) to select variables thought to be important influences on case outcome, (2) to establish categories for classifying the cases according to the variables chosen, (3) to measure the dispositional variance in each category, and (4) to determine the extent to which that variance reflects selected characteristics of the situation, the victims, or the members of the force, in order to judge the amount of variation which is unexplained (and apparently arbitrary) and the reasonableness of the variation which is explained.

The CCRB data is also being used descriptively, to help determine whether there are situational, victim- or officer-related patterns associated with the occurrence of particular kinds of allegations. Findings in this area would have obvious training applications, and might be useful for focusing the attention of field supervisors and inspections personnel.

As a result of the work on the statistical analyses described above, Vera project staff will be recommending a system for data analysis which the CCRB staff itself can perform periodically, to monitor case outcomes and patterns associated with the occurrence of particular kinds of allegations. This

would convert the rather extensive CCRB data base into a management tool for the CCRB and other units of the Department as well.

2. A Qualitative Assessment of the Disposition Process

The statistical analyses, described above, will shed light on how the cases are disposed and will help identify situational, victim and officer characteristics associated with those dispositional patterns. However, statistical analysis alone does not shed much light on how the dispositional process is carried out, the kinds of evidence typically available and typically missing in various types of cases, or how the staff and Board members assess the evidence and evidentiary deficiencies in the cases before them. A qualitative analysis of the dispositional process is intended to address these issues.

For this purpose, Vera has selected subsamples of cases from the statistical data base for a careful analysis of the full file in each subsample case. This kind of study requires a significant time commitment for each case considered, because the roles played by particular persons involved in the inquiry and in the dispositional process in each case must be described in some detail, the evidence associated with each allegation must be described and assessed as to strength, and the interpretations of the staff and Board must be gleaned from the file. In addition, this element of the research calls for interviews with selected CCRB staff members about their role in the process and their perceptions of its strengths and weaknesses.

Given the resource demands of this element of the research, Vera is confined to a limited number of cases, selected to represent the various possible outcomes for different allegation types. Because the quantitative analysis, described above, has already pointed to the importance of the type of situation (in generating specific kinds of complaints), Vera selected for qualitative study samples of complaints arising from the following types of situations: traffic, dispute, crime report and patrol; together, these situations give rise to more than 75% of the complaints that enter the CCRB. By limiting the qualitative sample to complaints arising from these types of situations, Vera should have enough cases of each type to permit description of the situational interactions that most frequently generate citizen complaints. (Identification of situational patterns that lead to complaints ought to facilitate the development of training approaches for new officers and for officers with a high number of prior complaints.)

The samples of cases arising from each of the four targeted situations were then further broken down so that Vera could select from each situational category a sufficient number of cases for further study in each of the dispositional categories: "incomplete," "unfounded," "exonerated," "substantiated" and "unsubstantiated." (Within each dispositional category, complaints alleging force, abuse of authority, discourtesy and

ethnic slurs are represented, but Vera over-sampled the "force" category in order to be able to report in some detail on the most serious allegations.) These sampling decisions have produced for qualitative study 140 cases randomly selected from the dispositional categories as follows: 40 incomplete complaints, 20 conciliated complaints, 30 unsubstantiated complaints, 20 unfounded/exonerated complaints, and 30 substantiated complaints.

The qualitative analysis is designed to permit description of the types of incidents that lead to civilian complaints. The analysis will delineate the kinds of force, abuse and discourtesy alleged by complainants, as well as the types of incidents which generate such allegations. The qualitative review will also explore the dispositional process itself -- how different outcome categories are actually used, complaint characteristics associated with various outcomes, and the interaction between investigative findings and the Board's review. Finally, this qualitative material will be used to help determine whether changes in procedure could be expected to reduce the volume of cases disposed of as "unsubstantiated."

3. Participants' Perceptions of and Reactions to the CCRB Process

The CCRB is intended to provide civilians with an accessible means of registering complaints about police misconduct, to provide both citizens and police personnel with a resolution of the complaint that is just and reasonably responsive to their expectations, and to symbolize to both the community at large and to the members of the force that allegations of police misconduct will be investigated in a serious and unbiased manner and, when substantiated, will be sanctioned appropriately by the Department.

The research described above should shed some light on the fairness, efficiency and effectiveness with which the CCRB carries out these functions. However, more is required if the research is to shed light on how complaining citizens feel about the accessibility of the process, or what they hope to derive from participating in it, or how they react to dispositions when they are rendered. Similarly, something more is needed for an exploration of the expectations, perceptions and reactions of the police officers who participate in the process.

Knowledge about these matters is to be generated by a survey of victim/complainants and a survey of members of the force who have been involved in CCRB cases. Vera will select a subsample of 240 cases for these surveys. The subsample for these surveys is to be stratified so that force, abuse, discourtesy and ethnic slur cases are included in equal proportion to their representation in the large statistical sample. The survey research staff will contact the principal victim in the case, the complainant (if different from the victim), and the officer who was the object of the complaint. This approach is likely to yield an average of 2.5 respondents per case, for a total of 600 respondents.

D. Status of the Study

These three elements of Vera's research on the CCRB, taken together, will provide a careful assessment of CCRB operations and will help clarify the extent to which the CCRB as it now operates meets the expectations of the Department and of the complaining citizens and the officers who become involved with it. The statistical component of the research was begun in September 1985, and the qualitative component in January 1986. Analysis has been completed for both of these components. The third component was begun in August 1986. The final report will consolidate the findings from the quantitative and qualitative analyses and from the survey. That report will be completed and submitted in December 1986.

PROGRAM 4 - RESEARCH AND TECHNICAL ASSISTANCE ON THE 115TH
PRECINCT EXPERIMENT AND RELATED **STRESS-REDUCTION**
AND TOUR ASSIGNMENT PROJECTS

Introduction

For some time, the New York City Police Department and law enforcement agencies throughout the country have been concerned with the negative effects of job-related stress on the health and well-being of police officers. In 1980, the New York City Police Department engaged the consulting firm of Rohrer, Hibler, and Replogle (RHR) to study the causes and effects of police officer stress and to make recommendations for alleviating the problem. RHR concluded that the rotating tour system, which required officers to change shifts on a weekly basis, had deleterious effects on their health and home lives. Therefore, RHR recommended that the Police Department implement a steady tour system, on a limited and experimental basis, using officers who volunteered for the program.

At the same time, the Department was considering various approaches to improving the management structure on the precinct level. The Department was particularly interested in the "platoon commander" concept. In such a system, patrol sergeants would report directly to a lieutenant/platoon commander, rather than to the commanding officer of the precinct. The platoon commander would be responsible for all precinct patrol operations during his or her specific tour (platoon). The platoon commander concept is thought to promote accountability in supervision by giving the lieutenant the authority to direct operations in the station house and in the field. The Department recognized that implementing such a concept would be facilitated by a steady tour system, which would guarantee continuity of officers and supervisors in each platoon. The combination of the steady or "fixed" tour system and the platoon commander concept came to be known as the "fixed platoon concept" and the Department sought an opportunity to experiment with it.

The opportunity arose when, in 1983, the decision was made to open a new precinct, the 115th, in the Borough of Queens. The Precinct, officially opened on January 4, 1984, was made up of sections of the 110th and 114th Precincts. Based on crime and calls-for-service statistics for 1983, the year preceding its opening, the 115th immediately became one of the six highest activity precincts in the Borough. The 115th Precinct was staffed in a way that permitted implementation of the fixed platoon concept -- it was given a complement of volunteer police officers, sergeants, and lieutenants who were permitted to choose a tour (platoon) on which they would work steadily over the ensuing year.

The program in the 115th Precinct contained several distinctive elements, in addition to the fact that all police personnel worked steady tours. Everyone had volunteered for assignment to the Precinct and virtually everyone received his or her choice of

steady tour. As a result, the same squads of patrol officers and the same sergeants worked together throughout the year. Each tour (platoon) was commanded by a lieutenant to whom that tour's patrol sergeants reported and who had responsibility for all precinct operations on his tour, both inside and outside the station house. And, to a large extent, individual officers tended to be assigned to the same patrol sectors over long periods of time.

Through these changes, the Police Department hoped to achieve several objectives, including: (1) reducing the levels of stress experienced by patrol officers; (2) delivering police services within the territory of the new precinct in at least as effective a manner as was the case before the precinct opened; (3) increasing the sense of safety of the civilian population there, and their positive assessments of police services in the area; and (4) realizing improvements in the management of patrol resources at the precinct level.

Several months before the opening of the 115th Precinct, the Department asked staff of the Vera Institute of Justice to consider the proposed design of precinct operations and to suggest how its effects on police officer stress and precinct productivity might be studied. Vera proposed a research strategy, which the Department in due course accepted; work was begun on the research design during August of 1983.

A. Methodology and Findings

The Vera Institute's evaluation consisted of five components: (1) documentation of project implementation; (2) assessment of changes in patrol officer stress levels; (3) assessment of the management advantages and disadvantages of the fixed platoon concept; (4) review of standard Police Department measures of precinct productivity; and (5) survey of community attitudes toward the police, before and after the opening of the 115th Precinct. The following narrative describes each of these components of the research and summarizes the findings from each. (The full research report was submitted to the Department in September, 1986.)

1. Project Implementation -- Basic Data

The research data reveal that the complement of officers assigned to the 115th Precinct was young, 80% having had fewer than five years on the force. The vast majority appear to have been assigned to their first choice of tour. In the early months of precinct operations, officers in the 115th expressed some discontent with the unpredictability of their assignments to sectors and to either RMP or foot patrol. This seems to have been the result of platoon commanders spending several weeks trying out various combinations of officers in different assignments before making permanent assignments. By the fourth month of operations, however, these issues seemed to have been resolved.

Seventeen percent of the officers originally assigned had left the precinct by the end of the first year. However, these transfers appear to have had nothing to do with the 115th Precinct's use of steady tours or its management by platoon. Most of these officers received career advancement transfers, while some others made lateral transfers because the 115th Precinct was not active enough to suit their preference.

2. Stress Assessment

Vera staff measured the stress levels among police officers assigned to the Precinct immediately prior to its opening in January, 1984. On January 2 (Time I), a standardized stress measuring instrument that Vera adapted for this purpose was administered to 133 of the 138 police officers assigned to the 115th Precinct. Although the questionnaire only required approximately 20 minutes to complete, it was comprehensive and asked the respondent a series of questions related to: (1) job frustration (that is, the degree to which various aspects of the job are a source of frustration or stress, e.g., inadequate equipment, the promotion system, P.D. bureaucracy); (2) major pressures in personal life (e.g., marital problems, financial problems); (3) the extent to which the respondent enjoyed being a police officer; (4) physical symptoms commonly associated with stress; (5) the effect that working schedules have had on various aspects of private life (e.g., family life, sleep, social life); (6) the officer's perception of stress-related problems among his/her three closest friends who are police officers (e.g., problems with spouses, excessive worrying, excessive complainants); (7) strategies that the officer uses to reduce stress (e.g., exercise, listening to music, hobbies); and (8) the ways in which being a police officer may cause problems in the household (e.g., communication problems with spouse, bringing work problems home).

In order to determine how stress changed over the course of the project, the instrument was administered again during May and June, 1984 (Time II) and for a third time period during December, 1984, and January, 1985 (Time III).

While this research strategy is suitable for identifying any changes in stress levels that occurred during the project year, it would not, without something more, demonstrate that any changes were attributable to the officers' working in the new precinct on steady tours. For example, it would be possible that stress levels among Queens police officers generally were rising or falling during the same time period, and that the observed changes among the officers working in the 115th were not significantly different from the general trend in the Borough. (For example, observed changes in stress levels in the 115th might be attributable to general responses to changes in Borough-wide procedures or to shifting external pressures on the whole Department). Therefore, to provide some basis for inferring a

relationship between the new program and any observed changes in the stress levels manifested by the 115th Precinct staff, a stratified, random sample of police officers from six other Queens precincts was selected. The comparison sample, consisting of a total of 146 officers from the 103rd, 105th, 109th, 110th, 113th, and 114th Precincts, completed the same stress questionnaires during January and February, 1984. The questionnaire was re-administered to the comparison group during a period in December, 1984, and January, 1985.

The comparison sample was stratified to resemble the seniority and gender distribution of the officers assigned to the 115th Precinct. Because the members of the comparison sample were selected from six Queens precincts, we may assume that they too would evidence any changes in stress measures that should be attributed to Borough or Departmental shifts in policy or procedure. Then, if changes in the stress levels of officers assigned to the 115th Precinct were not observed in the control sample, it would be reasonable to attribute the changes to the effects of the program in the 115th. (This strategy also provides some insight into how the initial stress levels of a totally volunteer force compare with those of a random sample of officers in the same borough command.)

The first stress indicator in the measuring instrument was the job frustration index. It consists of 30 items covering the four dimensions of police work which prior research had suggested as sources of frustration to working officers: (1) the organization and administration of the department; (2) administration and supervision on the precinct level; (3) situations and working conditions encountered while on patrol; and (4) the actions of courts and other elements of the criminal justice system. The respondents were asked to rate each item as a source of annoyance on a scale of "frequently," "sometimes" or "never." For analytical purposes, a scoring system was developed in which each answer of "seldom" was assigned one point, "sometimes" two points, and "frequently" three points. The scores were totaled to derive each police officer's job frustration score, with the lowest score being 30 and the highest 90. The scores were then combined to calculate the average job frustration levels for the experimental and comparison groups at each testing point.

The scores for the experimental and comparison groups on this index were comparable at Time I. However, at the end of the first year of program operation, there was a statistically significant reduction in the job-related frustration level for the 115th Precinct officers: between Time I and Time III it dropped from 53.4 to 50.0. In contrast, the job frustration level for the comparison group rose slightly over the course of the year, from 51.9 to 52.3.

Moreover, at the end of the first year, the experimental group reported significant reductions in job-related frustration for nine items: lack of recognition, frequent duty changes, boredom and isolation on assignments, doing non-police work,

feelings of helplessness in assisting citizens who need aid, anxiety due to the officer having to deal with repulsive situations on patrol, working with incompetent officers, anger caused by Appellate and Supreme Court decisions restricting police action, and, of course, rotating tours.

From Time I to Time III, comparison group officers reported significant stress reduction in only four areas: rotating tours (perhaps because the percentage of the comparison group working on the 9-squad rotational chart had dropped from 65% to 50% over the course of the year), partner assignments, duty changes, and feelings of helplessness. But officers in the comparison group reported significantly higher frustration in four areas: salary, public criticism of the police, the police officers union, and outside political influence on the Police Department.

This phase of the research indicates that job frustration (both for the experimental and for the control group officers) flows, for the most part, from their perceptions of organizational and bureaucratic aspects of the police work and from the operations of the criminal justice system -- matters over which police officers believe they have little control. Contributing to their job frustration, but at lesser intensity, were aspects of the immediate work environment such as lack of recognition for good job performance, actions of immediate supervisors, favoritism, lack of support, and lack of continuity in assignment. The officers in this survey reported little stress from dealing with repulsive or dangerous situations on patrol, being overworked on assignment, or receiving insults from the public. Although it may be stressful to deal with repulsive situations or be insulted by the public, these situations are relatively rare and, therefore, they do not appear to be major, continuous sources of stress. In contrast, having to cope with a police bureaucracy that they often think is insensitive to their needs, and dealing with perceived inefficiencies of the criminal justice system are more persistent sources of job frustration. (The results from this phase of the research are consistent with other studies of police occupational stress.)

For another measure of stress levels, the questionnaire presented a list of ten physical symptoms frequently associated with stress, and asked the respondents to indicate which symptoms they had experienced in the three months prior to completing the questionnaire. The principal finding here was that, while the percentage of officers in the comparison group reporting no recent health problems rose from 30.8% at the beginning of the research year to 41.2% at the end of the year, the proportion of the experimental group reporting no recent health problems almost doubled over that period, rising from 33.8% to 61.0%.

When the officers were asked to indicate how their duty schedules affected seventeen specific aspects of their personal lives, it was apparent that officers in the 115th Precinct found that working steady tours had had very positive effects. Specifically, the officers were asked to indicate whether their current

duty chart had positive, negative, or no effect on various aspects of their lives. The results for the experimental and comparison groups at Time I were similar-- relatively small proportions of the officers in both groups reported that their current working schedules had a positive effect on the selected aspects of their lives. For example, very few reported positive effects on family life, sleep, digestion, sex life, eating habits, alertness, social life, or friendships with non-police personnel.

The change in the experimental group from Time I to Time III was dramatic in many areas. The percentage reporting positive effects of duty schedule on family life rose by 50.1%, sleep by 52.9%, recreation by 45.8%, eating habits by 51.7%, digestion by 43.1%, energy level by 47.6%, and alertness by 46.9%. In contrast, the changes for the comparison group over the course of the year were negligible: the percentage reporting positive effects of duty schedule on sleep patterns rose by 2.4%, digestion by 4.1%, sex life by 6.6%, eating habits by 2.0%, and alertness by 2.3%. Moreover, unlike the experimental group, the percentage of comparison group members reporting positive effects from their current duty chart dropped for several aspects of personal life: positive effects of duty schedule on social life decreased by 0.4%, energy level by 4.4%, ability to hold a second job by 0.9%, and friendships with other police officers by 6.3%.

In sum, after a year of program operations, the patrol officers in the 115th Precinct reported lower levels of job frustration, fewer physical symptoms of stress, and more positive benefits in their personal lives from their steady tour duty charts. Similar changes were not evident among the comparison group officers, and it is reasonable to attribute the reduced stress levels among the officers in the 115th to the program operating there.

3. Managing a Precinct through the Fixed-Platoon Concept

During the research period, Vera staff were told repeatedly that "lieutenant" is the "lost rank" in the Department -- a high rank without commensurate responsibility or authority. In a traditionally organized precinct, the lieutenant's primary function is to serve as the desk officer and control operations in the station house. He rarely becomes involved in the assignment system because these matters are usually handled by the commanding officer, roll call clerks, and the patrol sergeants. He rarely ventures into the street, because he is responsible for the station house. Routine "communications," citizens' complaints, and reports about post conditions are not directed to him; rather, they are forwarded to the Precinct Administrator. Often, the Commanding Officer will bypass the lieutenants and deal directly with the patrol sergeants, who know the conditions in the street and the officers in their squads.

By contrast, lieutenant platoon commanders in the 115th Precinct worked a fixed tour with the same sergeants and patrol

officers and were delegated responsibility for directing all police operations during that tour. They were responsible to the Commanding Officer for identifying the priority conditions to be addressed by the officers under their command and for allocating the resources available on the tour.

All of the platoon commanders in the 115th had served as lieutenants in other commands; without exception, they were dissatisfied with that role in traditionally organized precincts and much preferred the platoon commander role as it developed in the 115th.

To assess the management effects of the program in the 115th Precinct, Vera staff spent about six hundred hours in squads cars with patrol officers and supervisors on all three platoons, on weekdays and on weekends. As a result, the researchers became familiar with the conditions and problems that arise in this precinct on each of the tours, and the ways in which the officers assigned to those tours responded to various problems. Riding with the officers provided opportunities not only to observe patrol operations, but also to discuss informally their views on the many dimensions of the patrol function.

After several weeks of observation and discussion, Vera staff formally interviewed the Commanding Officer, the three Platoon Commanders, the Integrity Control Officer, the Operations Lieutenant, and eight Patrol Sergeants. These interviews were tape recorded. The interviews with the Lieutenants and the Commanding Officer lasted between an hour and two hours. The interviews with the sergeants were conducted while these officers were on patrol.

These observations of and interviews with precinct personnel lead to the conclusion that there are significant management advantages to the fixed-platoon concept as it has been implemented in the 115th. They may be summarized as follows:

- a. The Chain of Command is Simplified. The Commanding Officer deals directly with three platoon commanders, rather than fourteen sergeants. The lieutenants, in turn, deal directly with the three or four sergeants assigned to their platoons. In this system the span of control of the commanding officer and the lieutenants is reduced. In addition, the system promotes consistency and continuity in command.
- b. Accountability and Responsibility. Duties are clearly defined and responsibility is fixed. In this system it is very difficult to shirk responsibility and hide behind the anonymity of the 9-Squad Chart. Accountability extends not only to the platoon commanders and the patrol sergeants, but also to the police officers who are held accountable for conditions in their sectors, to

which they can be more consistently assigned than is possible under the 9-squad rotation chart.

- c. Meaningful Role for Lieutenants. Lieutenants in the role of platoon commanders have a definite and useful place in the chain of command. They have authority and responsibility to direct all patrol operations during their tours. They are in the field and thereby develop a first-hand knowledge of conditions and problems in the street.
- d. Improvement in the Quality of Supervision. The presence of the lieutenant in the field adds a layer of supervision that is not available in traditionally organized precincts. As a result, the activities of sergeants and patrol officers are more carefully monitored, and lieutenants have the opportunity to work continuously with officers who need personal training or graduated levels of discipline.
- e. Familiarity with the Area. Because the same officers are patrolling the same territory at the same time of day every day, they develop a more extensive knowledge of the area, the people, and the problems. Thus, officers can be deployed more effectively to combat problems and deliver services to the community.
- f. Teamwork. Because the supervisors and the patrol officers are working with the same set of personnel every day, they tend to develop a sense of teamwork that fosters an attitude of cooperation. In this system, the police officers may themselves bring pressure on an officer who is not working as an effective part of the platoon.
- g. More Efficient and Effective Deployment of Resources. The 115th Precinct uses fewer specialized cars and units than many precincts in New York City, because the officers assigned to the RMP sectors' and foot patrol posts perform tasks that are often delegated to specialized units in other precincts. The command does not deploy summons units, burglary or robbery cars, or other specialized (and often temporary) units that are designed to deal with particular conditions. Nevertheless, the Precinct delivered a high volume of services which were well received by the residents (see, below).

Because a smaller percentage of the patrol force is assigned to specialized cars, the platoon commanders and sergeants have more resources to devote to everyday conditions in the precinct.

- h. Improvement in the Quality of Police Services. The findings suggest that the fixed-platoon concept is an efficient and effective management structure, simple yet powerful. It is reasonable to assume that an improvement in the management structure of a precinct, accompanied by the more appropriate deployment of resources that the program in the 115th seemed to permit, will result in improvements to the quality of police services.

One of the issues to which a Precinct Commander needs to be sensitive in this system is the possibility of platoons becoming isolated from one another. Many of those interviewed for the study cited this as the only potential disadvantage. Specifically, because the officers do not have the experience of working the Precinct across the tours or of working with officers assigned to the other tours, there is a tendency for them to develop some tunnel vision about the problems of the Precinct and to identify with the members of their platoons rather than with the Precinct as a whole.

While many of the respondents to Vera staff interviews recognized this as a potential limitation, all believed that it could be avoided through frequent communication between the Commanding Officer and the Platoon Commanders and among the Platoon Commanders and sergeants working the different tours. The focus of the communications suggested would be to orient all of the supervisory staff to the problems of the Precinct as a whole. In addition, several of those interviewed suggested that a sense of unity could be promoted, in a precinct organized around platoons and steady tours, by seeking out opportunities for periodic precinct-wide activities to engage all the officers.

It is important to note that the managerial benefits that seemed to flow from the adoption of a platoon commander structure in the 115th would almost surely be less evident if the structure were introduced into a precinct which continued to operate on the 9-Squad Chart. This is because the continuity of personnel and supervision probably contributed as much to the management benefits as did the increased responsibility and authority of the lieutenants.

4. Measuring Productivity and Service Delivery

Vera's evaluation of the 115th Precinct program attempted to describe and measure the delivery of police services in the area, using a variety of conventional indicators. Vera staff used standard Department records where available, and when necessary created new data bases. Among the indicators used were absentee rates, volume of calls-for-service handled by the Precinct personnel, and level of crime complaints and arrests.

- a. Absentee Rates: One of the reasons for instituting the steady tour system was the belief that, if the officers worked

steady shifts, they would feel healthier and actually be healthier than if they were working the 9-Squad Chart. It was hypothesized that improvement in the state of their health would be reflected in a decline in absenteeism due to illness.

The Department measure of absenteeism is the average number of "man-days" lost per year. This rate is simply the number of days lost divided by the number of officers assigned to the command. For 1984, the average number of man-days lost for Patrol Borough Queens (PBQ) was 8.01. Thus, on average, each officer was absent due to illness approximately eight days a year. The 115th Precinct had the lowest absenteeism rate in PBQ -- 4.90 man-days per year. This rate is 38.8% lower than the PBQ average. The Queens precinct with the second lowest absentee rate was the 109th with an absentee rate of 5.89 man-days per year. The absentee rate for the 109th, while much lower than the Borough average, was still 20.2% higher than in the 115th. This finding suggests that the program (both steady tours and the platoon commander structure) in the 115th did in fact reduce officer absenteeism.

The 115th Precinct also had the lowest civilian absentee rate in the Borough -- 10.1 man-days per year compared to a Borough average of 14.3 man-days. This finding is surprising because civilians in all Queens precincts work steady tours and, therefore, there is no obvious reason for lower absenteeism rates for the 115th Precinct civilian staff. In this regard, it must be noted that the precinct with second lowest civilian absenteeism rate was again the 109th with an average civilian absentee rate of 11.14 man-days per year. While these results are inconclusive, the unusually low rate in the 115th may reflect a higher level of civilian morale brought about by the management innovations.

The Department routinely compiles several statistics designed to measure either workload or productivity or both. These measures include, but are not limited to, the number of crime complaints and arrests, the volume of calls for service, and the number of summonses issued for moving or parking violations.

In considering the statistics presented in the following sections, it must be noted that the 115th Precinct did not exist in 1983. However, the Department, in anticipation of the opening of that precinct, maintained statistics for those areas that would eventually become the 115th Precinct, and it is these statistics that are used in the comparisons between 1983 and 1984 activity levels.

b. Summonses for Moving and Parking Violations: The number of summonses for moving violations rose by 55.9% (from 5710 to 8904), compared to a 4.8% rise for the Borough as a whole. Similarly, the number of summonses issued for parking violations increased by 42.8% (from 18,774 to 26,811) compared to a 6.3% Borough-wide increase. In fact, activity in the 115th accounted

for approximately one-third of the Borough's increase in summonses for both parking and moving violations.

c. Complaints for Major Offenses: The New York City Police Department groups serious crimes into seven major offense categories: murder and non-negligent manslaughter, forcible rape, robbery, felonious assault, burglary, grand larceny, and grand larceny auto.

- (1) The volume of complaints for the seven major offense categories for Patrol Borough Queens (PBQ), excluding the 115th Precinct, rose by 1.6%, from 95,926 in 1983 to 97,465 in 1984. During the period complaints rose by 4.3% in the 115th Precinct, from 7389 in 1983 to 7709 in 1984. That is: the volume of complaints for serious crimes increased somewhat more in the 115th Precinct than in the rest of the Borough.
- (2) Although the volume of complaints for the seven major offenses increased for PBQ, from 1983 to 1984, there was a 1.8% decrease in the number of robbery complaints for PBQ (excluding the 115th Precinct). In contrast, the volume of robbery complaints in the 115th Precinct rose by 5.7%, from 790 to 835.
- (3) Similarly, the number of burglary complaints for PBQ, excluding the 115th Precinct, dropped by 5.8% (from 28,510 in 1983 to 26,859 in 1984), while burglary complaints in the 115th Precinct remained virtually unchanged (1599 complaints in 1983 and 1603 in 1984).

d. Total Crime Complaints: The seven major offenses only cover the most serious criminal offenses. They do not include lesser crimes such as petit larceny, or offenses which are particularly subject to variations in reporting behavior, such as offenses against public morals (e.g., gambling, prostitution) or the possession and sales of drugs and narcotics. The volume of all crime complaints for PBQ, excluding the 115th Precinct, rose by 4.6% from 1983 to 1984 (186,894 to 195,472). During this same period, the total number of crime complaints in the 115th Precinct rose by 23.2%, from 12,533 to 15,438.

The increase in total crime complaints in the 115th appears, however, to be attributable to a greater willingness on the part of the residents of the 115th Precinct to report crimes, no matter how trivial, since the new precinct opened. As indicated above, the volume of reported serious crimes in the 115th Precinct increased by 4.3%. However, when the complaints for serious offenses are subtracted from the total volume of crime complaints for the 115th Precinct, it is evident that the number of complaints for lesser offenses, which are more likely to be affected by changes in reporting patterns, rose by 50.3% from

5,144 in 1983 to 7,729 in 1984. Thus, what at first appears to be an increase in the crime rate is more likely to be a substantial shift in citizen reporting patterns. This interpretation is also consistent with evidence, discussed below, indicating that residents and merchants in the 115th, very pleased with the opening of the new precinct, became considerably more likely to bring their problems to the attention of the police.

e. Arrest Rates for the Seven Major Offenses: Arrests for the seven major offenses for PBQ, excluding the 115th Precinct, declined by 5.7% from 10,375 to 9,788. In contrast, the volume of such arrests for the 115th Precinct increased by 43.2%, from 549 to 786. The 115th Precinct witnessed substantial increases in robbery arrests (up 111%, from 91 in 1983 to 192 in 1984); felonious assault arrests (up 66.7%, from 99 to 165), burglary arrests (up 31.6%, from 95 to 125), grand larceny auto arrests (up 47%, from 102 to 150).

The proportionate increases in arrests for robbery, felonious assault, and grand larceny auto were a great deal larger than the proportionate increases in recorded complaints for these offenses. Moreover, the number of arrests as a percentage of the number of complaints increased sharply from 1983 to 1984 for virtually every one of the seven major offense categories. The most notable arrest rate increases were for robbery (up 11.5%), felonious assault (up 9.7%), and forcible rape (up 4.9%). Thus, in serving the territory covered by the 115th Precinct, the police were more productive, in 1984, than they had been in 1983.

f. Radio Runs: While the number of radio runs handled by the patrol force is a useful measure of workload, this statistic always underestimates the actual workload of individual units and the patrol force in general. The volume of radio runs is the number of calls for service dispatched by Central Communications plus the number of "pick-up" calls, that is, calls initiated by the officers themselves and reported to Central Communications. The volume of radio runs is based on the number of incidents to which the police respond, not the total number of police units that respond to an incident. Because the volume of radio runs does not include the number of back-up units dispatched, it will always underestimate the actual number of jobs that the units are responding to individually and collectively.

