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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 Two-Year Contract Between the Vera Institute of Justice and the New York City Police Department and the Office of the Coordinator for Criminal Justice.

Submitted for Board of
Estimate Review

Vera Institute
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(Without Attachments)

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The Specifications of this contract contemplated expenditures for planning and implementing pilot projects and research studies, for providing technical assistance to the agencies whose activities affect operation of the New York City criminal and juvenile justice systems, and for the "match" necessary to apply federal and private funds toward demonstration and research projects designed and piloted under this agreement.

This is a summary report of the work carried out with whole or partial support from this contract. As indicated below, there are reports available, should further information be desired, covering in greater detail tasks summarized here. This report is organized under the headings found in the Contract Specifications.

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APPENDICES

I. PROGRAM TO ENHANCE CRIME CONTROL IMPACT OF POLICE PATROL,
TO REFORM THE PLANNING, IMPLEMENTATION AND ASSESSMENT OF
PATROL STRATEGY AND TACTICS

A. Police Patrol Action-Research - General Parameters

Police patrol is at the center of New York City's efforts to control crime, and substantial amounts of increasingly 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 crime control impact of 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.

During the past several years, as a result of close collaboration between the Department and Vera in the design, testing, evaluation and institutionalization of the Felony Case Preparation Project (see Section II), senior officials in the Department requested that Vera engage in a similar 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.

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 the 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 the 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 effective crime control. To some extent, because the Department 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 is reluctant to divert resources to directed patrol from random "preventive" patrolling and responding to 911 calls.

In the eight years prior to 1982 the New York City Police Department lost over 9,000 sworn officers due to budget constraints reflecting the City's dire fiscal condition. 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, and the constraints on supply, the Department has been forced to commit an even greater proportion of its patrol force to answering citizen crime and service calls. As a result, even fewer resources are available to field commanders for deployment against specific crime problems and conditions on the local level. When patrol officers are used in these ways, it is generally by taking them off other assignments for limited periods. As a result, the officers' and the Department's ability to execute directed patrol strategies suffers, and specific crimes or problem conditions are not 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, individual officers at the precinct level have less opportunity to develop genuine familiarity with local crime problems, precinct conditions, and community anti-crime resources; they are thus less equipped to devise and execute tightly targeted crime control patrol 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 "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, are not likely to lead 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 they might go about building more effective patrol strategies and tactics for future testing.

Early in 1982, under this technical assistance contract, the Vera Institute began a long-term effort which 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. With some products of these efforts in hand, Vera and the Department undertook a series of projects intended: (1) to free up for directed patrol some of the resources now committed to the 911 system and (between radio runs) the random preventive patrol function; (2) to detail the content of particular tactics and strategies employed in directed patrol efforts, where those efforts now occur; (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 all of the knowledge generated in the other efforts is applied to the design of a flexible deployment capacity for crime control.

The first of the action projects resulting from this research is the Community Patrol Officer Program which is reviewed in Section I(D), following.

B. Literature Reviews

The last 15 years have witnessed an explosion of research literature, focused on the various dimensions of policing. In the past several years, Vera staff have reviewed in detail several hundred articles and research reports pertaining to policing. Work has been completed and submitted in several areas, among which are: calls for service, police patrol tactics, and order maintenance.

The review of literature on the service function of the police, Calls for Service: Recent Research on Measuring and Managing the Demand, looks at the various experimental programs, conducted throughout the United States during the past two decades, which deal with attempts to manage service demand. The significant research in this area was carried out during the last eight years, when a number of innovative programs were implemented and evaluated. The Vera paper summarizes what has been reasonably well demonstrated, identifies the major questions and issues which remain open, and serves as the annotated bibliography on the major research and theoretical discussions in this area.

The paper focuses specifically on early workload studies, which pointed to calls for service as a central part of the police role; studies of police response time to calls for service in relation to arrests and citizen satisfaction; and recent literature evaluating calls for service demand management programs. Given the recent awareness of ways in which service calls can be managed and controlled, the paper also pays considerable attention to literature reviewing alternative patrol strategies (split patrol, directed patrol) suggested by the calls for service literature.

A second literature review, Police Patrol Tactics: A Review of Recent Experiments and Research, concentrates on the body of knowledge developed in the past decade concerning the effectiveness of various patrol strategies to deter crime, increase apprehensions, or improve police-community relationships. Primarily, it considers experimental research concerning the effectiveness of various types of patrol--from random preventive patrol, to directed or structured patrol efforts.

The paper focuses specifically on assessments of the impacts of increased patrol presence; research on "community-oriented" patrol strategies; and recent reviews of directed or structured patrol. It attempts to define the state of the art in patrol literature--to wit, general, although qualified belief in the ineffectiveness of random preventive patrol and an increasing interest in various forms of directed patrol. Knowledge about these forms of patrol remains limited. The report also summarizes what is known and not known in the field and serves as an annotated bibliography of key patrol research and theory.

Within the police patrol function is a responsibility for the "quality of life" problems, the "precinct conditions," the disturbances of the peace and the breakdowns in the social order of the neighborhoods that makes up what is termed the "order-maintenance function." In some instances, although the problem involves violation of law, it is not the crime itself that creates the demand for police intervention. In other instances, the problem may not be directly addressed by any statute or ordinance, but is disturbing and potentially threatening to the community nevertheless.

In dealing with these situations, police officers may or may not make arrests. The need for police response arises from ambiguous, often chronic situations which must be "handled" rather than settled. More often than not, they involve conflicts or disputes in which the question of individual culpability is not meaningful and the need to "enforce the law" or make an arrest arises only if the situation further deteriorates. The officer is called upon to act on behalf of an amorphous sense of communal welfare, rather than to enforce a specific, universally applicable law or to render assistance to a needy individual who has sought his help. Thus, the police "order-maintenance function" is distinct from the "law enforcement" or "service providing" functions; although better order maintenance ought to have beneficial effects on crime control, performance of the function calls for its own set of tactics, strategies, analyses, and management tools.

Vera's third literature review, The Order Maintenance Function of the Police, suggests that the order-maintenance activities of the police and the relationship between order maintenance and crime-control are not well understood. While a fair amount of empirical research has been undertaken, and a growing body of knowledge about police law enforcement and police service providing activities has been produced in the last 15 years, little attention has been given to the nature of order-maintenance problems, the manner in which police agencies deal with them, and the consequences of action or of inaction for both the police and citizenry involved. This is a serious deficiency, given the fact that a substantial proportion of the calls received by police, and of the situations addressed by officers on patrol call for order maintenance--not arrest or service--responses. There are studies showing that order-maintenance activities constitute a larger portion of the officers' workload than do conventional law enforcement activities,¹ and there is a commonsensical view that effectively addressing order-maintenance problems in a neighborhood is likely to depress the level of street crime there.²

¹See, James Q. Wilson, Varieties of Police Behavior (Cambridge, Mass.: Harvard Univ. Press, 1968).

²See, James Q. Wilson and George Kelling, "Broken Windows," The Atlantic Monthly (March, 1982), 24-38.

Vera staff became interested in the order-maintenance literature when our discussions with patrol personnel at various levels revealed much concern about quality of life problems that were not addressed effectively by current patrol operations. Our review of this literature helped to shape the design of the Community Patrol Officer program which is now being expanded to precincts throughout the City. Implementing and studying that program constitutes an important part of Vera's work agenda with the Department and that effort is described in some detail in the pages that follow. Thus, a reasonably extended summary of our paper on the order-maintenance literature seems appropriate here.

For many years, the police have been thought of as existing principally to suppress crime through enforcing the criminal law; police work has been characterized by its more visible elements--"preventive" patrol and arrests. In this view, the essential and legitimatizing actions of the police are those aimed at the control of crime. But this view is seriously flawed: It oversimplifies the objectives of the police; it leads to inappropriate limits being placed on police resources; and, it can result in imposition of certain constraints on all police activities which ought really apply to only a portion of them. For example, the criminal justice system is merely one of several systems to which the police relate in performing their varied functions. To the extent that the varieties of patrol and the management of the patrol force are determined by efforts to arrest criminals and to preserve evidence and testimony for their prosecution in court, the order-maintenance function is bound to suffer³ and the skills and knowledge needed to perform and manage it well are likely to be lost.

An individual police officer, when performing order-maintenance functions, needs to select and pursue one strategy out of many for the resolution of conflicts of all kinds, arising in tense (often hostile) street encounters, and involving questions of local morality, constitutional constraint on police action, and individual citizens' competing claims for respect and self-esteem. And the need for knowledge about the possible strategies from which the officer must choose, and about their consequences, arises from the very ambiguity of the police role.

There is often real question about whether or not the police should intervene at all, and about what the objective should be when the need for intervention is obvious. The nature and extent of the intervention is often subject to dispute after the fact, and it is not clear what set of principles or criteria are appropriately applied in rendering those judgments. The

³See, Herman Goldstein, Policing in a Free Society (Cambridge, Mass.: Ballinger, 1977).

administrative systems are not typically geared to collecting and analyzing information about order-maintenance incidents, nor are the managers in as good a position as they would like to be to issue directives and guidelines for officers to use in handling them. We know that the "order" the police are required to maintain is highly relative. A joyful block party in one neighborhood is a disruptive annoyance in another. Public drinking may be absolutely offensive in one community, but acceptable under specific circumstances in another. Congregating teenagers may be tolerable on one corner, but intolerable on another. Thus, effective order maintenance presumes, especially in a culturally and economically diverse city like New York, that police judgments and actions are congruent with the concerns and mores of local communities (which may, of course, not be congruent with the liberties constitutionally guaranteed to troublesome minority interests in a particular community).

Different precincts and different police officers respond to the demands of the order-maintenance function in different ways, with different attitudes, and with different results. There are undoubtedly numerous factors influencing responses to disruptions in or threats to local order. But there is little research relating any of these variables to different methods of performing the order-maintenance function; there is not even a conceptual scheme available within which to organize relevant descriptive information and useful hypotheses regarding the emergence, persistence and effects of different patterns of order-maintenance activities by the police.

Vera's review of the literature on order maintenance points to the gradual reduction of order-maintenance activities throughout the past century, as police departments underwent a series of reforms designed to increase professionalism. In recent years, however, scholars and practitioners have expressed concern that professionalization weakened ties between private citizens and police and have urged a return to neighborhood-based order-maintenance activities in the belief that such activities will strengthen social control generally in high-risk areas.

The literature review suggests that the order-maintenance function of the police has not been well understood. There has always been difficulty in establishing community consensus about what behaviors should be controlled, and what forms of police action are appropriate toward that end. Although some order-maintenance theorists argue that increased order-maintenance can improve the quality of life in a community, others point to potential abuse inherent in the order-maintenance function (e.g., under- and over-enforcement; corruption stemming from contact with order-maintenance offenders such as gamblers, drug-sellers, prostitutes; harassment and brutality towards minorities).

The literature on the tactics of order maintenance generally supports mediation over arrest; informal rather than

formal controls; a tailoring of actions to the cultural characteristics of the neighborhood; and accumulation by the police of extensive knowledge of specific beats. Recent explorations of various tactical efforts to deter domestic disputes recommend increased use of arrests in this area, and find such an approach consistent with a comprehensive strategy for order maintenance. In fact, the literature suggests that policing should respond flexibly to transformations in community response to specific conditions. Such flexibility, informed by police/community interaction, would be necessary to determine appropriate levels of enforcement in specific order-maintenance situations. The major challenge of effective order-maintenance orientation lies in determining "applicable norms" by which to judge neighborhood conditions and to forge cooperative police/citizen actions to correct them.

Vera staff designed the CPO program with many of these insights in mind and will undertake an extensive research study that will address many of these general issues concerning order-maintenance activities. The CPO program and our proposed research design are described in Sections I(D) and I(E), respectively.

C. 115th Precinct Evaluation - The Effects of a Steady Tour on Police Officer Stress

At the Police Department's request, Vera began work on an evaluation of the experimental procedures introduced by the Department with the opening of the new 115th Precinct in January, 1984. The opening of this new precinct afforded the Police Department the opportunity to test several innovative practices. From the outset, personnel assigned to the precinct, which was created by combining portions of the existing 110th and 114th Precincts, were given permanent tour assignments with rotating days off. This feature, (the elimination of rotating tours) was implemented in an attempt to reduce stress levels among members of the command caused by the weekly rotation of hours of duty, and marked the first time in recent years that the entire personnel of a precinct were so assigned.

This innovation made possible several management changes, which, under normal operating conditions, are either not possible or undesirable. Three lieutenants were assigned to the 115th Precinct as Platoon Commanders. Each lieutenant, under supervision of the precinct commander, has total responsibility for the operations of the precinct during one of the three daily tours (days, evenings, or midnights). This effectively reduces the operational span of control of the precinct commander to three, and clearly places responsibility for precinct operations during each of the three daily tours. All personnel assigned to field duty in the precinct (lieutenants, sergeants, and police officers) have been divided into three teams, assigned one each to the three daily tours. This has resulted not only in the personnel working steady tours, but also in continuity of supervision as the police officers always work with the same sergeants and lieutenants. This feature, which is seen as a desirable plan of operation, is not possible under normal operations because of the manner in which tour rotation takes place under the working charts for police officers, sergeants, and lieutenants. The permanent tour assignments make it possible to assign the police officers to steady sectors and foot posts, a feature also made difficult in normal operations because of tour rotation.

Through these changes, the Police Department hopes to achieve several objectives, including: reducing the levels of stress experienced by operational personnel; delivering police services within the precinct in at least as effective a manner as was the case before the precinct opened (but with the expectation of improving the delivery of services within the command); and increasing the citizens' sense of safety and positive valuations of police services in the precinct.

To assist the Police Department in the evaluation of this experimental program, the Vera Institute implemented a four-phase research strategy. Briefly, the four areas of work are as follows:

1. Documentation of Project Implementation

Vera staff secured all written materials regarding the Precinct's organization and operation throughout the first year of its operation. Vera monitored the manner in which personnel were selected for assignment to the command, and conducted on-site observation both in the station house and in the field during various tours at various times during the first year of program operation. While on site, Vera staff conducted essentially unstructured interviews with Precinct personnel. The documentation effort focused on particular dimensions of the project, which included the following:

- Procedures for recruiting and selecting Precinct personnel.
- Evidence that personnel were actually assigned to their tour of choice and given a steady assignment to that tour; the extent to which continuity in partner assignments and sector and post assignments was actually achieved.
- A description of how the police officers actually patrol their sectors and posts, how they react to and handle various types of calls for service, how they establish and maintain contacts with the community, how they deal with supervisory and command personnel and their perceptions of how the conduct of supervisors and command officers in this precinct differs from what they experienced elsewhere, and their views on operational and management needs in the 115th.
- A description of how the patrol sergeants actually carry out their supervisory functions, how they react to the role of the Platoon Commander, their perception of how their role differs from what they had experienced elsewhere, and their views on operational or management needs in the 115th.
- A description of how the Lieutenant Platoon Commanders actually carry out their role; the duties they tend to delegate and those they retain; how they monitor operations in the field; how they manage their patrol sergeants; how they assess the effectiveness of the Precinct chain of command; how they use Precinct staff resources; how and with whom they identify problem areas on the tour and develop and implement strategies for attacking those problems; their assessment of the strengths and weaknesses of the Platoon Commander's role and the operational and management needs of the 115th.
- A description of how the staff functions are made operational and how they are used by command and supervisory personnel.

- A description of how the precinct commanding officer uses his chain of command; any difficulties that might arise in the command structure and how those issues are resolved; nature and frequency of meetings with lieutenants and sergeants; how the Platoon Commander's responsibilities are actually articulated, monitored and enforced by the Precinct Commander; how he uses staff resources, his perception of the operational and management needs of the 115th.
- A description of how relationships with the community are established and maintained; the nature of Precinct policy and strategy in this area; the actual activities of the Precinct's Community Affairs Officers, the Precinct Commanding Officer, the Platoon Commanders, Sergeants and Police Officers in the Precinct.

2. Stress Assessment

Vera staff measured the stress levels among police officers assigned to the Precinct at the time of its opening in January, 1984. Specifically, on January 2, a standardized stress measuring instrument adapted for this purpose was administered to 133 police officers assigned to the 115th Precinct. Although the questionnaire only required approximately 20 minutes for completion, it is comprehensive and asked the respondent a series of questions related to: (a) job stress; 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), (b) major pressures in personal life (e.g., marital problems, financial problems), (c) whether the respondent enjoys being a police officer, (d) health problems, (e) the effect that working steady tours has on various aspects of private life (e.g., family life, sleep, social life), (f) the officer's perception on stress related problems among his/her three closest friends who are police officers (e.g., problems with spouses, excessive worrying, excessive complaining), (g) strategies that the officer uses to reduce stress (e.g., exercise, listening to music, hobbies), and (h) the ways in which being a police officer may cause problems in the household (e.g., communication problems between husband and wife, police officer brings work problems home).

In order to determine how stress changed over the course of the project, the instrument was re-administered during May and June, 1984 and again during December, 1984 and January, 1985.

While this strategy would identify the changes in stress levels that occur during the project, it would not demonstrate that the 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 in the 115th force were not significantly different from the general trend in the borough. Thus, the general trends might be a response to changes in borough-wide procedures or to changes in external pressures on the Department. Therefore, to provide some basis for inferring a relationship between the new program and 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 of a total of 147 officers from the 103rd, 105th, 109th, 110th, 113th, and 114th Precincts completed the questionnaires during February and March, 1984. The questionnaire was re-administered to the control group during December, 1984 and January, 1985.

The comparison sample was stratified by seniority level to resemble the seniority distribution of the officers assigned to the 115th. Because the members of the comparison sample were selected from six Queens precincts, we may assume that the effects of specific working environments would be neutralized. The extent and nature of change in measured stress levels was compared for the two groups. Change in stress levels of the 115th Precinct sample that was not observed in the control sample might reasonably be attributed to the program. This strategy also provides some insight into how the actual stress levels of a totally volunteer force (the 115th) compare with those of a random sample of officers in the same borough command.

As a secondary measure of stress, Vera staff collected data from Department records relating to certain performance measures that may be reflective of variations in stress levels experienced by the officers. These indicators included: sick reports, civilian complaints, corruption complaints, command discipline, Department vehicle accidents, alcohol or drug abuse reports, psychological referrals, and requests for emergency excusals. These were collected periodically for the 115th Precinct and compared with some form of borough-wide measure. All personally identifiable information acquired by the Vera staff was used for research purposes only and will not be shared with anyone not a member of the research staff.

3. Measuring Service Delivery

The evaluation attempted to describe and measure the delivery of police services in the area using a variety of standard indicators. Vera staff utilized standard Department records where available, and when necessary created new data bases. Among the indicators used were the following: the handling of the calls-for-service workload by the Precinct personnel; crime complaint and arrest performance; general effectiveness indicators (e.g., sick reports, civilian and corruption complaints, command disciplines, maintenance of property and equipment, citizens complaints regarding police service); utili-

zation and effectiveness of special patrol efforts; and the extent and nature of the Precinct community relations and crime prevention programs.

4. Measuring Community Attitudes and Reactions

In recent years, an increasing number of police research projects have studied citizens' fear of crime, perceptions of safety and assessment of local police services. These studies are important for two reasons. In the first place, citizen fear of crime and sense of vulnerability has become 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 local neighborhood. Secondly, more police agencies now believe that their crime control and order-maintenance functions cannot be performed effectively without the substantial, cooperative involvement of the people. For both of these reasons, the community's reaction to a police initiative has become an important dimension of its perceived effectiveness.

As part of the evaluation of the 115th Precinct, Vera reviewed community survey instruments that have been used in recent studies and adapted one for use in this program. 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 related to: (a) the quality of conditions, facilities, and services 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 and January.

Vera has completed the analyses and is presently drafting the final report. It is expected that it will be transmitted to the Department during October, 1985. The major findings of the research can be summarized as follows:

a. Stress. The stress instrument used several different indicators of stress. The first indicated areas of job frustration, and included 30 separate items in the questionnaire. Overall, we found no significant differences between the

experimental and the comparison group on the gross scores for job frustration. However, there were differences between the two groups on selected items included in our 30-item measure of job frustration. For example, by the end of the year, the stress levels of the experimentals on eight items had decreased significantly. These included those items that tested for: lack of recognition, frequent duty changes, boredom and isolation on assignments, doing non-police work, feelings of helplessness in assisting citizens who needed aid, anxiety due to the officers' having to deal with repulsive situations, working with incompetent officers, and anger caused by Appellate and Supreme Court decisions which restrict police action. In contrast, job-related frustration levels of the comparison group remained virtually unchanged on these items over the course of the year.

As another measure of stress levels, the questionnaire contained a list of physical symptoms frequently associated with stress, and then asked the respondents to indicate which symptoms they have experienced. Our principal finding here was that while the percentage of officers in the comparison group reporting that they had not experienced any such problems in the three months prior to completing the questionnaire rose from 30.8% in the beginning of the research year to 41.2% at the end of the year, the proportion of the experimental group reporting no physical symptoms almost doubled over that period, rising from 33.8% to 61.0%.

Our questionnaire also asked the respondents to indicate those areas of their personal lives on which their current work schedules had good or bad effects. The experimental group reported improvements in every area of their personal lives, while the changes for the comparison group over the course of the year were negligible. In fact, the changes for the experimental group were very large. For example, with respect to family life, the percentage of 115th Precinct officers indicating that their present schedule had a positive impact rose from 12.8% at the opening of the precinct to 62.9% at the end of the first year. In contrast, the rate for the comparison group remained virtually unchanged over the course of the year (14.4% to 14.3%, respectively). In addition, 61.9% of the experimentals reported that the schedule had had a positive effect on their sleeping patterns, compared to only 9% of the experimentals at the beginning of the research year. The change for the comparison group was again negligible, from 11.0% to 13.4%.

The percentage of officers reporting a positive effect of schedule on their digestive systems rose from 4.5% to 47.6% for the experimental officers, while in the comparison group the percentage rose from 6.8% to 10.9%.

The percentage of 115th Precinct officers reporting positive effects of work schedule on their social lives rose from 9.8% to 61.9% while the rate for the comparison group remained almost unchanged, dropping from 13.0% to 12.6%.

Finally, the percentage of experimental officers reporting improvements in energy levels rose from 10.5% to 58.1%, while the percentage for the comparison group actually dropped from 17.8% to 13.4%.

Thus, we conclude that the 115th Precinct Project has had a positive impact on the stress levels experienced by the officers participating in the program.

b. Community Attitudes. There was a very significant increase in the percentage of respondents reporting increased police visibility in their neighborhoods. The percentage rose from 29.0% at Time 1 to 61.0% at Time 2.

There was also a significant increase in the proportion of respondents expressing the belief that the police were doing a good job at preventing crime: 40.6% of the respondents expressed that belief at Time 1 compared to 58.0% at Time 2. At the same time, the percentage of respondents characterizing police performance in the crime control area as unsatisfactory dropped from 19.4% to 5.3% over the year's time.

With respect to quality of life problems, 47.4% of the respondents rated police performance as good to very good at Time 1, compared to 58.6% offering that rating at Time 2.

A larger proportion of the respondents reported that the police were helpful at Time 2 (81%) than at Time 1 (64.7%), and the percentage reporting that the police were not helpful dropped from 12.7% to 6.0%.

The survey does not point out any significant changes with respect to the citizens' fear of being victimized, or with respect to the citizens' expectations of rapid police response in emergency situations. However, we should note that 73.7% at Time 1 and 73.3% at Time 2 did expect police to respond rapidly in an emergency situation.

We conducted separate interviews with community leaders and found that they were generally very pleased with the opening of the new precinct. They noted increased police visibility, apparent increases in police response time, a high level of cooperation from the police, and a general increase in the quality of police services experienced by the people in the community. While they believe that good efforts have been made with respect to quality of life problems in the precinct, they pointed to this area as the one principal area in need of additional work.

c. Advantages of the Fixed-Platoon Concept. We concluded that there are a number of advantages to the platoon concept as it has been implemented in the 115th. In that

regard, it is important to know that it could not have been implemented without the lieutenants, sergeants and patrol officers working steady tours. With this in mind, the advantages appear to be as follows:

The chain of command is simplified. The Precinct Commanding Officer deals directly with three Platoon Commanders, each of whom deals directly with three or four sergeants assigned to that platoon. Thus, the span of control is improved for all of the supervisors, and the sergeants and lieutenants whom we interviewed in the course of our research were unanimous in their praise of this change.

The lieutenants have a meaningful role in the chain of command. They are the effective commanders of each platoon and they are very pleased with this change in their role. It is interesting to note that the sergeants, although they may have experienced some loss of effective authority when compared with their roles in other precincts, are also in favor of this change. This appears to be because the sergeants too see this system as promoting consistency and continuity in command.

Accountability and responsibility are more clearly fixed. Lieutenants and sergeants pointed up this advantage to the management structure. They added that the responsibility can be more easily identified even for the patrol officers and that is an advantage to them in their supervisory role.

The structure places the lieutenant in the field and thereby increases his or her first-hand knowledge of the conditions and problems in the street.

In this system the lieutenant provides an additional and effective level of supervision in the field, and, as a result, the activities of the sergeants and police officers are more carefully monitored.

Patrol officers develop greater familiarity with their areas of responsibility because the same officers are patrolling the same territory at the same time every day. As a result, they develop an extensive knowledge of the area, the people, and the problems. Thus, the officers can be deployed more effectively to address problems and deliver services to the community.

A sense of teamwork arises because the supervisors and police officers are working with the same set of people every day.

This structure seems to improve the efficiency and effectiveness of patrol deployment. Because the structure encourages the development of generalists, the Precinct makes less use of specialized cars, such as Summons Units, Burglary or Robbery Cars, and some other specialized cars. Because a smaller per-

centage of the patrol force is assigned to details, the Platoon Commanders and the sergeants have more resources to devote to everyday conditions in the Precinct.

The system seems to result in improved quality of service. This is a reasonable inference from our findings regarding the management advantages of this system. In addition, the positive community response to the new Precinct suggests that police services have been improved in the area.

One of the things which the Precinct Commander needs to be sensitive to in this system is the possibility of the platoons becoming isolated from one another. All of the people whom we interviewed cited this as the only potential disadvantage to the structure that they could see. Specifically, because the officers do not have the experience of working the Precinct across the tours and do not have the experience of working with officers assigned to the other tours, there is a tendency for them to develop some tunnel vision regarding the problems of the Precinct and to identify with the members of their platoon rather than with the Precinct as a whole.

While our respondents recognized this as a potential limitation, they believed that it can 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 this communication would be to orient all of the supervisory staff to the problems of the Precinct as a whole. In addition, special attention needs to be given to conducting periodic Precinct-wide activities for the officers to promote a sense of unity.

d. Productivity Measures.

(1) **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 they would if they were working around the chart. This improvement in the state of their health would be translated into 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, overall, 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. Additionally, 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 the

115th. This finding suggests that the steady tour system does 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 14.13 man-days. This finding is surprising because civilians in all Queens precincts work steady tours, and therefore, on the surface, there is no obvious reason for lower absenteeism rates for 115th civilian staff. In this regard, it must be noted that the precinct with second lowest civilian absenteeism rate is again the 109th with an average civilian absentee rate of 11.14 man-days per year. While these results are inconclusive, they suggest that the civilian absentee rate may be an indication of the general morale level in a precinct.

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, response time, and the number of summons issued for moving or parking violations.

While these statistics provide some basis for comparison among precincts and boroughs, they are imperfect measures of productivity. Each of these statistics must be considered within the context of the problems and police resources present in each precinct. For example, it is not appropriate to conclude that because Precinct X has the highest per officer rate for issuing traffic summonses that Precinct X is therefore the most efficient precinct in dealing with these problems. Rather, it is necessary first to ask: What are the nature and volume of the moving and parking violations problems in this precinct? How many and what types of resources have been deployed to deal with these problems? What are the other problems in this precinct? For example, Precinct X may be devoting a relatively large percentage of its patrol force to issuing traffic summonses to the detriment of responding to calls for service. Thus, numbers and rankings alone provide limited insight into the relative productivity of various units and commands.

Moreover, 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.

(2) Summonses for Moving and Parking Violations: The number of summonses for moving violations rose by 55.9% (from 5710 to 8904); similarly the number of summonses issued for parking violations increased by 42.8% (from 18,774 to 26,811).

(3) Complaints for Major Offenses: There are seven major offenses: (a) murder and non-negligent manslaughter, (b) forcible rape, (c) robbery, (d) felonious

assault, (e) burglary, (f) grand larceny, and (g) grand larceny auto.

- The total number of complaints for the seven major offenses for PBQ rose by 1.8% from 103,316 in 1983 to 105,174 in 1984. During this same period the complaint rate rose by 4.3% for the 115th, from 7389 in 1983 to 7709 in 1984.
- Although the overall complaint rate for the seven major offenses increased for the borough of Queens, there was a 1.4% decrease in the reported robbery rate from 1983 to 1984. In contrast, the reported robbery rate for the 115th Precinct rose by 5.7% from 790 to 835.
- Similarly, the burglary complaint rate for Queens dropped by 5.5% from 30,109 in 1983 to 28,462 in 1984. For this same period, the burglary complaint rate for the 115th Precinct remained unchanged (1599 complaints in 1983 compared to 1603 in 1984).

To understand why the complaints rates for the 115th Precinct are contrary to PBQ patterns, it is necessary to review the distribution of the seven major crime complaints rates for all seven categories for the 115th Precinct.

The total number of complaint reports increased by 4.3% from 7389 to 7709. Nevertheless, a closer examination indicates that there were increases in some categories and decreases in others. There were declines in two categories -- murder and grand larceny auto for a reduction of 69 complaint reports. The remaining five categories collectively produced an increase of 389 reports. These increases and decreases produced a "net" increase of 320 reports. The absolute number of grand larceny reports alone rose by 251, while the felonious assault reports increased by 82 -- for a total of 331 reports. In sum, the large numeric increases in the sheer volume of grand larceny and assault reports more than offset the numeric reduction in the murder and rape statistics.

(4) 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 with definitions that vary considerably by jurisdiction. This latter category includes offenses against public morals (i.e., gambling, prostitution, pornography) and the possession and sales of drugs and narcotics.

- The total crime complaint rate for the Borough of Queens increased by 5.8% from 1983 to 1984 (199,427 to 210,910 -- a difference of 11,483 reports). During this same period, the total crime complaint rate for the 115th Precinct rose by 23.2% from 12,533 to 15,438.