From 1983 to 1984, the number of radio runs for PBQ, excluding the 115th Precinct, rose 4.0% from 558,574 to 581,039. In contrast, the number of radio runs for the territory covered by 115th Precinct increased 14.6% from 37,964 to 43,494. (Again, the increase in the volume of radio runs in the 115th Precinct does not appear to be attributable to deteriorating conditions. Rather, the change seems to be due to a greater readiness on the part of the residents to request police assistance.)

g. Statistical Changes for the Territory Comprising the 110th, 114th and 115th Precincts: The statistical increases in arrests, summons and radio run activity in the areas comprising

the 115th Precinct were impressive. These data indicate that those areas received more intensive service from the new precinct than they did while they were geographically marginal areas within the 110th and 114 Precincts. They leave open, however, the question of whether the total territory covered by the 110th and 114th Precincts in 1983 was more fully serviced by the police in 1984, when three precincts covered the area.

To address this question, data were obtained from the Department describing arrest, summons, and law enforcement activity in the 110th and 114th Precincts in 1983 and in each of the three Precincts in 1984. It was expected that the combined figures for the 110th and 114th precincts would drop in 1984 when these precincts shared the territory with the new precinct and had commensurately lower manpower levels. The test was whether the 1984 figures for the 115th exceeded the combined decline for the other two precincts. Our analysis indicated that the volume of felony arrests in the 115th Precinct was approximately 10% higher than the aggregate decline in the number of felony arrests for the 110th and 114th Precincts. The number of summonses issued for traffic infractions in the 115th Precinct in 1984 was 62% higher than the aggregate decline in the other two precincts. These data indicate that the level of police activity in the territory which comprised the 110th and 114th Precincts in 1983 was substantially increased after the opening of the 115th Precinct in 1984.

h. Unit Productivity in the 115th Precinct: The considerable increase in services provided during 1984 to the area covered by the three precincts cannot be viewed as a product of the innovations introduced in the 115th. By creating the 115th -- making three precincts where once there had been two -- the number of sworn personnel assigned to the total area also increased, by approximately 25% (from 395 on July 1, 1983 to 496 on July 1, 1984). More officers should produce higher measures of service, and there is no reason to believe that the use of steady tours and a platoon commander structure in the 115th Precinct would additionally increase the level of services provided, at least as service is conventionally measured. In the context of this study, however, it is appropriate to ask whether the innovations introduced in the new precinct adversely effect the productivity of the force. The evidence indicates that they do not.

Officers in the 115th Precinct, in 1984, averaged 7.9 felony arrests during the year, compared with 5.6 among those assigned to be 110th and 6.8 for those in th 114th. The average number of misdemeanor arrests by officers in the 115th (6.9) was second to that in the 110th (7.4) and ahead of the average in the 114th (5.3). The same order was evident for traffic summonses -- 119.1 per officer in the 110th, 108.9 in the 115th and 75.6 in the 114th. Thus, the per-officer productivity figures for the 115th Precinct compare quite favorably with those for its neighboring precincts.

In this regard, it is appropriate to note again the unusually low rates of absenteeism in the 115th. Lower absenteeism is a

productivity gain and there is reason to believe that these gains were a product of the program implemented in the 115th Precinct.

5. Measuring Community Attitudes and Reactions

In recent years, research in the police field has increasingly focused on the effects of police projects on citizens' fear of crime, perceptions of safety, and assessment of local police services. Studies of this kind are important for two reasons. In the first place, citizen fear of crime is a source of major concern in its own right, and recent research has indicated that it can and often does fluctuate quite independently from the actual volume of crime in the neighborhood. Secondly, police agencies are more and more taking the view that their crime control and order-maintenance functions cannot be performed effectively without the substantial, cooperative involvement of the community. For both of these reasons, the community's reaction to any police initiative has become an important dimension of its perceived effectiveness.

As part of the evaluation of the 115th Precinct, Vera assessed the community survey instruments used in recent studies and adapted one for use in this research. During November and December, 1983, just prior to the opening of the 115th Precinct, Vera conducted a telephone survey of 300 randomly selected households. During the 20-minute interview, one adult respondent from each household was asked a series of questions about: (a) the quality of facilities, services and conditions in their neighborhood (e.g., shopping facilities, crime problems, schools, disorderly people, traffic); (b) the extent to which they were worried about crime problems; (c) how safe they felt in their neighborhood; (d) whether they believed that the crime rate had increased, decreased, or stayed the same in their neighborhood in the last year; (e) the extent to which fear of crime prevented them from walking, socializing, or going to local entertainment in their neighborhood as much as they would have liked; (f) any interactions they had had with the police during the last year; (g) their assessment of police officers' fairness, helpfulness, and politeness; and (h) their assessment of the Police Department's ability to control crime, maintain order, and enforce traffic laws. Demographic information about the respondents was also collected. This survey was repeated during December, 1984 and January, 1985 using a second independent random sample. The highlights of findings from this phase of the research are as follows:

- a. The percentage of residents in the 115th Precinct reporting increased police visibility during the preceding year rose significantly from 29.0% at Time I to 61.0% at Time II.
- b. The percentage of respondents believing that the crime rate had increased during the preceding year dropped significantly from 34% at Time I to 26% at Time II.

Time II. The percentage believing that the crime rate had decreased rose significantly from 8.3% to 19%.

- c. There was also a significant increase in the proportion of respondents expressing the belief that the police were doing a good job in preventing crime: 40.6% of the respondents believed it at Time I, compared to 58.0% at Time II. The percentage of respondents characterizing police performance of the crime control function as unsatisfactory dropped from 19.4% to 5.3% over the year's time.
- d. With respect to police responses to quality of life problems, 47.4% of the respondents rated performance good or very good at Time I, compared to 58.6% at Time II.
- e. The percentage of respondents reporting that the police were helpful rose significantly from 64.7% at Time I to 81% at Time II. Over the same time, the percentage indicating that the police were not helpful dropped from 12.7% to 6.0%.
- f. The percentage believing that the quality of police services had improved increased significantly, doubling from 30.3% prior to the opening of the 115th Precinct to 61.3% at the end of the first year.
- g. This dramatic improvement in the assessment of service quality was reported by white, black and Hispanic respondents, with the largest improvement in the assessment of police services recorded by blacks.

In-person interviews were conducted with twenty-five community leaders; they believed that the quality of police services had improved enormously since the opening of the 115th Precinct. All of these respondents reported major improvements in police visibility and response time in both emergency and non-emergency situations. They also indicated that the police were making substantial progress in addressing crime and quality of life conditions. Moreover, several of those interviewed stated that the opening of the 115th Precinct had served to unify the Jackson Heights, East Elmhurst, and Corona communities located within it.

While all of the community leaders that Vera staff interviewed expressed very favorable opinions about the overall performance of the officers from the 115th Precinct, several respondents stated that the Precinct's patrol force ought to pay more attention to the low priority, yet annoying quality of life conditions that plague the community. These included the problems posed by double parkers and people repairing cars in the street and obstructing traffic, commercial vans parked in residential areas, and cars parked next to fire hydrants.

In many respects, the findings from the community leaders' survey were consistent with the results of the telephone surveys. There was agreement that police visibility had improved, that the quality of police services had improved, and that police were effectively tackling crime problems. The greatest difference between the community leaders and the telephone survey respondents seemed to be a matter of tone. The attitude of the latter may be characterized as "guarded optimism" -- some conditions in their neighborhood were better, some were worse, and many had stayed the same. In contrast, the attitudes of the community leaders were decidedly upbeat. From their own observations and discussions with their constituents, these respondents concluded that conditions had improved greatly and would continue to improve. The opening of the 115th Precinct had bolstered their confidence in the Department and in its ability and willingness to combat the serious crime and quality of life problems existing in their neighborhoods.

B. Conclusion

The decision to open the new precinct flowed from the Departments' desire to provide more and better services to a segment of the Queens population. Vera's research report provides considerable evidence that this objective was achieved.

There were significant increases in the proportion of those residents who thought that conditions in the community were improving, crime rates were dropping, police personnel were more visible, police services were more extensive and the general quality of such service was better.

Community leaders were even more generous in their assessments. They identified several specific problems that had been eliminated or alleviated since the Precinct opened and they found the police to be a great deal more sensitive to and more quickly responsive to the community's needs. Moreover, they thought the residents were generally more willing to bring their concerns to the attention of the police because they had significantly more confidence that they would receive assistance.

Statistical indicators reflected the increased levels of service provided to the residents of the 115th Precinct. Although crime complaints for the seven major offenses increased by approximately 4% for that territory, the volume of complaints for lesser offenses rose by 50% over the same period. While these figures may or may not reflect some real increase in amount of criminal behavior in the area, they certainly reflect a greater willingness on the part of the citizens to report apparently criminal incidents.

The volume of arrests made in the territory covered by the new 115th Precinct, for the seven major offenses, increased by over 40% from 1983 to 1984. The ratio of arrests to complaints

pal beneficiaries of this service were the persons residing within the boundaries of the newly formed 115th Precinct. The increase was a consequence of the fact that sworn police personnel assigned to the whole territory were increased by an estimated 25% from 1983 to 1984. At the same time, however, it appears that per-officer productivity levels in the 115th Precinct compared favorably with those for the 110th and 114th in 1984. For example, the 115th ranked higher than the other two with respect to the number of felony arrests per officer, and it ranked second with respect to the per-officer levels of misdemeanor arrests and summonses for moving violations. Moreover, the significantly lower absenteeism rates in the experimental precinct were a productivity gain for the Precinct.

In conclusion, the Vera research suggests that the Department seriously consider extending to other precincts the innovations introduced in the 115th Precinct. Such an expansion, should it be undertaken, might profitably include both of the principal elements of the program in the 115th: that is, the steady tours and the platoon commander management structure. Should such an expansion be undertaken, it would be well to design it to permit ongoing, careful analysis of the effects of the managerial changes on officer performance and productivity levels.

PROGRAM 5 - PLANNING, RESEARCH AND TECHNICAL ASSISTANCE ON, AND IMPLEMENTATION AND ENFORCEMENT OF, FINES, PROBATION AND OTHER ALTERNATIVES TO INCARCERATION

Introduction: The Difficulty of Finding Real Alternatives

The general enthusiasm for "**alternatives to incarceration**" persists in an uneasy co-existence with hardening views on penal policy and growing fascination with incapacitation as a desirable organizing principle for sentencing policy. Over the last decade, as the jails in New York City and other major cities have become more overcrowded and the public purse has been put under increasing strain by the capital and operating costs of increasing the capacity to imprison, New York's search for real alternatives has intensified.

Nevertheless, the track records of programs that have aimed, over the past years, to provide alternatives to jail have not been very good. The reason is that it has proved very hard to prevent "**alternatives**" from being used exclusively for first (or minor) offenders for whom the prospect of being sentenced to jail is, in any event, unlikely. Using new "**alternatives**" for cases to which the courts would not ordinarily attach punishment tends to make the alternative unenforceable (when offenders refuse to comply); this quickly becomes obvious -- to offenders and judges alike -- and, in turn, makes it all the more difficult to persuade sentencing judges that the alternative should be imposed in cases that are serious enough for enforcement of the sentence to be an issue and jail a likely outcome.

For several years, under its planning, technical assistance and research contract with the City of New York, Vera has been working with the Office of the Coordinator of Criminal Justice, the Office of Management and Budget, the courts, and other public and non-profit agencies, to design, implement and expand the use of a spectrum of enforceable alternative sanctions and supervision programs.

A. The New York City Community Service Sentencing Program

Vera's first major effort was to design, test and implement a program of community service sentencing in the Criminal Courts. Begun in the Bronx as a pilot project for displacing to an alternative sentence petty recidivists who would otherwise draw short jail terms, it is now operating in Manhattan, Brooklyn and Queens as well. The program has been developed in a way that combines funding from the City and the State in roughly the same proportions as applies to local probation expenses. Those funds, supplemented with grants from private foundations, have also supported an extensive and sophisticated evaluation designed to

measure the extent to which the program is exacting punishment from offenders who would otherwise have been incarcerated, to monitor any changes the program's operation might work on the deterrent effects of Criminal Court's previous reliance on short jail terms, and to estimate the cost savings that the City experiences through operation of the project.

The Community Service Sentencing Program has been refined over the developmental period, as data from the research has become available. The final research report was published in this contract year, by Rutgers University Press (Punishment Without Walls: Community Service Sentences in New York City, by Douglas C. McDonald; Introduction by Norval Morris.)

The report below summarizes Vera's development of the program, the adjustments made to its design and procedures on the basis of research findings, and the major features of what has been learned about the program's effects.

1. The Pilot

One of the most promising ideas for alternatives sentencing is the imposition of a certain number of hours of unpaid work for the community's benefit, in lieu of incarceration. In practice, this concept has been widely embraced but has at the same time been diluted to the point where thousands of such sentences are imposed yearly in this country and virtually none of them are imposed in cases where jail would otherwise have been used. Convinced that there was nothing wrong in the concept of community service sentencing -- and much to recommend it -- Vera and the Bronx District Attorney's Office launched a pilot project in 1979, to demonstrate how to target this alternative sentence on jail-bound cases and how to administer the sentence effectively, even when dealing with the much more difficult offender group that actually gets jail: the unskilled, unemployed black or Hispanic offender who faces multiple personal problems and has a prior record.

From the inception, the project has stood outside the mainstream of community service sentencing in this country. Community service sentences customarily go to middle class, white first offenders who require little supervision and little support and who face little risk of jail. But by excluding first offenders, by proving to the court that the project could and would directly supervise the offenders' performance of their service obligations, and by proving to the court that staff could and would (either themselves or through their close working relationships with the Police Warrant Squad) secure the re-sentencing of offenders who refuse to perform their community service or who disobey the rules for behavior at the community sites, the New York City project seems gradually to have won recognition from

most judges and prosecutors that it is possible to administer a punishment -- at least this punishment -- without jailing. The implications of this demonstration, in turn, are being incorporated into the redesign of community service sentencing in other jurisdictions, both within New York State and elsewhere.

The Bronx pilot ran from the end of February, 1979, through September, 1980. In the pilot phase, 260 offenders were sentenced by the Bronx Criminal Court to perform 70 hours of unpaid service for the benefit of the community, under the supervision of project staff. They cleaned up badly neglected senior citizens' centers, youth centers and neighborhood parks; they repaired appliances and installed smoke alarms for the elderly; they helped to staff recreational programs for retarded children, and painted and repaired community facilities and playgrounds; and they performed other useful work in one of the most service-needy areas of the city. Some continued to volunteer their services after completing their court-imposed obligations.

The evidence was strong that the pilot met its goal of restricting the use of this new sentence to those who would have served short jail terms. Eligibility criteria, established before the pilot began, ensured that all of the 260 had been convicted as adults at least once before; as a group they averaged 2.5 prior convictions; a third had been convicted of a felony some time in the past; over half received the community service sentence in a prosecution commenced by arrest on felony charges (all property offenses); 95% were black or Hispanic; and almost all were unemployed at the time of the arrest and conviction that led to their being sentenced to the project. This is the profile of the jail-bound group in New York City. Additional evidence that the pilot project reached a group of offenders who faced a substantial risk of jail emerged from the resentencing data: although almost 90% completed the community service sentence, the rest were referred back to court to be re-sentenced; almost all were given jail sentences on the underlying convictions.

For the nearly 90% who satisfied the conditions of their community service sentences, the pilot staff offered assistance in finding jobs, housing, and educational or other social services. This appears to have been essential for the offenders who did use the experience of making restitution by community service as a starting point for a change from petty property crime to a legitimate income and life-style. Few of the 260 had any past experience of steady employment, though most were in their mid-20s (they ranged in age from 16 to 45); at least a third were having evident problems with drugs, and others needed treatment for alcoholism; some were illiterate and few scored above elementary grade levels on reading and math tests. (The case

summaries appended to the full report of the pilot project more clearly convey the need of this Criminal Court population for basic services of all kinds.¹) Staff provided emergency assistance to those who could not perform the sentence without it. In addition, two-thirds of the project participants accepted help in formulating and carrying out post-sentence plans; each was referred to at least one agency or employer (half had two or more appointments set up for them). Although only 50% of these appointments were kept, some did go on to get jobs, stipended training, or treatment.

The pilot showed that in many cases which would otherwise end in jail time of up to 90 days, the court could view the community service sentence as a suitable alternative penalty for the offense, and that nearly all who got the sentence would, if properly supervised, perform it. The result was to introduce into regular use a new penal sanction--one that is more positive, less burdensome and less costly than jail time, but more burdensome, more likely to be enforced, and, thus, more credible than the previously existing "alternatives" to jail.

2. The Demonstration

As a result of the pilot, the City asked Vera to manage a formal demonstration project in community service sentencing. It began on October 1, 1980, with a slight expansion of the Bronx operation and the laying of groundwork for a Brooklyn replication. The Brooklyn office opened in December. In the Spring of 1981, when the swelling volume of short-term prisoners presented the City with an over-crowding crisis on Rikers Island, Vera was asked to expand the project further, towards a capacity of 1000 sentences per annum, and to adapt it to the Manhattan Criminal court as well.

The City allocated up to \$610,000, matched by \$150,000 from the Edna McConnell Clark Foundation, for this larger effort. Expansion in the Bronx and Brooklyn began and a Manhattan project got up and running at the end of September, 1981. For Fiscal Year 1983-84, the City held its financial support constant, and New York State added \$250,000. By FY 1986-87, the State share has increased to forty-five percent of the total budget -- now \$1,344,763 -- adding allocations to strengthen the program's central administration as well as to expand the program to cover the borough of Queens. This financing has permitted the program to steadily build supervision capacity. Program capacity has reached 1300 sentences per year, at an average cost per sentence of about \$1000.

¹ The New York City Community Service Sentencing Project: Development of the Bronx Pilot (New York: Vera Institute, 1981).

To protect the integrity of the community service sanction and to ensure its usefulness to the courts, project staff are rather vigorous in their enforcement efforts to secure compliance with the terms of the sentence. First, all reasonable assistance is offered to offenders to aid them in completing their 70-hour terms (e.g., emergency lodging, detox, nutrition and health services). Phone calls, warning letters and visits to the homes of participants who fail to report to the service sites as ordered exact compliance in most cases; when these efforts fail, a letter is presented to the court alleging non-compliance, and asking that the case be restored to the calendar for resentencing. Close cooperation from the Police Department Warrant Squad helps to bolster the project's ability to return most violators to court. In the majority of delinquent cases, project staff are able to arrange to have the offender brought back before the original sentencing judge.

Once violation of the community service obligation has been established, the judge resentences; the new sentence may be chosen from the full array of sentencing options the law provides for the original conviction. Because most of the offenders sentenced to community service complied, because at least two-thirds of the offenders who failed to comply were returned to the court for resentencing, and because 8 out of 10 of those so returned received jail terms, the program's enforcement record continues to encourage compliance by a difficult-to-manage offender group. This record, in turn, encourages judges' continued use of the sentence in cases where punishment is a priority for the court. Only six percent of the offenders sentenced to perform community service under project supervision have so far escaped full punishment; 94 percent have either completed their term of unpaid, supervised community service or have been jailed upon being returned to court to answer for the violation.

3. Impact Analysis--Methods Used

Vera's Research Department has now completed a study of the impact of this project on the demand for jail cells at Rikers Island. However successful project operations may be, the bottom line questions are: how many of the offenders sentenced to community service would, if the projects did not exist, have been sentenced to jail, and for how long? And, to what extent has operation of this alternative sentencing program affected the level of crime in the City?

From the beginning of the pilot project through August 1986, 5,011 offenders had been sentenced to perform community service under the project's supervision. The profile is still that of a jail-bound group: those sentenced to community service

average 10.8 prior arrests and 7.8 prior convictions, and 65 percent had received a jail or prison term on their last conviction.

But knowing that the profile is similar to the profile of offenders drawing short jail terms is not enough. The most certain method of determining how, if the community service sentence had not been available, the courts would have disposed of the cases of offenders sentenced to community service would be to establish randomly-selected experimental and control groups. Although this method yields the least ambiguous results, it would require randomizing the sentencing options available to judges in paper-eligible cases. In the Criminal Court sentencing context, such a procedure raises problems that would be at least difficult to overcome, and implementing such a procedure might so distort the normal decision-making process as to render any findings questionable.

In lieu of a classical experimental approach, the Vera Research Department developed a method involving a retrospective statistical analysis to determine how the courts reached the decision to jail or not to jail in cases similar to those in which community service sentences were in fact imposed. With the aid of a computer, a number of statistical models were developed to find the set of statements which most closely predicted the actual proportion of defendants jailed, out of a test sample of defendants who were, on paper at least, eligible for sentencing to the program. These models were then used to estimate the proportion of community service participants who would have received a jail sentence if the community service sentencing option had not been available to the court.

The population used to develop and to test these statistical models consisted of a pool of criminal court defendants who were initially screened as eligible for community service by project court representatives, but who were subsequently dropped from consideration for a variety of reasons. The utility of a model that predicts the sentences of "rejects" can be seen more clearly by examining the screening process that generates the pool of defendants from which rejects and project participants are both ultimately drawn. Initially, cases are culled from the daily court calendars on the basis of appropriate charges--these being the basic range of property and theft offenses which lack elements of threat or violence against the person. The court papers for such cases are then searched for a variety of factors which help to determine first-cut eligibility: indicia of jail-boundness (e.g., a record of prior conviction, pretrial detention status, markings by judges or assistant district attorneys as to the plea offer); reliability of the defendant, indicated by his or her community ties; and a determination that the defendant does not have a recent and significant record of violent criminal behavior. Once this check of threshold eligibility has been

made, the data about eligible candidates are entered on the project's MIS forms, from which they enter the research data base.

Discussions are then held with defense attorneys, assistant district attorneys and defendants. At any of these stages, the case may be rejected from further consideration. Eligible defendants wind up in the reject pool for many reasons: ADAs may indicate that a case is not substantial enough to warrant a community service sentence or may so strongly insist on a heavier sentence that community service is effectively barred. Some defendants may be dropped because they have pending Supreme Court cases which ultimately yield a negotiated settlement to cover the Criminal Court case. Other defendants, or their counsel, turn down the suggestion of community service because they prefer to try for a more favorable disposition. Probation officers may object to a defendant taking the plea offer if he is already on probation, demanding that the court impose a stiffer sanction. Judges sometimes reject plea recommendations involving community service and impose other sentences, both lighter and heavier. The project's court representatives themselves may decide to reject a defendant because, upon further investigation, they decide he has a pattern of past violence or a current problem with drugs or alcohol that is severe enough to pose an unacceptable risk on the community service sites. Some cases are simply lost as happens when a case is held over for a night arraignment.

Because of the complex way the pool of eligibles is separated into the two separate pools (participants and rejects), those who end up as rejects do differ in various ways from those who are ultimately sentenced to community service. Therefore, a simple projection, onto the participant pool, of the dispositional pattern found to occur in the cases of rejects is not a sound method of measuring the proportion of participants who would have drawn jail sentences in the absence of the project.

But the reliable research strategy followed by the researchers on this project does not require an identical composition of the participant pool and the reject pool. What matters is that there be a good deal of variation in the reject pool, both in the characteristics of the defendants and in the types of dispositions reached in their cases. This variation is needed so that one can construct statistically the set of predictive statements (expressed in mathematical form) that best predicts how the cases were disposed by the courts. Fortunately, the program's reject pool was sufficiently varied for these purposes.

The predictive models were built by testing many "what if" propositions to find the one that best fits the actual pattern of jail/no jail dispositional decisions. For example, what if the courts systematically imposed more severe sanctions upon defendants who had heavier criminal records, higher charges, more

recent convictions, and were older? Furthermore, what if the prior record were 5.7 times more influential in this result than the level of the charge and 3.2 times more important than the recency of last convictions. Fortunately, using a computer speeds up this modelling process; one can quickly test a number of different combinations of predictive variables, and the computer is programmed to generate for each combination the estimated weight given to each variable.

The first step was to identify factors found to be associated with going to jail so that they could be included in the modelling process. For the first round of impact research performed during the evolution of the Community Service Sentencing Project, rejects whose cases were screened by project court representatives in the three initial boroughs between October 1, 1981, and September 30, 1982, were measured along a number of different dimensions, and the statistical correlation between each of these dimensions and the disposition reached was examined. For the purpose of this analysis, outcomes were categorized either as "jail" or as "non-jail" (i.e., all other dispositions combined, including dismissals). "Time served" was conservatively classified as a non-jail disposition. Cases not reaching final disposition in the Criminal Court (those transferred to other courts) were omitted.

Dozens of characteristics were tested for their association with jail sentences, including numerous features of the prior criminal records, the charges, the socio-economic backgrounds of defendants, and the various characteristics of the adjudication process (such as the time between arraignment and disposition, the defendant's pretrial detention status, and the type of court part where the case was disposed). Many of these factors were correlated with going to jail, but were also correlated with each other. By a process of elimination, a statistical model was built to predict the sentences for each borough's rejects which was both parsimonious (having the fewest number of predictive variables) and most strongly predictive of actual dispositional outcomes.² Although the models varied from borough to borough,

² In technical language: a best-fitting linear logistic regression model was constructed using a procedure developed by Frank Harrell (SAS Institute, Inc.: Cary, N.C., 1980). This general class of multivariate techniques was originally developed by economists to model the way the economy works, although the sub-species used here was elaborated by bio-medical statisticians interested in determining the effects of drugs on various kinds of physiological actions. Logistic models are best suited to situations in which what is being explained has a dichotomous form, such as jail/no jail. The mathematical form of the model is as follows: Y denotes the dependent variable (jail=1, no jail=0) for the n th observation. The vector of the independent, or predictive variables, for the n th observation is $X_{n1}, X_{n2}, \dots, X_{np}$. Furthermore, $X_n B = X_{n1} * B_1 + X_{n2} * B_2 + \dots + X_{np} * B_p$ in which

the variables found to be useful included: number of prior arrests, time since last conviction, time between arraignment and disposition, whether or not the last prior conviction resulted in a jail sentence, and pretrial detention status at the time of sentence on the current charge. In Brooklyn, a model was developed that predicted 80% of the actual decisions; in the Bronx, the model predicted 87% of the decisions; and the best model that could be developed for Manhattan predicted 78% of the jail/no jail decisions.

The models were then applied to the pool of eligibles who became participants, to estimate the proportion of those sentenced to community service who would have gone to jail in the

$B=(B_1 \dots B_p)$ denotes the vector of regression parameters. The assumption of the model is that the probability that Y_{n-1} is 1/(1-exp(- $X_{n-1}B$)). Here X_{n-1} , so that B_1 is the intercept parameter.

For simplicity's sake, the methodological description in the text above omits a step of some importance. The reject pool was randomly divided into two halves, and models were constructed using only one-half of the pool. What appeared to be the best model was then tested on the other half to see if, indeed, the model did have substantial power to predict successfully whether the reject was or was not sentenced to jail. Models were developed in each borough which were successful predictors, and they were then used to estimate what would have otherwise happened to community service project participants.

The models were constructed in each borough using only those rejects whose cases were disposed of in the post-arraignment parts. The 10% of rejects whose cases reached disposition at arraignment could not be folded in with the post-arraignment rejects because they differed in two important respects. First, almost all defendants were held in pretrial detention at arraignment, and there was consequently no relationship between detention and sentence for these cases. Second, because arraignment and disposition always occurred on the same day for this group, no correlation could exist between the time to disposition and the severity of sanction. What the researchers derived, therefore, was a model in each borough which best predicted the outcomes of the majority of the cases which were disposed of in post-arraignment hearings. This probably has no bearing on the utility of the model for predicting what sentences participants would have received had they not been sentenced to community service at arraignment because, these offenders given their prior records, would most likely have had their cases put off for subsequent appearances had they not taken the plea to community service. It is likely that, in these later hearings, their cases would have been disposed of in the same fashion as were the rejects' cases.

absence of the program. The computer went through each participant's case, weighing each predictive variable as specified in the model for the borough in which the case originated, thereby producing an estimated probability of that offender being sentenced to jail.

Some adjustments were applied to the estimates created in this fashion to account for error. This was necessary because the models developed to predict dispositions in rejects' cases were correct only in 78% to 87% of the examined cases. The probability and direction of error in the original model were measured, and a procedure derived from Bayes' law was devised to account for the errors in these models and in their derived estimates.

4. Impact Analysis -- First Year Results

When these models were applied to the offenders sentenced to community service in calendar year 1982, it appeared that 44 percent would have been sentenced to jail. (Ignored in this estimate of jail displacement were the additional offenders who would have received "time served" jail sentences had they not been sentenced to community service; they were counted as "non-jail" dispositions.)

Having fixed, at 44%, the program's rate of displacing jail sentences in calendar year 1982, it was possible to use the same data base to estimate the average length of the jail terms that would have been served after taking account of credits for pretrial detention and good time) by the project participants who would have been sentenced to Rikers Island. In calendar year 1982, the program freed up an estimated total of 48 cell/years in the Department of Correction's supply of cells for sentenced inmates.³ The project's operations also reduced demand for deten-

³ A reliable estimate of the jail time community service participants would have served was developed from a simple analysis of the sentences imposed on the jailed rejects who were in the data base from which the jail displacement models were developed. During the October 1, 1981 - September 30, 1982 period, rejects who were sent to jail were given sentences that averaged 68 days in the Bronx, 70 days in Brooklyn, and 115 days in Manhattan. For the sake of deriving an estimate of time actually served, it was assumed that all inmates would have been given full credit for "good time" at the rate of one-third off the definite sentence. (This yields a conservative estimate of time actually served, for a portion of those sentenced to jail lost good time credits for misbehavior and thereby serve a larger portion of their court-imposed sentence than is being counted here.) The number of pre-trial detention days which were served before sentencing was computed and subtracted from this definite sentence-minus-good-time figure. After these adjustments were made, the time actually spent in jail by jailed rejects, sub-

tion cells because defendants sentenced to community service spent less time in the system waiting disposition. An estimated 17 cell/years were freed up in calendar 1982 by the project's impact on time to disposition.