(5) Arrest Rates for Seven Major Offenses:

The arrest rate for the seven major offenses for PBQ declined by 3.2% from 10,924 to 10,574. Nevertheless, in marked contrast, the arrest rates for the 115th Precinct increased by 32.2%, from 549 to 786. Regardless of whether one considers percentage increases or numbers, the 115th Precinct witnessed substantial increases in the arrest rate for robbery, felonious assault, burglary, and grand larceny auto complaints.

(6) Summons Activity: The number of summonses for moving violations rose by 56.0% from 5710 in 1983 to 8904 in 1984. Similarly, the number of parking summonses increased by 42.8% from 18,774 in 1983 to 26,811 in 1984.

(7) Radio Runs: From 1983 to 1984, the number of radio runs for PBQ rose by 4.7% from 596,538 to 624,533 (a difference of 27,995). In contrast, the number of radio runs for the 115th Precinct increased from 37,964 to 43,494 -- a difference of 5530 runs, and a percentage increase of 14.6%.

(D) The Community Patrol Officer: Creating a New Role for the Police Officer

1. Program Design

In the mid-1970's, the fiscal crises hit the City of New York and, by the end of the decade, the Police Department had lost approximately 9,000 sworn personnel. Even while available resources declined precipitously, the demand for police services increased dramatically so that in 1982 the Department received approximately six and a half million calls-for-service over the 911 communications system.

Under these circumstances, an ever increasing proportion of the patrol force were committed to radio cars dispatched centrally in response to those calls. Uncommitted resources that could be deployed flexibly at the discretion of the Precinct Commander to address local crime conditions or quality of life problems became extremely rare. Partly as a response to these resource limitations and the priority accorded to crime reports and emergency service calls, meaningful contact between patrol officers and the residents of their beats declined. The officers had less time to spend helping residents to deal with matters of concern in the neighborhood. 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, the Department has become increasingly desirous of reducing the physical, social and psychological distance between precinct patrol officers and the residents of the neighborhoods to which they are assigned. Of course, Community Relations units help in this regard. But the real challenge facing the NYPD, 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. The challenge is both conceptual and fiscal.

Conceptually, the strategy must enable the Department to move into troubled neighborhoods and persuade the residents that the police are a concerned, responsive and powerful resource that can provide the people with significant assistance in their efforts to reduce the threat of crime and to 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 needed to respond to the calls-for-service, provide emergency services, investigate open cases, prepare arrest cases for prosecution, and provide security and order at the hundreds of public events that take place in the City.

The fiscal constraints are obvious. The strategy must permit the Department to meet its existing responsibilities and

improve its services on the neighborhood level with only modest expectations of manpower increases in the years to come.

The Department is acutely aware of and in sympathy with the increasing emphasis on community-oriented patrol that one finds in today's literature on police policy and research. Indeed, the NYPD evidenced its commitment to the principles of community-oriented policing in the early 1970's when it experimented with the use of Neighborhood Police Teams (NPT) in selected precincts. The experiment sought to establish more supportive relationships between the police and the citizenry and to encourage greater police responsiveness to the needs of the community, and to make clearer the delegation of field responsibility within the patrol force. These objectives are as important today as they were a decade ago, but the NPT is not the proper vehicle to embody them in the NYPD. The concept faded in the face of political demands from hundreds of neighborhood organizations for their own teams. The NPT would have required vast resources and massive departmental reorganization for it to have been widely implemented in a city as large as New York.

In the last few years the Department has made several efforts to expand the use of foot patrol officers in the precincts and has asked the Vera Institute of Justice for assistance in developing a strategy for encouraging more community-oriented patrol. Toward that end, the major pieces of research on patrol conducted during the last dozen years or so were reviewed. Three of those studies seem particularly pertinent to our current program design efforts. The Newark Foot Patrol Experiment⁴ provides evidence regarding the program's impact on citizens' sense of safety and has spurred emphasis on the need to address order-maintenance problems on the neighborhood level.⁵ The foot patrol program conducted and evaluated in Flint, Michigan⁶ offers a useful model for constructing a patrol beat and several operational suggestions for extending the influence of the patrol officer even when he or she is not physically available. And the Community Profile Experiment in San Diego⁷ provides very specific training curricula and opera-

⁴ Police Foundation. The Newark Foot Patrol Experiment. Washington, D.C.: Police Foundation, 1981.

⁵ See James Q. Wilson and George Kelling. "Broken Windows," Atlantic Monthly. March, 1982, pp. 29-38.

⁶ Trojanowicz, Robert. An Evaluation of the Neighborhood Foot Patrol Program in Flint, Michigan, Michigan State University, 1983.

⁷ Boydston, John E., and Michael E. Sherry. San Diego Community Profile: Final Report. Washington, D.C.: Police Foundation, 1975.

tional 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.

Our review of existing patrol operations and structures in the NYPD, augmented by our review of recent experimentation in the field, has led us to focus on creating a new role for individual patrol officers--the Community Patrol Officer (CPO). The concept recognizes a need to increase officer accountability for his or her beat. Present patrol practices, whether foot or motorized, do not foster beat accountability. The vast majority of the Department's patrol resources are committed to responding to calls-for-service in radio motor patrol cars. During those times when the officers are not on call, they're expected to randomly patrol their sectors and, on occasion, they are given directed patrol assignments. Tour rotation on the Department's current duty chart does not permit assigning the same officers to the same beats or sectors on a daily basis, and in a given week an RMP officer may be assigned to three or four different sectors. All of these factors mitigate against an officer either amassing a great deal of knowledge about conditions on a given beat, or being held accountable for correcting or at least properly handling conditions.

But accountability is not the only value which the CPO concept is designed to advance. We want the officer to identify with the community he or she patrols and to pursue creative solutions to the problems that are found there. Current practices are essentially reactive. Generally, there is little continuity in the assignment of officers to specific beats. Typically, the officer and his or her partner drive from call to call attempting to address the immediate conditions presented. The officer's knowledge of beat conditions is limited to the identification of problem locations and problem people. He or she is neither required nor encouraged to form relationships with residents of the community. In reality, the officer has little time to do so. The patrol officer is evaluated on what are essentially quantitative work output standards and his adherence to traditional police techniques.

Finally, we seek to create a patrol officer role through which the residents of troubled neighborhoods can link into the resources of the Department. This means the officer must be personally known by and accessible to the people. He or she must convey the Department's sincere interest in helping the people improve living conditions in the neighborhood. The officer must be able to use his or her authority toward that end in the street and to advise other patrol units on the precinct and borough levels on where, when and how best to deliver their services in the neighborhood.

In short, the Department seeks to become a more active participant in people's efforts to improve the quality of their lives on the neighborhood level. Its general patrol, investiga-

tive and crime preventive services are resources that can be used more effectively toward that end. To do so, however, the Department must provide a visible, reliable and knowable presence in the neighborhood on a continuous basis. Reorganizing and redeploying the entire patrol force in the form of neighborhood teams is not financially feasible and may not be operationally desirable in the context of a massive, centralized communications and dispatch system such as the City possesses. The alternative is a new role that embodies the on-site law enforcement activities of the traditional foot cop, the outreach and community organizational activities of the Community Relations officer and the problem analysis, strategy development and tactical specification activities of the police planner. It is that role, which we are calling the Community Patrol Officer, which the Vera Institute recommended that the Police Department pilot.

The major elements of the role and the design of the pilot project were as follows:

- Community patrol officers would be assigned to a sizeable beat area on a permanent basis. The pilot program suggested would create about 10 foot beats of between 8 and 16 square blocks each, depending upon population density, geographic and neighborhood boundaries, etc. Within each beat area, locations would be identified where the CPO could be contacted or where messages could be left for him or her. The name of the officer and the location and phone number of these contact points would be widely publicized in the beat area.
- The officer would be accountable for the identification of crime, order-maintenance, and community problems within his or her beat area, and would be responsible for devising strategies for responding to these problems. The community patrol concept places an emphasis on patrol planning and goal-setting by the officer and the supervisor. Both the planning and goal setting are based upon a continually growing knowledge of beat problems. As in the San Diego experiment, the individual officer would be made responsible for systematically acquiring and recording information about the beat area. This would include information regarding: community demography, socio-economic conditions, institutional structure, community organizational structure, community leadership, beat patterns and trends in criminal, non-criminal, traffic and police-community problems. Over a period of time this beat profile would provide the basis for establishing the goals of the patrol.
- Community patrol emphasizes community involvement. The beat officer would be required to meet regularly with residents and business persons in the beat area and

discuss community problems in an effort to determine the nature and extent of crime and order-maintenance problems of concern to the community. The officer would be responsible for attempting to involve the community in the solution to those problems. Where citizen action groups currently exist, he or she would work with them on the design, implementation and evaluation of the neighborhood crime prevention programs. Where such organizations did not exist, the officer would assist the community residents in organizing them to implement crime prevention activities.

- The CPO would play an active role in crime prevention efforts in the community. He or she would attend neighborhood group meetings as a police resource person, conduct public education programs on crime prevention specifically geared to the various groups in the beat area, and conduct residential and business premises inspections, making recommendations to improve physical security. In performing these duties the CPO would not replace the crime prevention specialist assigned to each precinct, but would augment that officer's activities, and coordinate crime prevention efforts through him.
- The CPO would patrol some portion of the beat each day, covering the entire beat at least twice each week. While it is important that this be a high visibility patrol effort, it is equally important that it be planned and directed at focusing on community problems. Community patrol efforts would be based on each patrol officer's planning and organization of his or her everyday activities with a view toward long-range peace keeping and crime control objectives in the beat area. CPOs would be encouraged to replace the common practice of random preventive patrol with more responsive and effective patrol strategies based on their growing knowledge of the community they serve.
- As beat knowledge includes a thorough understanding of crime conditions within the beat area, individual CPOs would be required to engage in crime analysis activities. Working with the precinct crime analyst, they would be required to maintain accurate records regarding crime incidence within the beat area. To accomplish this, the beat officers would be furnished with information on reported crimes and arrests within their beat areas. The officers would be encouraged to visit complainants, not to duplicate the work of the detective assigned to the case, but to counsel the complainant on methods to avoid being victimized in the future and to assist the person to establish contact with the Victim Services Agency. The officers would also advise community residents of crime trends in the

area, and based on their analysis, suggest methods of combatting them.

- CPOs would work with other members of the precinct force in dealing with problems and conditions within the beat area. Individual officers would confer with their supervisors in planning coordinated approaches to dealing with beat problems, and would work with personnel assigned to radio motor patrol and anti-crime patrol units in the execution of such plans. Community Patrol Officers would be required to respond to calls-for-service within their beat areas when deemed appropriate. Sharing the CFS workload with the RMP units would foster cooperative attitudes between the CPO and the motorized units.
- The CPO would act as a resource person for community residents in other than criminal matters. He or she would be knowledgeable regarding both community and city-wide resources for addressing various kinds of community needs, and would assist residents in contacting the proper agencies or, in some instances, initiate that contact on behalf of the community.
- The Community Patrol Officers in a given precinct would be supervised by a Community Patrol Sergeant. The sergeant would act as coordinator for the program at the precinct level, conduct daily rollcalls for the patrol officers, supervise their activities within their beat areas, work with the officers on the establishment of patrol goals for each beat, and assist the officers in the design of patrol strategies to attain these goals.
- The community patrol would function as an integral part of the precinct. Personnel assigned to the community patrol would be assigned to the precinct and under the direct supervision of the precinct commander.

2. Implementing the Pilot Project

In the process of developing the conceptual framework for this initiative in community-oriented patrol, Vera and Departmental staff members visited the National Neighborhood Foot Patrol Center in Michigan and examined some of the program descriptive literature pertaining to the San Diego and Newark experiments. We considered how the operational characteristics of this program might be adapted for testing in the NYPD. Based on those considerations, we offered the following recommendations for implementing a pilot project in one of the City's precincts.

a. Organizational Structure. We recommended the establishment of a Community Patrol Unit consisting of 1 Sergeant and 10 Police Officers in one precinct for a pilot testing

of the concept. The personnel would be assigned directly to the precinct, and would be under the command of the precinct's commanding officer. While existing staff of the target precinct would be augmented by this number of personnel, it was hoped that most members of the Community Patrol Unit would be selected from existing personnel in that precinct who are already familiar with precinct conditions and who are known to the other personnel in the command. It was strongly felt that if the program was to be effective, it must be structured as a part of the precinct's operations, with the personnel being assigned directly to that command.

b. Supervisory Structure. Direct supervision of community patrol officers would be provided by a Community Patrol Sergeant. He would be responsible for conducting daily rollcalls of Community Patrol Officers, coordinating the activities of the officers with the other members of the command, supervising the officers in the performance of their patrol and community service duties, supervising their crime analysis and beat planning activities, and maintaining program records. While the Community Patrol Sergeant would be the primary supervisor of the CPOs, they would also be subject to the functional supervision of other precinct supervisors on patrol. The CP Sergeant would be responsible for evaluating the performance of the CPOs and, under the supervision of the precinct commander, would devise an evaluation system responsive to the duties performed by the officers.

c. Tour Assignments. The initial thoughts on tours of duty for the CPOs were that the officers would be assigned to the individual beats on the basis of an analysis of the needs of the beat, and that as a result, the individual beat tours might start at different times during the day. Observations in Flint and further thinking on the matter lead us to question the wisdom of a wide variety of multiple tours during the day. Effective development of the program during pilot operations would depend, in large measure, on the supervisory contact between the CP Sergeant and the beat officers. For this reason, while there could be some variation in the starting hours of the beat officers, the tours should be constructed so that the CP Sergeant is in a position to conduct almost all of their rollcalls, and has the opportunity to supervise the officers during the major portion of their tours.

d. Personnel Selection. Personnel for the pilot program would be volunteers selected from among the personnel of the target precinct. Recruitment of volunteers would take place during the on-site planning phase, and would be subject to the approval of the precinct commander. At a minimum, CPO personnel would be required to have three years in the Police Department and one year in the pilot precinct.

Applicants would be requested to volunteer for a one-year period, and agree to be somewhat flexible with respect to work

hours. While steady tours would be provided, there would probably be some need to periodically reschedule the officers to attend community meetings, etc.

e. Training. Program operations would be preceded by a two-week training program for the officers involved. It was suggested that in addition to the 10 program officers, 3 additional officers from the test precinct receive the initial training in order to provide a pool from which replacements may be selected in the event that one or more of the original volunteers requested reassignment or was otherwise removed from the program during the pilot period.

f. Target Precinct Selection. As envisioned, the community-oriented patrol approach would be applicable to almost every precinct in the City. Pilot testing, however, should be conducted in a precinct which would afford the Police Department the greatest opportunity for developing the concept under conditions which neither inhibit its development nor overly simplify it. In essence, the extremes should be avoided. Little would be learned if the program were piloted in a small, quiet, residential precinct without significant crime or order-maintenance problems. Similarly, if the pilot were conducted in an extremely high hazard precinct with high levels of crime and order-maintenance problems, the sheer weight of the volume of those problems might well prevent the proper development of the concept. These problems would also make impact measurement more difficult over a short period of time. For these reasons, the following were suggested as criteria for the selection of a target precinct for the pilot testing of the program.

- The precinct should contain a core residential population and not be transient in nature. As one of the purposes of the program is to foster community crime prevention efforts, the existence of a stable residential population is necessary, regardless of the ethnic or economic makeup of that population.
- The precinct should be one in which there are at least several high density residential areas. Ideally, the precinct would be one which contains several different types of neighborhoods, some containing apartment house type buildings, and some containing one and two family homes. This would provide an opportunity to test the concept in different types of neighborhoods within one pilot project.
- The precinct should have substantial crime and order-maintenance problems, but of a nature which are amenable to police-community solution. For example, skid row areas, such as the Bowery, should be avoided for pilot testing.

- If possible, the precinct's residents should reflect various ethnic backgrounds, with a high representation of minority groups. For pilot testing, it might be wise to avoid a precinct which contains residents of only one ethnic background. Similarly, it would be wise to avoid precincts made up primarily of new arrivals to the United States, such as the large Russian population in the 60th Precinct.
- The precinct's residents should represent a wide range of ages, with an appreciable youth population.
- The precinct selected should have some existing community organizational structure. While one of the functions of the community patrol is to assist in organizing the community for crime prevention, it would be advisable to begin in a community which already has some semblance of organization to act as a starting point.
- The following police related factors should be considered:
 - The precinct commander should support the experiment.
 - The commander of the precinct selected should be someone who is expected to remain in that command for at least the first year of the experiment.
 - While all precincts are, to some extent, undermanned, the precinct selected for the pilot project should be one which is not chronically short of personnel. If the integrity of the community patrol is to be maintained during the experiment, it cannot be viewed as a pool from which to fill RMP cars to meet minimum manning levels.
 - The precinct selected should be one which currently operates at an acceptable level of operational efficiency, not one which experiences operational problems on a regular basis, i.e., continual radio backlogs, etc.

In response to Vera's proposal, the Police Department agreed to implement a pilot Community Patrol Program in one patrol Precinct. During the months of April and May, 1984, Vera and Department staff met with patrol commanders throughout the various command levels of the Police Department, and reviewed recommendations regarding selection of a site for the pilot project. As a result of these efforts, the Department selected the 72nd Precinct in Brooklyn, which covers the Sunset Park and Windsor Terrace areas, as the host precinct for the program.

Between May and mid-June, project staff worked with precinct personnel on the development of the final plan of implementation. The Precinct Commander sought and obtained a volunteer sergeant to supervise the program, and the sergeant in turn sought and obtained volunteers from among the police officers in the Precinct. Project staff worked with representatives of the Police Academy in the Development of a training program for the Community Police Officers. In devising the training program, the assistance of non-police agencies was obtained and portions of the training were administered by these agencies. In addition to Vera, training was provided by representatives of Community Board 7, the Neighborhood Stabilization Program, the Human Resources Administration, the Victim Services Agency, the Boy and Girl Scouts of America, and representatives of several private social service providers active in the community.

Vera's project coordinator worked with the Precinct Commanding Officer and the CPO Sergeant in the design of the beat areas to be covered by the Community Police Officers. Precinct complaint records were reviewed to insure that the beat areas would include those areas in which significant crime and order maintenance problems existed. In addition, Precinct and Patrol Borough Community Relations personnel assisted in the development of the beat areas by identifying existing community organizations and those areas in which community development work would appear to be desirable. Finally, meetings were held with representatives of community groups and their input was solicited. As a result of these efforts, 9 patrol beat areas were designated, ranging from 9 to 15 square blocks in area. Care was taken in the design of the patrol beats to insure that wherever possible, community needs were served. While it was recognized that the limited personnel available for the project would not permit inclusion of every block in the Precinct within a beat area, efforts were made not to exclude areas in which the need appeared the greatest. For example, after the initial beat designations were made, project staff met with various community groups and reviewed the proposed areas of assignment. At one of these meetings, representatives of the block association covering 45th Street between Second and Third Avenues requested that consideration be given to including their block within one of the beat areas. The original beat designs did not include any of the territory west of Third Avenue because of its commercial nature. The block association representatives pointed out that although the area was primarily commercial, their block consisted solely of one and two family homes. In addition, because of deterioration of some of the neighboring commercial blocks, the area was the focus of large scale street-level narcotics activity, making it extremely difficult for these residents who were attempting to maintain the residential character of their block. As a result of their request, the block was included within the confines of beat area number 4. The beat areas were also designed to permit expansion of the territory within each beat, should this eventually prove feasible and desirable.

Personnel were assigned by the Department to the 72nd Precinct to assume the duties formerly performed by the officers assigned to the project. The total complement assigned for program operations was: one Sergeant as program supervisor; nine police officers for beat coverage; one police officer as program coordinator and Sergeant's operator; and one Police Administrative Aide to perform the clerical duties relating to the program's operation. Space was provided to establish a program office within the Precinct, and special telephone lines were installed to service the communications needs of the officers. Flyers were printed in English and Spanish which announced the implementation of the program and described the duties of the officers assigned to it. These were distributed by each of the officers to residents and businesses within their beat areas. The flyer encourages community residents to contact the officers with respect to community problems, and provides instructions on how to do this. To provide for a message reception capability during the hours when the program office is closed, telephone answering machines were installed.

The training program was administered between June 11th and 29th, and routine patrol operations began on July 2, 1984.

Vera's program coordinator worked closely with the 72nd Precinct CPOP Unit in developing the day-to-day operating procedures. New forms were developed for maintaining beat profile records, and standard reporting formats were created. During the first three months of program operation, the residents of the 72nd Precinct evinced a great deal of support for the new operation. At the same time, the police command staff at the precinct and borough levels submitted positive evaluations. As a result, the Department requested that Vera submit an interim status report describing the pilot program's current operation. (Vera had already committed to conducting an in-depth evaluation of the program over its first year of operation. The requested status report was not intended to substitute for this evaluation, but was merely intended to update the Department on the program's initial development.) Vera complied with this request and submitted an interim status report on December 21, 1984. (Copy attached as an Appendix.)

3. Expanding the Program to Other Precincts

Based on the status report and the positive evaluations received from field commanders, the Police Department decided to expand the Community Patrol Officer Program to seven additional precincts in January, 1985, and requested Vera to assist in the planning and implementation of this expansion. The Department's desire was to expand the program to one precinct in each of the Department's seven Patrol Borough Commands, with the exception of Queens, in which two precincts would be designated because that borough contained the largest number of precincts in the city. The plan also provided for the exclusion of Patrol Borough Brooklyn South because of the existence of the pilot

program in the 72nd Precinct. In response to this request, Vera's program coordinator submitted a series of recommendations to the Department which resulted in the creation of a Program Development Team (consisting of Vera's program coordinator, a representative of the Chief of Patrol, a staff analyst from the Office of Management Analysis and Planning, and a representative of the Police Academy), and the development of an implementation and program development plan. The specifics and execution of this plan were as follows:

a. Precinct Selection. The Chief of Patrol requested each Patrol Borough Commander to nominate three precincts within his command, in priority order for program expansion. (The Queens Borough Commander was asked to nominate five.) These Commanders were requested to identify those commands which evinced the greatest immediate need for a patrol operation of this type. Upon receipt of the nominations, members of the Program Development Team visited each of the precincts, conferred with the Precinct Commander, Crime Analyst, Crime Prevention Officer and Community Affairs Officers, and toured the entire precinct. When these visits were completed, the Program Development Team submitted its recommendations on precinct selection to the Chief of Patrol. In most instances, the recommendations concurred with those of the Borough Commanders. However, in two instances, the Borough Commander's second nominated precinct was recommended over his first in order to provide the Department with a greater variety (demographic, types of problems, etc.) of types of precincts from which to learn more about the effects of community-oriented police strategies. The Chief of Patrol formulated his recommendations and submitted them through channels to the Police Commissioner, who made the final selections. The precincts selected for the January expansion were: the 9th Precinct in Patrol Borough Manhattan South, the 34th Precinct in Patrol Borough Manhattan North, the 52nd Precinct in Patrol Borough Bronx, the 81st Precinct in Patrol Borough Brooklyn North, the 102nd and 105th Precincts in Patrol Borough Queens, and the 120th Precinct in Staten Island.

b. Program Planning at Precinct Level. A strategy was developed to facilitate program planning at the precinct level. The Commanding Officers of the selected precincts were notified by telephone, and copies of the status report on the 72nd Precinct were sent to each of them. The commanders were requested to select immediately a volunteer sergeant to head the unit in their precincts, and were given two weeks to do so. Two weeks following the notification, a meeting was held at the office of the Chief of Patrol attended by each Precinct's Commander, the selected sergeants, and the Commanders of the Patrol Zones in which the precincts were located. The meeting was presided over by the Chief of Patrol, and was conducted to:

- Insure uniform implementation of the program in the various boroughs.
- Familiarize all concerned with the history and development of the program.
- Promulgate guidelines which had been developed by the Program Development Team as a result of the experience gained in the 72nd Precinct.
- Establish a timetable for program implementation.

At the conclusion of the meeting, the sergeants from the seven precincts were assigned to the Vera Institute for a two-day orientation. The first day was devoted to familiarizing the sergeants with their duties relative to planning for program implementation in their precincts. Each sergeant was provided with written guidelines to assist him during the planning period. (Copy of the most recent version attached.) In essence, the sergeants were responsible for assisting the precinct commander to accomplish 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 unit office in the Precinct Station House.
- Develop the precinct phase of the CPOP Training Program.

The second day of orientation was conducted at the 72nd Precinct, where the CPOP Supervisor in that command informed the sergeants on the manner in which the program was operated, and reviewed the various control devices which he had implemented to insure effective operations. (Subsequent expansions involved the addition of a third day to the sergeants' orientation period, during which they visit a second CPOP unit operating within their borough of assignment.) At the end of the orientation period, the sergeants were returned to their commands to begin the precinct-based planning process.

Prior to actual implementation, a meeting was held at the Vera Institute which was attended by the sergeants from the seven precincts and District Managers from their local Community Planning Boards. The purpose of the meeting was 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 had

worked with the program in the 72nd Precinct since its inception, attended and spoke to the District Managers on how the program had operated within his board, and the manner in which the CPOP Unit and the Community Board cooperated in resolving local problems.

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

The 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 patrol. The first two days of training (which generally begin on a Monday) are primarily concerned with program orientation, and an exploration of the various tactics which may be utilized in addressing problems encountered on patrol. In addition to formal instruction, the trainees engage in group discussions with experienced CPOs from operating units. Also during the first two days, the new CPOs are addressed by both the Chief of Patrol and the Police Commissioner. At the completion of the first two days of training, the officers are returned to their commands, where actual patrol operations begin on the next day.

The second two days of centralized training are conducted during the following week, and involve a debriefing of the officers on their experiences during the first several days of patrol, and a review of public and private resources which may be utilized by the officers as problem-solving resources. Among the public and private agencies which participate in the training program by sending representatives to address the officers are:

The NYC Department of Aging
The Victim Services Agency
Citizens Committee for New York
The Manhattan Bowery Project
The Boy Scouts of America
The NYC Volunteer Corps
The NYC Department of Housing Preservation &
Development
The Door

(A copy of the Training Agenda from the most recent centralized training program is attached.)

The precinct phase of the training program is conducted over a three-week period following the centralized training. Approximately one training exercise is conducted each week, and includes:

- A joint training session conducted by the Precinct CPOP Sergeant and the Community Board District Manager, during which the CPOs meet the representatives of the various City agencies which deal with the Community Board (e.g., Sanitation Department, Human Services, Neighborhood Stabilization, etc.) and establish the ground rules for a working relationship.
- Institutional Visits. Each CPO visits two service-providing agencies in order to determine the services offered, and to establish liaison with intake personnel.
- Precinct Interactions: A full day of precinct training is devoted to a series of meetings between the members of the CPOP Unit and the 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.

d. Actual Expansion in the New Year. The first expansion of the program occurred on January 3, 1985, with the centralized training conducted at the Police Academy. Subsequent to that date, the program has been expanded on three other occasions. In March, 1985, six additional precincts were added: the 13th, 25th, 43rd, 63rd, 88th, and 110th. In April, 1985, the 7th Precinct was added to the program to complete CPOP coverage of the territory within Operation Pressure Point. The last expansion of the program occurred in June, when six more precincts were added: the 10th, 24th, 47th, 61st, 83rd, and 114th. In each of these program expansions, the implementation plan developed for the first expansion was placed into effect, and in each case, an orderly implementation was accomplished.

While Vera's program team has been primarily occupied with the expansion of the program, it has continued to play an active role in furthering the development of community-oriented patrol strategies. In addition to working with the Police Department, Vera has worked with the NYC Housing Authority Police Department in coordinating the Community Patrol Officer Program with the Project Community Patrol Program of the HAPD. At this point, 15 HAPD Project Community Officers have attended the centralized CPO Training Program, and liaison between the two programs has been established at the precinct level. Vera has also initiated the publication of a Newsletter for the Community Patrol Officers, designed both to foster a sense of role identification among the officers, and to disseminate information on program activities between the precincts. (Copies attached.)

e. Quantitative Indicators of CPOP Activity.

Vera's evaluation of pilot operations in the 72nd Precinct is well underway, and a report will be delivered to the Department in early 1986. (This research effort is described below.) While preliminary research findings are not available at this time, it is beneficial to review the quantitative measures of operational activity during the first year of pilot operations. During the 12-month period ending June 30, 1985, the members of the 72nd Precinct's CPOP unit were responsible for the accomplishment of the following:

(1) **Enforcement Activities:** While the CPO program does not focus on enforcement, it is one of the principal tactics available to the CPOs in addressing the crime and order-maintenance problems complained of by the residents of the beat areas. During the first 12 months of operation, the CPO unit effected the following enforcement actions:

101 Felony arrests
92 Misdemeanor arrests
533 Violation arrests and summonses
270 Moving violation summonses
556 Parking summonses
108 ECB and other summonses

(2) **Program Activities:** Working with the local Community Planning Board (C.B. 7, Brooklyn), City and private agencies and local community groups, the members of the 72nd CPOP accomplished the following during the first year of field operations:

- Attended over 500 community meetings.
- Recruited over 135 blockwatchers.
- Had 144 abandoned cars towed off neighborhood streets.
- Submitted 53 intelligence reports regarding drug and public morals violations.

- Trained local teachers and community group leaders to fingerprint children for identification purposes (all prints given to parents) resulting in over 500 children being printed.
- Established a Senior Citizen escort program under which 45 senior citizens are transported to local shopping centers each week.
- Arranged for over 25 narcotic addicts and alcohol abusers to enter treatment and rehabilitation programs.
- Established a youth drug hotline with the area's Head-start Program.
- Worked with the Boy Scouts and Girl Scouts in the area to increase minority representation in those programs.
- Worked at reclaiming neighborhood parks and playgrounds for community use.
- Converted an empty debris-filled lot into a community park dedicated to two children killed in a house fire on that block.
- Conducted a precinct Halloween party to provide neighborhood children an opportunity to celebrate the holiday in a safe atmosphere, with over 2000 children attending.
- Began a softball league for neighborhood youths, and are in the process of planning a fall basketball league.
- Instituted a transportation program for the Precinct Youth Council's sports teams.
- Initiated a Safe Haven program for neighborhood children with over 125 local businesses participating.

4. Research on the Pilot Project

The Vera Research Department has been conducting exploratory research on the pilot project since it began. The research has involved extensive field observation of the CPOs performing their roles in the community. In addition, each of the CPOs has been the subject of in-depth interviews during the fall of 1984 and the summer of 1985. These observations and interviews have focused on how the officers have implemented this new role and how their experiences have affected their images of themselves as police officers, their perceptions of the communities in which they are working, and their relationships with other officers in the Precinct.

Another dimension of the pilot research has involved the conduct of interviews with a random sample of residents in each of the nine beats. These interviews probe the residents' perception of quality of life problems in the neighborhood, their awareness of the CPO program and their overall assessment of police performance.