Thus, the total number of cell/year saved by the project's displacement of defendants from Rikers Island could be estimated, with reasonable reliability, at 65 cell/year in calendar 1982. Attaching a dollar value to the reduced demand for jail cells is difficult. With Rikers Island at capacity, the easiest method (but one that inevitable overstates the economic value to the city of this impact) is to reckon the costs avoided as 65 new cells not built, at roughly \$100,000 per cell, or \$6.5 million. In addition, the services provided to the community through the unpaid labor of offenders sentenced to the project in 1982 can be valued at roughly \$200,000.

5. Impact Analysis - Calendar Year 1985 Results

With the impact analysis in hand, the underlying body of new knowledge about the dispositional process in each borough (and the factors most powerfully predicting jail sentences there) permitted each project manager to try to adjust the program intake procedures so as to meet or better the program objective of 50% displacement from short jail terms. The computer modeling process had revealed marked differences in the rate of jail displacement between the boroughs -- the City-wide rate for 1982 was actually the result of jail displacement rates ranging from 20% in the Bronx, to 28% in Brooklyn, to 66% in Manhattan. In 1983, the focus of efforts to make the program more uniformly efficient as a mechanism for reducing pressure on the jails fell on the two boroughs with the lowest jail displacement rates.

Research staff provided the project managers with profile data, from each borough's reject pool, which helped them to distinguish (within the class of recidivist property misde-meanants) those likely to get jail sentences and those likely to "walk". More detailed case screening criteria were drawn from these profiles. For example, because very few of the 1982 jailed rejects had been at liberty at the time of sentencing, the projects'

sequent to sentencing, in 1983, was estimated at an average of 38 days in the Bronx, 49 days in Brooklyn, and 63 days in Manhattan.

It is valid to assume that those program participants who would have been sent to jail in the absence of the community service sentence would have been given sentences of similar lengths. This is because the reject and participant populations were nearly identical in those characteristics which were found to be at all correlated with sentence length.

court representatives were instructed to avoid initiating project consideration of defendants who had been ROR'd at arraignment. Similarly, where factors such as length of time since last conviction, or length of prior record had been found to be powerfully predictive of dispositional outcome, borough-specific standards for these factors were developed to assist court representatives to weigh the likelihood of jail sentence in a particular case.

As was hoped, the new screening standards soon resulted in a marked shift in the profiles and case characteristics of offenders receiving the community service sentence in the Bronx and Brooklyn. As a result, the 1983 program participants' profile more strongly resembles the profile of the jailed rejects from the research pool. To test whether these changes in intake procedures did, in fact, improve the jail displacement impact of the program, the researchers undertook a second modelling process for one borough--the Bronx--and the results showed substantial success. The jail displacement rate there rose from 20% to 52%.

In 1984, the program management staff, using the same techniques developed by the research department for the evaluation effort, completed a remodelling process for the other two boroughs -- Brooklyn and Manhattan -- and, using that data, can project the overall gains in displacement with accuracy for 1985. In Brooklyn, application of the remodelling technique shows that screening standards drawn from the research findings are currently yielding a displacement rate for that borough of fifty-five percent; in the Bronx, current displacement is running at fifty-six percent, and in Manhattan, the statistical analysis shows current displacement at 59%.

Since operation in all three of the boroughs where the program has been operating for some time have now been re-examined using the modelling technique, the current city-wide rate at which community service sentences are displacing short jail terms can be fixed, by applying the borough displacement rates to each borough's 1985 intake. Then, with reference to the average pretrial detention time and average sentence length for the reject groups, the number of cell/days saved on each community service sentence can be calculated and the results aggregated. The result of these estimating calculations is that 115 cell/years were saved by project operations in the Bronx, Brooklyn and Manhattan in calendar year 1985 -- 61 cell/years were saved by jail sentence displacement and 54 cell/years were saved in reduced pretrial detention time. The Queens borough project was established in August of 1985 and, since that time, intake has been increasing steadily. However, the participant and reject pools have not yet grown to the volume necessary for application of the modelling technique that was used to measure the jail-displacing impact of the other borough projects. To get

a rough estimate of Queens cell/year savings, the displacement rate for Queens cases was assumed to be fifty percent; that assumption is reasonable because participant and case characteristics found to be related to "jail-boundness" in the other boroughs were virtually identical for the Queens offenders sentenced to community service during the year). Estimation of pretrial detention time and sentence lengths for Queens cases was accomplished by simply averaging the figures for the other three boroughs. Adding the results of these estimates to the city-wide calculations above, the cell/year savings increase by twenty-six, bringing the over-all savings of jail cells to 141 for 1985.

In light of the roughly \$40,150 of operating costs incurred per cell in the City's jails today, the program might be considered to have permitted the City to avoid \$5,661,150 in the DOC operating budget.⁴

Of course if, in the absence of the program, the City were forced to increase new construction to provide 141 additional cells, the resulting costs would run much higher. In this context the program can be seen as averting expenditure of as much as \$14,100,000 in capital outlays (assuming a construction cost of roughly \$100,000 per cell).

In addition to the cost savings produced by the program's displacement of short jail sentences, the unpaid labor provided by supervised offenders, at no cost to the City's low-income neighborhoods, represents a further benefit which can be expressed in financial terms. Valued at a rate of five dollars per hour (a generous discount from union-scale wages for comparable labor) the approximately 69,000 hours of supervised labor performed by program participants during the current fiscal year will produce \$345,000 worth of services for the benefit of the community.

6. Impact on Crime

Meanwhile, research attention has also been devoted to recidivism data. The pattern of offending for the petty recidivists who draw short jail terms in New York City is pretty clear. About half are re-arrested within six months of release from jail. It turns out that these rates are not much affected by the

⁴ Edward I. Koch, "Message of the Mayor: The City of New York Executive Budget, Fiscal Year 1986" (Office of Management and Budget: May 3, 1985), p. 69. This report estimates the cost per jail day (including pensions, debt service, fringe benefits and all associated personnel and OTPS costs) at \$110.

nature of the punishment imposed: Being punished by community service does not make boy scouts and virgins out of petty recidivists, but neither does jailing them.

That a large proportion of project participants are rearrested again within a relatively short period of time after being sentenced to community service is disappointing, but not surprising. In designing the project, Vera's planners had few illusions about the ability of a term of community service to change offenders, thereby reducing their criminality. Nobody expected a short stint of community service to produce a dramatic rehabilitation, although they were less certain of what the sanction's educative effect might be. The project was not conceived of as a crime control tool, but rather as a deserved punishment for persistent petty crime.

There was yet another reason why some recidivism had been expected. The project was explicitly created as an alternative to short jail sentences, and offenders who are most likely to have been sent to jail in the absence of the project are also those most likely to be rearrested again. This is especially true with petty property offenders, the very group that the Vera project focusses on. Had project managers chosen to concentrate their resources on first offenders, a very large proportion of those sentenced to community service would undoubtedly have gone straight and would not have been arrested again in the future. However, such a project would do nothing to relieve the pressure on the City's jail system because first offenders convicted of misdemeanor property crimes are rarely given jail sentences.

The Vera Research Department's evaluative research revealed that, in the borough of Manhattan (where recidivism rates were highest), 51% of those sentenced to community service between September 1981 and March 1982 were rearrested within 180 days of being sentenced to the project.⁵ A very small proportion of them were rearrested for offenses involving injury to others; the vast majority were for relatively minor theft-related crimes. To explore whether fewer arrests would have occurred if jail terms had been imposed instead of community service, the researchers compared the rearrest rates of these offenders with those of a similarly-defined population that had received jail sentences instead of community service orders. They found that 49% of those released from jail were rearrested within 180 days of their release, indicating that jail sentences apparently do not deter this class of petty offenders from further crime any better than

⁵ Douglas McDonald, Punishment Without Walls? Community Service Sentencing in New York City (Rutgers University Press, 1986).

do sentences of community service.⁶ Despite the apparent sad equivalence of the longer-term deterrent and rehabilitative effects of community service and short jail terms, for this group of offenders, it was obvious that some proportion of the crimes committed by those sentenced to community service would have been averted if the offenders had initially been jailed instead. (The importance of this question is reduced, but not eliminated by the fact that the periods of incapacitation for the petty recidivists who are jailed -- 30, 60, or 90 days -- are very short, and the crimes they commit upon release are almost entirely non-violent and at the lowest end of the economic scale.)

In 1984, project managers began to consider new ways to try to reduce the frequency of post-sentencing recidivism. Rather than trying to "change" petty recidivists by altering the nature of community service sanction itself, they aimed to screen out those most likely to commit more crimes shortly after sentencing, leaving it to the courts to dispose of them in other ways. This posed some difficult issues, however. How can one determine who is more likely to commit crimes in the future? Managers decided to screen out offenders whose arrest records indicated an active theiving life-style in the very recent past. Of course, most of the defen-dants who had been considered eligible for the project had long arrest records (more than half had been arrested eight or more times since turning sixteen). Furthermore, those with longer arrest records were also more likely to receive jail sentences. The project's managers could not draw the screening line too low, because doing so would sacrifice one of the project's prime objectives: to have the community service sentence imposed in cases where short jail terms would have been ordered in the absence of the community service sentencing option.

The project conducted a fairly detailed research effort to see if a set of screening rules could be designed to screen out the offenders most likely to be active in the period right after sentencing on the current case. The Vera Research Department was asked to draw a large sample of program participants who had been sentenced to the project recently, and to apply a number of different screening criteria to them to test the power of these different criteria in reducing the rates of subsequent criminality among these left in the pool. The Research Department was also asked to estimate, for each possible set of screening criteria, the impact on the project's "displacement rate" -- the proportion of participants who would have gotten jail in the absence of the program's intervention. Researchers began by searching for characteristics that were associated with being arrested in the months immediately following sentencing to the program, and then

6 Ibid.

constructed various selection criteria based on those identified characteristics.

A comparison of the results of the different criteria pointed to a formula which both preserved the program's displacement rate and kept the pool of eligibles as large as possible, while winning a modest reduction in subsequent recidivism. This rule provides that where an otherwise eligible defendant has a record of more than 12 prior arrests and, at the same time, one or more arrests within the previous 60 days, he or she will be excluded from consideration for program participation.

Although the exercise was relatively sophisticated, the Research Department was unable to develop any predictive rules that reduce more than ten percent the rate of post-sentence petty offending by those sentenced to community service. It is simply very difficult to determine which of the relatively active low-level offenders who comprise the sentence's target pool will or will not be rearrested in the near future. Nevertheless, the rule described above has been implemented in all four borough projects. Project staff, in the second half of the last fiscal year, therefore began making programmatic adjustments to increase the role of each borough's support services coordinator and the intensity of the services provided to sentenced offenders during and after performing the required unpaid community work. The hope is, by better tying offenders to jobs and other elements of legitimate life-style by the time they complete community service, to drive the re-arrest rate among them well below the re-arrest rate of those with similar prior records who are sentenced to short periods of incarceration.

B. Community Service Sentencing -- Research and Evaluation

Until the New York City Community Service Sentencing Program, very little attention had been given to evaluation of such sentencing programs, even though their use in some jurisdictions stretches back to the late 1960s. By evaluating the courts' use of the sanction as it was designed and implemented in New York City, and its effects on those ordered to serve it, Vera's Research Department expanded the field's understanding of this alternative sentence, its suitability for recidivist property offenders, its impact on the offenders themselves, and the dynamics of sentencing in the Criminal Court. The research effort continued for four years, throughout the period of the project's expansion into the Brooklyn and Manhattan courts, and culminated with the publishing by Rutgers University Press in the summer of 1986 of Punishment Without Walls: Community Service Sentences in New York City, by Douglas Corry McDonald, Project Director and Senior Research Associate at the Institute.

Introduced by a foreword written by Norval Morris, retired Dean of the University of Chicago Law School and one of the nation's leading criminologists, the book traces the development of community service in this country and abroad and examines the historical context within which the practice emerged. It then turns to a close examination of the New York City experiment, as it was operating in first three boroughs. Relying on a statistical analysis of judicial decisions in more than a thousand cases, and augmented by interviews with judges and attorneys and many hours of in-court observation, the research staff developed an innovative methodology for assessing the impact of sentencing reforms, described in the preceding subsection of this Status Report.

The research methodology they developed permitted relatively precise measurement of the the extent to which the program's objective was achieved: the imposition of community service not only in cases where less punitive non-incarcerative sanctions would have been imposed but also, in at least half of the cases sentenced to community service, where short jail sentences would have been ordered. The research results also permitted calculation of the costs and benefits of the altered sentencing practices in each borough.

The study also explored the offenders' perceptions of the community service sentence: Do they see it as a fair response to their law breaking? Do they feel they are being punished even though they are not sent to jail? Do they feel they are making restitution to their victims, or is the connection between their service to the larger community and the victim's loss too tenuous to be observed? These and other questions were examined systematically in interviews with nearly one hundred convicted offenders sentenced to perform community service.

The sentences' effect on subsequent criminality was studied by monitoring whether or not offenders were re-arrested within six and twelve months of being sentenced to community service by the Bronx, Brooklyn, and Manhattan Criminal Courts. To compare the relative crime control effect of community service and imprisonment, the re-arrest patterns of offenders sentenced to community service were compared to those of persons with virtually identical records who were sentenced to jail and then released.

Having a sophisticated professional evaluation effort underway during the critical development period of this demonstration project was very unusual, but research findings contributed directly and substantially to the success of the project itself. Because the Research Department needed a well organized data base, containing detailed information about the project's opera-

tions and the courts' workings, the researchers developed for the project a computerized management information system. It turned out that this relatively sophisticated system provided the project managers with the data they needed to monitor the progress, and in some instances, the difficulties, experienced by the project in each of the first three boroughs. Indeed, this management information system served, in 1985-86, as the prototype for a series of similar systems (designed by Vera, the Office of the Coordinator of Criminal Justice, and the State's Division of Probation and Correctional Alternatives), for use by the other "alternatives to incarceration" programs getting underway in the City and across the state.

The development of this management information system, and the Research Department's reporting to the project's management of the early research findings, provided the project managers with the information they needed to correct intake criteria each of the boroughs and, thereby, to meet jail-displacement goals, as described in the program narrative above.

Copies of Punishment Without Walls have been distributed to interested judges, prosecutors and defense attorneys in the New York City System, and to personnel at the Office of the Coordinator of Criminal Justice and the Office of Management and Budget who have been involved in development of the program and specification of the research questions. (In 1984 and 1985, earlier manuscripts drawn from this research effort were distributed in the same quarters.)

C. Technical Assistance to the City and the State on Monitoring and Evaluating Alternatives to Incarceration Developed Under a New State Initiative

The correctional facilities in the State of New York, both at the state and the local level, have suffered from chronic and serious overcrowding. To develop State responses to this problem, the Governor established a Task Force on Alternatives to Incarceration. Vera staff was represented on and worked with this task force in 1983 and 1984. In major part as a result of the work of this task force, the State legislature amended the Correction Law, the New York City Criminal Court Act and the Executive Law (Chapters 907 and 908, in the Laws of 1984), to provide financial and other support to local correctional agencies in the development of alternatives to incarceration. The legislation states:

The existence of programs which offer alternatives to pretrial detention and alternatives to incarceration upon

sentence are essential if our courts are to have suitable options other than incarceration at both the pretrial and sentencing stages. Such programs simultaneously protect the community, foster law-abiding behavior for offenders and represent an important component in the overall approach to the overcrowding problem. Such programs are integral to effective criminal justice planning and represent both sound penal and cost-effective fiscal policies.

In order to promote the development of alternatives to local incarceration, the State authorized the Division of Probation and Correctional Alternatives (DPCA) to make awards to units of local governments. Counties receive the funds through a contractual process with the State, after submitting and securing DPCA approval of a local community corrections service plan. For the first year, 43 counties submitted plans, which proposed 60 alternative programs. Each plan contained: an analysis of the jail population, an analysis of recent overcrowding problems, a summary of existing alternatives programs, and specific proposals for the use of State aid, including a description of services to be provided, characteristics of the target populations, steps to be taken to identify eligible participants, and the goals and objectives to be accomplished through the programs.

The Division, in turn, is responsible for: the initial allocation of monies to the various counties, in response to the proposals received; monitoring the local programs and related activities of the counties; evaluating the success of the legislation in terms of its impact on reducing jail overcrowding; and reporting to the legislature. The specific reporting requirements for DPCA were also outlined in the legislation as follows:

Such report shall include, but not be limited to, the status of the development of such plans, the approval and implementation of such plans, the success of the programs in terms of their utilization, effect on jail population and sentencing decisions together with any recommendations with respect to the proper operation or improvement of planning and implementation of effective alternatives to detention and alternatives to incarceration programs in counties.

In February, 1985, the DPCA asked the Vera Institute to assist in developing a system for monitoring and assessing the implementation and effects of alternatives programs and projects supported with State funds. New York City was to receive (and continues to receive) several large grants from DPCA. Therefore,

the Office of the Coordinator of Criminal Justice and Vera have an interest in DPCA's administration of the State's effort to develop effective alternatives. The interest is not confined to how the State's monies are spent and how the programs are monitored in the City; because New York City is interested in learning, from experimentation elsewhere, what works and what does not work as an alternative to incarceration or detention, the City has an interest in the State avoiding grants for programs that are poorly designed or cannot be subjected to monitoring and research of that kind that produces useful knowledge. Thus, in an effort to help improve the State's administration of this program, and to increase the useful knowledge flowing to the Coordinator's Office from the monitoring of projects in the City and elsewhere in the State, Vera accepted a small technical assistance contract (approximately \$25,000) from DPCA to help finance work on appropriate administrative procedures and monitoring evaluative data-collection schemes. Staff began work under the contract in September, 1985, and completed it in May, 1986. A representative of the Coordinator's Office participated throughout.

In developing a monitoring system that would adequately capture all of the necessary information about the diverse programs being funded under the Alternatives Bill, Vera's first task was to develop and get consensus on the specific program models into which such programs could be categorized. Vera staff determined that the 60 different programs being funded by DPCA could be categorized into six general program types, as follows: pretrial services, community service sentencing programs, management information systems, defender-based advocacy programs, services for special offender groups, and other post-conviction non-custodial alternatives. DPCA was not interested in Vera working on a monitoring system for projects only developing management information systems, so that program type was dropped. As Vera's work on monitoring systems for the different programs progressed, it seemed most efficient to combine the last two program types into a single group -- special alternative programs. Thus, the monitoring system designed by Vera used four program types: pretrial services, community service sentencing, defender-based advocacy, and special alternative programs. (New York City operated projects in three of these program areas.) The monitoring system developed by Vera established uniform reporting requirements for all projects in each program area.

The information to be reported concerned: the demographic characteristics of persons considered eligible for each project and of those who actually enter it; the sources from which the cases are referred; the nature of the charges for project participants and rejects; the criminal history characteristics of participants and rejects; the number of people who are terminated successfully and unsuccessfully from the project, and a general

description of the reasons for termination; the number who are referred to other agencies for services and the kinds of services which are sought through such referrals.

In addition, all projects were asked to provide narrative descriptions of the program design and the process of implementation. All of this information is to be reported to DPCA on a quarterly basis for participating offenders or defendants during the quarter, and cumulatively for all those handled during the year. To assure that the critical pieces of information were collected according to uniform definitions, all projects are to be required to complete a Case Monitoring Form (CMF), designed by Vera and promulgated by DPCA, on each person considered eligible for participation. Those forms will create the data base from which quarterly reports are prepared and will be maintained by the project operators for use in later evaluations.

Vera's staff then designed the coding manuals and related forms, working in conjunction with DPCA staff and staff from the Office of the Coordinator of Criminal Justice. Both the CMF and the reporting forms in each program area were then edited further by DPCA and sent to the City and to County planners and program operators in May, 1986.

The monitoring system should provide a variety of benefits to officials of both local and state government, including:

- a) It requires project operators to collect and reflect on performance data. This process should sharpen their awareness of project deficiencies and stimulate the development of corrective strategies.
- b) The same information will alert the Coordinator's Office and DPCA staff to those projects in which implementation deviates significantly from the expected design or schedule and, thereby, provoke corrective actions.
- c) Officials on both levels of government will be able to examine the characteristics of those taken into the alternative projects and to estimate the extent to which the population might have been incarcerated in the absence of the project. Over time, this process should lead to a series of adjustments in the projects' intake criteria and procedures, to increase the degree to which they function as jail substitutes.
- d) Project operators, the Coordinator's Office and state officials will be provided with a measure of unsuccessful terminations and rearrests. This information will be useful for considering modifications in the project's intake, supervision and service procedures.

- e) DPCA staff and the Coordinator's Office will be able to compare similar projects operating in different criminal justice contexts or using different supervision or service techniques. This kind of analysis will help inform the design of new alternatives to incarceration and detention, or the re-design of existing ones.

This development of a uniform, rational monitoring system is not, by itself, adequate for assessing the proportion of any project's participants who would have been incarcerated in its absence, or the comparative rearrest rates among any project's participants and a comparable group of subjects handled in other ways by the criminal justice system. These evaluative questions are of critical importance to both the City and the State. Therefore, Vera staff prepared a memorandum offering a number of recommendations for constructing a system of program evaluations. The memorandum identifies the purposes for which an evaluation system is needed, the essential evaluative questions that must be addressed, and alternative approaches to designing and executing such evaluations. Finally the memorandum outlined how DPCA or the City could implement such evaluations while assuring that the uniqueness of each local project is respected.

D. Use of Fines as a Criminal Sanction - National and Cross-National Research

1. The Research Context

With all the research done on the American criminal justice system over the last 20 years, including a great deal of work on criminal penalties, the fine as a sanction has been virtually ignored despite indications that it is used a great deal, for a wide variety of offenses and offenders. In response to concern about this knowledge gap, expressed at the national level by the National Institute of Justice and at the local level by the Coordinator of Criminal Justice, the Vera Research Department began to explore this relatively uncharted area several years ago.

In collaboration with researchers at the Institute for Court Management in Denver, and at Vera's London Office, Vera has been examining laws related to fining, court practices in the use of fines, attitudes about fine use and enforcement, and the administration of fine collection in American state and local trial courts, in U.S. District Courts, and in the courts of England, Sweden and the Federal Republic of Germany. The research in the United States has been funded by the National Institute of Justice, with additional support coming from Vera's contract with the City of New York to do a more intensive empirical study of

the City's use and enforcement of fines. The European research has been carried out under grants from the German Marshall Fund of the United States, the British Home Office, and the National Institute of Justice.

The statutory law of all 50 states and the District of Columbia, federal statutes, Congressional proposals for revisions of the law, and the body of relevant case law were reviewed. Extensive site visits were made to more than 30 courts across the country, including three U.S. District courts, to observe sentencing and enforcement activities and to interview key actors in this process about their procedures, their problems with these procedures, and their attitudes toward fine use and enforcement. In addition, through the Institute for Court Management conducted a telephone survey of 126 courts in 21 states was conducted, including interviews with court clerks and administrators about the extent of fine use in their jurisdictions, the types of offenses for which fines are used there, their collection and enforcement practices, and their attitudes toward the fine as a criminal sanction. A more detailed examination of the use of fines in New York City's Criminal and Supreme Courts was undertaken under Vera's contract with the City, involving a sample of all sentences imposed in these courts during a one-week period in 1979; the Research Department used this data base to analyze the data on all cases in which a fine was imposed, and to examine the collection efforts undertaken in these cases over a one-year period after sentencing.

Finally, because the use of fines as a criminal sanction has increased dramatically in Europe during the last century, particularly in England, Sweden and the Federal Republic of Germany, the available English and foreign-language literature on fine use and collection practices in these countries was reviewed, with particular emphasis on the innovative day fine system in Continental Europe.

Separate, detailed working papers have been prepared on each of these efforts; together they represent the most extensive body of written material on fine use and enforcement practices available in the criminal justice and legal literatures. They have been compiled as a companion volume to Vera's Final Report on the project. The Final Report, along with an Executive Summary, were published by NIJ in 1984. One working paper, A Report on an Empirical Study of Fine Use, Collection and Enforcement in New York City Courts, which was made available to local users as a Vera publication, is a qualitative and quantitative study of the fine as a sanction in the criminal and supreme courts of New York City.

The main volume of the Final Report discusses the major issues raised by the materials collected in the working papers, recommends changes in law and practice, and outlines potential

pilot efforts to improve operations of the fining system. The report is centered on an analysis of the way fines are currently used in relation to the other sentencing options, and the various philosophical and theoretical perspectives and legal and practical constraints that affect the use of fines as punishment. The report explores issues surrounding imposition of fines on poor and indigent offenders, including a review of the law, theory and practice affecting monetary penalties for the indigent and the experience of various jurisdictions with the use of work programs, property seizure and prison committal as responses to default. Because the "day fine" system of several European countries is often cited as an innovative method for imposing fines with equity, this approach is discussed at length and new data on actual operation of day fine systems is reviewed for the first time in the English language. The report also discusses the use of monetary restitution, because it raises some of the same problems as the use and collection of fines.

A key question, given the difficulties of introducing or expanding "alternative" sanctions (discussed in the Introduction to this Section 5 of the Status Report) is the extent to which fines have proved to be, or could be made to be, enforceable. The Final Report discusses what has been learned about fine collection practices in American courts and the extent to which our courts have effectively focused their efforts on enforcement and on the variety of enforcement methods statutorily available. The role of jail as a fine enforcement tool (the "miracle of the cells"), and its use as a fall-back punishment in cases of fine default, is important in this context -- and problematic. But by describing the extent to which various court systems are currently attempting to enforce fines without recourse to jailing defaulters, some ideas for policy and pilot programs are beginning to surface, and the report contains a full chapter presenting recommendations for improvement of practice both in the use of fines and in their enforcement.

This work is of continuing interest in the New York City context, not only because fines are much more widely used here (and more successfully collected) than many practitioners thought, but also because their enforcement does present serious administrative problems as well as an important source of revenue. In New York City, the sample of Criminal Court cases showed that 31% of all sentences were (excluding summons and most traffic offenses) fines, including 66% of sentences for those convicted of gambling offenses, 40% of those convicted of disorderly conduct and loitering, 39% of those convicted of drug offenses, 27% of assault convictions, 20% of the prostitution convictions, 16% of the theft convictions, and 14% of the trespass convictions. (Only about 5% of all Supreme Court sentences are fines, and these cases tend to be non-violent felonies involving drug sale and possession, destruction of property, gambling,

driving while intoxicated, assault without serious injury, and possession of a weapon when there are mitigating circumstances.) And fining is big business. In 1980, New York City Criminal and Supreme Courts collected almost \$4.5 million in fines, not including fine collections for parking violations and minor traffic offenses. (Much of the fines revenue is produced by relatively small fines; in Criminal Court, fines range from \$25 to \$250 with \$50 being the modal amount.)

It is harder to know how efficiently New York's revenue collection system is administered. No American court studied in the course of Vera's research, including New York City's courts, routinely generated information about the amount of fines collected as a proportion of the amount imposed; none had a record-keeping system that permitted it to do so; and no more than a handful of courts had even the most primitive automated record-keeping systems to monitor fine collections and fine enforcement efforts. However, the one-week research sample of New York City courts permits a calculation of the collection rate for the Criminal Courts, at one point in time. In this sample, 74% of the total fine amount imposed was collected by the courts within one year of sentence; of the defendants fined, 67% paid in full (46% without issuance of any warrant for failure to appear in court to pay the fine). These are stunningly high collection rates, given the popular perception that a fine is neither enforceable nor enforced, and is not a workable punishment.

Because so little systematic information exists on fine enforcement and revenue collection in the United States, Vera has been conducting empirical research in this area in England. This study, funded under a separate grant from the National Institute of Justice and carried out in conjunction with Vera's London Office, describes in detail the fine enforcement strategies used by four magistrates' (or lower) courts in England. Drawing upon systematic samples of fined cases and upon extensive, in-depth interviews with all the court and court-related participants in the enforcement process (including the police), the study documents how these courts set fine amounts, monitor payments, serve subpoenas, and enforce the fine sentence in the event of nonpayment.

Because the English lower courts use fines with defendants who are often repeat offenders charged with relatively serious offenses, many of whom are unemployed or on public relief, this study provides useful insights into the administrative problems of fine collection with a population at high risk of default. It also documents, in considerable detail, the operation of various enforcement strategies and their relative success with this population, including the effectiveness of property seizure and the

threat of imprisonment as methods of enforcement. These coercive techniques are of particular interest here, because the English criminal justice system has experimented with them more than any American system has. In conjunction with the work already done in the United States and in New York City, this study, which has been completed and is scheduled for publication by NIJ later in 1986, should prove useful to the formation of new and better policy and practice in fine enforcement specifically in lower court sentencing generally.

Some of the key findings and policy conclusions discussed in the report include:

The fine, practically and philosophically, is at the core of English sentencing policy, including its increasing use as the courts' major alternative to imprisonment; numerically the most frequent punishment imposed in magistrates' courts, fines are used extensively to punish offenders who are both at risk of imprisonment because of their prior records or the seriousness of the current charges and at risk of default because of their limited financial means. The heavy use of fines by a court appears to be inversely related to its use of custodial sentences.

The fine is used as the sole penalty in most cases, rarely in combination with custody or probation (the latter being imposed infrequently in England and reserved for cases in which social services are considered likely to improve the offender's situation measureably). However, fine sentences often include amounts for restitution, court costs and other fees. At sentencing, these amounts are usually set separately by the court, which tends to ignore the magnitude of the total sum it is levying on the defendant. Nevertheless, during the collection and enforcement process, these amounts typically are expressed as a single sum due the court -- "the fine" -- and are not treated by the court or viewed by the offender as separate dimensions of the sentence.

In setting fine amounts, magistrates emphasize the severity of the offense (including, for purposes of restitution, the amount lost by the victim or the degree of injury suffered); as a result, magistrates often do not review thoroughly all the information on the offender's means that is readily available to the court. Thus, when imposed as a sanction for offenders at risk of imprisonment because of their charges and their prior records, fine amounts tend to be high; while these amounts vary across courts and with the means of the offender, offense severity appears to be the key factor influencing the total amount of the sentence.