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.

Statistics describing the volume and nature of crime complaints and arrests in the beats prior to the commencement of the CPO program and for a full year after the program began have been collected to assess the effect of the program on official indicators of the crime problem. And an analysis of changes in the volume of calls-for-service will be conducted based on calls received during sample periods before and after the program began.

The data from the essentially descriptive research effort are being analyzed at the present time. We expect to present Department officials with a draft of the research report on the pilot project during December, 1985.

E. Expanded Research on the Community Patrol Officer Program

The expansion of the CPO program to 21 precincts around the City, with prospects of initiating the program in another 10 precincts before the end of the year, affords research opportunities not available when the program operated as a pilot project in one precinct. Faced with these opportunities, the Vera Research Department has developed an ambitious research proposal to study the program over a two-year period (a copy of the research design is attached as an Appendix). The proposed research will address issues of concern to both Department officials and to a national audience of police administrators and scholars.

Of immediate local interest, the research would: develop means to measure the effectiveness of CPO performance and the style and substance of supervision by the CPO Sergeant; identify those elements of an officer's background, police-experience and attitudes that relate to effective and ineffective performance; identify the range of order-maintenance problems the officers address and the programs they develop to do so; assess the effects of those programs on specific problems; and estimate the extent to which all of these processes are affected by different characteristics of the communities in which the CPOs operate. In short, such research would tell the Department much about what the program does, with what effects, under what circumstances and what the factors are that make for effective performance. The knowledge would have implications for the recruitment, training, deployment, supervision and evaluation of CPOs wherever they are used and for the efforts of the Department to assess the effectiveness of its quality of life efforts.

Nationally, the re-emphasis on community-oriented policing underscores the importance of some of these same questions to police administrators in urban settings. The processes used by police officers to identify and attack quality of life problems, and especially the roles played by various elements of the community in those processes, need to be described and analyzed empirically. The effects of problem-solving strategies need to be measured directly, and the relationship between effective problem resolution and consequent levels of citizen fear, citizen assessment of police services, and the volume and nature of street crime needs to be studied empirically. The extent of police officer discretion required by community-oriented policing programs and the nature and effects of efforts by police departments and community groups to constrain that exercise of discretion are important issues on the research agenda. Finally, the research would assess the level of police officer job satisfaction and the content of the professional self-image associated with the performance of community-oriented policing roles.

Our research design would track the operation of the program for six months in 50 City neighborhoods, focusing on 25

communities for the six months that constitute the spring and summer, and another 25 for the fall and winter. Our sampling strategy would provide, in addition to the sample of 50 communities, samples of over 50 CPOs, 25 Supervising Sergeants, 250-300 street crime and quality of life problems and the strategies used to attack them, and 2,500 neighborhood residents, at the beginning and the end of the data collection period. The data collection effort would be considerable and very expensive, but the resulting data bases would permit us to examine relationships among: the characteristics of the officer, his or her level of performance, the extent to which local quality of life problems are resolved, the extent to which official indicators of crime are affected, the perceptions, assessments and fears of neighborhood residents and selected demographic characteristics of the communities.

The research would be conducted over a two-year period beginning in December, 1985. Staff would be assisted throughout by an extraordinarily well-qualified and interested group of advisors. Herman Goldstein of the University of Wisconsin, George Kelling of Harvard, Don Gottfredson of Rutgers and Jameson Doig of Princeton have all agreed to serve on the Advisory Committee. In addition, an advisory group from inside the Department will be formed to assure that the research is sensitive to the operational and policy concerns of the NYPD.

The research would extend over a two-year period with a final report to be delivered in November, 1987. Interim reports on the CPO program would be provided to the Department on a regular basis starting in May, 1986. Analysis of the data collected in the first 25 beats would begin in November, 1986 and we expect to present a report of some preliminary findings in January, 1987.

The Department is anxious to have this research done and has authorized an expenditure of approximately \$320,000 over two years from our new agreement with the City for that purpose. But the data collection effort is very large and labor-intensive and our estimated budget for the two-year period totals \$743,000. In an effort to raise the remaining funds, Vera has submitted a full application to the National Institute of Justice and to several foundations which have expressed interest in issues of policing and community development. The results of these applications will not be known until the late fall. If fund-raising efforts are not entirely successful, the proposed design will be modified, but it is clear that we will go forward with research on the expansion of the CPO program.

II. PROGRAMS TO IMPROVE THE EFFICIENCY AND STRENGTH OF FELONY CASE PREPARATION

The Vera research monograph, Felony Arrests: Their Prosecution and Disposition in New York City's Courts (New York: revised ed., Longman, 1981), was the first systematic description of the behavior and the circumstances that constitute the felony arrest caseload of an American city court system, and it described in detail the (sometimes surprising) characteristics of this caseload that tend to explain the pattern of dispositions reached in court. Much of the deterioration of felony arrests is explained by the finding that in 50 percent of the felony arrests coming to court (excluding victimless crimes) the defendants and the victims had prior personal or commercial relationships. The data revealed that these prior relationships are atypical of felony crime in many respects (the street crime thought of as "felony" is stranger crime), and that complainants in these prior relationship cases refuse to cooperate with the prosecution at a very high rate. Prior relationship cases end in dismissal and reduction of the charges far more frequently than other cases; but, as the research showed, the dispositional pattern for the remaining stranger-to-stranger felony arrests is more what one would expect from a responsibly administered criminal justice system, though not what is desired from a law enforcement perspective. By carefully matching up court results with the underlying fact and evidentiary patterns presented in the Police Department's arrests, and through analysis of the reasons for dismissal and charge reductions in the large representative sample of cases, this research showed that a substantial shift in the dispositional pattern of felony arrest cases probably could not be achieved except through efforts to increase the number of arrests in stranger-to-stranger felonies, or through efforts to improve the evidentiary base from which prosecutors make their decisions. Section I of this report, above, summarizes current work that pursues the first line of thought; here, current efforts to improve the evidentiary base for felony prosecutions are reported.

From August, 1979, through June, 1981, the Police Department conducted an experiment--designed, coordinated and evaluated by Vera--which introduced new procedures to provide immediate post-arrest investigations by detectives in all felony arrest cases. The investigations and the presentation to prosecutors of written reports of the results were expected to change dispositional patterns for felony arrests made in the experimental precinct and, from a law enforcement point of view, improve them.¹ The impact of the experimental procedure was measured by Vera, which collected, coded, computerized and

¹The results of Vera's quasi-experimental research on this project are reported in Felony Case Preparation: Quality Counts (New York: Vera Institute, 1981).

analyzed data from four city and state agencies on 5,000 cases. It was clear from the evaluation that timely gathering of facts and the careful written reporting of them to prosecutors had led to substantial improvement in the indictment rate, the conviction rate, the incarceration rate and the felony-time sentence rate. The evidence of this impact was confirmed when data from the experimental precinct were controlled for changes in the criminal justice system that might independently affect these rates.

The improved dispositional pattern was evident across all categories of the experimental precinct's felony arrests, but improvement was most dramatic for robbery and burglary arrests--where improvement was most fervently desired. The indictment rate for arraigned robbery arrests shot up from 39% to 66%; the conviction rate rose from 51% to 74%; and the incarceration rate rose from 30% to 44%. Sentences of five years or longer more than tripled, rising from 8% to 30%. Among burglary arrests presented to the court for disposition, the indictment rate more than doubled, rising from 10% to 24%; and the conviction rate rose from 56% to 68%.

The Felony Case Preparation Project has operational complexities, but can be simply described. It is rooted in an assumption, derived from the Felony Arrests research, that lack of timely investigation and preparation of felony arrest cases has two undesirable consequences: First, police officers, witnesses and defendants often waste months as some cases progress through the system only to be dismissed when their unprosecutability becomes obvious. Second, other cases which should and could be prosecuted, as serious felony charges against serious criminals, are dropped or pled out on low charges and with non-incarcerative sentences because prosecution and court decisions are inadequately informed. The normal procedure by which the police present their felony arrest work-product to the courts ends when an Assistant District Attorney ("ADA") in the Complaint Room receives a booking report (which does no more than present, often in a single sentence, those facts necessary to show that the officer had probable cause to make the arrest). For any other information the ADA must rely on Complaint Room interviews with the officer and the complainant; if there are other witnesses whose testimony bears on the evidentiary strength of the case, they will not normally be produced in the Complaint Room. Cases are not ordinarily investigated in detail (if they are investigated at all) until months after the arrest, when it is often too late and when most of the important decisions have already been made.

Under the experimental Felony Case Preparation Project, all adult felony arrests (except those made by special units

such as Homicide, Narcotics, and Organized Crime²) were referred to the Precinct Detective Unit ("PDU"), which assigned a detective to conduct an immediate follow-up investigation. The detective interviewed all parties--the arresting and any assisting officers, the victims, the witnesses--and, if necessary, visited the crime scene to search for additional evidence or to locate and interview additional witnesses. He might request assistance from forensic technicians, and he might conduct one or more line-ups where proper identification of the defendant was at issue. During the course of the follow-up investigation, the detective would call upon the arresting officer to assist him, a procedure which involved the officer in developing the case and served as a training vehicle to improve the investigatory skills of the patrol force.

The follow-up investigation captures at the earliest moment all evidence that would be useful to a prosecutor either for pressing cases forward or for identifying and dropping cases in which the evidence for prosecution cannot be had. The result of these investigations, reduced to a written Arrest Investigation Report ("AIR") and delivered to the Complaint Room together with the defendant, serves to inform initial prosecutorial decisions (e.g., whether to nolle prosequere, to seek criminal court conviction, or to seek indictment). As the experiment matured, these AIRs became the backbone of the prosecution's files.

Vera conducted evaluative research to determine the impact of the experimental case-preparation procedures. The 43rd Precinct in the Bronx was selected as the first site; under a grant of LEAA funds secured with Vera's assistance, additional detectives were assigned to the Precinct Detective Unit there to cover the expected increase in PDU workload. (In fact, the post-arrest investigations consumed only 7 percent of the hours detectives were available in that unit.) Vera then set up systems for the collection, coding and analysis of the data necessary to monitor charging and voiding decisions at the precinct, as well as non-prosecution and indictment-tracking decisions by ADAs in the Complaint Room, and dismissals, convictions and sentences in the Criminal and Supreme Courts.

²Thus, the measures such as "indictment rate" and "felony-time sentence rate" presented and discussed in these pages are calculated from a felony-arrest base which excludes arrests for homicide, narcotics and organized crime offenses. As the excluded categories of arrest enjoy higher conviction, indictment and incarceration rates than most of the remaining categories of felony arrest, the experimental and control precincts obviously had better over-all dispositional patterns than those shown in these pages, where the purpose is to evaluate the impact of the project on arrests that were subjected to its case-building techniques.

The design of this evaluative research permitted comparison of results obtained in 43rd Precinct felony arrests for any time period in the "test year" (beginning August 1979) with results for the same period in the preceding year (the "base year," beginning August 1978). But evaluative research is on shaky ground when, after observing change at an experimental site, it points to the new procedures as the cause of the change; the project can be credited with causing the change only if the research can show there is no other factor, external to the project, that caused the change. For this reason, Vera selected the 46th Precinct in the Bronx (similar, in relevant respects, to the 43rd) as a control precinct, and collected the same data, for the same periods, on project-type felony arrests originating there. That way, if a jump in the 43rd Precinct's indictment rate was in fact caused not by introduction of the project but by a change in District Attorney policy, for example, a similar change of the same magnitude would show up in the control precinct and the apparent impact of the project would be seen as an illusion. If, on the other hand, there were no change (or no similar change) in the control precinct, the impact of the project would be confirmed. (The question was not, of course, whether one precinct had, for example, a higher or lower indictment rate than another. Indictment rates, conviction rates and the like are the products of a variety of factors, such as crime conditions, that themselves vary from precinct to precinct. The question is whether a change in these rates in the experimental precinct can be attributed to the experimental procedures applied to felony arrest originating there; the answer is "yes" if the change is not found in another, similarly-situated precinct.)

The results were impressive. The dispositional pattern for arrests originating in the control precinct remained virtually unchanged, but the pattern changed dramatically--in the expected direction--in the experimental precinct. Conviction rates and indictment rates surged upward. And this improvement in the dispositional pattern for the experimental precinct was achieved with notable efficiency. There was no increase in arresting officers' overtime; there was no net increase in arrest-to-arraignment delay; and, the investigations and report-writing consumed only 7.2 percent of the hours of detective manpower available to the Precinct Detective Unit. There were other efficiencies as well: the increase in overall conviction rate was accompanied by an increase in the proportion of cases that were screened out before they reached formal court hearings in which they would, after wasted court appearances, have been dismissed. That is, the proportion of felony arrests voided at the experimental precinct (without any resources being devoted to them in the Complaint Room, pre-arraignment, and court process) increased from 3.4% to 13.2% over the first six months. (The control precinct's voiding rate rose too, but only from 4.5% to 5.1%.) As the new precinct screening procedures matured, and standards for determining the "quality" of arrests

became generally familiar to the patrol force in the experimental precinct, the rate at which it was necessary to void felony arrests declined--it fell below 5% in the first half of 1981. The efficiency of the police in screening out cases which investigation showed not to be prosecutable was matched, in the experimental precinct, by a drop in the proportion of cases in which the Complaint Room ADAs declined prosecution; the nolle prosequere rate fell from 7.4% to 5.1% during the first six months, and fell further--to about 2%--in the first half of 1981. (Declination of prosecution in the control precinct cases rose slightly during the first six months, from 5.6% to 5.9%.)

If all these effects of the project are combined--an increased conviction rate and an increased rate at which unprosecutable cases are identified and screened out prior to arraignment--it is obvious that the proportion of felony arrests carried forward in the system only to be dismissed by the court declined dramatically in the experimental precinct. Indeed, court dismissals declined from 44% to 30%, a relative change of 35%. (In the control precinct, court dismissals remained constant at 40% of felony arrests.)

The clearest evidence of how much felony arrests are strengthened by this project's modest infusion of detective attention comes from an examination of the dispositions in arraigned cases. Across all project-type felony arrests, the highlights are:

- The Indictment Rate for arraigned felony arrests rose from 13% to 22%--a relative change of 69%. (In the control precinct it rose from 15% to 18%, a relative change of only 20%.)
- The Conviction Rate rose from 51% to 63%--a relative change of 24%. (In the control precinct, it remained virtually unchanged--54% and 55%.)
- The Incarceration Rate rose from 16% to 21%--a relative change of 31%. (In the control precinct it fell from 23% to 19%--a relative change in the opposite direction of 17%.)
- The Long-Term Sentence Rate (sentences with maximums of 5 years or longer) more than doubled--rising from 1.8% to 4.8%. (In the control precinct, this rate decreased from 5.1% to 3.9%.)

The magnitude of the project's impact on dispositional patterns is particularly evident in the robbery category. The highlights are:

- The Robbery Indictment Rate rose dramatically, from 39% to 66%--a relative change of 69%. (In the control precinct it rose from 44% to 50%, a relative change of only 14%.)

- The Robbery Incarceration Rate increased from 30% to 44%, a relative change of 47%. (In the control precinct, it dropped from 44% to 34%, a relative change of 23% in the opposite direction.)
- The Felony-Time Sentence Rate for Robbery rose from 21% to 36%, a relative change of 71%. (In the control precinct it dropped from 29% to 23%, a relative change of 21% in the opposite direction.)
- The Long-Term Sentence Rate for Robbery (sentences with maximums of five years or longer) more than tripled, rising from 8% to 30%. (In the control precinct, the long-term sentence rate fell from 19% to 14%, a relative change of 26% in the opposite direction.)

In January, 1981, after these preliminary data on dispositions for arrests made in the first six months of the project had been analyzed by Vera and the Police Department, the experiment was extended to two additional Bronx precincts. Fortunately, one of the new experimental precincts was the 46th, which had been serving as the control precinct against which initial impact in the 43rd had been measured. The other new precinct was the 50th. After three months, results of these comparisons made it even more evident that the project was transferable--that its impact was not a by-product of some peculiarity of the original experimental site. For the first three months of 1981, after introduction there of the Felony Case Preparation Project procedures, the indictment rate in the 46th Precinct was 24.6% (compared to 15.5% for these months in the preceding year); similarly, the 50th Precinct's indictment rate rose from 9.2% to 23.6%.

When it presented these data to the Police Department, Vera attempted to respond to the Department's special interest in any impact the project could have on robbery arrests. Because there had been such a sharp focus on robbery cases in New York for several months, and because the attention of the media and City Hall could have had an influence on dispositions, independent of the project, Vera was not comfortable making a comparison of the current robbery dispositional pattern with that of the preceding year. Instead, Vera collected robbery arrest and disposition data, for the early months of 1981, from three Bronx precincts which were not operating the Felony Case Preparation Project but which have similar arrest volumes and are located close by the three experimental precincts. (The proportion of the sampled robbery arrests that were still pending in Criminal Court at the time of the report to the Police Department was virtually the same for the two sets of precincts, so the bases for rates of conviction and indictment were roughly comparable.) In the experimental precincts, 64.7% of these robbery arrests had resulted in indictment and an additional 7.2% of them had reached conviction in Criminal Court, for a

combined conviction/indictment rate of 71.9%. This was substantially higher than the 59.4% conviction/indictment rate in the comparison precincts.

With a view to institutionalizing the project on a city-wide basis, the Department requested that Vera analyze the project's operational data, and make recommendations about how such an expansion might best be accomplished. During the two years of operations, the project's police staff had maintained detailed records on each phase of its development, under the day-to-day direction and oversight of Vera's Project Coordinator. Using these records as a data base, Vera projected for the Department the anticipated caseload in each of the city's 73 precincts, and the number of investigative hours that would have to be supplied in these precincts. Using other data supplied by the Department, Vera analyzed the existing detective resources and current workloads of each precinct and projected the number of additional detectives each unit would require if the project were to be institutionalized without draining resources from other tasks.

On September 18, 1981, the Police Commissioner announced the Department's plan for city-wide implementation of the Felony Case Preparation Project. To accomplish this, and in recognition of the impact of recent years' attrition on the detective units (an impact detailed in Vera's reports over the preceding months), 430 members of the Department were transferred to the Detective Bureau; these transfers restored the individual Precinct Detective Units to their established quotas and supplied additional personnel to follow the procedures developed in the Vera pilot project. In the last quarter of 1981, Vera assisted the Department to design the necessary operational orders and procedures, to establish a monitoring and on-going evaluation capacity, and to train the new detective personnel. In mid-January, 1982, the first phase of city-wide institutionalization got underway with routine use of the felony case preparation procedures in the 22 precincts showing the highest volume of robbery arrests; the new procedures are to be applied, during this phase, to all robbery arrests arising in these precincts.³ Gradually, the scope of this institutionalization of the pilot

³The Department is conducting a related program in which special case-preparation procedures and close liaison with the District Attorney's Offices are brought into play whenever a person on the Department's "hit list" of career criminals is arrested for a felony. This program is managed and staffed by detectives on a borough rather than on a precinct basis. Thus, the Robbery Case Enhancement Program in the 22 designated precincts excludes robbery arrests of "hit list" targets--these arrests are passed along to the borough teams for case preparation and case enhancement.

project is to be broadened to cover the other indictment-prone felony arrests and the remaining precincts.

At the Department's request, Vera remains involved in data collection and in monitoring this wider application of the procedures developed in the pilot project, and provides technical assistance as required. By June, 1982, Vera was able to report to the Department on the disposition of robbery arrests made in the 22 Robbery Case Enhancement Precincts during the first quarter of 1982. Vera's review presented the dispositional pattern for the 854 eligible robbery arrests that were in fact subjected to the case preparation techniques Vera had developed, and compared that pattern with the dispositional pattern for the 620 eligible robbery arrests that were not subjected to those techniques. This comparison group consists of robbery arrests, made in the same precincts during the same period, which were not subjected to follow-up PDU investigations and the preparation of AIRs for reasons unrelated to the merits or strength of the cases (e.g., cases were "waived" by the PDU because of a bulge in other workload, because the arrest came in on the midnight tour, etc.).

The principal differences between the dispositional results achieved for these two groups of arrests are as follows:

- Robbery arrests subjected to the RCEP follow-up investigations and preparation of AIRs had an indictment rate of 59%, while the comparison group's indictment rate was 42%.
- RCEP arrests resulted in either a Criminal Court conviction or an indictment at a rate of 72%, while the comparison group's conviction/indictment rate was 59%.
- RCEP arrests were dropped by prosecutors or dismissed in court at a rate of only 28%, while comparison group arrests were dropped or dismissed at a rate of 41%.

A comprehensive evaluation of the Robbery Case Enhancement Program (RCEP) during its first 7 months of operation, January through July, 1982, was conducted by Vera and the results reported to the Police Department in March, 1983. Data was collected on about 3,000 robbery arrests made in the 22 Precincts where the program is operating, and court records were searched to determine case dispositions. The study compares the Police, District Attorney and Criminal Court disposition of arrests which were subjected to the enhancement process (RCEP-arrests) with the dispositions of arrests made in the same precincts during the same period but which were not enhanced because they were waived, missed, or arose on the midnight tour (comparison group arrests). Principal observed differences between the two groups are as follows:

- A significantly higher proportion of RCEP-arrests result in indictment (60.2%) than do comparison group arrests (46.7%). Enhancing robbery arrests appears to increase the probability of indictment by almost 30%.
- A higher proportion of RCEP-arrests result in either a Criminal Court conviction or Indictment (73.0%) than do comparison group arrests (60.9%). This positive impact is primarily the consequence of the higher indictment rate achieved by RCEP-arrests.
- A lower proportion of RCEP-arrests result in ACD's or dismissals in the Criminal Court (18.0%) than do comparison group arrests (24.8%).
- A significantly higher proportion of RCEP-arrests survive District Attorney screening (are not 343'd or declined for prosecution) and enter the court system than do comparison group arrests. The 343/DP rate for RCEP-arrests was 6.7%, while the 343/DP rate for comparison group arrests was 14.3%.
- These findings, taken together, indicate that enhancing robbery arrests produces indictments or Criminal Court convictions in many cases that would otherwise result in non-convictions.

Vera was also requested to conduct a management audit of both the Robbery Case Enhancement and Felony Augmentation Programs (FAP). The object of the study was to determine the degree to which program effectiveness was effected by city-wide institutionalization. Many programs which are successful as pilot projects are negatively impacted by being integrated with routine operations on an agency-wide scale. Pilot operations sometimes give priority to experimental procedures. Upon institutionalization, however, those procedures must compete with other priority operations for scarce resources and as a result, the new procedures are sometimes less effective than they were during pilot operations.

Vera staff conducted the audit over a six month period between September 1982 and March 1983, and delivered its report to the Police Department in March 1983. In conducting the study, Vera staff performed the following analyses:

- The records of both programs were reviewed for the first 10 months of their operation, January through October, 1982. Data bases were established and analysis conducted to determine the degree of program utilization over the ten month period.
- Each of the FAP borough units was visited and unit records were reviewed. One month's caseload in each borough was analyzed by reviewing each individual

case handled during the month, and conducting a case content analysis. The results of this analysis were quantified and included in the report.

- One month's caseload in each of the 22 RCEP precincts was also read and analyzed, and a case content analysis conducted.
- Upon review of all of the data, recommendations were made to the Department for some modifications of the procedures utilized in both programs.

Vera staff has worked with Department managers since 1983, reviewing the findings of the audit, and estimating the feasibility and desirability of further extending the utilization of case enhancement practices. During 1984 and 1985 Vera staff assisted the Department in the development and implementation of an expanded case-building program. That program, now operational in all precincts throughout the City, utilizes the case enhancement techniques developed during the Felony Case Preparation Project for a wide variety of serious felony offenses, which together account for approximately 90% of all felony arrests made annually. The program places responsibility for enhancement with the detective unit most able to benefit from any intelligence garnered during the follow-up investigation. For example, uniformed force arrests for A Felony narcotic offenses are enhanced by members of the Borough Narcotics Unit, while uniformed force arrests for bribery are enhanced by the Internal Affairs Division.

Vera will continue to assist the Department in monitoring, evaluating and shaping the changes in police practice and court outcomes which have been provoked by the Felony Case Preparation Project.

III. PROGRAMS TO IMPROVE SENTENCING AND THE ENFORCEMENT OF SENTENCES

A. The New York City Community Service Sentencing Project

1. 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 an organizing principle for sentencing policy. In the last couple of years, as the jails have become more overcrowded and the public purse has been strained, New York's search for real alternatives has intensified.

Nevertheless, the track records of programs that aim 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 the alternatives for cases to which the courts would not ordinarily attach punishment makes 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 move the courts toward using the alternative in cases that are serious enough for enforcement of the sentence to be an issue and jail a likely outcome.

For several years now, Vera has been designing, implementing and expanding a program of community service sentencing in the Criminal Courts of the City. Begun in the Bronx as a pilot project, it is now operating in Manhattan and Brooklyn as well. The program has been supported with a combination of funding from the City, State and private foundations. Those funds have also supported an extensive and sophisticated evaluation designed to measure the extent to which the program is serving people who would otherwise have been incarcerated, and to estimate the cost savings which the City experiences through the project.

The program operation has been refined over the last year or so as data from the research has become available. Some funds from this contract have been used to support the work of the researcher as he completes the final report.

The material presented here summarizes the development of the program, the changes wrought on the basis of the research findings, and the major features of what we have learned about the program's effects.

2. The Pilot

One of the most promising ideas for alternative 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 launched a pilot project in 1979, to demonstrate how to target this alternative on jail-bound cases and how to administer the sentence 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 prosecutors and judges 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 re-sentencing 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 project 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, many participants went 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 (e.g., pre-trial diversion, probation, fines).

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

3. 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 to handle 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. For FY 1984-85, the City allocated \$651,107 and the State share was \$267,500; in FY 1985-86, the State share has increased to forty-five percent of the total budget -- now \$1,316,861 -- 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. When the current expansion effort is completed, program capacity will reach 1300 sentences per year, at an average cost per sentence of \$1000.

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 as ordered to the service sites 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 and this, in turn, encourages 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.

4. The Impact Analysis--Method 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 the operation of this alternative sentencing program affected the level of crime in the City?

From the beginning of the pilot project through December, 1984, almost 3,220 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 9.6 prior arrests and 6.3 prior convictions, and 52% 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 would yield the least ambiguous results, it would also 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 had 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 work sites. Some cases are simply lost: the case may be held over for a night arraignment or a defendant who had been released from detention may fail to show up at the next court date.

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 the soundest method of measuring the proportion of participants who would have drawn jail sentences in the absence of the project.

But the research strategy followed here 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 conviction? Obviously, there are hundreds of such possible combinations. 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. Rejects whose cases were screened by project court representatives in the three 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, as well as 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 vary from borough to borough, 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.

²In 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 $B = (B_1 \dots B_p)$ denotes the vector of regression parameters. The assumption of the model is that the probability that $Y_n = 1$ is $1 / (1 + \exp(-X_n B))$. Here $X_{n1} = 1$, 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 models 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

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 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.

5. Impact Analysis - Calendar Year 1982 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 received (and the average time 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,

detention and sentence. 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, because most of the participants who were sentenced to community service at arraignment would 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.

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 detention cells because defendants sentenced to community service spend 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/years saved by the project's displacement of defendants from Rikers Island can be estimated, with reasonable reliability, at 65 cell/years in calendar 1982. Attaching a dollar value to this reduced demand for jail cells is difficult. With Rikers Island at capacity, the easiest method (but one that inevitably 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.

³A 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 were 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 were 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, subsequent 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.

6. Impact Analysis - Calendar Year 1984 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. The computer modelling 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 even more 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 enormously to distinguish (within the class of recidivist property misdemeanants) 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' court representatives were instructed to avoid initiating project consideration of defendants who had been ROR'd or who had made bail. 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 a 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 modeling process for one borough--the Bronx--and the results showed substantial success. The jail displacement rate there rose from 20% to 52%.

Over the past year the program management staff, using the same techniques developed by the research department for the evaluation effort, have completed a remodelling process for the other two boroughs -- Brooklyn and Manhattan -- and can project the overall gains in displacement with accuracy for 1984. In Brooklyn, this remodelling effort shows that screening standards drawn from the research findings have yielded a displacement rate for that borough of 57% (up from 28% before the new standards were devised). In Manhattan, where the original displacement rate had been well above the 50% level, the remodelling

exercise was performed to assess whether any serious erosion of program impact had occurred since the evaluation period. The Manhattan results show current displacement at 59%.

Since operation in all three boroughs have now been re-examined using the modelling technique, we can extrapolate the current city-wide displacement estimate by applying the borough displacement rates to each borough project's 1984 intake. Then with reference to the average pretrial detention time and average sentence length for the reject groups, we can calculate the number of cell/days saved on each community service sentence. The results of these estimating calculations is an overall savings of 99 cell/years in calendar year 1984 -- 56 cell/years saved by jail sentence displacement and 43 cell/years saved in pretrial detention time. 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 avoided \$3,974,850 in outlays for operations.⁴

7. 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 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 criminal 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

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.

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 Institute's evaluation research revealed that in the borough of Manhattan, where recidivism rates were highest, 51% of those sentenced to MCSSP 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, evaluators 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 offenders from committing crimes any better than do sentences of community service.⁶ Despite the apparent equivalence of longer-term deterrent or rehabilitative effects, however, it was obvious that some proportion of these crimes would have been averted if the offenders had initially been jailed instead of being sentenced to community service. They simply would have been incapacitated temporarily and thereby rendered unable to commit crimes against others in the free community.

In early 1984, project managers began to consider ways to reduce the frequency of post-sentencing recidivism. Rather than trying to change offenders 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 criminal life in the recent past. Of course, most of the defendants 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

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

⁶Ibid.

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 jail terms would have been ordered in the absence of the Vera option.

The project's managers decided to conduct a fairly detailed research effort to see if a set of screening rules could be designed to screen out the most active offenders. The Institute's Research Department was asked to draw a large sample of participants that had been recently sentenced to the project, to apply a number of different screening criteria to them to test the strength of these different screening criteria in reducing the rates of subsequent criminality, and also to estimate the impact of the various criteria upon 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 following sentencing to the program, and then 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 (4%) 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 viable predictive rules with stronger recidivism-reduction effects. It is simply very difficult to determine which of the relatively active low-level offenders which comprise the program's target pool will or will not be rearrested in the near future. Although it makes sense to try creating a rule to reduce recidivism, it is clear that we are able to work only at the margin. Nevertheless, the rule described above has been adopted by all four borough projects.