Not surprisingly, the extent of voluntary payment and the degree of success magistrates' courts have eliciting payment tend to be directly related to the size of the total fine obligation and, particularly, to the degree of compatibility between the amount imposed and the means of the offender. Discussions are underway in England on ways to improve the sentencing process by encouraging magistrates to make greater use of the information on offenders' means (income and assets) already available to the sentencing court, including the introduction of a formal "day fine" system (based on those found in Scandinavia and the Federal Republic of Germany). Further administrative attention is also needed to regularize the availability of information about financial capacity and to provide the court with feedback on defendants' prior fine payment behavior, in order to expand the role of accurate assessment of financial condition in the sentencing process.

Virtually all the empirical evidence collected to date supports the expectation in the English sentencing system that fines -- when set rationally in relation to means as well as offense severity -- can be collected from offenders, even when they have severely limited financial resources, if the collection and enforcement process is swift to identify and respond to non-payment and if it moves systematically through the variety of enforcement options at the court's disposal. Successful fine enforcement strategies employed by the courts studied emphasize continuous post-sentence supervision of fined offenders, beginning with routine contact and notification procedures that make it clear that the court views the fine obligation seriously and unequivocally expects payment. Successful enforcement strategies are characterized by terms for fine payment that are short (rather than longer installment plans), (and by ensuring that, when the terms of payment are not met, the court's response is rapid and personal, with a steady progression of responses characterized by mounting pressure and increasing threat of more coercive techniques: first the seizure of property (distress) and, finally, committal to prison.)

In England, the fine is quintessentially a sentencing decision to punish by means other than imprisonment. While threat of imprisonment appears a necessary coercive tool in the court's repertoire of enforcement devices, English sentencing policy holds that its use should be limited -- for jurisprudential as well as practical reasons -- to the blatantly defiant offender. Vera's research suggests, however, that few courts exhaust all other enforcement options before resorting to committal;

in particular, many fail to try distress, although material deprivation via the seizure of property is more in keeping with the original sentencing intent than is imprisonment. More magistrates' courts in England are experimenting with distress, especially employing private entrepreneurs as collection agents. The process appears to be an effective enforcement tool, operating largely by threat as do most coercive devices. Although problems remain, they are largely of a technical nature and they can be and are being addressed.

When imprisonment appears the only remaining alternative to enforcing a fine sentence, the better court practice appears to be to make certain -- by review of the offender's payment record and a pre-sentence report -- that non-payment results from willful disregard of the court's order and not the excessive size of the fine amount.

From a policy perspective, devising and implementing a successful fine setting and enforcing process confronts a court with administrative tasks that are unlike the other managerial activities it faces; they are more complex and involve virtually all levels of court personnel as well as a myriad of other criminal justice and civilian agents. While court administration is an emerging field on both sides of the Atlantic, the English experience suggests that far greater attention must be paid to professionalizing fines administration if the fine is to become a more important and useful criminal sanction there or here, particularly if it is to be more frequently imposed in lieu of jail. While professionalization of fine enforcements need not mean more or different court personnel, it does mean greater specialization and different training. Most importantly, greater professionalization implies a basic policy change that makes fine administration a higher criminal justice priority than it is now and that centralizes the responsibility for fine outcomes. Such a policy shift, whether carried out in England or adopted in America, would require courts to experiment both with incentive structures and new organizational linkages to facilitate successful fine enforcement and thereby to enhance the credibility and utility of this sanction.

A resurgence of interest in fines is evident at both the Federal and the local level in this country. Vera's research informed the drafting of the Criminal Fine Enforcement Act of 1984 and relevant provisions in the Comprehensive Crime Control Act of 1984, to ameliorate administrative and other problems that impeded greater use of fines and collection of fine revenue in the Federal criminal justice system. The administrative dif-

difficulties which remain now have a much greater potential for resolution. The result has been an increase in the use of the fine in the federal courts, as well as the creation of a testing ground for further reform in fine imposition and administration there. The United States Sentencing Commission (currently drafting guidelines for sentencing in the Federal Courts and which has focused a great deal of its attention, in the "alternatives" area, on fines, has drawn heavily on Vera's earlier research and devoted considerable attention to European "day fine" systems in its own working papers.

At a recent conference of key prosecuting attorneys from the mid-west region sponsored by the Prosecuting Attorneys Research Council, an introduction to the "day fine" concept elicited positive responses. Five of the prosecutors have agreed to introduce authorizing legislation in their States during the winter term, which will include Minnesota, Michigan, Indiana, Wisconsin and Iowa.

2. Development of a "Day Fine" Pilot Project in New York City

The groundwork having been laid by Vera's earlier research, Vera has in recent months been planning a test of the "day fines" concept in the Criminal Court of Richmond County. At the conceptual level, a day fine system has obvious attractions: It enables the judge to incorporate principles of equity with the principle of proportionality in determining the fine amount. And it also seems to offer advantages going beyond increased fairness: A system which expressly tailors the amount of a fine to an offender's ability to pay (while preserving a proper relationship between the burden of the fine and the seriousness of the crime) ought to increase the efficiency of collection and enforcement efforts, enhance the credibility of the court, and broaden the utility of the fine as a criminal sanction. The possible benefits of such a result include an increase in fine revenues and a shift to fines from over-reliance on short jail sentences. (Both of these benefits were dramatically realized from the introduction of day fines in the courts of West Germany in the mid-1970s.)

Vera's planning staff have developed a plan for adapting the West German version of the European day fine system to the Staten Island Criminal Court. In the earlier Vera research on New York City's use and collection of fines, this court was found to make greater use of fines in sentencing than the other boroughs of New York City, and the borough's record on collection and enforcement of fines was a positive one. The reasonable size of the court, the broad variety of criminal matters it handles, and the relative economic and social stability of the Borough's general population make it an appropriate site for experimentation of this kind.

After several months of preliminary data-collection and interviewing of Staten Island judges and prosecutors, Vera sought and obtained from the National Institute of Justice a six-month planning grant. The grant will support this work from November through April. Preliminary discussions with NIJ staff indicates that funds are likely to be made available to Vera to conduct a twelve-month pilot, if the planning phase goes well. The NIJ-funded planning will consist of: (a) intensive review and documentation of existing court procedures and records in Staten Island, to clarify this court's current practices in imposing and enforcing fines; b) development, in conjunction with local bench and bar, of detailed guidelines for imposing day fines and development of an appropriate formula for setting the economic value of an individual's day fine units; c) design of a computerized management information system to be used in recording the volume and tracking the outcome of day fine cases; and d) development of a reliable and quick method for gathering information about defendants' means.

E. The Bail Bondsmen and Bail-Making Research Project

The Vera Institute received an award from the Pro Bono Publico Foundation towards support of an investigation of the role bondsmen play in the bail-making process in New York City. The funds were used to make arrangements with court, criminal justice and correctional agencies to review bail-making records; to add information on the form of bail-making to a unique data base, compiled by the Criminal Justice Agency, that provided complete court processing and detention information for a sample of New York City defendants; and to run some initial analyses on that data base. Funds from Vera's contract with New York City supported additional analyses. A final report was published in May, 1986; it has been distributed to some of the judges and City officials known to have an interest in jail overcrowding and its relationship to bail-setting practices and bail-making patterns. It will be widely distributed in November, in conjunction with scheduled consideration of it by the Association of the Bar of the City of New York. (Toward the end of the year, the text will be published in the Justice System Journal.)

This study found that the role played by professional bondsmen has greatly diminished over the past 20 years. The number of licensed bondsmen in New York State dropped from a high of 191 in 1968 to 56 in 1985. The research revealed that less than two percent of potential bail-makers in a 1980 sample used the services of bondsmen to make bail. Although bondsmen were more likely to handle high-level than low-level bails, their involvement in the bail-making process was so limited as to have little effect on the extent of pretrial detention of any defendant subgroup.

In the absence of opportunities to post bond, defendants who make bail do so in cash. Many post the complete face amount of bail. Others, for whom judges specify "cash alternative" bail amounts, pay less than the face amount of bail to gain release. Cash alternative amounts effectively discount the cost of release for many defendants.

The research revealed that the likelihood of bail-making was directly related to the effective cost of bail, which was strongly determined by judicial decisions to set or not to set cash alternative bails. Defendants for whom cash alternative bails were set were far more likely to make bail than those for whom they were not set. But the setting of cash alternative bail by New York City judges is less consistent and less proportionate than decisions about granting or denying ROR (release on recognizance) or decisions about the face amount of bail. The likelihood of cash alternatives being set had little relationship to charge severity and varied greatly by borough. These findings raise the possibility that inconsistencies in the setting of cash alternative bail may differentially affect the prospects of release for similarly-situated defendants held in detention.

In recognition of reduced bonding opportunities created by the virtual withdrawal of bail bondsmen from practice in the New York City courts, it seems desirable to learn more about how judges make decisions about setting or not setting cash alternatives. With the jails of New York City filled to overflowing virtually year-round, exploration of means for enhancing the orderly and equitable release of defendants held on bail seems appropriate. The report of this research project is intended to provoke and inform discussion of these possibilities.

PROGRAM 6 - RESEARCH ON CAREER CRIMINALS AND THE CORRELATES OF
SERIOUS DELINQUENCY

A. Research on Selective Incapacitation Strategies

Over the last few years, prosecutors, police officials, and crime researchers have shifted public and political attention away from deterrence as the principal crime control strategy (the success of which depends on the difficult police task of raising apprehension rates) to "selective incapacitation." Increasingly, police activity, prosecutors' "career criminal" programs, and legislatures' enhanced sentencing provisions for repeat offenders have given practical expression to the widely-held belief that substantial crime control benefits would flow from locking up for long periods a relatively small number of criminals -- those whose very high frequency of offending makes them responsible for most, or much, of the crime.

Recently, researchers have focused attention on habitual offenders and on attempts to predict which arrested persons are likely to become serious adult offenders. The body of empirical research on habitual offenders has been cited in support of the proposition that a relatively small group, repetitiously committing crimes and being arrested, is responsible for a disproportionate share of the behavior with which the criminal justice system must routinely deal, and especially for many of the predatory crimes of violence about which the public is extremely concerned. The attention given to prediction issues has produced schemes which appear to permit fairly discriminating identification of high-rate offenders and which, in theory at least, offer

I See, Peter W. Greenwood, The Rand Habitual Offender Project: A Summary of Research Findings to Date (Santa Monica, California: Rand Institute, 1978), and "Tradeoffs Between Prediction Accuracy and Selective Incapacitation Effects," Paper presented at the Conference on Public Dangers, Dangerous Offenders, and the Criminal Justice System, Harvard Law School, February 1982; Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, Delinquency in a Birth Cohort (Chicago: The University of Chicago Press, 1972); Marvin E. Wolfgang and Paul E. Tracy, "The 1945 and 1958 Birth Cohorts: A Comparison of the Prevalence, Incidence and Severity of Delinquent Behavior," Paper prepared for The Conference on Public Dangers, Dangerous Offenders and the Criminal Justice System, Harvard Law School, February 1982; Paul Strasburg, Violent Delinquents: A Report to the Ford Foundation from the Vera Institute of Justice (New York: Monarch Press, 1978); Susan B. Estrich, Mark H. Moore, and Daniel McGillis, Report of the Project on Public Dangers, Dangerous Offenders and the Criminal Justice System (Cambridge, Mass.: Harvard Law School, 1982).

the possibility of substantially lower crime rates without massive increases in prison capacity.

Much of the knowledge now being used to advance the "selective incapacitation" crime control strategy is based upon retrospective analyses of adult offenders. For example, Rand's scale for identifying high-rate serious offenders, based upon retrospective interviews with convicted and incarcerated adults, includes three juvenile variables: conviction before age sixteen, placement in a juvenile facility, and juvenile drug use. From their retrospective data analyses, the Rand researchers found that these variables appeared to help predict intensive adult criminal involvement. A major problem with knowledge of the kind produced by Rand's study and other studies of similar, retrospective design, is that, while we can know what characteristics of juvenile records distinguish low-rate from high-rate offenders among prisoners whose criminal careers extend into their late twenties and early thirties, we do not know which of the universe of juveniles who now have these (or other) characteristics will in fact proceed far enough into the adult system to become career criminals of the type Rand studied. That is, the research on which advocates of a selective incapacitation strategy base their hopes for crime control impact offers no assurance that anyone can identify appropriate targets for selective incapacitation prospectively, at an earlier point in their criminal careers. Nor can such retrospective research determine whether, if prediction is possible at all, it can avoid over-predicting chronic serious criminality (i.e., it may be that the selection criteria developed by such methods will generate far too many "false positives," diluting the presumed benefits of "selective" incapacitation and creating injustices).

In practical terms, the central issue is whether or not habitual (or "career") criminals can be identified relatively early, at or before reaching the peak of their criminal activity (which, according to many studies, may be as early as 16 or 17). Although several retrospective studies of older offenders indicate that many adults arrested for serious crime had long (and often serious) juvenile records, there has been little predictive, prospective research designed to differentiate between those youths who will later become the chronic, serious adult offenders and those who will not. One reason for this knowledge gap is the two-track criminal justice system. Not only are juvenile and adult offenders in New York City (and many other jurisdictions) processed in different court systems, but official records are rarely linked, either because of legal protections given youthful offenders or because of the inefficiency of the record-keeping systems, or both.

Thus, although knowledge in this field has expanded considerably in the ten years preceding 1986: (1) We did not yet have prospective studies for testing the power of the leading predictive models in the field, or for developing more refined

models that identify precisely what criteria from Family Court records (or from other sources of background information) would be likely to help prosecutors target high-frequency serious offenders in adult court. (2) We could not fully describe, despite recent analyses of delinquent and of adult criminal careers, complete criminal career patterns which follow offenders across the transition from Family Court to adult Criminal Court. (3) Finally, we had very little information about just how selective juvenile and adult courts already are in their identification and "selective" treatment of serious high-rate offenders; nor could we know whether, because of disjunctions between the courts, there really is a "free ride" in adult court for youths who arrive there with serious juvenile records. In short, little was known about whether Family Court history already influences decision-making in adult court, despite formal restrictions on access to juvenile records.

Vera found itself in a good position to help cut through some of the difficulties researchers have had in developing data bases that permit prospective examination of such a wide range of potentially predictive variables. In 1981, it completed an extensive study of a representative ten percent sample of 1,890 juvenile delinquents who had been arrested in 1977-78 and processed through the New York City Family Court. The extraordinarily rich data base, created for the purpose of describing the business of the Family Court, was subjected to some re-examination at the end of 1981, in response to requests from the Police Department and the Office of the Coordinator of Criminal Justice. Assistance was requested to help City policy-makers determine what crime control gains could be expected if prosecutorial decision-making (and police case-building) were better informed, by making available the delinquency histories of first adult offenders when they come to majority in the criminal justice system with a (hidden) pattern of repeated felony activity in Family Court.

Vera staff examined the Family Court data base and developed a proposal to expand it, in order to address these concerns more fully. The National Institute of Justice awarded Vera a grant to help support this new research effort. The goal of the NIJ-financed study was to increase the field's understanding of relationships between juvenile and adult criminal careers, and to generate information useful for the assessment of concrete crime control strategies including those directed at the selective incapacitation of serious high-rate adult offenders who were too young to have developed long adult records. Vera undertook to study, prospectively, the 1,263 14- and 15-year-old youths identified in the original Vera random sample of 1,890 juvenile delinquents who entered the New York City Family Court during 1977-1978. The records of this subgroup's Family Court contacts were updated through the end of their 15th year, and the data base was extended by the addition of adult criminal record data through the high-crime years by adding information on all their subsequent arrests (from their 16th birthday up to age 19 to 20,

depending on their age at intake into the original sample).

The statistical analysis of this expanded data base permitted: (1) development of a detailed picture of the criminal career patterns of this cohort as it moved from Family Court through the Criminal and Supreme Court years; (2) testing of the leading notions in the field regarding criminal careers (specifically, the early onset hypothesis, the juvenile-adult continuity hypothesis, the increasing seriousness hypothesis, and the increasing specialization hypothesis); (3) construction of predictive, prospective models built on the relationships between juveniles' Family Court records, personal and family background characteristics, and subsequent early adult criminal careers; and (4) comparison of the treatment given by the adult system to individuals with less serious juvenile records, in contrast to those with more serious records, when they first enter the adult court system.

The research has been completed and the final report was sent in September to NIJ, to the Police Department, and to the Office of the Coordinator of Criminal Justice. The major findings may be summarized as follows:

The juvenile delinquents most likely to become high-rate offenders strongly tend to be minority group members, living at home with their mothers only, in a household where no one is employed and where the members are dependent entirely on welfare. Not surprisingly, many of these youths are not likely to be doing well in school.

Those who are first arrested at a very early age (under age 13); or have high-rate juvenile careers, are more likely to become high-rate adult careerists than are juveniles without these characteristics. However, even for this subgroup the chance of becoming a high-rate offender is less than one out of four.

The "folk wisdom" regarding increasing specialization and increasing seriousness is not confirmed by these data. Youthful offenders do not appear to specialize in one type of offense over time, nor to escalate the seriousness of their criminal involvement.

The type of information typically available to criminal justice decision-makers from the initial intake investigations done by probation in Family Court (i.e., residence and employment status, school information, prior record) does not explain much and does not help predict who will become a high-rate offender. In fact, when these factors are added to models for identifying the high-rate offenders, approximately half of the time the model misclassifies as high-rate offenders those who ac-

usually turn out to offend at lower rates or not at all. Even with the wealth of data available in Family Court records, coupled to the most sophisticated statistical techniques available for such predictive exercises, we can do no better than chance at identifying targets for selective incapacitation.

When defendants initially appearing in adult court were characterized in terms of their juvenile prior arrests; none were really "first-time offenders" of course, and one-third had established juvenile delinquency records considered "chronic". However, the adult court already appears to sentence the offenders who have high-rate juvenile histories more punitively than those who do not. There seems already to be some information transfer taking place.

Given these research findings, several conclusions are offered in the report. First, notions on which many arguments for selective incapacitation are based simply are not supportable from the best data available. An arrest for a specific crime type has little bearing on the types of subsequent crimes that an offender might commit; we cannot predict much better than chance which juvenile offenders will become high-rate adults, even when we apply to that effort all of the information typically available in Family Court. Further, the adult court apparently makes discriminations among offenders with different levels of juvenile prior records. Thus, we are not likely to get more discriminating or selective sentencing from programs to get juvenile records before the adult courts.

Second, the finding of a high proportion of "spontaneous desistance" from crime, among even those juveniles whose Family Court years are marked by high-rate delinquency, indicates that perhaps a more (or equally) useful focus for further research is on the question why a majority of juveniles do not continue to commit offenses after a certain age. This type of information would be useful in developing strategies to prevent the onset of criminal careers, rather than trying to select which criminal careers most need to be stopped.

B. Research on the Correlates of Juvenile Delinquency

In November and December, 1985, pursuant to a request from the Office of the Coordinator of Criminal Justice, staff from Vera's Research Department designed a five-year study, "Becoming Delinquent: Adolescent Behavior in Two High-Risk Communities." This work was done in an attempt to secure for New York City one of several major grants being offered at that time by the National Institute of Justice, which sought to develop useful knowledge about why some high-risk youths become delinquent and why some do

not. Knowledge of this kind is essential if local and state delinquency-prevention funds are to be spent efficiently and effectively. Most theoretical models that offer explanations for the onset and cessation of criminal careers have been derived from a single discipline (e.g., sociology). A consensus has arisen in the field that no such simple a model can be very powerful in explaining the phenomena; furthermore, few of the available theoretical models have been tested longitudinally, and fewer still have been tested against the career patterns of the kinds of high-risk youth who are of the greatest policy concern in this City and other urban areas.

The Coordinator's Office thought the federal RFP a good opportunity to get some work underway in New York City on these questions, and to tie that work to the Office's efforts to design better delinquency prevention efforts for implementation here.

Vera staff designed a research program that would first expand, and then test longitudinally, an integrated sociological model of delinquency that combines the most powerful elements of the models offered to date in the literature. The model would incorporate individual variables and macro-level community characteristics with criminal justice experiences and social-psychological variables. Vera proposed to develop, document and test the model on the careers of 700 males between the ages of 12 and 17, drawn from two poor, high-crime neighborhoods in Brooklyn. (These are communities in which Vera's Research Department has for some years been conducting anthropological research on relationships between employment and crime in the development of legitimate and criminal careers among young males.) The research design combined the most powerful theoretical tools for explaining the causal links in the onset of criminal careers, with a longitudinal test of those causal hypotheses and with anthropological studies to supplement the quantitative research.

The proposal was prepared by Vera researchers in collaboration with staff from the Coordinator's Office. It was submitted in December. In January, 1986, the federal program under which the RFP had been issued was terminated. Several months later it was re-funded at a lower level. In any event, although the New York City submission won praise in the peer review process and has been used to help re-design the few proposals that were funded, New York did not receive any federal funds for the project. Vera has submitted the proposal to two interested foundations, and will continue to seek sufficient external funds to permit the project to be carried out.

PROGRAM 7: DEVELOPMENT OF EMPLOYMENT AND EMPLOYMENT
SERVICES FOR CRIME PREVENTION PURPOSES

INTRODUCTION

Is a job an antidote to crime? Does it matter what kind of job it is? Are the crimes of some easier to control through employment programs than the crimes of others? There are, as Vera has discovered in this research project, a remarkable variety of relationships between employment, crime, and unemployment. Some of these relationships are obvious, but not as powerful as commonly thought; others are complex but more important. All of them suggest that a crime control policy that fails to take account of employment variables will miss the mark.

Beginning in the early 1960's several federal departments and agencies encouraged and supported programs designed to expand employment opportunities for people enmeshed in the criminal justice system and for groups in the population considered to be at high risk of becoming criminally active. By strengthening ties to the world of legitimate work, these programs hoped to reduce recidivism and facilitate adoption of more conventional life styles. Many programs in New York City have been devoted to these aims.

Several years ago it became apparent to Vera and to others in the City that the assumptions upon which Vera (and others) had built employment programs for offenders and for groups at high risk of involvement in crime were too simplistic -- at least in their initial design. Research on these programs did, from time to time, produce evidence that crime could be averted through employment strategies, but the programs being evaluated did not have as powerful an impact on crime as was expected. On closer examination, it seems that the programs that had little overall effect (or, in some cases, no overall effect) on subsequent crime failed because, at least in part, they had little or no net effect on participants' subsequent crime failed because, at least in part, they had little or no effect on participants' subsequent experiences of employment. (Where the program hypothesis is that entry into and retention in the labor market will avert crime, it is not surprising to find recidivism unaffected when the target group fails to get jobs or to retain them.) The proper conclusion to draw is not that crime is unrelated to or unaffected by employment, but that, at least, much greater care must be taken to devise programs that actually improve the employment status and experience of the crime-prone individuals subjected to them.

Experience of past efforts in this area suggests that labor market strategies in general, and employment programs in particular, can reach "high-risk" groups effectively only if they are built on a sounder theoretical and empirical base. First if employment programs are to have any prospect of affecting employment programs are to have any prospect of affecting employment experiences and opportunities already characterize the

lives, families and neighborhoods of the target group, and particularly, the rather different role that employment plays in the lives of adolescents from the role it plays in the lives of young adults. Second, missing altogether from past attempts to aim employment policy and employment programs at averting criminality has been an understanding of the relationships that the target group itself perceives between crime opportunities and employment opportunities. With an understanding of this perspective, however, it becomes possible to develop more promising program hypotheses about the sorts of jobs, the kinds of training, and the sequence of interventions that are most likely to influence the choices each age group makes for and against crime.

A. Research on the Relationships Between Employment and Crime

Vera's exploratory research on these questions, begun under previous technical assistance contracts with the City, was beefed up in 1978 with the start of a formal, multi-year study, supported principally by the National Institute of Justice and the Ford Foundation, to look closely at relationships between employment and crime and to develop knowledge with which to assess past accomplishments and future policy and programs in this area.

In addition to publication and wide distribution of a review of relevant literature,¹ the project pursued two research strategies. First, for a 1979 sample of 900 Brooklyn Criminal court defendants, detailed data on employment and arrest histories were collected. Second, Vera placed ethnographers in three "high risk" Brooklyn neighbors to make an intimate study of the development of criminal and of legitimate lifestyles among the local adolescents. From these efforts, the project sought to construct a model of employment and crime that accounts for youths' simultaneous exploration of both illegal and legal opportunities and that accounts for the widespread lessening of street crime as youths move from their late teens to their early and mid-twenties. To understand these phenomena better, and to ground that understanding in empirical study of this kind, should make it possible to devise more effective policies and programs that take advantage of the crime-averting potential of employment.

Vera's research addressed the full array of relationships between "employment" and crime rather than the narrower set of relationships between "unemployment" and crime. This is because the exploratory early work suggested that policy is too narrow

1 James W. Thompson, Michelle Sviridoff, and Jerome E. McElroy, Employment and Crime: A Review of Theories and Research (New York: Vera Institute, 1981 and Washington, D.C.: National Institute of Justice, 1982).

and takes too little advantage of the crime-averting potential of employment if it rests on an assumption that any sort of employment will have an impact (or the same impact) on all those whose criminal behavior might be curtailed by some form of participation in the labor market.

Similarly, Vera's research addressed both the direct relationships between employment and crime, and the indirect relationships. A direct relationship exists if crime and employment operate as different and competing sources of income, so that more of the latter results in less of the former; there are, as suggested below, variations within this "direct" category of relationships and few of them operate in this sort of hydraulic way. While it is not necessary to deny the importance of direct links between labor market participation and reduction of crime, Vera's research points to the greater importance of the myriad indirect relationships: Crime arises from and is sensitive to many factors and processes which are, in turn, influenced by employment variables. These indirect relationships include the impact of eroding economic opportunities on the whole range of institutions that shape individual behavior, including family life, schooling, and neighborhood stability. For example, improved employment opportunities in the neighborhood and examples of successful labor market participation by older neighbors and relatives directly affect the ease with which young "high-risk" males get into job-finding networks (which are common place in middle-class and stable blue-collar neighborhoods), and affect the age at which they form families. The stability (economic and otherwise) of the families they form, in turn, affects their participation in the labor market and the type, frequency, and cessation of their criminal behavior.

The Vera researchers found that, in a process such as this, enhanced employment contributes to reduced criminality, but not through a direct, income-tradeoff effect. And the research -- particularly the "high-risk" neighborhood studies -- disclosed a host of non-employment variables that contribute in indirect ways both to the employment difficulties of criminally involved youth and to their criminal behavior. The quantity and quality of jobs available to various groups living together in local neighborhoods influence the ways that people form households, regulate public behavior, and use public services such as schools, welfare, police, and social programs. The resulting neighborhood atmosphere shapes the incentives for residents to engage or not engage in income-oriented crime.

What ties this detail together and suggests a more refined policy and program approach to crime-reduction through employment is the persistent finding that the various direct and indirect linkages between crime and employment bear a strong relationship to age. For example, Vera's ethnographic studies suggest that teenage car thieves may quit stealing cars and turn to the less risky business of stripping and marketing stolen auto parts as they get older. The high risks of injury and violence (not, particularly, of arrest) for youths engaging in robbery and

burglary seem, in time, to induce most of them to seek reduce risks (and better returns) from whatever other opportunities are open to them -- some will return to school, if they see a connection between schooling and future prospects; others will take even dead-end low paying jobs, if they are available; others will shift to less risky (and less violent) crime. There is general moderation in frequency and severity of crimes -- just as there is a general shift into the labor market -- with increasing age, although the causal relationship between age, crime and social stability are still imperfectly understood. For most "high-risk youths," street crime ceases altogether by the mid-twenties.

The challenge is to move such youths more quickly along the spectrum of activity, from high risk crimes, to low risk crimes to steady employment, and from high frequency criminality to crime free lives.

In part, the difficulty of this challenge arises from the evident importance, in the movement of high risk youth from crimes to jobs, of the quality of employment opportunities available in their home territory, as well as the quantity. Some labor economists have described a "dual" or "segmented" labor market consisting of "primary" jobs which have good pay, prospects for advancement, benefits and stability, and secondary jobs, which are low-paying, unskilled and dead-end. It is the "secondary" jobs which are expanding in the U.S. economy, and changes in the U.S. labor market during the last decade highlight the problem. The employment expansion of the 1970's was concentrated in sectors which have minimal skill requirements, unstable hours, few prospects for advancement and low pay. (For example, McDonald's now employs almost two and one half times as many workers as U.S. Steel.) Entry-level blue collar manufacturing jobs are disappearing from the economy, especially in older urban areas such as New York. The suburbanization of employment also adds to the problems of inner city male youth. And many of the new urban jobs are female stereotyped, relatively low-paying, and concentrated in sectors such as health care, food service, clerical work and cleaning services. At a time when there are even more unemployed young males -- especially minorities -- in declining urban areas, the traditional labor market routes used by their inner-city predecessors are contracting.

Vera's research on employment and crime offers no support for the view that the employment problems of these youths are no more than a lack of interest in working or a difficulty obtaining some sort of job; similarly, there is little to support program advocates who assume that no more than some kind of "work experience" is required to move high-risk youth into legitimate, stable lifestyles. Both views ignore important structural changes in the economy, and both ignore the age-related progression of these youth through occasional jobs, work of increasing quality, and (with exceptions, of course) cessation of street crime. After all, many underemployed and criminally

involved youth do work (when the opportunity presents itself) at secondary jobs, although they often face stiff competition for them. Indeed, only six percent of Vera's sample of 900 accused felons (most of whom were youths) had absolutely no history of paid work of any kind. It was the sporadic, instable and financially unrewarding nature of their employment experiences that characterized this side of their histories. Changes in the overall labor market structure make it less likely that the jobs they can get -- or the jobs conventionally created for them in employment programs -- will lead, without more, to stable employment careers.