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

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 in conjunction with Vera's own interest in the range of enforceable sanctions that are available (or that might be made available) to judges in different cases, Vera researchers have made a foray into this uncharted area.

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 with support from the German Marshall Fund of the United States and a separate grant from 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, the Institute for Court Management conducted a telephone survey of 126 courts in 21 states, interviewing court clerks and administrators about the extent of fine use in their jurisdictions, the types of offenses for which fines are used, 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 by sampling all sentences imposed in these courts during a one-week period in 1979, analyzing the data on all cases in which a fine was imposed, and examining 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. The report on the New York City data was submitted to the Office of the Coordinator for Criminal Justice by Vera in October, 1982.

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 focuses on 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 the 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.

Important in the context of the sentencing function is the extent to which fines have proved to be, or could be made to be, enforceable sanctions. 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 an alternative 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 to New York City, not only because fines are widely used, for a great variety of offenses, but also because their enforcement presents a serious administrative problem as well as an important source of revenue. In New York City, the sample of Criminal Court cases showed that 31% of all sentences are (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 that 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.

This 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. (And 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 the revenue collection is administered. No American court studied in the course of Vera's research routinely generated information on 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 have 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 us with potentially 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 to us because the English criminal justice system has experimented with them more than the American system has. In conjunction with the work already done in the United States and in New York City, we believe this study, which has been completed and is scheduled for publication by NIJ in late 1985, will usefully inform policy and practice in the area of fine enforcement specifically in the area of lower court sentencing more 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 measurably). 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 the 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 means information 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 means information and to provide the court with feedback on defendants' prior fine payment behavior, in order to expand the role of means assessment 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 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); when they 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. Our 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 court should be certain--by review of the offender's payment record and a pre-sentence (or social inquiry) report--that non-payment results from willful disregard of the court's order and not the excessive size of the fine amount, or the irresponsibility of the offender. Despite the frequency of means hearings in magistrates' courts, this is not always done. Currently, if the court finds the offender is having difficulty meeting the fine payments, it adjusts the terms of payment rather than reducing the amount. Furthermore, if the court finds the offender is not meeting his payments because of personal disorganization and poor financial management, it currently does not have at its disposal, either through probation or professional fines administrative staff, trained personnel to closely supervise the offender, assisting him to manage his affairs so as to better cope with his financial obligations to the court.
- 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, far greater attention must be paid to professionalizing fines administration if the fine is to remain (or become) an important criminal sanction, particularly if

it is imposed in lieu of imprisonment. Although England has traveled further in this direction than has America, more effort is needed to rationalize fine administration and refine the entire decision-making process. While professionalization need not mean new or more court personnel, it does mean greater specialization and different training. Most importantly, greater professionalization implies a basic policy change that makes fine administration a far 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, should encourage courts to experiment with both incentive structures and new organizational linkages that will facilitate successful fine enforcement and thereby enhance the credibility of this important sanction.

We have had, and will continue to have, discussions with Criminal and Supreme Court judges in New York City about the use and collection of fines here.

IV. CRIME CONTROL AND CRIME PREVENTION PROGRAMS

A. Incapacitation - Research on Practical and Policy Problems, with Juvenile Delinquency Patterns as a Focus

Over the last few years, prosecutors, police officials, and crime researchers have shifted public and political attention away from deterrence, which depends on raising apprehension rates, as the principal crime control strategy, 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. The growing enthusiasm for selective incapacitation flows from the findings of researchers who have devised schemes which appear to permit fairly discriminating identification of high-rate offenders and which, in theory at least, offer the possibility of substantially lower crime rates without massive increases in prison capacity.

Increasingly, in recent years, this 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.¹

¹See, Peter W. Greenwood, The Rand Habitual Offender Project: A Summary of Research Findings to Date (Santa Monica, Calif: 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).

Much of the knowledge now being used to advance the "selective incapacitation" 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--as predictive of intensive adult criminal involvement. A major problem with knowledge of this kind 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 current policy is being based offers no assurance that we can identify appropriate targets for selective incapacitation prospectively, at an earlier point in their criminal careers. Nor can we be sure from such retrospective research that, if prediction is possible, 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").

In practical terms, the central issue that emerges 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 typically 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.

In order to shape policy, as police and prosecutors try to focus more and more on high-frequency adult offenders, more information is needed. We need to know how best to identify "chronic" delinquents, in terms of Family Court record and personal history. It was crucial to have a database rich enough to help estimate the power of criminal history and juvenile delinquency variables in predictive instruments, and to estimate if predictive power will be lost by limiting such instruments to criminal history variables alone. We needed to gain a sense of the overall criminal career patterns, which such records might define, at the point when juveniles are about to enter adult jurisdiction. Finally we needed to develop more information on what the early adult criminal records of the universe of juvenile delinquents look like, to assess whether the adult careers

of chronic and non-chronic delinquents groups differ, and to permit a reasoned consideration of whether the early adult offenses of identified chronic delinquents are serious enough and frequent enough to warrant limitations of the confidentiality of Family Court records and to justify a special focus of police and prosecutorial resources on them when they first appear in adult court.

Thus, although our knowledge has expanded considerably in the past ten years: (1) We do 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 cannot 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 have very little information about just how selective juvenile and adult courts already are in their separate treatment of serious offenders, and 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; that is, we know little about whether juvenile 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 databases 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 processed by 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 a request from the Police Department. The Department requested assistance in determining what crime control gains could be expected if prosecutorial decision-making (and police case-building--see Section II)--was 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.

This initial inquiry was limited to searching for the frequency of juvenile crime patterns of the kind used by the Police Department to target adult felony recidivists for special case-building efforts. The Department was aware that the criteria it was introducing to select targets for special detective efforts and for prosecutors' career criminal units often failed to identify high-rate serious criminals until after they passed through the high crime years.

A preliminary look at the Family Court Disposition Study data showed that certain juveniles had, indeed, established fairly substantial records of serious charges before they turned sixteen and entered the adult system. There were 714 fourteen- and fifteen-year-olds in our sample who had had at least one prior delinquency charge brought against them; 417 (58%) of these had more than one and 153 (21%) had five or more such prior court contacts. The majority of these juveniles still had more than a year "at risk" of further juvenile arrest before they would pass beyond the jurisdiction of the Family Court. Within the group of 417 who had more than one prior arrest, there were 396 who had at least one relatively serious prior arrest (e.g., for robbery, a sexual offense, assault or burglary), and 231 (or 18% of all the 14- and 15-year-olds) had had more than one such serious prior charge brought against them. Looking more closely at the 161 juveniles who entered the Vera sample on a robbery arrest, over half were found to have had a prior robbery arrest.

Early in 1982, Vera's researchers narrowed the focus of this inquiry and began production of a computerized case history of all 14- and 15-year-olds in the study sample, in order to make possible the testing of various selection criteria based on Family Court history.

In March, 1983, the National Institute of Justice awarded the Institute a grant to transform this small research effort into something more likely to provide real help. The goal of the NIJ-financed study, which began in May, 1983, is to increase understanding of the relationship 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 adult offenders. 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 sub-group's Family Court contacts have now been updated through the end of their 15th year, and the data base has been extended through the high-crime years by adding information on all their subsequent adult arrests (from their 16th birthday through ages 18 to 20, depending on their age at intake into the original sample).

The statistical analysis of this expanded database will permit: (1) development of a detailed picture of the criminal career patterns of this cohort as it moves from Family Court to Criminal Court; (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 additional predictive, prospective models built on the relationship between a juvenile's Family Court record, personal and family background characteristics, and his or her subsequent early adult criminal career;

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 Criminal Court jurisdiction.

By extending the Family Court Disposition Study in these ways, Vera has been able to develop increased knowledge about what juvenile records (and other background data collected from those records) tell us about early adult criminal activity. Such information would help establish the kinds of information prosecutors would need, from access to Family Court records, in order to focus most effectively on incapacitation of high-frequency adult offenders. Such a database, combining information from both halves of the "two-track" criminal justice system, has also filled in a number of gaps in the knowledge about the development and cessation of criminal careers.

The research has also explored the kinds of offenses which characterize the juvenile and the adult careers of the cohort, in an attempt to discover whether there are statistically discernible career patterns. But the most important work in this project is its search of the Family Court records for the criteria that are most predictive of high-frequency, serious adult crime.

Because there is currently a view that the chronic delinquent is the potential adult career criminal, and because of the resulting desire on the law enforcement side to develop methods of identifying and targeting such individuals, expensive and complex reorganizations of juvenile and adult criminal records systems are being proposed, many of which also require controversial changes in the legislation governing juvenile records. The Vera research should help resolve the empirical uncertainty about how predictive such data can be, if applied prospectively, and (if they are not sufficiently predictive) what alternative information, available in the juvenile system, might be useful in better differentiating among young adult offenders so as to identify the high-frequency serious criminals. Once these empirical matters are more fully defined by this gathering and analysis of data, it should be possible to assess both the justice and the crime control interests that comprise the context for the current debate about the merits of a crime control strategy based on selective incapacitation.

The final report is being drafted at present and should be available before the end of 1985.

B. Research on the Relationships Between Employment and Crime

Is a job an antidote to crime? Does it matter what kind of job it is? Are the crimes of some easier to control than the crimes of others through employment policy and employment programs? 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 1960s, 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.

In recent years it has become 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 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 individuals subject to them.

The experience suggested 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 status, they must take account of whatever 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.

Vera's exploratory research, under a previous technical assistance contract with the City, was beefed up in 1978 with the start of a formal, multi-year study, supported by the National Institute of Justice 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,² the project pursued two research strategies. First, for a 1979 sample of 900 Brooklyn Criminal Court defendants, detailed information on employment and arrest histories were collected. Second, Vera placed ethnographers in three "high-risk" Brooklyn neighborhoods to make an intimate study of the development of criminal and of legitimate lifestyles among the local youth. 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.

The 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 our early work suggested that policy is too narrow 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.

²James 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).

Similarly, the 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 pneumatic way. While it is not necessary to deny the importance of direct links between labor market participation and reduction of crime, the current research points increasingly to the greater importance of 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 commonplace in middle-class and stable blue-collar neighborhoods), and affect the age at which they form families, and the stability (economic and otherwise) of the families they form; the stability of the families they form, in turn, affects the type, frequency, and cessation of their criminal behavior.

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--discloses 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, the Project'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 reduced 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, street crime ceases altogether by the mid-twenties.

The challenge is to move these 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 1970s 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.

This research offers no solace to the tendency to view the employment problem of these youths as 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 few exceptions) cessation of street crime. After all, many underemployed and criminally involved youth do work (when the opportunity presents itself) at secondary jobs, although they increasingly face stiff competition for them. Indeed, only six percent of Vera's sample of 900 accused felons (most of whom were youths) had had absolutely no paid work of any kind. It

was the sporadic, unstable 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. The 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. 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 of the parental household (however meagre), 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. Public service employment may be an important work sphere for this group.

Thus, in our view, the preponderance of evidence supports the belief 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. 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 participants bring to employment programs.

This research on employment and crime was supported by the National Institute for almost six years. Additional funds were supplied by the Ford Foundation, in the spring of 1983, to: examine more closely, with the help of sophisticated econometric techniques, the labor market experiences of different age groups in different samples available to us; 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 policy emphases on either deterrence or simple job placement mechanisms; and complete work on a publishable manuscript that sets forth the implications of our research for policies and programs designed to enhance the employment experiences of the urban poor, control their criminal activity, or both.

During the last several months, three major reports have been produced by the project. One, entitled Employment and Crime: A Survey of Brooklyn Arrested Persons, reports on the methods and findings of the defendant survey. A second report, Youth, Crime and Employment Patterns in Three Brooklyn Neighborhoods, reports on how we went about the ethnographic study and the findings it produced. 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, along with an Executive Summary of the merged report, have been submitted to the National Institute of Justice and are available as Appendices to this report.

C. 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 \$1.80 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 well to that immediate need for cash 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 releases the immediacy of a day's pay for a day's work that characterizes the casual labor market, while eliminating the exploitative 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 the 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. 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

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.

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 can choose which four days a week they work and are assigned to work-sites on a daily basis. To schedule an extra day of work, a worker calls NWP the day before, or by 8:30 the day he wants to work; 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 participant can, if he chooses, get help in his search for permanent conventional employment from the Vocational Development Program--an allied project offering employment and training services, also designed and operated by Vera (and described in the next subsection of this report).⁴ 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 community 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. The program does not seek to rehabilitate people, but to provide an opportunity for people to

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.

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 to create a conventional, unsupported working environment. 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. NYC 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 earn cash-in-hand the very first day he works.

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--assists 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. When viewed alongside many other programs for ex-offenders, NWP is passive; it presents a take-it-or-leave-it opportunity.

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 six months at NWP. This is the

key to the most important difference between working at NWP and working at a conventional job: 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 that, as their entitlement expires, they must leave the job that they have devoted so much time to and in which they have done well. It is partly for this reason that work at NWP is not full time 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 grown to employ roughly 1,500 recently released prisoners per year. Participants have included several hundred people who are members of the work-release program of the City's Department of Correction. The program 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 to date, NWP has repaired roughly 9,000 in rem apartments, cleaned out almost 2,000 vacant lots and alleyways adjacent to in rem buildings, delivered services to and earned income from a host of public agencies besides HPD (e.g., Public Development Corporation and Port Authority), and, in doing so, 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 found jobs on their own when they left the NWP payroll.

During the past year, the program has been more successful in its attempt to diversify its 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 opportunity for longer term "casual" employment or skills training. In the last month, negotiations began with several additional City agencies (e.g., DGS, Sanitation) which have expressed a willingness to direct some of their commercial contracting work in NWP's direction.

D. The Vocational Development Program - Fashioning a Flexible Employment Training and Placement Service for Ex-Offenders, From the Rigid CETA Models

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 is unwanted by a substantial number of those who make use of NWP's transitional employment structure. The high priority given to job placements, in the CETA models, was usually translated to contractual performance requirements which made it foolish for program operators to adopt a no-questions-asked, no-skills-or-experience-required approach to intake. (Thus, in conventional CETA-funded programs, most ex-offenders tend 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 operators' 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 is not typical of the ex-offenders who need 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 placed in jobs or specialized skills training programs 70% of those enrolled; most came into VDP after a period of successful participation in NWP's day labor work force. Despite the relative deficits of its enrollees, VDP has consistently been at the top of the City's rankings for placement rates out of CETA (now JTPA) programs.

VDP's ability to provide a range of services to ex-offenders -- employability preparation and assessment, job preparation, job development, and placement -- makes it unique among organizations offering vocational services. It also makes VDP a critical part of the path taken by parolees who come into NWP immediately after release from state prison.

The Jobs Training Partnership Act which is now 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 1,500 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, 1983 (roughly \$600,000) was met entirely from City funds, as it had been in each previous Fiscal Year. The JTPA cuts hit 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. During this past year, VDP placed over 300 ex-offenders in jobs, with a total (City and State) cost per placement of roughly \$2,000.

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. While it is encouraging that the DOE support will stretch out at least through 1987, the level of support is a little shy of half of what's required. The annualized budget is \$685,000 which is being made up in 1985-86 by \$350,000 of State funds (through the Division of Probation and Correctional Alternatives), merged with \$335,000 of the City's JTPA funds.

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

NWP presents an opportunity for unusual and important 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 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 and other interesting dimensions, NWP has not yet 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. Vera has developed, under this contract, a research design to generate the block of knowledge needed to build on the findings of LIFE and TARP.