Many of the urban poor supplement occasional, low-paying secondary employment with a variety of other income sources; government transfer payments, support from family and friends, off-the-books labor, barter, and crime. Policy and programs built on assumptions about a strict dichotomy between unemployment and employment are misleading and less than fully effective. Vera's research suggests, instead, that the focus should be on underemployment, and on how people actually cope with the world of intermittent, low-paying secondary jobs. The injection of a few low-level, temporary jobs into the communities Vera has been studying, and into the lives of the high-risk youths whose behavior is of concern from a crime control perspective, is unlikely to transform the structure of their opportunities or the prominence and relative appeal of crime opportunities in that structure. The structural changes in the labor market are drying up the primary sector jobs that traditionally permitted high risk youth to move completely out of crime and into full-time labor market participation at around 20 years of age. While an increase in the proportion of jobs that are in the secondary segment of the labor market affords a continuing opportunity to these young adults to get some work, some of the time, it frustrates their "aging out" of crime and it puts them in competition with the 16-18 year olds who need access to the secondary labor market jobs if they are to have any work experience at all in their formative years.

The effectiveness of employment programs in improving the behavior (including the employment activity) of participants depends heavily on individual, social and structural economic factors. This suggests that, in the future, a better matching of programs to specific population groups and to conditions of the local economy would lead to increased program effectiveness, from a crime control perspective. For example, about half of property arrests are of male youths, 15 to 19 years of age. Since this group is (or ought to be) heavily involved in schooling and is tied to the income flow (however meager) of their parental households, their employment and income needs differ markedly from those of older people seeking employment in order to support their own households. Perhaps programs providing secondary labor market opportunities for this young criminally active group should not be designed to produce full-time stable employment, nor be judged on achieving it. Part-time work that does not compete with schooling but provides an income alternative to

crime and serves as part of a long-range socialization into the labor market would be a more realistic program goal for this group, particularly when, as now, jobs of this type are scarce in neighborhoods where high-risk youth are concentrated.

On the other hand, a temporary part-time program which is appropriate for school-age teens would not be appropriate for older workers and ex-offenders. In their 20s, most of this group has different income and employment needs from teenagers. Often removed from effective job-finding networks, and carrying the stigma of criminal records, this group needs direct links to primary job networks, and would be more likely to benefit from programs emphasizing direct on-the-job training and linkage to a job-finding network. Public service employment may be an important work sphere for this group.

Thus, Vera's seven years of research in this area support the view that expanded economic opportunities, including enhanced employment and earnings, should remain a significant element in a crime control strategy. The very program evaluations that have produced such mixed over-all results have also pointed to the strong association between a continuing employment status (when it is secured) and reduced crime and recidivism among high-crime groups. Participants who stay in programs have fewer arrests than those who drop out, and members of "untreated" control groups who find employment on their own have fewer arrests than those who do not work. The challenge is to learn more about how job opportunities of various kinds can be made available and how employment prospects can be improved through programmatic interventions, and to learn how to identify, magnify, and capitalize on the innate strengths and personal resources that even highly crime-prone participants bring to employment programs.

Vera's research on employment and crime was supported by the National Institute for almost six years. Additional funds were supplied by the Ford Foundation, starting in the spring of 1983: to examine more closely, with the help of sophisticated economic techniques, the labor market experiences of different age groups in different crime-prone samples; to articulate more fully the social-psychological dimensions of an individual's decision to commit crime and use this to modify the simple model of rational economic choice which underlies the widespread policy emphases on generating either deterrent effects or simple job placement mechanisms and to complete work on a publishable manuscript that sets forth the implications of Vera's research for policies and programs designed to enhance the employment experiences of the urban poor, control their criminal activity, or both.

Three major reports have been produced, so far, from Vera's work in this program area. One, entitled Employment and Crime: A Survey of Brooklyn Arrested Persons, reports on the methods and on findings the survey produced. A second report Youth, Crime and Employment Patterns in Three Brooklyn Neighborhoods, reports

on how Vera went about the ethnographic study and its findings. A third report, Employment and Crime: A Summary Report, merges the major findings from both research efforts and considers their implications for policy and program design in this area. Copies of these reports have been shared with city and state officials charged with crime control policy, employment programs, economic development policy, and the supervision of offenders.

Under this contract, Vera's research staff have continued dissemination of the findings from the long-term research project and to consult with city and state officials concerning employment services for criminal justice populations. Such consultation has produced an agreement between Vera and the State Division of Parole to collaborate on improving employment services to parolees. This project is described more fully below.

B. The Neighborhood Work Project - The Crime-Averting Effects of Immediate, Earned Cash Upon Release from Prison

In New York State, prisoners leave the upstate institutions with \$40 "gate money," from which they must pay transportation costs to New York City; Rikers Island jails provide City inmates with only \$2 dollars when they leave. Out of prison and out of work, an ex-prisoner has an immediate need for cash, but, unless he is one of the very few who has lined up a job before release, the labor market cannot respond to that immediate need. The welfare system cannot respond either, even when a recently released prisoner is willing to settle for a life on the dole. Further, even if illiteracy, the lack of skills and employment experience, the stigma of recent imprisonment, and racial discrimination were not standing in the way of finding a source of legitimate income, conventional jobs usually pay at least two weeks in arrears. It seems obvious that the labor market's inability to provide earned income on an immediate basis to persons coming out of prison stimulates crime.

Vera has attempted, in the Neighborhood Work Project, to provide prison releasees the immediacy of a day's pay for a day's work that characterizes the casual labor market, while eliminating the exploitive and uncertain features of it. With \$1.25 million of federal block grant funds from the Department of Housing and Urban Development (HUD), Vera launched the pilot Neighborhood Work Project (NWP) in November 1978. NWP was designed, and over the years has been redesigned, by staff supported in part from this and previous contracts between the Institute and the Police Department.

NWP offers to any prisoner coming into New York City from city, state or federal prisons an opportunity to earn legitimate income on a flexible work schedule, for up to six months following release from custody. The project provides temporary, unskilled, part-time employment on closely-supervised work sites, for persons over 18 who register within one month after release.²

No skills are required and the only entrance requirement is a willingness to work hard at strenuous physical labor. There is, in principal, no waiting two weeks for the first paycheck -- even, the first day on a site, pay comes at the end of the day's labor.³

NWP is financed by the sale of its services to public and non-profit organizations. The primary customer to date has been the NYC Department of Housing Preservation and Development, which purchases NWP's services to renovate City-owned housing stock for occupancy by homeless persons and families.

Workers are assigned to a four day per week schedule and must call in daily to be assigned to work-sites. To work on the fifth day -- the "optional day" -- a worker may call NWP the day before, or by 8:30 the day he wants to work, to find out if a position is open for him on his "optional"; the shape-up that gives him an appropriate site assignment is done by computer, while he's on the phone.

To continue in NWP, workers must work at least four days a week. They are entitled to a total of seventy-five days of employment, to be used within six months of registration. At an hourly rate of \$4.15, workers take home approximately \$23.50 a day. Workers are paid at the end of every work day, enabling them to meet immediate financial needs. The financial limitations and time constraints imposed by the program are intended to reinforce the notion that NWP is a transitional employment program, not a permanent or conventional job.

An NWP worker can, if he chooses, get help in his search for permanent conventional employment from the Vocational Development Program⁴ -- an allied project offering employment and training

²While recently released prisoners are NWP's primary work-force, NWP opened its doors in April 1984 to ten homeless men from the NYC shelter system at the request of the NYC Human Resources Administration. These ten positions have been available to HRA for referrals from the Men's Shelter since then. In addition, in April 1986, the NYC Department of Employment asked that NWP offer employment to 25 men from the 155th Street Shelter in Harlem which was being designed as "employment" shelter.

³As described below, the number of persons, arriving in the City from prison, who have heard about NWP and come to register has, in recent years, far exceeded NWP's supply of positions; as a result, many of those coming into the project in the current period are, in fact, forced by the backlog to wait two weeks for their first day of work; this is likely to continue until NWP can expand further the size of the daily work force it sends into the field.

⁴By June, 1982, the Vocational Development Program had absorbed what was originally the job development unit of NWP. The two operations were merged to provide a stronger base of services and to avoid duplication of effort.

services. For those NWP workers who want help, VDP's job developers will assess their needs, desires, and skills and will assist them to find appropriate work or training. NWP, as an employer, can provide potential employers with performance evaluations and recommendations.

NWP does not attempt to meet all the needs of people released from prison. Other programs exist (albeit, in insufficient numbers) to provide assistance such as intensive personal counseling, treatment for drug problems, residence in a therapeutic community and supported work. But a substantial number of individuals returning to the streets of New York from prison do not require such supports; they are ready for demanding tasks against which to test themselves and from which to earn cash.

The Neighborhood Work Project aims to provide exactly that. The work is hard; the work rules are clear and strict; failure to follow the rules results in dismissal; and a day's work ends with a day's pay. NWP does not seek to rehabilitate people, but to provide an opportunity for people to get on with their own rehabilitation. The staff (many of whom are ex-offenders) are succeeding in tough and demanding jobs; they accept no less from the workers.

In these respects, the program can be seen as an attempt by Vera to create a conventional, unsupported working environment and a legitimate source of income for a group at high risk of returning to crime. It is comparable to conventional employment in that the demands made on the worker while on the job are at least equal to those in private sector work. It is also comparable to conventional employment in that there exists a real demand for the product of the labor. (New York City faces a severe shortage of low-income housing; the City owns thousands of vacant units. NWP helps turn these into habitable apartments.) In addition, NWP meets the needs of neighborhood-based organizations for a range of community improvement projects, including: removing debris from boiler rooms; cleaning out rat-infested alleys and yards; painting hallways and apartments in tenant-managed buildings; and clearing vacant lots for playgrounds and gardens.

Despite NWP's similarity to the private sector in the difficulty of and demand for the work, it does have important unconventional aspects. The most obvious -- and, for the recently-released ex-offender, the most important -- is that there are no entry criteria; anyone eighteen years or older who has been out of prison one month or less can register and, if NWP has enough business at that moment to take him or her on, can earn cash-in-hand the very first day of work.

NWP is also unlike normal employment in that it need not be just a job. Most of the recently-released ex-offenders who stay with NWP for more than a few days have shown that they understand and are willing to accept the basic requirements of working, and that they are committed to work as an alternative to welfare dependency, crime or prison. Many of them, however, do not know how to find a job or have no clear idea of what choices are available to them. For workers who seek assistance, NWP -- through the Vocational Development Program -- assist them to secure a job, to find a place in a stipended skills training program or in an evening high school equivalency program, or to meet other needs related to employment. But workers are not required to use VDP. A worker may simply work four or five days per week, be paid, and have no other connection with NWP. NWP presents a take-it-or-leave-it opportunity which, as it turns out, is one of the main reasons that many recent releases seek work there.

Further distinguishing NWP from conventional jobs is its adoption of the structure of the casual or day-labor sector of the labor market. The flexibility of this type of employment is appropriate for many (but, again, by no means all) returning ex-offenders, who often have medical, governmental, or personal obligations which make a rigid five-day-a-week schedule difficult or impossible to manage.

However, unlike private sector day-labor operations, NWP workers cannot work more than four months at NWP.⁵

This is the key to the most important difference between working at NWP and working at a conventional job, if one could be found: NWP is short-term transitional employment; workers are constantly reminded that NWP is only a bridge between prison and permanent employment, and that the only way to improve their situations is to find conventional work and leave NWP as soon as possible. Experience with other employment programs suggests that many participants find it difficult to accept the fact, as their program entitlement expires, they must leave the job that they have devoted so much time to and in which they have done so well. It is partly for this reason that work at NWP is not usually fulltime and workers are limited to a maximum stay -- to reinforce the fact that NWP is not a career. In addition, this carves time out of the week for workers to look for full-time jobs.

Since the NWP pilot project began in November, 1978, the program has employed between 1,000 and 1,500 recently released

⁵A small group of workers -- making up about 20% of the workforce -- are selected as "five day workers," a status which entitles them to an additional six months of work at NWP for five days each week.

prisoners per year and expects to employ 1,200 in FY '87. Workers have included several hundred people who are participants in the work-release program of the City's Department of Corrections; the bulk are recent releasees from state prisons. NWP has clearly demonstrated that an unscreened and relatively unskilled work force of ex-offenders can achieve market levels of productivity if provided with proper supervision, reasonable pay levels and clear work assignments.

In the period from July 1, 1982 through June 30, 1986, NWP repaired roughly 9,000 in rem apartments for occupancy by the homeless, cleaned out almost 2,000 vacant lots and provided services to and earned income from a host of public agencies besides HPD (e.g., Public Development Corporation and Port Authority). In doing so, NWP has employed more than 4,000 ex-offenders -- for a total of well over 10,000 recently released prisoners since 1978. Of these, more than 3,000 have been placed in permanent full-time jobs by Vera's job development staff and an estimated additional 1,000 are known to have found jobs on their own when they left the NWP payroll.

During the past year, Vera central staff have worked successfully with NWP's project managers to diversify NWP's customer base. Such diversification should provide for greater stability in the face of fluctuating demand from HPD. In addition, customer diversification is designed to offer NWP participants greater opportunities for longer term "casual" employment or skills training. In the last fiscal year, a new City agency customer -- the Department of General Services -- was added to NWP's customer list. In addition, several other City agencies (e.g., Parks, Corrections) have expressed willingness to direct some of their commercial contracting work in NWP's direction.

C. A New Relationship With the Division of Parole

In July, 1986, Vera secured a substantial contractual commitment from the State Division of Parole, to help increase NWP's business base by finding work that can be contracted out to NWP by state agencies (in order to increase the number of parolees who can be given temporary NWP jobs), and to increase by 33 percent the total annualized funding level of the Vocational Development Project. In addition, under the agreements reached in July, helping to train New York City parole officers in making more and better use of job placement and employment services for their parolees, and is providing technical assistance to the Division to help it re-structure its own provision of such services.

D. The Vocational Development Program - Fashioning a Flexible Employment Training and Placement Service for Ex-Offenders

As early as NWP's pilot year, 1978, Vera staff was finding that the existing array of job development and job placement services (then, primarily CETA-supported) were not helpful to NWP workers who sought assistance in moving on to permanent jobs from NWP's transitional, casual work force. These ex-offenders could not gain access to existing training and placement programs because the entry requirements (e.g., reading levels) were too steep, because the program operators were not willing to deal with the ex-offender population, or because the competition for "slots" was so stiff that ex-offenders lost out. Further, although CETA legislation appeared to permit substantial flexibility in program design, so that innovative program models might be developed to meet the varying needs of various unemployed and unskilled groups, CETA regulations and administrative practices in fact introduced a number of rigidities that made it difficult or impossible to apply these monies where they might be most useful. There were other difficulties with CETA that generally got in the way of good programming for ex-offender groups. Usually, CETA programs were required to produce a certain number of job placements. This required "service" is antithetical to the operating principal of NWP (which capitalizes on the considerable capacity of many to pursue job placement directly, with only occasional or initial help), and NWP's transitional employment structure. The high priority given by CETA regulations to contractual performance requirements made it foolish for conventional program operators to adopt a no-questions-asked, no-skills-or-experience-required approach to intake. (Thus, in conventional CETA-funded programs, ex-offenders often tended to be screened out.)

CETA also inhibited sound program development by regulations that seemed to require separation of programs offering on-the-job-training, programs offering work experience, and programs offering classroom training. These rigidities were neither statutory nor regulatory in nature, but program operator's inability to secure CETA financing for projects that offered individualized packages consisting of varying amounts of each type of basic service made the ex-offender population (and other groups with multiple needs) an unattractive group to serve. The tendency was for CETA contractors to offer one or another of the specific services (e.g., classroom training in clerical work, or work experience in building rehabilitation), and to select clients who could be matched with the one service provided. Such a result is not a problem for an individual who has made a clear vocational choice, who needs only one kind of CETA service, and who can shop around for a program offering what he wants. But this was not typical of the ex-offenders who needed CETA-type services. For example, a 25-year-old high school drop-out may need to earn his high school equivalency diploma before proceeding to an on-the-job-training position to learn a trade.

If he can do both within a single program, it is more likely that he will develop a sense of short- and long-range goals, a trust in one set of vocational counselors, and the security which might enable him to organize his life around an activity that is not one or two months in duration, but 6 or 8 months.

So, in 1979, Vera created the Vocational Development Program (VDP) to operate alongside NWP and to respond appropriately to the particular needs of ex-prisoners trying to break into the job market. That year, Vera proposed to the New York City Department of Employment that a program which could offer direct placement into jobs, classroom training, on-the-job training, work experience, and any mix of these services, be created to serve ex-offenders without regard to education or skill level or work experience. The City responded positively and VDP began operations that Fall, offering ex-offenders a range of vocational resources, individually tailored to lead to full-time permanent jobs. Since that time, VDP has each year placed in jobs or specialized skills training programs 70% of those enrolled; many came into VDP after a period of successful participation in NWP's day labor work force. Others were referred directly by parole officers or referred themselves to VDP. Despite the relative deficits of its enrollees, VDP has consistently been at the top of the City's rankings for placement rates out of what are now its Jobs Training Partnership Act (JTPA) programs. During this past fiscal year, VDP placed over 300 ex-offenders in jobs, with a total (City and State) cost per placement of roughly \$2,000.

The Jobs Training Partnership Act, which has supplanted CETA as the primary financing resource for employment and training programs, is focused on individuals who demonstrate higher educational and skill levels than most of the ex-offenders who come to NWP and VDP. This emphasis discourages other program operators -- which serve a general population -- from taking in ex-offenders who, in addition to low educational and skill levels and minimal work experience, have the employability burden of a criminal record. All of these barriers combine to reduce the chances that an ex-offender -- even one whose motivation is sufficient to enter and succeed in NWP -- will gain entry into employment training programs.

NWP, of course, is self-financed. It sells its services to cover the costs (roughly \$4 million a year now) of providing temporary employment to the roughly 1,200 ex-inmates who work there each year. Self-financing cannot so easily be achieved with the VDP placement services, however, because the customer (the ex-offender) has few, if any, resources. Therefore, VDP must be publicly supported.

The Vocational Development Program's budget for the year ending June 30, 1986 (roughly \$700,000) was met by a combination of City and State funds, in roughly equal proportions. (When JTPA funds were reduced late in 1983, and threatened a dramatic cutback in VDP services to parolees, State funds were made available, through the intervention of New York City legislators,

so that the budget for the year ending June 30, 1984, was met with \$498,000 of City funds and \$102,000 of State funds. The year ending June 30, 1985 was similarly split, with the City's allocation of \$395,000 supplemented by \$178,000 of State funds. In FY '86, State funds totaled \$350,000 and City JTPA funds (\$335,000.)

The City's JTPA allocations to VDP for the two years ending June 30, 1986 and June 30, 1987 have been set at a steady \$335,000. In the FY '86 State legislative session, the New York State Division of Parole sought and obtained an additional \$175,000 for VDP, bringing the total of State support to \$525,000. This award of state funding was made in response to proposals developed jointly by management staff of the Division of Parole and by Vera planning staff, working under this contract with the City of New York. When combined with DOE support of \$335,000, the influx of state dollars will enable VDP to place roughly 345 ex-offenders into competitive employment in the current fiscal year.

E. NWP Research Project - Developing Knowledge about the Work and Crime Choices Made by Persons Recently Released from Jail and Prison

NWP, described in subsection B, above, presents an unusual opportunity for research. NWP's transitional aid comes from guaranteed, immediate post-release employment rather than from transfer payments of one sort or another; its almost total absence of intake criteria make it available to anyone released from confinement; its operating assumption is that a very substantial proportion of returning ex-offenders are adults, capable of understanding what is expected of them and of using the financial benefits of employment to help themselves adapt to stable life in the community.

Despite these unusual features of NWP's design, after several years of operation NWP had not been the subject of any systematic research effort. At the beginning of the program the meager research resources that were available were used to develop forms for collecting data, describing participant characteristics at intake, program operations and the extent of worker participation. In 1984, with partial funding from the Ford Foundation, Vera's Research Department began exploration of the role that NWP plays in the lives of recently released offenders, and the job/crime choices that this group makes.

The need for more knowledge about the choices recently released prisoners make between work and crime, and about the reason they make the choices they do, has not diminished; if prison and jail populations continue to rise, and they have in recent years, increasing numbers of ex-prisoners will be facing these choices.

The major questions addressed by Vera's NWP research fall

into two general categories: a) those dealing with NWP as a program model for transitional aid to ex-inmates returning to the community; and b) those dealing with the meaning and impact of paid work in the lifestyles of recently released, highly crime-prone ex-prisoners. In addition, Vera's research has explored the demographic characteristics of the ex-prisoners who voluntarily register for the guaranteed (but low-wage) work offered by NWP, and how that group differs from those released from correctional facilities to the City who do not seek such aid in the transitional period. The research also explores the resources available in the community to ex-prisoners who make extensive use of NWP and those who do not, and the characteristics that distinguish extensive program users from others. The research as a whole focuses on the relationships among the extent of program use, post-program employment and post-release criminal activity.

Through extended interviews with and case studies of successful and unsuccessful users of NWP, the research is designed to answer such questions as: What proportion of NWP participants secure employment upon or after leaving NWP? How long does it take them? What is the role of their prior employment in securing post-release jobs? How have they gone about their personal job search? How does their prior criminal history affect their employment prospects? What kinds of crimes are committed by those who are rearrested after release and how is the return to criminality related to program use and post-program employment?

Over the past two years, extensive data on 384 released offenders who entered NWP in the summer of 1984 have been collected, reviewed and analyzed. Under this contract, a preliminary report has been edited and revised. A final report will be disseminated at the end of the year, to city and state officials with responsibility for policy in the areas touched upon by the research.

PROGRAM 8 - RESEARCH, PLANNING AND TECHNICAL ASSISTANCE ON, AND
DEVELOPMENT OF METHODS TO REDUCE DELAY AND **BACKLOG** IN
THE COURTS

Introduction: The Nature of the Problem: Jail Overcrowding,
Court Delay, and Backlog

Jail overcrowding is usually assumed to be the direct result of high crime or arrest rates, or of tough sentencing policies which put more people into custody. But jail overcrowding often results at least in part from other forces. The surge in New York City's detention population between 1977 and 1982 -- just before the crisis that precipitated the City's Speedy Disposition Program in 1983 -- appears substantially, and perhaps entirely, attributable to an increase in the length of time spent in jail by detainees awaiting disposition and sentence. According to data from the City's Department of Correction, detainee admissions to the City's main jail facility on Rikers Island fell eight percent (from 61,984 to 56,932) between 1977 and 1982, while the average daily population of detained inmates rose 51 percent, from 4,486 to 6,792. This increase was the product of a 69 percent increase (from 26 days to 44 days) in the average length of detention before disposition.¹

In 1983, in response to the mounting crisis of overcrowding in its correctional facilities (which hold both detainees and defendants sentenced to **terms** less than a year, and are funded

¹ This was not the first time New York City had faced a jail overcrowding crisis resulting from an increase in the length of stay among detainees. In 1968 the City's correctional facilities faced a "population explosion," which caused the Mayor, his Criminal Justice Coordinating Council and the Presiding Justice of the Appellate Division to join in a concentrated planning effort that aimed to find ways to increase the speed with which detained defendants were released and to expedite the disposition of cases. According to the Vera Institute's report to then Mayor Lindsay,

The average length of pretrial detention has been increasing steadily from 18.5 days in 1965, to 26.5 days in 1967, to approximately 30.1 days at the present time. These figures understate the length of detention for persons who do not obtain release at any time prior to trial, because within the average are substantial numbers of cases in which bail was posted shortly after admission to detention. While data are not available on the duration of custody of all defendants detained for the entire pretrial period, it is known that on August 1, 1968 the average detained defendant in the jurisdiction of the Supreme Court had already spent over 140 days in jail.

directly by the City), the City undertook a \$117 million, four-year jail construction program. In addition, the City began to consider other strategies to reduce the average daily census of detainees. This agenda became more pressing toward the end of 1983 when, in November, some 600 detainees were released by order of the United States District Court, to alleviate what the court found to be unconstitutionally overcrowded conditions on Rikers Island. The City, therefore, had a substantial interest in addressing the problem of overcrowding and the attendant costs (to defendants and tax-payers) by attempting to shorten the pretrial period. Although the City officials engaged in this effort did not wish to ignore non-detention cases, while searching for ways to reduce case-processing time, the City focused its attention primarily on long-term detainees because they consume a disproportionate share of the total number of detention-days used.

Most of the long-term detainees face felony prosecution in the City's Supreme Court, the trial court of general jurisdiction.² Despite earlier efforts by both prosecutors and court administrators to accelerate felony case processing and decrease the backlog of cases pending in the New York City Supreme Court, New York City's Supreme Court remained among the slowest urban courts in the nation according to a 1978 National Center for State Courts report on case processing times for 21 civil and criminal courts of general jurisdiction in metropolitan areas around the country. In 1985, the National Center issued a second report containing 1983 caseload data on 18 courts; several courts were part of both NCSC studies. The New York Supreme Court was still among the slowest, when compared to the courts in the second study. These studies and the follow-up measured criminal caseloads and other data relevant to an assessment of delay in 1976 and in 1983.

² The City's five elected District Attorneys and the Special Narcotics Prosecutor initiate most felony prosecutions in the City's court of limited jurisdiction -- the New York City Criminal Court. They bring most of these felony cases before a Grand Jury for indictment and then arraign and prosecute them in the New York City Supreme Court which has separate physical, administrative and judicial operations in each county.

The Supreme Court is part of New York State's Unified Court System which is headed by the Chief Judge of the State's Court of Appeals. The Chief Judge, appointed by the Governor, is responsible for selecting the administrative staff of all the courts, including an Administrative Judge for the courts located in New York City. The New York City Supreme Court has administrative judges in each county who supervise the day-to-day operations of the court; the exception to this is the smallest county, Richmond, where the Supreme Court is part of the Kings County Supreme Court. The operating costs of New York City's Supreme Courts are borne by the State of New York.

1983 data from the National Center's follow-up study are reproduced in Table 1 below. Also included are comparable 1983 data for all the New York City Supreme Courts, compiled by Vera as part of this evaluation of the City's Speedy Disposition Program (data for 1983 were collected as a baseline for assessing the impact of the SDP during 1984 and 1985).

What the first column of Table 1 shows clearly is that, in 1983, the median time to disposition in the New York City Supreme Court citywide exceeded that of all but two of the 17 metropolitan courts studied by the National Center. Only Boston and the Bronx County Supreme Court (the one New York City court included in the National Center study) took longer than the New York City-wide average to dispose of indictment cases. Furthermore, although the Vera data for Bronx County in 1983 show that it had a longer median time to disposition than did any of the other New York counties, all the others had longer median times to disposition than did most of the courts studied by the National Center.

The fact that New York City's Supreme Courts were so exceptionally slow could not be attributed either to their having a higher proportion of serious cases than other courts (which they may), or to their having higher ratios of indictments per judge (which they do not). The second column of Table 1 provides the National Center's 1983 data on median processing times for the most serious cases disposed in each jurisdiction studied. When compared to the Vera citywide median processing time for all felony cases disposed in New York City's Supreme Court (185 days), all but two of the courts had shorter median processing times for only their serious cases. (Providence and Boston were longer for serious felonies and they were the two generally slowest courts in the National Center's study, except for the Bronx.) Furthermore, all the courts in the nationwide study had higher criminal filings per judge than did New York City; most were considerably higher (see column 4 in Table 1).

Despite the New York City Supreme Court's extremely slow disposition process, its relatively modest number of filings per judge suggested to the City that there was a capacity for improvement in the system, despite the backlog of pending cases.

The original 1978 National Center study had found a strong relationship between the size of a court's backlog and delay. To measure the relative size of case backlogs across different courts, National Center researchers constructed what they called a "backlog index." This index takes the number of cases pending at the beginning of a year and divides it by the number of dispositions reached by the court that year. The larger the resulting number, therefore, the higher the relative size of the backlog. In Table 2 below, the Vera Research Department compared the National Center's 1983 backlog data with its own calculation of that index for New York City's Supreme Court during 1983.

TABLE 1
Criminal Case Processing Times and Court Size:
Selected Urban General Jurisdiction Trial Courts, 1983

A. National Center for State Courts Data ^a	Median Upper Court Disposition Time, All Cases (in days)	Median Upper Court Times, Serious Cases ^b (in days)	Criminal Judges	1983 Criminal Indictments	Criminal Indictments per Criminal Judge	Population (in 1000s)
Oakland, CA	17	64	14	3,636	260	1,105
Detroit, MI	43	89	29	10,525	362	1,300
San Diego, CA	43	42	9	6,563	729	1,861
Phoenix, AZ	44	76	13	7,682	590	1,509
New Orleans, LA	49	112	17	5,698	336	557
Wayne County, MI	49	81	6	4,153	692	2,337
Portland, OR	52	75	14	5,370	383	562
Dayton, OH	64	72	na	2,246	na	571
Minneapolis, MN	84	90	6	6,134	1,022	941
Cleveland, OH	88	99	na	na	na	1,498
Pittsburgh, PA	90	166	21	12,373	589	1,450
Miami, FL	93	145	17	na	na	1,625
Wichita, KS	108	122	8	2,179	272	366
Jersey City, NJ	121	159	8	2,100	262	556
Newark, NJ	146	154	18	6,134	340	851
Providence, RI	182	253	na	2,997	na	571
Bronx, NY	230	251	37	5,048	136	1,168
Boston, MA	307	297	10	1,863	186	650

B. Vera Institute of Justice data for NYC Supreme Courts ^c	Median Arrest to Disposition Time (in days) ^d	-	Criminal Judges ^e	1983 Criminal Indictments	Criminal Indictments Per Criminal Judge	Population (in 1000s)
<u>Citywide</u>	185	-	168	28,046	167	7,165
Manhattan	135 ^f	-	50	10,230	205	1,456
Richmond	147	-	2	402	201	371
Kings	215	-	44	7,501	170	1,254
Queens	215	-	31	4,865	157	1,911
Bronx	220	-	40	5,048	126	1,173

^a Source: Mahoney, Sipes, and Ito, 1985:13 and 14.

^b Homicide, Rape, and Robbery.

^c Source: Speedy Disposition Program Evaluation, sample of all dispositions in the NYC Supreme Court during a baseline period (10/1-11/31/83).

^d In NYC, the period between arrest and indictment in the upper (Supreme) court is short, less than two weeks.

^e Calculated using the courts' own methods: the number of judge-days during 1983 divided by 205 (the average number of days judges are on the bench per year).

^f Sample excludes felony drug cases handled by the Special Narcotics Prosecutor.

TABLE 2
Criminal Case Backlog:
Selected Urban General Jurisdiction Trial Parts, 1983

A. National Center for State Courts Data ^a	Criminal Case Backlog Index ^c
Detroit Rec Ct, MI	.18
Phoenix, AZ	.35
New Orleans, LA	.10
Wayne County, MI	.18
Portland, OR	.37
Dayton, OH	.24
Minneapolis, MN	.18
Pittsburgh, PA	.70
Wichita, KS	.45
Jersey City, NJ	.35
Newark, NJ	1.27
Bronx, NY	.48
Boston, MA	1.04
<hr/>	
B. Vera Institute of Justice data for NYC Supreme Court ^b	
<u>Citywide</u>	.45
Manhattan	.38
Richmond	.34
Kings	.49
Queens	.52
Bronx	.48

^a Source: Mahoney, Sipes and Ito, 1985:19.

^b Source: Speedy Disposition Program Evaluation, based upon official data from the New York State Unified Court System, Caseload Activity Reports for 1982-1983.

^c Criminal indictments pending as of 1/1/83 divided by total 1983 dispositions.

The comparison is generally favorable to New York. The backlog index for the seven fastest-paced courts on the National Center's 1983 list ranged from .10 to .37; the slowest courts ranged from .35 to 1.27. The indices for the Supreme Courts in all five New York City counties and for that court citywide range from .34 to .52; these are at the upper end of the national range for faster courts and at the lower end of the range for slower courts. These data suggested to City administrators that the 1983 backlog in the Supreme Court, when compared with the backlog of slow and fast courts nationally, ought not to be viewed as an insurmountable obstacle to speedier dispositions in New York City.

While it was reasonable for the City to perceive felony case processing times as too long and Supreme Court backlogs as too high and to identify them both as a primary cause of overcrowding and high detention costs in 1983, the City also had no direct way to influence the judiciary's activities or priorities. Furthermore, past efforts of the New York City Supreme Court had not been as successful as desired in bringing case processing times up to par with similar jurisdictions around the country.

In recent decades, efforts by state courts in the U.S. to speed case processing times and reduce the backlog of felony cases have taken two primary forms. The first is the commonly recognized strategy of imposing regulatory schemes (either by court rule or by legislative statute) to obtain compliance with specific behavioral standards. In 1970, the New York State Assembly enacted a series of time-specific procedural standards reflecting the constitutional requirement that defendants are entitled to "speedy" trials, that criminal trials are to be given priority over civil matters in scheduling, and that among criminal cases those in which the defendant has been unable to secure pretrial release are to be given priority (New York State CPL 30.20).

Subsequent to the enactment of these requirements by the legislature, the Administrative Board of the Judicial Conference (which at that time had the rule-making authority for the state's courts) drafted more specific time requirements to interpret the statute. Within specified periods, most cases had to be either tried or dismissed and detained defendants had to be either tried or released from custody.³ At this time, case law provided that delay did not deny defendants' rights under the speedy trial statute if a good cause existed for the delay, and that good cause could include factors beyond the control of the prosecutor, including court congestion (People v. Ganci, 1971).

³ Ninety days after arrest for any felony offense other than homicide, defendants whose cases had not come to trial would be released from custody, and six months after arrest felony cases of defendants not yet brought to trial would be dismissed.

The approach of the court's Administrative Board, therefore, to interpreting the demands of speedy trial legislation not only placed the burden on the prosecution to secure its own readiness for trial, but also required release of defendants and the dismissal of charges if trial deadlines were not met for reasons attributable to other parties, including the court and the defense. While other jurisdictions have held the state responsible for securing trials within specific time limits regardless of the cause for delay, the approach has its difficulties. The City's District Attorneys opposed the proposed rules of the Administrative Board because, while the rules recognized the responsibility of the court to ensure the timely movement of cases, the rules placed that interest into direct conflict with another, namely the just disposition of cases on their merits.

The compromise was CPL 30.30 sponsored by the Governor and the New York District Attorneys and enacted by the State Assembly in 1972, three days before the court's administrative rules were to go into effect. Designed to supercede those rules, this speedy trial statute required only that the District Attorney be "ready" for trial within prescribed time periods. It was less strict than the court rules which invoked the remedies of release and dismissal when the trial was delayed beyond the time period specified even though the District Attorney was ready for trial.

As all too many recent attempts to introduce constructive change or innovation in criminal justice systems attest, imposing rules specifying standards of performance does not always induce compliance. Several times during the 1970s, the Administrative Board of the Courts adopted and amended Standards and Goals for the timely disposition of felony indictments in the Supreme Court and set deadlines for their implementation; each time the goals were not all met.⁴

⁴ The 1979 amendments, which were to be met by January 1980, included having indictments filed within 30 days after arraignment in the local criminal court; having the prosecutor file notice of intention to offer evidence of a defendant's statement within 15 days after Superior Court arraignment; having a conference to arrange full discovery and discuss motions within 20 days; having all motions made within 15 days of the first conference or within 45 days of the arraignment; having a pretrial conference within 75 days of arraignment to discuss disposition or schedule a trial date; and having the trial begin or a disposition reached within six months of indictment.

In January 1983, official court data show that 36 percent of the cases pending in the New York City Supreme Court were beyond these Standards and Goals (i.e., more than six months past indictment). Vera research data show that 50 percent of all the cases disposed in the Supreme Court during October and November 1983 had taken more than 185 days (6.2 months) from arrest to disposition, 25 percent had taken over 319 days (10.6 months), and 10 percent had taken over 463 days (15.4 months).

Recognizing the insufficiency of rules alone to change behavior, courts have periodically initiated a second strategy to speed up case processing and reduce backlogs. This has primarily taken the form of operational changes intended to improve the courts' capacity to comply with the rules and statutes.

In March 1981, for example, with the New York City Supreme Court backlog still intact despite CPL 30.30, the Chief Judge announced a plan to attain the goal of disposing of felony cases within six months. The number of judges assigned to felony cases in New York City was increased from 124 to 161; detainee cases and cases pending longer than six months were to be immediately placed upon the calendar so that trial dates within 30 days could be set; in these older cases, no adjournments were to be allowed without the consent of the Assistant Administrative Judge; new staff ("expeditors") were to be hired to coordinate the transfer of cases from calendar to trial parts to keep unproductive trial part time to a minimum; and 18-B panel attorneys (members of the private bar appointed and paid by the Appellate Division to provide defense counsel to indigents for whom Legal Aid Society representation is proscribed) were to be utilized more frequently and assigned earlier. The goal of this administrative plan was to process all felony cases in New York City within six months of indictment by February 1st, 1983 and within 135 days (4.5 months) by August 1st, 1983.

By October 1981, eight months into the effort, the backlog of cases over six months old had increased 23 percent (from 3,630 to 4,473) and constituted 40 percent of the total pending caseload. As a result of this early disappointment, the Chief Judge enlisted planning support from the National Center for State Courts' Northeastern Regional Office, and a new effort called the Felony Backlog Reduction Program (FBRP) was launched on January 25, 1982.

A major element of the FBRP was an Administrative Rule forbidding adjournments in cases six months or older except by the Assistant Administrative Judge (who was also the Director of the FBRP). But in April, a different judge of the Supreme Court held this Administrative Rule to be an unlawful interference with judicial independence and ruled it void.

The FBRP was described as a "time-frame" method of case processing: specific dates were established for completion of all pretrial activity. Despite the inherent logic of such an approach, many judges in the Supreme Court believed that the volume of cases was too high and the reasons for adjournment too varied, for case processing to adhere to established time-frames.

At the end of January 1982, when the FBRP began, 10,620 cases had been pending, 35 percent of which (3,370) were more than six months old. By the end of 1982, the caseload had increased to 13,998, 35 percent of which (4,850) were still over six months old.

Whatever the reasons, the court's administrative efforts to secure compliance with felony case processing standards during 1981 and 1982 were less than a resounding success. This history gave City administrators little reason to expect relief from plans and initiatives in the courts when, in 1983, they faced a growing jail overcrowding crisis linked to lengthening periods of pretrial felony defendants. So, the City looked to the prosecutors to help through a Speedy Disposition Program.

A. The Speedy Disposition Program

Prosecutors often take the position that there is little they can do to keep cases from getting old. They tend to the view that cases age because of problems intrinsic to particular cases (e.g., multiple cases pending, very serious charges, etc.), or because judges allow defense attorneys too many continuances or adjournments. Nevertheless, District Attorneys sometimes concede that there are actions they could take to reduce delay if they had more resources.

In designing the Speedy Disposition Program (SDP) in the fall of 1983, with the assistance of Vera, the City accepted the second proposition -- that the six prosecutors could influence the process if they had more resources -- and it allocated an additional \$1.5 million among the six⁵ New York City District Attorneys for them to use to reduce the number of old cases pending in 1984 and 1985. The City was interested in case processing time for two reasons -- one of economy and one of justice. First, the City's costs for pretrial detention have increased as the cases of defendants in detention have been taking longer to reach dismissal or sentence. Second, "justice delayed is justice denied."

Despite the District Attorneys' general position that most delay is beyond their control, the City thought it both logical and expedient to turn to the District Attorneys for help in reducing case processing time. It was thought logical, first, because a prosecutor, like the plaintiff in a civil lawsuit, wants to alter the status quo by obtaining a judgment against the defendant; the longer it takes a case to reach judgment, the longer the status quo is maintained. Also, most defendants remain at liberty while their cases are pending, posing at least an embarrassment to the integrity of the process if that status is maintained for too long, and at worst, a potential threat to public safety. Second, it was thought logical because the prosecutor, carrying the burden of proving guilt, has most to lose if the passage of time erodes the credibility or the availability of witnesses.

⁵ For ease of expression, the Special Narcotics Prosecutor is included when this discussion refers to "The District At-

It was thought expedient for the City to look to the prosecutors for help in reducing case processing times because the City is the major source of the District Attorneys' budgets; thus, through the budgeting process, it might exercise some measure of influence over the prosecutors' priorities.

The City's Speedy Disposition Program (SDP) also was consistent with the trend of thought which acknowledges and encourages the prosecutor's role as an executive manager and policy setter within the criminal justice system. Modern prosecutors do not simply receive cases from the police and process them through the court system. Prosecutors can and do work to improve the effectiveness and efficiency of the entire criminal justice system by using their influence to affect not only the prosecution function, but also the police, adjudicatory, and corrections functions. They are in a strategic position to direct change with respect to matters within their own statutory authority, and also to negotiate change in areas outside it.

Thus, the SDP provides a test of: (1) the extent to which criminal case delay is within prosecutors' sphere of influence; and (2) how prosecutors go about the process of planning and executing attempts to intervene to cause improvements in the pace of the existing system.

What was it the prosecutors were asked by the City to do under the SDP? The focus of the City's interest was the growing size of the pretrial detention population in City correctional facilities. Its assumption, based upon evidence that from 1977 to 1982 the average daily detention population rose while admissions declined, was that lengthening court processing time for detention cases contributed heavily to the increased demand for cell space. Hence, the SDP initiative sought the District Attorneys' help in reducing the absolute number of long-term detainees by expediting the disposition of currently pending old cases and by reducing case processing times generally.

In addition, because the City did not want to put in place a program that would have the effect of discouraging prosecutors' attention to non-detention cases languishing on the calendars, the SDP targeted all older pending cases, as well as those in which the defendant is detained.

The City used additional FY 1984 allocations to facilitate and stimulate efforts by the District Attorneys to reduce case-loads, and set aside FY 1985 and FY 1986 budgetary supplements to reward successful efforts during calendar years 1984 and 1985. The City set SDP program performance measures (developed for the City by Vera) which focused upon all old cases (those over six months), but emphasized the very oldest detained cases (those

torneys."

over nine months). Therefore, to measure the impact of the prosecutors' efforts and to allocate the FY 1985 and 1986 incentive funds among the District Attorneys' offices, all pending cases 6 to 11 months old were to be counted by Vera, but those over 11 months old were to be double-weighted in the funding formula; in addition, all cases of detainees in custody 6 to 9 months were to be counted and those in custody over 9 months were to be double-weighted.⁶ Thus a detained case over six months old would be counted twice for the purposes of funding allocation, once in the measure of all pending cases and once again in the measure of detained pending cases. If a detained older case (over 11 months) was disposed, and a new case did not age into this category to take its place, both measures contained in the incentive funding formula would be doubly affected. If a non-detained older case (over 11 months) was disposed, and not replaced, one of the measures in the formula would be doubly affected (the all pending case measure) but the other measure (detainees only) would not be affected.

Vera measured the impact of each District Attorney's 1984 activities on the size of the target groups of older cases as defined in the formula by comparing the number of older cases in each target group at the end of 1983, in each District Attorney's caseload, with the corresponding number in that caseload at the end of 1984. The impact of the District Attorney's 1985 SDP activities was similarly measured by Vera by comparing the size of these target groups at the end of 1985 with their size at the end of 1984.⁷

⁶ The City's choice of six months for the SDP was not because of the judiciary's Standards and Goals requirement. Rather, this cut-off date was chosen by the City because roughly half the pending cases and half the Supreme Court detainee cases fell into the "over six months" category, according to the best statistics available when the SDP was in its design phase. Nine and eleven month cut-offs to define the very oldest target groups of detainee and pending Supreme Court cases were selected because they were the seventy-fifth percentile (i.e., 25% of the cases were above these ages).

⁷ To determine the funding allocation for each prosecutor's office, the City developed a formula that compared each office with its own previous pending caseload, focusing on the target groups of older detainee cases and older pending cases in the Supreme Court regardless of their detention status. The basis for this formula was discussed with the prosecutors in the fall of 1983 and included as Attachment B in the City's final memorandum on the SDP to the District Attorneys on November 22, 1983.

The funding formula for the first year was based upon a count of the number of defendants in detention over nine months and the number over six but under nine months on two dates at the end of 1983 and on two comparable dates at the end of 1984. (The formula was the same for the program's second year, but compared

To reduce the size of SDP target groups, the City assumed that the prosecutors would have to direct themselves toward two objectives: first, they would have to attack the existing "back-log" by putting in place temporary mechanisms to dispose of the sizeable number of old cases already within the target groups. (Vera counted 7286 defendants with cases pending over six months on December 4, 1983; 1418 were in detention.) Second, preferably at the same time, they would have to develop ways to ensure that the newer (younger) cases did not age to the point of entering and swelling the target groups. Without effort in the second area, early successes in reducing the size of the target groups would be counter-balanced, at least to some degree, by the aging of newer, neglected cases.

the dates at the end of 1984 with two dates at the end of 1985.) The counts for the two 1983 dates were averaged as were the counts for the 1984 dates, and the average number of detainees over nine months was double-weighted. Then the percentage change between 1983 and 1984 in the average weighted number of older detainees was determined, to see if there had been a percentage reduction in the size of each office's caseload of older detainee cases.

The same procedure was used to determine the percentage change in the size of each office's overall Supreme Court pending caseload, again focusing on cases pending over six months and double-weighting for those over eleven months.

Each of these two percentage change measures was then adjusted if, and only if, the median age of all cases upon which it was based had increased (i.e., the median age of all detainees and the median age of all pending Supreme Court cases). If an increase had occurred, it was subtracted from the office's score on the measure.

The resulting figures for each of the two program performance measures were combined and averaged to create a final overall SDP score for each office which was used to distribute the incentive pool. A negative final score indicated that an office had succeeded in reducing the average weighted size of its SDP target groups between its 1983 baseline and the end of the program's first year, or between the end of 1984 and the end of 1985, the program's second year.

For each office achieving a successful result, its final SDP score was multiplied by its percentage share of the City's total budget to the prosecutors. These figures reflected the contribution of each successful office to overall citywide results for the SDP in 1984, or in 1985. The combined contributions of the successful offices in each year were made equal to 100 percent so that each office's proportionate contribution to the overall citywide result that year would be established. This was multiplied by the \$1.25 million in the supplemental funding pool to determine each office's share each year.

Furthermore, because the SDP was to run for at least two years, if prosecutors did not attack the strategic problem of how to keep cases from aging, progress made in 1984 to reduce the pre-existing backlog would also be offset in 1985 by an increase in the number of newer cases aging over 6 months. Hence, absent some strategic planning toward speedier dispositions generally, the District Attorneys' offices would be in the same situation during the SDP's second year as they had been at the beginning of year one -- without new mechanisms in place to prevent relatively young cases from becoming very old cases.

1984 was the first year of the Speedy Disposition Program, with Vera providing on-going technical assistance to the City in its role as program evaluator.⁸ The City's distribution to the various prosecutors of the start-up \$1.5 million for expenditure beginning January, 1984, was announced on November 22, 1983. By late spring of 1984, several of the District Attorneys' offices had yet to implement any plans aimed at achieving SDP goals. Some specific changes were not actually put in place until the fall, a delay that may reflect these offices' shortage of planning capacity.

But the delays in starting may be no more than a reflection of a pattern of thinking that pervades the adjudicatory segment of the New York City criminal justice system: things that are planned, agreed, and even announced, frequently do not occur. In the day-to-day operation of the courts, this pattern often applies to trial, hearings and other events for which specific times are set, reset and set again.

In tracking the progress of the SDP as part of the evaluation, Vera researchers often came away from initial interviews with the prosecutors and their assistants in the Spring of 1984 with the impression that the interview itself may have played some role in precipitating the planning process: it made the SDP seem more real, and some of the prosecutors' offices appeared to focus more attention on implementing the SDP after the visits from researchers reminded them that, although this program began with an award of start-up money distributed proportionately to their budgets, the second distribution of money -- at the start of the second year (1985) -- was to be based on program performance in the first year.

⁸The Office of the Coordinator of Criminal Justice and the Office of Management and Budget joined, on behalf of the City, in a contract with Vera to assemble the necessary data bases, merge them and analyze them; it was agreed at the time that Vera's basic planning, technical assistance and research contract with the City (by and through the Police Department) would be too heavily committed to other projects to bear more than a small portion of the costs of the massive data-collection and analysis work required for the SDP. Thus, the bulk of these costs have been separately covered by an SDP contract, with a small portion

While the City requested and received initial reports from each District Attorney's Office showing how the funds were to be spent, no restrictions were placed upon how the SDP funds allocated to the six offices were to be used and the SDP start-up allocations were not necessarily directly applied to costs incurred in implementation of the District Attorneys' plans to reduce case processing time. Part of the City's thinking, embedded in this feature of the SDP, was that the District Attorneys were likely to know best how to pursue the SDP goals, and would be likely to accomplish more if they were free to experiment, as they went along, within their respective jurisdictions.⁹

Predictably, in some offices, the plans changed over time. Thus, although the SDP incentive may have been important to them, many of the efforts actually undertaken in the first year did not generate additional costs to the prosecutors' budgets. As part of the Kings County program, for instance, special Supreme Court Parts were set up to process old cases. But ADAs transferred to the new parts were not replaced in their former positions because the District Attorney recognized that, when the old cases were removed from the regular Supreme Court parts, caseloads there would be reduced.

The prosecutors' offices took some time before they began to focus on the specific structure of the SDP incentives in the way the City intended. All the District Attorneys started out to reduce the number of old cases (i.e., those pending at least 6 months), but not all of them focused on the distinction between detained and bailed cases, or between the old and the very old cases.

The data permit only broad inferences to be drawn about the connection between any particular SDP efforts by a District Attorney's Office and the changes in caseloads reflected in the

of supervisory costs borne by this contract.

⁹ There is no evidence from research interviews or quantitative data compiled during the course of the evaluation that, as a response to the SDP, any District Attorney's office altered basic policies with respect to charging, negotiating guilty pleas, or sentence recommendations. Rather, the innovations that emerged in response to the SDP were for the most part procedural--attempts to reach the same results in cases, consistent with each District Attorney's perception of the public's interest, in a shorter period of time. The quantitative data upon which this conclusion is based are drawn from three samples of cases disposed, in the New York City Criminal and Supreme Courts, analyzed for the evaluation--a late 1984 baseline sample, a mid-1984 sample and a late 1984 sample. Analysis of these "snapshots" of the dispositional process helped the researchers assess more thoroughly the impact of the prosecutors' SDP activities on the broader criminal justice system.

data. Cause and effect relationships cannot be proven. For example, some efforts by the District Attorneys to reduce case processing times that were already underway, before the SDP started, continued to have an impact on caseloads in 1984.

Similarly, changes by other actors in the criminal justice system affected case processing times during 1984. For example, at the beginning of the year the Administrative Judge for the Bronx Supreme Court, Criminal Term, initiated a special effort, external to the SDP, to reduce a pending caseload that had increased substantially during 1983. An external effect that may have increased case processing times arose when the Administrative Judge for Richmond County changed the assignment of two Supreme Court Justices, moving them from an exclusively criminal calendar to a combined criminal and civil calendar to help reduce a civil case backlog.

The SDP ran for two full years, from January 1984 through December 1985. All the District Attorneys' offices developed and implemented some response to the City's initiative, making more or less substantial changes in their procedures. Each District Attorney devoted special efforts to the SDP. Their work fell into several general categories:

Efforts to introduce procedural changes, to shorten delay at specific points in the processing of cases, expediting paper and case flow.

Efforts to identify cases that had been pending for a long time, and to expedite their disposition by setting up special court parts and, usually, special units of prosecutors. Some of these efforts were temporary, to reduce the pre-existing backlog of cases.

Efforts to encourage the disposition of cases at an early stage in the adjudication process, usually by having a senior level ADA determine within the first week or so, after a case is filed in Criminal Court, the District Attorney's position with respect to an acceptable disposition, communicating that determination to the defense attorney, and obtaining the cooperation of the court in promptly processing a guilty plea when an agreement is reached.

Efforts to identify the "fighting issue(s)" in a case, and to have the State's evidence and other prerequisites prepared ahead of time to avoid delay when the issue actually comes before the court.

Efforts to expedite pretrial motions by consolidating them into one, rather than sequential, proceedings.

Efforts to improve information systems, to better identify aging cases so that supervising Assistant District Attorneys could provide direct incentives to trial Assistant

District Attorneys to move their cases, and to get both supervisors and trial prosecutors to accept the reduction of delay as a part of their professional responsibility.

Some of the District Attorneys' offices were relatively slow to get going; others began planning more rapidly. Some undertook activities that extended for the full course of the program and made changes that will continue to effect case processing in their offices into the future; others made short-term efforts to address the size of the target groups but were not able to sustain them. Some attempted to involve the courts in their SDP plans; others moved forward alone. Some had a positive impact on the target groups; others fell further behind.

B. The Citywide Results of the SDP

The Vera Institute of Justice provided the City with the data to measure the size and age of the target groups for the SDP. With the assistance of the Research Department of the New York City Criminal Justice Agency, Vera developed the computerized data bases to do so systematically and uniformly across all the District Attorney's jurisdictions.¹⁰

Examining the citywide data developed by Vera and CJA researchers to assess the overall impact of the SDP during its two year period, the analysis began with the issue of detention, because this was initially the City's most immediate concern and it remained so. The analysis then moved to the citywide data showing the program's impact on the size of the Supreme Court backlog and on overall times to disposition for cases in the Supreme Court.¹¹

10 It is important to note that systematic data on the size and age of the detention population by county are not routinely collected by any official agency. In addition, the official data issued by the court (in its Caseload Activity Reports or CARS) could not be used for the SDP all pending case measure for several reasons. First, they do not separate from all Manhattan Supreme Court cases those being prosecuted by the Special Narcotics Prosecutor. Second, these reports exclude cases pending sentence; third, they calculate the age of cases from their initiation in Supreme Court rather than from their Criminal Court arraignment, re-setting the age of cases to zero whenever they have been returned on a warrant. These are all significant limitations when the data are viewed in the context of the City's criteria for the SDP. In addition, CARS data count Supreme Court filings, rather than the number of felony charged defendants, and therefore have no direct relationship to the detainee population, as one defendant may be the subject of several filings.

¹¹A full discussion of the performance of each District Attorney's office and a description of their individual

From an immediate policy perspective, the City was primarily interested in the SDP citywide impact, particularly on jail days saved over the two year period. However, from a broader policy perspective, City administrators were also interested in learning from the different ways the prosecutors' offices went about responding to the initiative, and their levels of success, how valid the assumptions underlying the SDP were. The state of present knowledge from extensive research on the reasons for delay in courts suggests that the "local legal culture," prevailing among judges and lawyers, can affect how fast cases proceed, independently of caseloads, court rules, or other factors. Local legal culture refers to the phenomenon that "The attitudes and beliefs of judges, prosecutors, and defense attorneys...control much of what happens to criminal defendants in the felony courts..." and that their attitudes may, in fact, be more important in this regard than more conventionally cited factors such as the volume of cases and court rules.¹² The City wanted to explore whether New York City prosecutors could effect disposition times by altering the "local legal culture" (at least in their own offices) without major changes in their relationships with the court or major infusions of additional resources; if that did occur, they were interested in how it was done.

Finally, City administrators wanted to know whether budgetary incentives could work to focus individual District Attorney's attention on an issue of citywide concern and, if so, whether reducing delay would influence the size of the detainee population.

In terms of the City's first concern -- the impact of SDP overall on the size of the program's target groups -- the citywide effect was positive but very modest in the first year of the SDP and negligible in the second year (although even in the second year there were some small jail savings). The activities of the six prosecutors' offices contributed to these citywide outcomes very differently. Two of the offices that made gains, relative to their own baselines, by reducing the SDP target groups of old Supreme Court and old detainee cases in at least one of the program years (Richmond and the Special Narcotics Prosecutor) are also those offices which handle the smallest proportion of the City's total volume of felony prosecutions. Hence, their contribution to the citywide jail overcrowding problem would not have been substantial even if their success in relation to their own caseloads had been impressive. Two of the other offices

strategies for speeding up dispositions is found in the evaluation's Final Report.

¹² The role of "local legal culture" is best conceptualized and documented in a study of criminal case processing in four metropolitan courts, including the Bronx (Thomas W. Church, Jr.; Examining Local Legal Culture, Washington, D.C.: National Institute of Justice; January, 1982).

which made gains relative to their baselines (Manhattan and the Bronx) handle a large enough proportion of the City's felonies for their efforts to have had citywide implications; however, only one of them (Manhattan) was able to sustain the effort for the full two year period. Finally, the two other large offices, despite a systematic and well-organized effort in the first year by one (Kings) and a series of relevant procedural changes by the other (Queens), were not able to achieve any reductions.

1. The SDP's Impact on the Long-Term Detainee Target Group

Trends in the total city jail population, pretrial detainees and sentenced offenders between 1982 and 1985 show that, despite the SDP, jail overcrowding remains a priority problem in New York City.

Did the SDP help contain the overcrowding problem even if it did not solve it? The citywide data show that at the end of 1984, the first year of the SDP, the number of detainees in the oldest targeted group (those detained nine months or more) had declined 10.1 percent (68 detainees) compared to the baseline period at the end of 1983. (This was the target group to be double-weighted in calculating each District Attorney's office's SDP score for distributing the incentive pool.) However, a small citywide increase (1.5%) in the size of the other targeted group of detainees (those pending less than nine months but over six months) mitigated somewhat the effect of the decline in the older group; thus the net effect on the size of the detention population older than six months was a 3.8 percent decline (56 detainees) in the first year.

In contrast, during the second program year, all targeted categories of the older detainees increased citywide so that the number of detainees six months or older increased by 16.6 percent (234 detainees). Over the full two years, therefore, the detainee population six months or older increased by 12.2 percent (178). The age of the median detainee case (the fiftieth percentile) declined slightly citywide -- by half a day over the two year period, all of this occurring the first year.

City administrators found the first year's detention results mildly encouraging because the program appeared to be having some impact and it was also cost-effective (based upon estimates of the number of jail days SDP saved even by achieving only a modest reduction in the number of long-term detainees). The second year was disappointing, however, because the program had no perceptible effect on the citywide detainee measure, and the second year's county-by-county effects resulted in less than a quarter of the jail savings of the first year, which did not offset the second-year cost of the incentives.

City officials estimated the SDP's jail-days savings by jurisdiction, using an admittedly rough method of estimation (data for a more sophisticated approach simply are not available).

They took the number of six-month-or-older detainees each year for each jurisdiction and multiplied it by the average length of stay for long-term detainees (using a conservative figure routinely used by the Department of Correction). In making these estimates, the City assumed that all jail day reductions reflected the impact of the District Attorneys' SDP efforts. Implicitly, therefore, this assumes that the reductions for any jurisdiction during 1984 and 1985 would not have occurred without the program incentives and that, absent SDP, these jurisdictions either would have experienced the same amount of jail usage as they had the previous year or, like the remaining jurisdictions, they would have experienced an increase in usage.

These estimates suggest that the City's detention facilities used somewhat over 49,000 fewer jail days during 1984, at a saving of almost \$2.4 million.¹³ In 1985, however, in those counties where there were reductions, the number of jail days saved was less than 12,000 (a saving of only about half a million dollars).

Researchers' analyses of Department of Correction census data and the question of citywide increases in workload (arrests and arraignments) generally supports the hypothesis that the SDP was to some extent successful in holding down what would have been even larger increases in the detainee population, which could have been expected from the increases in the court's workload in 1984 and 1985.

First, while the number of sentenced offenders rose between 1982 and 1985, the rise was fairly small and does not explain the steeper rise in the total jail population.

Second, new detainee admissions also rose across this period, and the total jail population tended to vary directly on a month-to-month basis with the number of these new detainees. Moreover, this was less so during 1984 and 1985, the SDP years; in 1985, for example, the total population rose far more steeply than new detainee admissions (suggesting the average length of stay was again rising).

Third, during 1984 and 1985, arrests and Criminal Court arraignments rose but were not followed by a corresponding increase in the size of the detention population; the latter rose at a lower rate. This suggests either (a) that the composition of ar-

¹³ The \$48 per jail day figure used by the City is a conservative estimate of the cost of housing a detainee. While it includes the costs of food and guards, it does not include such things as debt service, pension contributions, capital expenditures, etc. The use of a fully-loaded cost figure (which would have been much higher than \$48) seemed inappropriate because it would have to assume that the SDP was having a more permanent long-term effect than the performance data suggested.

rests contained fewer types of cases likely to result in pretrial detention (which NYPD-UCR data do not support); or (b) that the changes in arrests and arraignments do not affect detention population as directly as some maintain; or (c) that the District Attorneys' efforts to reduce long-term detainee cases were effective at least to the extent that, absent the SDP, the rate of detainees population growth would have been more in line with the other increases.

Finally, there was a slight upward trend in citywide Supreme Court filings from 1982 to 1985, especially in 1984 (the first SDP year) when it was about five percent. While one would expect a more direct relationship between increases in felony filings and the size of the detention population than between increases in arrests or Criminal Court arraignments and detention population, this does not clearly appear unless the data are lagged by about ten months. When this is done, the small increases in 1984 filings fluctuate, as do the somewhat larger increase in 1985 detention figures. This may reflect a diminution of the prosecutors' SDP efforts during 1985 and also suggests, once again, the relationship between the size of the detention population and the number of pending felony cases that grow old.

2. The SDP's Impact on Older Supreme Court Pending Cases

Data on felony arrests, filings in Supreme Court and Supreme Court caseload (both total cases and those pending over Standards and Goals, i.e., over six months) for the period 1982 to 1985 -- the two years before the SDP and the two program years -- show that there were small citywide increases across the four years in felony arrests and Supreme Court indictments (6.2% and 8.9%, respectively). Virtually all the felony arrest increases occurred in 1984, the first SDP year, and the small increase in filings occurred during both program years (5% in 1984 and 4% in 1985).

In contrast, the total Supreme Court workload of pending cases and that part of it that was older than six months increased over the four year period (16.6% and 17.4%, respectively).¹⁴ All the court workload increases occurred either in 1982, before the SDP (27.8% and 31%), or in 1985, the program's second year (7.0% and 18.2%). While on the eve of the SDP in 1983, the overall Supreme Court workload of pending cases went

¹⁴The calculation of the total Supreme Court caseload used here is somewhat different from that used by the court to count "pending" cases. The court's pending case counts are based upon the number of cases on the calendar on the last day of the term. In contrast, the data used in this text are the number of cases pending at the beginning of the month added to the number of indictments filed during that month. This measure reflects the size of the court's workload each month rather than what remains of it on the court calendar on the last day.

down by 11.4 percent, the number of older pending cases was more stable, declining by only 2.6 percent.

During the first year of the SDP, the over Standards and Goals caseload of the Supreme Court declined by 21.4 percent whereas the overall pending workload remained about the same (decreasing by 1.3 percent). Thus, although the overall workload of the court remained relatively stable across the two-year SDP period (it increased 2.3%), the increases in older cases during the program's second year did not entirely off-set the gains made in the first year and the size of the older pending caseload declined somewhat, by 7.1 percent, across the two-year SDP period.

The SDP performance data suggest that this modest citywide decline in the over-Standards-and-Goals caseload was primarily a result of reductions in the number of very old cases -- the ones pending eleven or more months that were especially targeted by the SDP and were double-weighted in the formula for distributing the incentive pool of funds to the prosecutors' offices.

At the end of 1984, the first year of the SDP, the number of old Supreme Court cases pending over eleven months (regardless of detention status) decreased by 23.7 percent (747 cases). This was off-set somewhat by a 5.1 percent increase in the number of cases pending less than eleven but more than six months, with the net effect of a citywide decline in the over six month pending caseload of seven percent (525 cases).

As with the long-term detainee target group, the second year results of the SDP were not as favorable. Although the cases over six but less than eleven months old decreased by 2.7 percent, the very oldest cases pending over eleven months increased by 12.9 percent, resulting in a net increase of 2.7 percent (189 cases) in the over-six-month category. Across the two-year SDP period, therefore, the backlog of very old cases in the Supreme Court (those pending over eleven months) declined by 13.9 percent. While the total number of cases pending over the court's Standards and Goals declined by 4.5 percent, this was entirely due to the larger reduction in the number of very old cases specifically targeted by the SDP incentives. This decline in the number of very old cases is also reflected in a decrease of three weeks (21 days) in the age of the median case pending in the Supreme Court over the two-year SDP period.

Clearly, therefore, the activities of the District Attorneys' offices in response to the SDP during the two-year period (combined with the activities of the court in one of the larger jurisdictions -- the Bronx) had their primary impact (modest though it was) on the size of the older Supreme Court pending caseload, and not specifically on those who were detained. Despite the structure of the City's incentive formula which favorably regarded the disposition of older Supreme Court cases that were also detention cases by recognizing them in both its component measures (and doubly weighting both measures if the cases had been pending over eleven months), the District Attorneys' SDP

activities failed to focus specifically on detainees.

Vera researchers were struck, as each office designed its response to the City's Speedy Disposition Program, by the lack of explicit attention paid to detention cases. It appears that the only prosecutor's office to institutionalize a focus on detention cases was Manhattan's. In no other borough did the lists of old, pending cases kept by the offices or prepared for their SDP activities memorialize the distinction. No other office appears to have devised particular procedures for identifying or specially handling detention cases, or to have put a premium on disposing of detention cases first. This lack of conscious distinctions in the handling of jail and non-jail cases may also reflect a lack of accurate information about the detention status of pending cases; District Attorneys' Offices have expressed difficulty in routinely and reliably determining defendants' detention status.

3. The SDP's Impact on Case Processing Times in Supreme Court

The City's design for the SDP also sought to reduce overall times to disposition for felony cases in New York City. This was specifically because City officials wanted the District Attorneys to put in place permanent changes that might reduce the pressure of long-term detainees on the jails, in contrast to merely reducing temporarily the backlog of old cases which would simply grow again. This goal was also, more generally, a recognition of the extraordinarily long case processing times in the Supreme Court of New York in contrast to other urban general jurisdiction trial courts.

For methodological and practical reasons, the SDP performance measures focused on changes in the size of specific target groups within the prosecutors' overall caseloads, rather than on a direct assessment of changes in average times to disposition for felony cases. However, for several evaluative purposes -- one of them to measure changes in disposition times -- the researchers drew four samples of all cases reaching disposition both in the Criminal Court and the Supreme Court during two-month periods. Beginning with the SDP baseline period in late 1983, disposition data were collected and analyzed for the following time periods: October-November 1983; May-June 1984 (mid-way through the first SDP year); October-November 1984 (the end of the first year); and May-June 1985 (mid-way through the program's second year).

Based upon these samples of dispositions, the age of the median case reaching disposition in the New York City Supreme Court on the eve of the SDP (October-November 1983) was 185 days from arrest; the oldest 25 percent of the cases reaching disposition had taken 319 days or longer. The median convicted case had taken 27 days from disposition in Supreme Court to sentence (the oldest 25 percent had taken 48 days or longer), and it had had 13 court appearances (and 21 or more court appearances for the

oldest 25 percent). Comparative data collected by the National Center for State Courts for 1983 reveal how extraordinarily slow these felony case processing times are; furthermore, although the data are not yet published, the median number of court appearances for felony cases in New York City (13) is also substantially above those for any other court in the Center's study.

Data on case processing times to disposition and to sentence in New York City's Supreme Court across the four time periods described above indicate that those times have declined since late 1983. By May-June 1985, mid-way through the second year of the SDP, the citywide arrest to Supreme Court disposition median time had declined from 185 to 153 days (a decrease of about one month). The median time from arrest to sentence had declined from 227 days in 1983 to 197 days in 1985, a difference of 30 days. The oldest 25 percent of the cases reaching disposition also showed some change -- a decline of 18 days to disposition and 13 days to sentence during the same period. Furthermore, the median number of court appearances had decreased from 13 to 11.

Whether this somewhat swifter pace of litigation in the Criminal Terms of Supreme Court is the result of the SDP cannot be known definitively. Other factors could have influenced these changes in the times to disposition and sentence, just as they could have influenced the changes seen in the size of the SDP target groups discussed above. But the data on changes in target group size and disposition times are consistent with what is known descriptively about what the six District Attorneys' Offices did in response to the SDP (and, as in the case of the Bronx, what the Administrative Judge did pursuing similar goals): jurisdictions where District Attorneys implemented SDP plans of a strategic nature to keep cases from getting old as well as to reduce the backlog showed favorable changes in disposition times; where they did not, there were no significant changes.

These differences among the prosecutors' offices in their responses to the SDP and in the success of their efforts are reflected in the formal results of the program for each District Attorney's Office -- their scores on the SDP performance measures in 1984 and 1985 and the share of the incentive pool each office received (if any) for each program year. (The year's SDP score for each District Attorney's office was a weighted average of the results of that office's efforts to reduce the size of the two target groups in their own caseloads. Thus, each office was compared with its own position the previous year. The \$1.25 million incentive pool was distributed (proportionate to the office's share of the City's overall prosecutorial budget) only to those offices which showed a reduction in the performance measures.)

The Manhattan District Attorney's Office was the only office to show a reduction in its weighted SDP score for both 1984 and 1985. As such, it was the only office to receive part of the incentive pool in both years. The Bronx District Attorney's Office's score showed a reduction in the program's first year, one that was larger than Manhattan's; but it did not show a reduction

in the second year. The Office of the Special Narcotics Prosecutor also showed a reduction in year one but not in year two. In contrast, the Richmond District Attorney's Office showed a reduction in year two but not in the first year. Neither the Offices of the Kings County nor the Queens County District Attorneys showed reductions in either year, and neither shared in the incentive pool during the two-year period of the SDP.

C. Factors Affecting the Success of the SDP

The notion of the City using market forces to obtain desired results from its own executive agencies (or, in this case, from quasi-independent agencies) presents an interesting model, and the outcome of the SDP offers some lessons about how such a model works and how well it works. Incentive approaches to policy change appear particularly suited to circumstances in which (a) the policymaker desiring the change possesses insufficient legal or political authority to command compliance; (b) the technical means to accomplish the goal are uncertain, require professional expertise to develop, or are likely to vary for different places; or (c) organization goals are multiple, complex and ambiguous.¹⁵

The budgetary incentives New York City offered the District Attorneys under the SDP were intended to produce a particular and needed outcome in a situation characterized by all three of these conditions. Whereas the incentives appear to have been sufficient to encourage all the prosecutors' offices to turn their managerial resources to developing initial responses to the problem, they were not sufficient to encourage all the offices (and particularly several of the larger ones whose success was essential if SDP was to have a substantial citywide impact) to engage in a sustained two-year effort. Only in Manhattan did this occur; elsewhere, first year SDP efforts were not carried over into the second year when the office met some opposition from the court to their initial strategy (Kings), or when other concerns commanded the attention of the District Attorney (as in the Bronx), or when the court's own administrative attention was turned to other major policy issues (as in all counties, with the planning for a transition from a master calendar to an individual calendar system).

Why were the incentives insufficient to sustain the District Attorneys' concentrated efforts over the full period of the program, despite a continuing need to reduce the pressure on the City's detention facilities? Although this is a complex question, the Vera evaluation four observations which appear important to understanding the limited impact of the SDP.

¹⁵For an excellent discussion of the use of incentives as public policy tools, see Thomas W. Church and Milton Heumann, "Incentives and Criminal Justice Reform," Technical Report, Speedy Disposition Project Final Report, Chapter I.

First, monetary incentives were offered to the District Attorneys in what was a relatively resource-rich environment; thus, desire for budgetary increases was probably not a primary motivator of management. Between 1980 and 1985, the citywide budget of the six prosecutors' offices doubled, from \$42,851,000 to \$85,892,000 (with the City's direct contribution remaining stable at about 80%). During the same period, the number of Assistant District Attorneys increased by half, from 909 in 1980 to 1357 in 1985.¹⁶ This increase in professional personnel parallels the 57 percent increase in Supreme Court filings and the 50 percent increase in Criminal Court filings over the same period. Based upon caseload estimates for assistants handling Supreme Court cases, these figures suggest that, broadly speaking, personnel resources were keeping pace with caseload. On average, citywide, each ADA with a Supreme Court caseload would have had about 45 new indictments to handle in 1985 as compared to 43 in 1980.¹⁷

These data suggest that, in 1985, the ADAs in the City's Supreme Court were carrying about 62 cases during the year, which is the sum of 45 new indictments per ADA and 17 cases from the felony backlog (the total number of Supreme Court cases pending at the beginning of 1985 divided by the estimated number of ADAs handling felonies). Although systematic information from comparable jurisdictions across the country is absent, this caseload does not appear excessively large on the face of it and discussions with District Attorneys in other jurisdictions reinforce this perception.¹⁸

While the extent of the District Attorneys' needs for various types of resources is a complex question, it appears reasonable to say that the SDP financial incentives themselves were not the major factor motivating the various District Attorneys'

¹⁶ Similarly, despite the considerable constraints on the City's finances as a result of the budget crisis of the mid-1970s, the number of ADAs rose citywide between 1975 and 1980 by almost half (from 613 to 909).

¹⁷ The information on the number of ADAs and the District Attorneys' budget is from the Office of Management and Budget. The basis for the caseload estimates is a 1984 staffing chart of the Bronx District Attorney's office and discussions with executive ADAs in other offices, leading to an assumption that about half the ADAs citywide would be assigned to handle felony cases. Criminal filing data are from the CARS report.

¹⁸ Interviews with District Attorneys in five major urban jurisdictions across the country, for example, indicated felony caseloads ranging from 94 felonies per ADA to 191 -- the latter in Detroit, a jurisdiction with one of the fastest times to disposition for felony cases of any of the 18 courts studied by the National Center in 1983.

responses to the initiative. Budgetary and caseload data suggest this as do conversations with executive personnel in all the offices. Furthermore, it is striking that none of the District Attorneys used the extra resources provided by SDP to build financial incentives for their own staffs as a method of focusing individual ADAs' attention on the SDP target cases. Executive policies made at the top of organizations may or may not be reflected in the actions of those at other staff levels who must implement policy. All the District Attorneys called their assistants' attention to these targeted cases (using somewhat different methods), but none used the incentives themselves to address the problem of staff motivation. SDP dollars were used to hire new ADAs, to establish case-tracking systems, and to augment the overall budgets in a variety of ways directly and indirectly relevant to SDP. But in no office were the funds used as incentives to reward middle-level and trial ADAs who had reduced their backlogs of older cases.

Second, regardless of whether the prosecutors had a felt need for the resources to be distributed from the SDP incentive pool, the incentives might have been more effective if the offices' performance outcomes had been more visible and if their performance had thereby contributed directly to their profession status; however, the program's visibility was generally low, as managed even within the criminal justice community, and this may have limited the relevance of potential non-monetary incentives.

For only one office did the non-monetary dimensions of the SDP incentives seem to operate. In 1983, the Manhattan District Attorney had communicated to City officials that his office could speed up case processing and help relieve pressure on the City's detention facilities if additional resources were provided for such an effort. This communication arrived while the SDP was being planned by the City, and it was a factor in the City's decision to proceed. Thus, in addition to the prospect of "winning" additional funds through the SDP, the Manhattan District Attorney had a specific, visible commitment to achieving the program's results and in demonstrating that his office could move toward the desired objective. This higher level of incentive is likely to be at least part of the reason why Manhattan produced the most sustained SDP effort and why it was the only office to receive a share of the incentive pool in both program years. In contrast, none of the other prosecutors had this level of pre-existing investment.

Parallel to the lack of visibility of the SDP in the larger community was SDP's lack of visibility within individual prosecutors' offices; it was difficult for anyone -- line staff or administrators -- to know whether an individual ADA had done a particularly good job or bad job at reducing his or her backlog of old cases. Because most of the offices did not explicitly recognize or reward individual performance along this dimension, the District Attorneys were not particularly successful at motivating changes in their staffs' behavior. Only in the Manhattan District Attorney's Office was individual ADAs' performance on the

specific SDP performance measures highly visible, as a result of the type of information system designed there for the SDP (the "Star Reports").

However, there is another side of the visibility issue. The more observable performance results are and the more attention is paid to them, the greater is the potential for productive competition to be transformed into conflict through the exacerbation of existing tensions. The City did not wish to generate direct competition among the prosecutors' offices; the incentives themselves were designed to compare each office with its own baseline (and not with other offices) and there was no limit on the number of "winners" who could share in the incentive pool each year. In designing the program, therefore, the City made an attempt to balance the potentially positive and negative implications of rewarding success.

Third, a program design issue raised by one of the six offices during the program's second year resulted in that office withdrawing from the program. The limited citywide impact of the SDP was partially a result of the withdrawal in the second year of the Kings County District Attorney's Office. Although this office had had an explicit and successful policy of attempting to reduce case backlogs prior to the initiation of the SDP and although the office's SDP had had some positive effects in 1984 (not enough to receive a share of the incentive pool), the running start did not produce backlog reductions in 1985.

The reason for the withdrawal of the King's County District Attorney's Office from the SDP, according to a letter delivered to City officials in November 1985, was that the office had been unable to encourage City officials to change the SDP funding formula to include a workload factor. Although the office had expressed concern during the original negotiations between the City and the prosecutors that the quality of dispositions was not being taken into account in the performance measures or funding formula, the concern about workload factors did not surface until the office came to believe that it would have shared in the first year incentive pool if workload had been taken into account.¹⁹ City officials, after their own review of the Kings County data, did not agree with this conclusion.

Finally, norms of the "local legal culture" in all the jurisdictions are a primary determinant of how long felony cases

¹⁹ The quality of disposition issue raised by Kings County was not disregarded by the City; it was simply not included in the performance measures and funding formula. Instead, measures to determine if the quality of dispositions declined as an unintended consequence of the program were included in the overall evaluation of the SDP. The conclusion drawn from those measures is that the SDP appears not to have had unintended consequences on the quality of dispositions.

will take to reach disposition in New York City; they are powerfully and deeply embedded in the operating structure and assumptions of the court. This is reflected in the fact that most of the District Attorneys' SDP efforts accepted these normative expectations rather than challenged them.

Many dimensions of the District Attorneys' programmatic responses to SDP reflect these offices' considerable difficulty with stepping outside the prevailing dogma of the New York City Supreme Court that contested felonies usually take about six months from filing to disposition, and that many cases justifiably take more time. Not only are those assumptions challenged by the experience of such places as the Detroit Recorder's Court, among many other jurisdictions that have been studied, but also they are challenged by research data collected on how much time it actually takes to prosecute and to defend felonies.

These data suggest that most of the time which expires in New York City between arrest and disposition in the Supreme Court -- a median of 185, 173, 176 and 153 days for the four citywide SDP disposition samples discussed earlier in this report -- is not spent on preparation or presentation of a case, but on waiting. None of the District Attorneys' SDP plans addressed this waiting time in a systematic way. When their specific activities are examined in detail (as is done in the SDP evaluation final report), it appears that, with a few exceptions, most incorporated the premises about delay that prevail in New York City and that are, in turn, a cause of delay. The SDP incentives were apparently not powerful enough to provoke a major effort by the prosecutors to change fundamentally the embedded expectations of their staffs, or of the other parties to the disposition process, about how long felony cases should take.

Nothing in the evaluation suggests that incentives fail to work, only that they must be structured in ways that make them effective.

D. Case Processing in the NYC Supreme Court: The Context for the Speedy Disposition Program

How did the New York City Supreme Court come to be among the slowest felony courts in the country? In the powerful local legal culture shared by New York City's District Attorneys and courts, this phenomenon is usually explained by reference to too many cases, too many serious cases, and too few judges. But even if the entire citywide caseload of 30,728 new indictments filed during 1985 survived early assessment and disposition procedures (such as felony waiver) and were sent to trial parts, it would result in 192 cases per Supreme Court judge -- the lowest caseload per judge of any jurisdiction except Boston in the 1983 Na-

tional Center study.²⁰ The Detroit Recorders Court, which is in many respects the court in the survey most resembling one of New York City's four largest Supreme Courts, has a ratio of 362 indictments per judge and a median disposition time of 43 days.

The major elements of effective case management lacking in the present docketing system in New York City's Supreme Court, and the elements that were not created in any of the efforts undertaken by the District Attorneys in response to the SDP, are simple -- at least as they are defined by virtually all researchers and court administrators who have expressed a view about what must exist for delay to be reduced: the events required to process a case should be scheduled within short time limits, the events should occur when they are scheduled, and means to enforce the occurrence of those events should be put in place. The ten courts in the National Center's 1983 study that had felony disposition times of 90 days or less all had established regularized procedures for handling specific stages of each case, procedures geared to bring all cases to disposition within a short time period and with relatively few court appearances. They did so largely by scheduling an appearance only when something specific is to occur and by building the mutual expectation that all parties are obligated to make that event occur -- procedures notably absent in New York City.

In 1982, the New Jersey judiciary began an effort to reduce its trial court congestion. Between 1967 and 1971, indictments had doubled and a record high 13,000 active indictments were pending, well over one-third of which were more than a year old.²¹ In 1984, the Administrative Director of the New Jersey Courts reported that the New Jersey Speedy Trial Program

Has cut almost in half the median time from complaint to disposition, from twelve months down to seven. By itself seven months is not an accomplishment to draw much attention, but it is a significant improvement. The program continues, and we expect to see further reductions in processing time.²²

²⁰ Even if one adds the backlog pending at the beginning of 1985 (11,262) to the new indictments during the year (30,728), the ratio per Supreme Court judge is 264 cases (41,990 divided by the total number of Supreme Court judges, which is estimated using the court's method of dividing judge days per year [32,622 for 1985] by 205, the estimated number of days a judge is in court each year).

²¹ Anthony Langdon, The New Jersey Delay Reduction Program. Denver, Colorado: The Institute for Court Management, 1983, p.40.
²² Robert D. Lipscher. "Court Rules Have Limits (New Jersey's Speedy Trial Laws)," The Judges Journal, Vol. 23 (1984):37.

In the New Jersey program, the idea of a clear case progression through predictable steps became a rule requirement for scheduling orders and pretrial conferences. In the first year of the program, new cases filed were to be indicted within 80 days of arrest, arraigned within 10 days of indictment, and disposed within 150 days of arraignment. Shorter times were provided for cases of defendants in detention and the time frames for both detention and non-detention cases were shortened for the project's second and third years. The third year goals for non-detention cases were 65 days to indictment, 10 days to arraignment and 80 days to disposition. In detention cases the third year goals were 30 days to indictment, 5 days to arraignment and 55 days from arraignment to disposition.

Similarly, when the Detroit Recorder's Court was reformed to eliminate backlog and congestion, it was the Wayne County District Attorney who believed that the court needed to set specific time limits for events in the life of a case, and this concept became central to the project as it developed.²³

In these approaches to docketing, the key is the establishment of a trial date on which all parties are expected to be ready for trial. New York City Supreme Court dockets are rife with adjournments because attorneys are on trial in other courts and because, even months after a case has been filed, the defense attorney has still not filed motions for discovery or to suppress evidence, and has not done the other things necessary to prepare for trial that can be done soon after a case begins. As one observer of the New Jersey program comments, "Nothing except the imminent prospect of execution itself is commonly supposed to concentrate the mind more wonderfully than the certainty of facing early trial."

The New York City Supreme Court moved from a Master Calendar to an Individual Calendar System (the Individual Assignment System -- IAS) in January of 1986. Individual calendaring has much to commend it, according to the literature on court management. The conventional wisdom suggests that master calendars encourage delay because none of the several judges involved in hearing a case are thought to feel personally responsible for it, and that individual calendars encourage such personal responsibility.²⁴

²³ David W. Neubauer et al., Managing the Pace of Justice: An Evaluation of LEAA's Court-Delay Reduction Programs. Washington, D.C.: National Institute of Justice, 1981, p.354.

²⁴ The shift from Master Calendars to Individual Assignments may have less impact on criminal dockets in the New York City Supreme Courts than elsewhere in the State. As the Master Calendar System was implemented in New York City, each calendar judge presided over all the proceedings in the cases assigned to that part, until they were disposed of by plea or dismissal, or

However, while the idea has not been tested directly, research evidence suggests that the view is overly simplistic; individual calendaring systems are no panacea for delay and they do not in and of themselves ensure change in the local legal culture. The National Center's 1983 research showed that while individual calendaring appeared to be linked to faster case processing in civil cases, this was not so for criminal courts. Instead, the data were inconclusive; while the four slowest courts used master calendars (including the Bronx, Boston, Providence and Newark), the three fastest criminal courts -- Detroit, Oakland, California and San Diego -- also had master calendars.

If, however, the New York City Supreme Court seizes the opportunities the formal IAS system provides for monitoring specific cases and for testing out the effects of different strategies for speeding up cases that could be implemented in individual parts, as a means to challenge the local legal culture of which it is a part and which it currently sustains, and if the District Attorneys grasp the same opportunities within their own offices for setting standards for times between specific events and for encouraging adherence to them, a substantial change in New York's local legal culture might be made.

Meanwhile, although the formal two-year SDP is now over, Vera continues, under a separate contract, to collect and analyze delay and backlog data quarterly, for the Office of the Coordinator and the Office of Management and Budget. It is expected that, by the end of the current fiscal year, the existing management information systems tracking cases in New York City will have matured to a point where it will no longer be necessary for Vera to perform the special off-line data-collection tasks which, up until now, are required for standard measures of backlog and delay (such as those used in the SDP) to be available.

sent out to trial. Therefore, in the nine out of ten cases disposed without trial, all proceedings from arraignment to sentence were before the same judge, unless the judge rotated to another court or went on vacation, etc.. (The Queens County procedure for returning cases to calendar parts after trial parts disposed of preliminary evidentiary motions was an exception.)

PRO 9 - RESEARCH, PLANNING AND TECHNICAL ASSISTANCE ON
ADMINISTRATIVE AND DISPOSITIONAL PROBLEMS I
THE FAMILY COURT

Very little work was done, in the first year of the current contract, on this program area. Vera's past research on Family court administrative and dispositional difficulties (Paul Strasburg's Violent Delinquents (1978), and Jody Adams Weisbrod's Family Court Disposition Study (1982) are still widely referenced in the City and State. A portion of Vera staff time was devoted this past year to using the data bases of these research efforts to respond to particular questions received from, and to prepare memoranda for use in program planning by: the Deputy Coordinator of Criminal Justice, the Director of the Office of Management and Budget, the Administrative Judge for the Family Court, the Chief of Corporation Counsel's Family Court Division, the Commissioner of the Department of Juvenile Justice, the President of the Association of the Bar of the City of New York (and several committees of the Bar Association), and a number of Family Court Judges. Some additional resources were devoted to final preparation of a book manuscript, drawn from the Family Court Disposition Study and incorporating some of the follow-up data described under Program 6 of this Status Report, to be published for wide readership next year (The Court of Tears and Misery, by Jody Adams Weisbrod.)

PROGRAM 10 ■ RESEARCH, PLANNING AND TECHNICAL ASSISTANCE ON
SYSTEMS FOR IMPROVED HANDLING OF PUBLIC INEBRIATES
AND OTHER DISTRESSED STREET POPULATIONS, WITHOUT
ARREST

Vera created the Manhattan Bowery Project in 1967, in an early and successful demonstration that voluntary, medically-supervised detoxification could be effectively used with chronic skid row drunks, in lieu of arrest ■■ freeing the police and courts of the inappropriate burden of these cases, with life-saving effect for the persons treated. Many other jurisdictions followed suit, and public drunkenness was subsequently decriminalized in New York and elsewhere.

The Manhattan Bowery Corporation has been an independent non-profit agency for some time now. Several years ago, it opened a second detoxification center in Manhattan, not in the Bowery but in Midtown on the West Side. The approach to detoxification taken at this center, the Social Setting Alcohol Treatment Center, differed from the Manhattan Bowery Project's earlier model. The latter still provides constant medical attention during participants' 5-day stays in the detoxification ward. The care includes the treatment of injuries and ailments and the administering of drugs to assist patients through withdrawal from alcohol. In contrast, the Social Setting detoxification center, after screening out and referring to hospitals those who need immediate medical treatment or appear likely to experience medical complications during the period of withdrawal, does not administer any drugs during the detoxification period and does not provide round-the-clock medical attention.

For the last 15 years, alcoholism treatment professionals and policy-makers have debated the comparative costs and benefits of these two types of programs. Proponents of the social setting model point out that these programs are much cheaper to operate than medical models, a consideration whose importance has been heightened by growing demands to cut health-care costs. In addition, it is argued that the "stark, institutionalized" medical environment typical of detox wards actually exacerbates withdrawal symptoms, and that most withdrawal experiences are relatively brief and benign. It has also been suggested that the use of sedative withdrawal medication is potentially harmful to the recovery process, implying to the alcoholic that drug problems are best treated with more drugs. Social setting advocates contend that treating clients in a "warm, homelike atmosphere," without the use of medication, provides a more effective initiation to the recovery process and, perhaps most importantly, encourages alcoholics to continue in post-detoxification aftercare.

Nevertheless, the medical model of detoxification continues to dominate the treatment field, particularly in New York City and in the East and Midwest in general. Arguments in favor of the medical model have an inherent advantage: medical detoxification is unquestionably safe, and withdrawal medication

clearly suppresses uncomfortable and dangerous symptoms. Even if medication isn't necessary in the majority of cases, the potential dangers of alcohol withdrawal (advanced symptoms such as delirium tremens, while rare, are life-threatening) and the difficulty of anticipating symptomatology contribute to the popularity of medical detoxification.

Numerous program evaluations of these two models have appeared in recent years, but none of them have involved controlled, experimental research designs. Without such a design, it is impossible for research to attribute outcomes to program effects, apart from such factors as clients' self-selection or unique screening procedures. Recognizing the need for such research, Vera, in conjunction with the Manhattan Bowery Corporation (MBC), proposed a study of detoxification programs for public inebriates, which was accepted and funded by the National Institute on Alcohol Abuse and Alcoholism (NIAAA). Designed to address some of the disadvantages of the earlier studies, subjects entering detoxification facilities over an 11-month period were randomly assigned to three treatment modalities, MBC's freestanding medical detoxification program, a hospital-based medical program, and MBC's non-medical program (this program closed and was replaced by a similar non-medical study site about two-thirds of the way through the data collection period). Data were collected on subjects during their stay in these programs, with the intent of comparing each site's safety and rehabilitation efficacy.

In addition to these central programmatic issues, the research permitted Vera to investigate other matters of policy interest. For example, since the 1960s little descriptive information has been gathered on public inebriates (now more properly referred to as homeless alcoholics). The NIAAA supported research permitted Vera to collect a substantial descriptive database about a growing population which is of medical, law enforcement, and social services concern to the City -- the homeless alcoholic population. A survey of detoxification facilities throughout the City was also conducted as part of the research; this survey ranges from modality and client data to questions of administrators concerning the changing needs of the City's homeless alcoholic population. The local survey results were used to place the treatment sites in a "local context."

The comparison of treatments and outcomes within the medical and non-medical rubrics was an unexpected opportunity presented by the research. It became readily evident that the two medical programs and two non-medical programs were quite different from one another; this contrasts with the rather generic descriptions that have appeared in the literature comparing all non-medical with all medical modalities. Finally, the research also surfaced and addressed the inaccessibility of hospital-based treatment to the homeless alcoholic population, and the implications of this

for state and local policy and expenditure patterns for detoxification.

With regard to the research questions about the comparative safety of the different detox modalities, objective data (such as vital signs) indicated that clients in the non-medical facilities did not suffer a more severe withdrawal than clients at the medical sites; withdrawal in a social setting facility was proven safe. This finding contrasted with the subjects' self-reports: when asked to assess their subjective withdrawal experience, they reported that withdrawal medication made their detoxification more comfortable and relatively painless.

More dramatic program differences were evident when the facilities were compared in terms of their ability to diagnose and treat ancillary medical problems. Specifically, the hospital-based medical program had much more extensive diagnostic and recording procedures, resulting in the identification of significantly greater number of disorders in its clients. Moreover, the ability of the freestanding medical facility to diagnose medical complications was no better than that of one of the social setting facilities; the latter facilities relied heavily on medical back-up units to uncover these problems. Whether it is the responsibility of detoxification programs to make diagnoses and provide care beyond the management of alcohol withdrawal is open to question. Nevertheless, the strikingly high rates of disorders uncovered by the hospital facility makes this question especially pertinent for the homeless alcoholic population.

With regard to rehabilitation efficacy, the research revealed that post-detoxification referrals to residential facilities were the most successful. This is not surprising, given the homeless status of most of the study group. Without opportunity for stable, safe residence, after-care treatment for the alcoholism of homeless alcoholics is likely to be in very many cases quixotic. As would be expected, then, detox facilities making more residential referrals showed greater rates of follow-up (this was especially evident in one of the social setting facilities, where 38% of the clients completed their referral). The lowest completion rate (6%) was associated with a site that made almost exclusively outpatient referrals. Unfortunately, when the subjects were followed up by collection of data about their re-admission to detoxification programs within four months after release, the program differences did not hold up. That is, regardless of the detoxification program, or the type of referral, subjects had about a one in three chance of re-admitting themselves for detoxification within the four month follow-up period.

The general condition of homeless alcoholics is surely better since the drunk tank was replaced by a network of detoxification services. And, as this research demonstrated, the vast majority of skid row alcoholics can detoxify quite safely, if not as comfortably, at non-medical detoxification centers. But neither the social setting nor the medical modality can claim much success, in the current New York City context, at moving very many homeless alcoholics toward sobriety. Furthermore, homeless alcoholics continue to experience myriad physical, medical and social needs for which public services are either inadequate, inaccessible or both. Thus, the pressing questions today no longer concern the relative safety of detoxification modalities, but the nature and structure of services required by this extraordinarily needy population. A service system that can address the medical, shelter and social service needs of public inebriates in an adequate and coordinated fashion may provide them with enough stability to pursue sobriety seriously.

There is much in this research study that can inform policy development around this issue. Vera has discussed the final report of this research in meetings with New York City providers of detoxification services and with officials of the responsible City and State agencies. The object of these recent meetings and discussions is both to inform government and agency policies and to build a consensus around the design for a program model of the kind discussed above.

PROGRAM 11 - RESEARCH, PLANNING AND TECHNICAL ASSISTANCE
ON IMPROVED METHODS FOR HANDLING MENTALLY
RETARDED OFFENDERS AND ALCOHOL ABUSING
OFFENDERS

A. Developing, Monitoring and Evaluating a Continuum of Services
for Alcohol-Abusing Offenders

Recent studies have documented that at least one out of three prisoners has a drinking problem, and that more than half of the most-feared crimes -- assault, rape and murder -- are committed under the influence of alcohol. Criminal justice officials and alcoholism treatment providers, in this jurisdiction as elsewhere, have acknowledged that alcoholism services geared to the special needs of prisoners and parolees are in very short supply. In response to questions from the Mayor's office and from City and State corrections officials, Vera planning and research staff set out to fashion a way to test whether an attack on the alcoholism treatment problems of offenders might, over time, have some impact on the numbers of crimes committed by alcohol-abusing ex-inmates and on the numbers of them returned to jail or prison on new charges.

Following a preliminary assessment of existing services in prisons, jails and in the community, Vera staff began, in the fall of 1985, a full-scale planning effort to address critical gaps in the treatment network for offenders. One product of this effort was a proposal, recently approved by the New York City's Office of Mental Health, Mental Retardation, and Alcoholism Services, to develop and implement a pilot program that will link just-released alcoholic prisoners to community-based treatment services. Conceived as a multi-dimensional case intervention and management service, the pilot aims to help parolees to bridge the period just after release when the circumstances and stresses of re-entry into the community are most likely to make them vulnerable to old habits, including a patterned cycle of drinking and criminal behavior.

The pilot program is designed to take advantage of existing programs for alcohol abusing offenders, to build on this treatment, and to complete the continuum of services essential to recovery. Good alcoholism programs exist in New York State prisons, and to a lesser extent, prisoners are assisted in making plans for their release. Community-based alcoholism services (and various ex-offender services and other concrete services) are to some extent available for prisoners upon release. Providers of these services and policymakers recognize, however, that the necessary linking mechanisms do not exist.

The "missing links" seem to be of three sorts and will, in effect, define Vera's program. The first is a supportive and helpful person to whom the ex-offender can turn, with confidence, in the most stressful and high-risk period (variously identified as the first 24 hours, the first 72 hours, and the first one or two weeks after release). The second missing link is a broker -- someone who can describe available services to the ex-prisoner, help him or her figure out which services he needs, and, if necessary, intercede with service-providers to get the ap-

appropriate ones to accept the client. The third missing link is a person to provide back-up and ongoing support -- to introduce the client to new services if previous referrals do not work out, or if new needs arise, and to provide the constant emphasis on maintaining sobriety and on developing problem-solving skills, without which the participant cannot make use of the other services. One person may, at different times, serve all these functions, but the functions are best described separately, as they correspond to different needs.

Simultaneously with the development of this pilot project plan, Vera staff were meeting with members of New York State legislators' staffs, to help give shape to a contemplated state initiative for expansion of the State's efforts for alcohol- and substance-abusing prisoners. In April 1986, legislation was passed to enhance extant in-prison programs, and to develop two innovative pilot programs for graduates of in-prison treatment services. Through a contract with the State Division of Parole, beginning April 1, Vera has been serving as the agency responsible for monitoring and evaluating this new initiative, as well as providing technical assistance to the state agencies involved (DOCS, Parole, DSA and DAAA.)

Guided by the same principles that underlie Vera's pilot linkage project, developed with the City's Office of Mental Health, Mental Retardation, and Alcoholism Services, the State initiative envisions a service continuum for chemically dependent offenders, beginning with identification at the Department of Correctional Services (DOCS) classification facility, continuing with in-prison treatment in DOCS's Alcohol and Substance Abuse Treatment, "ASAT" programs, and concluding with preparation for release at the Lincoln Correction Facility in New York City and post-release linkage services under the administration of the Division of Parole. In its role as monitor and provider of technical assistance in this initiative, Vera has worked to facilitate interagency communication and build consensus, to document the initiative's implementation, and to help design the two pilot programs -- the Lincoln pre-release unit and Parole's post-release service -- which are to begin in November of 1986. Vera planners have been focusing on the post-release element of this plan, where Vera staff have worked closely with Parole and the State Divisions of Substance Abuse Services and Alcoholism and Alcohol Abuse in planning referral services and a training program for parole officers and treatment providers.

The contemplated evaluation of the State initiative by Vera's Research Department will be an opportunity to begin to get answers to the questions noted previously: Can the effective provision of services to chemically dependent offenders reduce their subsequent criminal activity, and are certain services more effective with different types of offenders? Vera has developed a research design which will enable groups of inmates who receive the range of services specified in the State plan to be compared on critical outcome variables. Specifically, alcohol/substance abusers who do not receive in-prison service, those who receive

standard in-prison treatment, and those who receive the standard treatment plus the special pre- and post-release pilot programs will be tracked. At six and twelve months after their release, the relative impact of these services will be measured on the former inmates' degree of criminal recidivism, their alcohol/substance abuse and their reintegration into the community. The 6- and 12-month follow-up interviews will also focus on releasees' use of community-based treatment, and specifically the availability and effectiveness of this treatment.

B. Developing Knowledge About and Appropriate Services for Mentally Retarded Offenders.

Vera's efforts to develop more appropriate and less costly systemic responses for mentally retarded offenders were provoked not by a body of knowledge which calls for action to fill an identified treatment gap, but rather by a nearly total absence of knowledge. Anecdotes abound; judges, lawyers, and mental hygiene practitioners often recall cases which illustrate their sense that a "mentally retarded offender problem" exists -- that defendants' retardation is often missed; that failure to take note of it can lead to inappropriate interactions with the defendants before their criminal cases are disposed, and to inappropriate dispositions; and that when retardation is recognized, both the mental hygiene system and the criminal justice system struggle (and often fail) to understand and to respond appropriately to these unfamiliar problems. The anecdotes and the sense of concern were sufficiently troubling to draw Vera into proposing a closer look at the problem, and to persuade the State's Developmental Disabilities Planning Council to support an inquiry of this kind with a \$74,000 grant.

Vera proposed an inquiry, rather than a pilot project, because an overview of the problem seemed needed: as a preliminary to any serious program design work, information about the number of mentally retarded individuals entering the criminal justice system, and the difficulties that recurred in that system and in the mental hygiene system needed to be systematically gathered and analyzed. This sort of overview could stimulate and inform planning in a way that anecdotes and a sense of unease could not.

To provide such an overview, Vera planned to conduct a study of the prevalence of mental retardation among defendants coming into the criminal justice system, to interview a wide range of professionals who come into contact with offenders or who offer community-based services to these kinds of individuals, and to examine closely a small number of problematic cases of mentally retarded defendants to whom project staff would offer help. Using the information accumulated from these planning steps, this program development strategy would call for Vera then to plan and implement one or more pilot projects.

Vera designed a prevalence study to be administered to a random sample of defendants in Central Booking but then encountered two time-consuming obstacles. The first was the process of selecting a test which would provide a widely credible measure of retardation and a screening instrument which could be administered by a non-professional in ten or fifteen minutes, which required no reading, which was relatively free of cultural bias, and which would be considered reliable (particularly at the low end of the scale) by testing professionals. The second obstacle was the difficulty of getting access to the defendants in Central Booking, to administer the tests which had been selected.

After examining the testing literature and consulting with specialists, Vera staff chose the Wechsler Adult Intelligence Scale-Revised and the Peabody Picture Vocabulary Test. By the time Vera satisfied concerns of the Police Department and the Legal Aid Society about the possibilities of delays or disruption of the flow of defendants through Central Booking, Vera's one-year Planning Council grant was coming to an end and the staff working on the program development effort were in any event diverted to participate in the fast-developing City and State projects with alcoholic and substance abusing offenders. But the extensive preparation for Vera's prevalence study of mental retardation among defendants should prove useful when funds or manpower are again available to pursue work in this area.

Without this study, Vera could not provide hard data about incidence, but interviews and involvement in cases provided much of the other information the Institute had sought. Interviews yielded a portrait of the typical "mentally retarded offender": a man between 20 and 30 years old, with an I.Q. of between 65 and 80. Behavior appeared to be more of a barrier to obtaining services than I.Q.

Systemic problems emerged more clearly than the service needs of offenders. For mentally retarded offenders, there is no routine coordination between criminal justice personnel and service providers, none is in sight, and no natural contact points exist. Referrals and interactions are hit and miss. The paperwork necessary for referrals is often difficult for lawyers or probation officers to perform. Criminal justice personnel at all levels confuse mental retardation with mental illness.

These systemic problems can be described broadly as problems in getting existing information to professionals who need it, and problems in getting existing services to mentally retarded offenders who need them. Undoubtedly, other problems will emerge as more information about individual offenders becomes available -- perhaps, for example, a shortage of secure beds; most likely, a need for case management. But the systemic problems seem sufficiently defined and sufficiently serious to warrant the design of a pilot project when staff are freed up to pursue work in this area. The reasons for thinking it would be fruitful to plan a pilot for mentally retarded offenders flow from the apparent eagerness for help of this kind among virtually all criminal jus-

tice and service-providing professionals who have encountered the problems, and by the relative ease and low cost of addressing the identified problems.

The goal of the pilot project would be to familiarize personnel in the criminal justice and service sectors with each other's procedures and resources, and to begin to develop ongoing connections that would foster collaboration in planning for mentally retarded defendants. A set of program materials has been prepared to enable a small staff to achieve these goals. These materials include a program description; different letters to introduce mental retardation agencies, court-related agencies, and a general interest audience for the pilot; a suggested dissemination list for these letters; a list of periodicals to keep the pilot staff abreast of relevant developments; outlines for training presentations to court personnel and staffs of service agencies, particularly agencies serving mentally retarded men and women; and a manual on the criminal justice system. Agency staff training would include orientation to the workings of the police department and the courts, information on how to prepare a client to appear in court, and an overview of court-related services. Court personnel would be trained in the identification of mental retardation, special interviewing techniques, and assessment of eligibility for community-based services. Connections between the sectors might best be initiated by Vera staff's on-going involvement in individual cases. Pilot staff continue, therefore, to respond to individual requests for help in these cases, coming from the courts, corrections officials, and service providers.

PROGRAM 12 - OTHER CRIMINAL JUSTICE ISSUES

A. Assisting in the Development of a New York City Police Department Cadet Corps

During 1986, the New York City Police Department implemented a Cadet Corps Program. The Police Cadet Corps was designed to attract college students to a career in law enforcement. Recruitment efforts were aimed at full-time college students who were sophomores residing in New York City and attending one of the private or public colleges here. Enrollment in the Cadet Corps provided a number of financial and career incentives, including a total of \$3000 in loans to pay for college expenses, full-time summer employment with the Police Department paying \$5.00 per hour, and part-time employment with the Department during the school year. The program also guaranteed immediate admission to the Police Academy to students who successfully completed the Cadet Corps service, graduated from college, and passed the Department's entrance examination. Additionally, graduates of the Cadet Corps were to be provided with opportunities for rapid advancement within the Police Department. In exchange for these benefits, the Police Cadets were required to successfully complete two years as police officers, or repay the educational loans. The Department hoped that, by offering these incentives, a number of talented college students who otherwise might not have considered a career in law enforcement would join the New York City Police Department. Vera staff participated in the internal Police Department planning process for this program, and continues to advise the Department on its evolution.

Recruitment for the Police Cadet Corps began in September, 1985 and the Department was disappointed by the very early results. The number of students requesting applications was far fewer than anticipated, and many of these candidates did not meet the program's minimum eligibility requirements. In mid-November, 1985, the Department asked the Vera Research Department to conduct a survey of a sample of sophomores at John Jay College to determine why these students had or had not applied for admission to the Cadet Corps. John Jay was chosen because it is a public college with a large minority enrollment and an emphasis on careers in criminal justice. Moreover, an extensive Cadet Corps recruitment drive had been conducted there.

In late November, Vera staff, working under this contract with the Police Department, and working in conjunction with the Office of Special Programs at John Jay College, conducted telephone interviews with 53 applicants and 55 non-applicants for the Cadet Corps. In mid-December, 1985, Vera submitted a report to the Department describing this research and its findings. The information was used by the Department to refine its Cadet Corps recruiting effort. The Department then asked Vera to conduct a similar study of students from St. John's College, who had applied to the Cadet Corps. In late December, Vera researchers interviewed 18 students from St. John's and, again, the Department used the results to further refine its recruitment effort.

B. Non-Profit Bail Bond Supervision Project

Under a foundation grant, Vera's planning staff have been working on plans to create and operate a not-for-profit bail bond agency, to help reduce jail overcrowding and to develop and refine new techniques for exercising uniquely intense supervision over defendants released pretrial as an alternative to detention. Such a project would involve posting insurance bail bonds of up to \$7,500 for detainees who have been incarcerated for a few weeks and are likely to remain in detention for some time. These bail bonds would be posted for defendants who contractually obligate themselves to comply with restrictions individually devised for them by project staff. The project would maintain a locked-door custody center where defendants would be held for a short time after their release on bail and to which they could be returned if they violate minor (non-penal law) conditions of their release. (They would be surrendered directly to jail, of course, if they violate major conditions or if their behavior causes the project staff to believe that no tightening of conditions would suffice.) If successful, such an undertaking would reduce detention populations, thus averting costly jail expansion, while at the same time substantially enhancing the ability of the courts to control the behavior of released defendants. By marrying cost-containment with crime control objectives, this model appears to hold promise.

Vera's plan is to build the project's uniquely intensive supervision elements on the traditional authority of the bail bondsman to post bail for defendants and thereby gain directly their release from jail and direct control over their behavior. Because bondsmen are empowered by common law with very broad discretionary authority over defendants (for example, bondsmen are permitted to arrest those charged to them without a warrant, and to bring bail-jumpers from other states without having to resort to extradition procedures), the pilot project would be able to impose exceptionally strict supervision. The agency's powers would be derived not only from common law but also from contract.

Conventional bondsmen in New York, as elsewhere, secure the release of defendants with only limited regard to the charges pending against them or to the risk of pretrial recidivism (which is likely to be of much more concern to the Court). These bondsmen require defendants for whom they post bail -- their principals -- to provide collateral. This requirement serves both to lessen the bondsmen's risk of financial loss if the principal absconds and to increase the principal's incentive to appear as required. But it does nothing to protect the community from risks of crime.

Vera's bail bondsman would be a member of the pilot project staff (a member of Vera's Court Programs Department who is already licensed by one State Insurance Commissioner and who has secured the necessary backing from an insurance company to post bonds. The project would post bail only for defendants whom it

believes it could effectively supervise; in lieu of conventional collateral the agency would use a contract under which the defendant agrees to be strictly supervised and to adhere to specific conditions that are restrictive in nature and are individually tailored in detail. The Vera bondsman would lessen the risk of financial loss to the project by identifying each defendant's special behavioral problems -- for example, drug or alcohol use, or use of unstructured time -- and devising enforceable ways of managing those problems. The principal's incentive to appear (and to behave) would be strengthened not by fear of financial loss (loss of collateral) if he does not appear in court, but rather by fear that he will lose his liberty -- that he will be held in the custody center or returned to jail -- if he does not abide by the conditions agreed to.

A major objective of an effort of this sort would be to address a problem which does not concern traditional bonding agencies at all: crime control. The Vera project would seek to prevent criminal activity by constraining its principals in ways that traditional bondsmen do not and that conventional ROR agencies can not. It would require its principals to live at an approved place of residence, spend their daytime hours at work or in job training, attend drug or alcohol programs as needed, be in face-to-face contact with agency staff at least once a day (and in telephone contact more often), observe curfews, and account for their whereabouts at all times not covered by their regular schedules. It would be staffed to monitor compliance with such conditions aggressively, to tighten conditions as experience indicates, to return to the custody center principals whose behavior is less than reassuring, and to return to jail those who cannot be adequately incapacitated with enforced conditions.

Project staff would identify and interview pretrial defendants who have been held in jail for at least two weeks after arrest to determine their suitability for bond release. They would conduct a thorough investigation of each defendant's community ties, including a visit to the proposed place of residence and meetings with family members (or roommates) to determine whether the defendant's home circumstances are stable enough to permit viable community supervision.

Once a defendant is accepted for bonding the bond would be posted with the court and he would be released to the Vera project's custody and transferred to the custody center -- a residential facility -- where he would live for a week or two before being released to the community. During that time the specific components of his release plan would be hammered out and he would become familiar with the conditions of his release and with the supervision staff. This short stay at the center would also serve as a trial period for testing the principal's amenability to close supervision. Those not approved for release to the community by the end of two weeks' time would be surrendered back to jail.

Direct, face-to-face contact between principals and staff would be the heart of the community release phase. Release supervisors would appear, unannounced, to check on each principal (including home visits to verify adherence to require curfews) a minimum of four times a week. They would organize individual sessions and group activities for principals during evening hours and weekend shifts, to provide more extensive contact with principals. Taken together, the unannounced checks by supervisors, along with the scheduled staff-supervised activities, would result in a face-to-face contact standard of better than one per day.

Face-to-face contact would be supplemented by telephone checks by staff to further verify that each principal is adhering to the agreed schedule of activities. Principals would be required to undergo frequent, randomly scheduled urine monitoring to detect drug use. All lapses in compliance with the bond release agreement would have to be met promptly with corrective action. Even minor unexcused lapses would be noted and responded to with a perceptible tightening of controls (an earlier curfew and/or increase in contacts). Any substantial infraction or other indication of slippage from the constraints of supervision (such as, perhaps, positive results on a urine check) would warrant detention at the custody center, and reassessment of the terms to be contained in the bond release agreement. Where necessary, a readjustment of the release conditions -- stricter controls and/or additional services -- would be made. Where readmission to community supervision is determined to be too risky, the principal would be surrendered back to jail. Discovery of any clearly criminal actions on the part of a bond principal, or any other major misbehavior that would indicate a high risk of criminal action, would warrant direct and immediate surrender to the jail and notice to the court, the prosecutor and the defense counsel.

In sum, the project would aim to tie defendants to a very short leash and to pull it in quite sharply whenever they show signs of wandering. To create this feeling in supervised defendants, the agency would need a staff/principal ratio nearly as labor intensive as that of a traditional jail. A bond agent would screen incarcerated defendants and will help put together the community release arrangements for principals who have been transferred to the custody center. The custody center would be staffed around the clock. Release supervisors would work with the bond agent to put the community arrangements in place and to perform the extensive monitoring which the agency would provide during community release. They would be organized into two teams of three; each team would be responsible for fifteen principals and each member of the team would be assigned primary responsibility for five principals. The agency would seek staff with police or corrections backgrounds, including some trained and experienced in the proper use of firearms who will be prepared to arrest and surrender principals as required.

In its first year, the agency would be staffed to handle forty principals, ten in the custody center and thirty on community release at any time. As each of the agency's forty slots is emptied, either by the disposition of a principal's case or by his return to jail for failure to obey the conditions of his release on bail, the slot would be filled by another defendant for whom the agency posts bail. Ideally, agency supervision would substitute for forty jail cells a year.

As we know that a very large proportion of people detained in jail are released on ROR or bail within the first week or so of confinement, a wait of two weeks before screening should assure that project resources are targeted on those more likely to be detained for longer periods, and probably also function to screen out the bulk of the detainees held on petty charges. On the other hand, the \$7,500 bond-amount ceiling set to limit the project's financial exposure would also result in exclusion of the most serious cases within the heavier charge categories.

Like the Community Service Sentencing Project, the bail bond supervision agency has been planned to increase the criminal justice system's array of options. In sentencing, the system had really offered only two possibilities for indigent petty recidivists in over-stressed urban courts: punishment through jailing or no punishment at all. Community service provides an intermediate level of punishment. In the pretrial period, the system at present effectively offers only two options: costly round-the-clock jailing or the almost complete absence of supervision that exists when defendants are released on their own recognizance or on conventional bail. Vera has developed the concept of a bail bond supervision agency in order to create a third pretrial option.

Vera has secured a grant from the Edna McConnell Clark Foundation to implement this idea as a demonstration project. The grant requires a matching government contribution from whatever jurisdiction is chosen as the site for the demonstration. The New York State Legislature expressed interest in the program and, in April, has set aside \$100,000 to be used as part of the local match should a County in this state be chosen as the demonstration site. The state funds would be administered by the State Division of Probation and Correctional Alternatives and Vera staff members have discussed the possibility of such a demonstration with officials in Westchester, Monroe and Nassau Counties as well as New York City.

C. Private Prisons and Jails: An Analysis of Private For-Profit Management of Corrections and the Public Interest

Prisons and jails have been a growth industry for over a decade, and the private for-profit sector is entering the market to finance, construct, and even operate entire facilities. Although the private sector has long played a part in the juvenile and adult correctional systems (by non-profit operation of

halfway houses and prison industries, for example), this development represents less of an incremental growth than a dramatic change. Rather than merely expanding the range of services under contract, proponents of this trend envision the "privatization" of what has been for two centuries a governmental function.

Thus far, however, there has been a paucity of systematic analyses of the costs and benefits -- economic, legal, and political -- that may derive from the privatization of corrections. The debate has been marked predominately by ideological pronouncements and self-interested assertions (e.g., public employee unions and sheriffs oppose privatization for reasons of turf, whereas private entrepreneurs claim that business will inevitably be more efficient than government) rather than analyses of data and the many complicated questions involved.

The Vera Institute and the National Center for State Courts recently received two grants from private foundations to conduct a joint research project studying the prospects and problems of private for-profit management of prisons and jails. Douglas McDonald, Project Director and Senior Research Associate at the Institute, is designing and organizing the project, which will run approximately fifteen months. Seven papers by experts on public finance, administration, and corrections will be commissioned by the Institute and the National Center for State Courts. The roster of authors is likely to include: Douglas McDonald; a former economist on the President's Council of Economic Advisors, now a professor at the John F. Kennedy School of Public Administration at Harvard; a professor at the Woodrow Wilson School of Public and International Affairs at Princeton and an expert on corrections management; a Kennedy School professor who specializes in public finance; a prominent attorney who has served as a special master to the courts in state prison litigation and is one of the country's leading experts on the regulation and monitoring of corrections; an investment banker with E.F. Hutton who has been involved in financing private jails; and a former treasurer of a large metropolitan city, currently a professor at the Wharton School, among others.

The essays will be drawn together for publication in a book to be published by a prestigious press, and distributed widely to public officials and opinion leaders.

Topics to be addressed include: the experience to date of for-profit ventures in corrections; the financial structure of the for-profit sector's interest in the corrections business; the relative costs and profit potentials of several mixes of activities -- construction, financing, operation, and leasing; the relative efficiencies of existing private and public service delivery systems, especially ones that are similar to the correctional enterprise; the costs and benefits to taxpayers of relying upon privately raised capital for construction; the political implications of supplanting conventional methods of issuing public debt with private capital; the relative risks and advantages of government control by contract versus direct administration; the

experience of state and local governments in regulation of prisons and jails, especially where watchdog commissions have been charged with monitoring prisons and where special masters have been appointed to monitor compliance; how the legal liabilities of government will be affected by reliance upon private prisons and jails and how the liability issue affects government interests in retaining or delegating authority and control; implications for the courts, both with respect to sentencing practices and with respect to litigation of constitutional and other corrections disputes; whether governments should delegate to private firms such a central component of their police powers; how and to what extent a private correctional industry might control and/or influence government decision-making, both legislative and administrative or regulatory; whether incentive systems can be devised to optimize accomplishment of correctional goals, and what implications such systems might have for public and private agencies; whether, and under what conditions, competition among private and public sector corrections agencies should be encouraged; and whether incentives can be developed to stimulate innovation and creativity in the correctional field, and whether private agencies are more likely to be responsive to these than public ones.

Although the issues that will be examined here are general to corrections and are not limited to the peculiarities of any specific jurisdiction, the findings and the analyses will be of special interest to officials at municipal and county government levels, as these jurisdictions are already interested in contracting for jails with the for-profit sector. No funds from this contract are applied to this project, though the product may be of some use and interest in this jurisdiction.

D. The Prosecuting Attorney's Research Council

In 1985, the Vera Institute helped create the Prosecuting Attorneys' Research Council (PARC). The idea emerged from discussions, beginning in 1982, between Vera's Director, staff of the Edna McConnell Clark Foundation, and a former Vera staff member who was at that time the elected prosecuting attorney for Polk County, Iowa, which includes the State Capital -- Des Moines. The purpose of PARC is to provide metropolitan prosecutors from around the country with program development assistance and empirical research relevant to their policy and management decisions, and to encourage prosecutors to become more active in criminal justice system improvements and experimentation. The former District Attorney of Des Moines is PARC's Director, and PARC secures technical assistance staff by contract with the Vera Institute.

PARC's first major undertaking, funded by the Clark Foundation, aims to involve prosecutors in the development of alternatives to incarceration for convicted offenders. Over a dozen metropolitan prosecutors have so far been involved in this project, including those representing Detroit, Milwaukee, Minneapolis, St. Paul, Dayton, Indianapolis, and Des Moines.

E. Management Oversight of the Court Employment Project

In April and May, 1986, at the request of the Coordinator of Criminal Justice, Vera staff conducted a thorough review of the finances, financial management and program management of the Court Employment Project, Inc. (CEP). CEP had been plagued with cash flow crises and had fallen behind in payrolls and in production of the budget modifications that would permit it to stay afloat. As CEP is the site for two inter-related projects financed through the Coordinator's Office with funds from the ATI program of the State Division of Probation and Correctional Alternatives, the Coordinator asked for assistance in finding a way to restore stability to CEP.

Vera's review showed that CEP would be in a break-even position at year's end, if certain routine budget modifications were approved, but that it was without the capital or the credit necessary to maintain cash flow in its complex multi-contract environment. The accumulated strain of these deficits was seen to have, to some extent, overloaded other management functions. On the other hand, the program operations were found to be well-designed and well-managed.

Vera agreed to provide continuing management oversight of CEP, secured for CEP a cash-flow loan of \$150,000 -- sufficient to float the agency's receivables, and agreed to put the agency's books and records in the Vera computer system. The budget amendments were processed, and CEP now operates under conditions of substantially improved corporate health. Vera continues to manage the cash-flow loan program and, under a letter of agreement with CEP's Board of Trustees, exercises certain general management oversight functions, as requested by the Office of the Coordinator of Criminal Justice.