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

The major questions to be addressed 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. For example, what are the demographic characteristics of the ex-prisoners who voluntarily register for the guaranteed (but low-wage) work offered by NWP, and how do they differ from those released to the City from correctional facilities who do not seek such aid in the transitional period? What resources are available to them in the community, and are these more substantial for the ex-prisoners who make use of NWP? What proportion of NWP participants secure employment upon or after leaving the program; how long does it take them (with or without the help of job developers) from program entry and from program exit to first regular employment; and what kinds of jobs do they secure, with what remuneration and benefits? What is the relationship between 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, it will be possible to find out how they perceive and value their prior work experiences, which jobs they define as useful and important, and why.

Questions such as these cry out for answers: What perception do they have, upon release, of the job market and their prospects within it, of the personal qualities and skills that enhance or limit prospects, of ways successful job-finders emphasize their skills and de-emphasize their limitations? How have they gone about their personal job search? What connections do they see between their prior criminal histories and their employment histories and prospects? What kinds of crime are they engaging in while working, if any, and what kinds of crime do they engage in when not working, if different? Do they view present, prospective, or any kind of employment as a better choice than, or a deterrent to, criminal activity?

Answers to these questions--and questions like them--will be provided by the research that Vera is currently conducting with support from the Ford Foundation. In the past year, extensive data on 384 released offenders who entered NWP in the summer of 1984 have been collected. Analysis is nearly complete; a final report will be produced by the end of October, 1985.

F. Programs to Foster Crime Prevention through Police-Community Cooperation

Work under this specification was primarily conducted in conjunction with the development of the Community Patrol Officer Program, and is fully reported in Section I (D) above. The Community Patrol Officer Program was designed to encourage and enable the cooperative development of community-based crime prevention 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 citizen participation.

Vera assisted the Department in obtaining the services of the Citizens Committee of New York City, a non-profit organization which specializes in the development of community organizations, to assist the Department 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 has begun to administer a Phase II training program for CPOP Units, a three-hour intensive workshop on community organizing. A Phase III effort, to be implemented in the fall of this year, will involve the administration of specialized workshops to deal with specific problems being addressed by the individual CPOP unit.

The results of these efforts have begun to bear fruit. During the first 12 months of operation in the pilot precinct, the CPOP has demonstrated its ability to involve the community in crime prevention programs. During that period, the officers assigned as CPOs in the 72nd Precinct developed a wide range of programs involving the community in such efforts. During that time, the CPOs attended almost 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 citizen-police crime prevention programs within the Precinct. As an example, the 72nd CPOP Unit developed a Safe Haven program for neighborhood children. The program, which was developed in conjunction with Parent-Teachers Associations in the local schools and with two neighborhood merchants associations, identifies locations throughout the Precinct to which children can turn for help if they are ill, in trouble, or believe that they are being followed on the street. These locations, primarily retail business establishments, are identified by a large distinctive decal affixed to the store's front window. Members of the unit succeeded in recruiting over 125

local business establishments to participate in the program, and gave student lectures in each of the Precinct's grade schools to familiarize the children with the program. (A fuller description of the activities of the CPOP Unit in the 72nd Precinct is presented in Section I (D) preceding.)

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

V. PROGRAMS FOR MORE EFFICIENT OPERATION OF THE JUVENILE AND CRIMINAL JUSTICE SYSTEMS

A. The Speedy Disposition Program

Prosecutors often take the position that there is little they can do to keep cases from getting old.¹ They tend to say 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 Project (SDP) in the fall of 1983 with the assistance of Vera, the City accepted the second proposition -- that District Attorneys could influence the process if they had more resources -- and it allocated an additional \$1.5 million among the six² New York City District Attorneys for them to use to reduce the number of old cases pending in 1984. The City is 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 each year to reach dismissal or sentence. Second, "justice delayed is justice denied." (Vera's Interim Report on the first year of the Speedy Disposition Project is attached as an Appendix to the Report.)

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

¹Indeed, most previous attempts to reduce case processing time in NYS and elsewhere throughout the country have been directed at the courts including in New York State the establishment of Standards and Goals for the "timely" disposition of felony indictments, established by the Administrative Board of the Judicial Conference in 1975 and amended February 28, 1979. Among other Standards and Goals set by the conference was this: by January 1, 1980, no felony case was to have been pending over six months from indictment. This goal, though unachieved, has become part of the culture of New York courts so that cases pending longer than six months are considered "problem" cases.

²There is an elected District Attorney for each of New York City's five counties (boroughs) and these five select a Special Narcotics Prosecutor (SNP) with citywide jurisdiction. The SNP is established by State law. For ease of expression, the Special Narcotics Prosecutor is included when the report refers to "The District Attorneys."

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.

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 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 offers an opportunity for us to examine: (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 process 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 caseloads, 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 (that were then developed by Vera) which focused upon all old cases (those over six months), but the very oldest detained cases were emphasized.³ Therefore, in the formula for allocating the FY 1985 incentive money among the District Attorneys' offices, all pending cases 6 to 11 months old were counted by Vera, but those over 11 months old were double-weighted; in addition, all cases of detainees in custody 6 to 9 months were counted and those in custody over 9 months were double-weighted. Thus a detained case over six months old is counted twice, once in with all pending cases, and again with 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 is to be measured again by Vera by comparing the size of these target groups at the end of 1985 with their size at the end of 1984.⁴

³The 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. The nine and eleven month cut-offs were selected because they were the seventy-fifth percentile (i.e., 25% of the cases were above these ages).

⁴To 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

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 "backlog" by putting in place temporary mechanisms to dispose of the sizeable number of old cases already within the target groups. (Vera counted 7383 defendants with cases pending over six months on December 4, 1984; 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

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 was initially 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 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.

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. The combined contributions of the successful offices were made equal to 100 percent so that each office's proportionate contribution to the overall citywide result could be established. This was multiplied by the \$1.25 million in the supplemental funding pool to determine each office's share.

degree, by the aging of newer, neglected cases. 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 off-set 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 could 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 Project, with Vera providing on-going technical assistance to the City in its role as program evaluator. The City's distribution 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, re-set and set again.

In tracking the progress of the SDP as part of our evaluation, Vera researchers often came away from initial interviews with District Attorneys 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 next distribution of money -- at the start of the second year (1985) -- would be based on program performance in the first year.

There is no evidence in our interviews 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.⁵ Rather, the innovations that emerged

⁵Vera research staff are currently developing three samples of cases disposed in the New York City Criminal and Supreme Courts -- a late 1983 baseline sample, a mid-1984 sample and a late 1984 sample. Analysis of these "snapshots" of the dispositional process will help us assess more thoroughly the impact of the prosecutors' SDP activities on the broader criminal justice system.

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.

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.

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.

We can draw only broad inferences about the connection between any particular SDP effort by a District Attorney's Office and the changes in caseloads reflected in the 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.

To help understand the impact of particular efforts during the program's first year upon caseloads and case processing times, Vera researchers attempted to connect specific efforts with caseload data drawn both from the program performance data reports developed by Vera specifically for the SDP, and from Caseload Activity Reports (CARS) published monthly by the United Court System's Office of Management Support. The SDP research data were generated to measure changes in target caseloads between the end of 1983 and the end of 1984; consequently they include information for two dates late in 1983 (the baseline) and for four dates during 1984 -- two in late 1984 (the first year outcome) and two at mid-year. Sometimes, therefore, the monthly CARS data more closely bracket a particular SDP effort in a District Attorney's office and, consequently, are useful in drawing an inference about the impact of that effort.⁶

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 earlier stage in the adjudication process, usually by having a senior level ADA determine within the first

⁶CARS data issued by the Court on the size and age of the Supreme Court pending caseloads were not used by Vera for the Speedy Disposition Program impact measures for several reasons. First, they do not separate from all Manhattan Supreme Court cases those being prosecuted by the jurisdiction of the Special Narcotics Prosecutor. In addition, these reports exclude cases pending sentence, and 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 Speedy Disposition Program. Also 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.

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.

The data supplied to OMB by Vera's researchers at the end of December were used as the basis for the City's distribution of the first year SDP incentive pool to the District Attorneys. They show that the total citywide Supreme Court pending caseload increased 1.7% between the end of 1983 and the end of 1984, but that most of this increase resulted from a 9.8% increase in cases less than 6 months old. The volume of these younger cases, not specifically targeted for reduction by the SDP, tends to be subject to fluctuations in the number of arrests and indictments, both of which increased citywide during 1984 (8% and 5.29%, respectively). The size of the Supreme Court caseload pending over 6 months was reduced by 7%; although cases 6-11 months rose by 5.1%, the cases over 11 months, specially targeted by SDP, went down by 23.7%.

The citywide research data collected for detention cases also showed improvement, but only in the oldest case category targeted. While 6 to 9 month old cases increased 1.5% (12 cases), those over 9 months decreased 10.1% (68 cases).

The age of the median case in the citywide pending caseload decreased from 170.3 days to 158.6 days. For detainees the median age of all cases was reduced by 1.5 days. The median age of detainee cases pending 6 months or more was reduced by 5 days.

There are some common themes, or issues, that emerge from Vera researchers' observations of the District Attorneys' responses to the SDP during its first year. One theme is the extent to which on-line management information and case tracking systems, usually computerized to some extent, are an important

resource for District Attorneys when they are planning and implementing efficiency efforts in case processing. Furthermore, it appears that the offices which have developed such systems typically also have a staff structure that lends itself to executive planning, and a history of innovation. So, for instance, while Kings County feared that its earlier, successful efforts to reduce the backlog of pending cases might have minimized its opportunities for further improvements during the SDP, its past experiences of successful program planning helped equip it to respond early and strategically to the SDP.

Another common theme involves whether the District Attorneys' responses to SDP were tactical or strategic. A tactical response, for instance, might be the temporary establishment of a separate unit of ADAs to address the current backlog. A strategic response would be to analyze why cases are getting old, to identify the points in the criminal justice process where cases tend to be delayed, and to develop new and permanent procedures to reduce delay and to keep cases from aging.

During the first year of the SDP, the District Attorneys undertook more tactical efforts than strategic ones. Thus, while a particular program might have been successful in disposing of targeted cases over a year old, it might leave the category of cases pending 6 months or more increasing because nothing systemic was done to keep cases from aging into that category. Tactical responses to the SDP may result in a one-time decrease of pending cases, and savings to the City, but they provide little assurance that such benefits would persist after SDP incentives expire.

The offices that seemed to perceive most clearly the need to mount a strategic response to the SDP were King's County, where the District Attorney sought first to address the backlog of oldest cases and then to set subsequent goals to reduce categories of successively younger cases, and New York County where the initial program included special attention to cases younger than the target group. But, as the year progressed, the Queens District Attorney worked to help create a special Supreme Court calendar part to expedite cases when they became 4 months old. And, as part of its original plan, the Richmond District Attorney's Office shortened the time scheduled for all felonies by expediting the transfer of cases from Criminal Court to Supreme Court.

A third theme is whether the SDP generated new and innovative approaches to the problem of delay, or merely stimulated the reactivation of past efforts.

A fourth theme is whether changes in pending caseloads in 1984 reflect responses by the District Attorneys to the SDP, or reflect actions of others in the criminal justice system that had an impact on the SDP target group as measured by the Vera evaluation.

A fifth theme is whether the District Attorneys were able to work successfully with other components of the criminal justice system, usually courts, when their approach to the SDP required the cooperation of others. Although the District Attorneys often maintain that there is little they can do to accelerate case processing times without the strong cooperation of the courts, some proceeded (successfully) without involving the courts in their planning. Other District Attorneys, who tried to involve the courts, met with varying degrees of cooperation, and had varying degrees of success.

At this interim stage of the Speedy Disposition Program, several of these issues can be developed somewhat more fully, but all will be given further attention in the second year of the evaluation.⁷

1. The Relationship between the Court and the Office of the District Attorney

The fate of each District Attorney's SDP efforts in the first year seemed to turn in large measure on the relationship between that District Attorney's office and the Court. Paradoxically, the SDP seems to have reduced targeted caseloads if the District Attorney's planning involved active, simultaneous efforts by the court either in cooperating with the District Attorney's plan or implementing its own plan, or if the District Attorney proceeded alone and devised a plan that did not require judicial cooperation. Boroughs were least likely to achieve reductions where the Court's participation was required in the SDP plan, but where the mechanisms for joint planning and implementation by the Court and the District Attorney's Office were insufficiently developed or their goals were not reasonably harmonious.

Thus, in the two boroughs with the greatest SDP reductions -- Bronx and Manhattan -- the reductions were tied to efforts that required no, or minimal, cooperation between the District Attorney's Office and the Court. The successful attack on old cases in the Bronx was led by the Administrative Judge for the Supreme Court, Criminal Term, responding to a Court-defined and Court-originated goal of reducing the late 1983 increase in the number of pending cases. There is no evidence that the District Attorney's Office played any part in the planning of this effort, or that the court knew, initially, that the District Attorney's Office had been receiving extra funds in 1984 to reduce pending caseloads.

⁷A more detailed discussion of each District Attorney's efforts under the SDP may be found in the interim report of the Vera evaluation (appended).

The most that can be said about the interaction of the Court's effort and the District Attorney's effort in the Bronx is that the Court was able to use "old case" lists generated by the District Attorney's Office for the SDP, and the District Attorney's Office was able to respond to the efforts of the Court to move cases faster because of the additional staff the SDP enabled the District Attorney to hire. The Administrative Judge made it a priority of his own to reduce the pending caseload. By supervising the calendar in his own Part 40, he was able to focus exclusively on the list of old cases presented to him by the District Attorney; he told Vera researchers that he gave "a good deal of attention" to these lists in managing the flow of old cases. But if the District Attorney's Office had not prepared the lists, there is little doubt that the Administrative Judge would have compiled his own.

What remains in question is whether either the Bronx District Attorney or the Bronx Administrative Judge will make additional improvements, toward SDP goals, now that the Bronx caseloads have been reduced to the level more characteristic of that borough just before the late 1983 increases. The Administrative Judge had specific goals for 1984, which were more or less achieved; the District Attorney's Office responded to his efforts with increased staff, but not with any comprehensive or strategic innovations. Without more planning by the Bronx District Attorney's Office in 1985, or a renewed interest by the Administrative Judge, little is likely to be accomplished in 1985 beyond what was achieved in 1984.

Manhattan, like the Bronx, experienced substantial improvement on SDP measures; but in Manhattan, the efforts to reduce case processing times were devised and planned by the District Attorney's Office and included no change in pre-SDP court practices or procedures. It is particularly interesting that the existing Long Term Detainee Part in Manhattan was not made part of the District Attorney's SDP planning; indeed, it was only the presence of Vera researchers that made the judge of the Manhattan LTD Part aware of the SDP. And yet, it appears that through a series of internal management efforts (involving, primarily, the production of better information -- discussed below) and an executive policy emphasis upon accelerating case processing times, the Manhattan District Attorney's Office was able to achieve results. Although there was no affirmative court participation, neither was there any active court resistance to new policies.

What seemed to defeat SDP efforts requiring joint District Attorney's Office/Court participation were problems of implementation. Implementation of SDP plans in both Queens and Brooklyn seemed to suffer from a reliance on the judiciary's creation and maintenance of new court parts (or the giving of new tasks to old court parts), which were slow in getting started in Queens and did not always operate as planned in Brooklyn.

Assuming that the most effective and lasting reforms to affect case processing times would result from combined efforts of judges and prosecutors, the efforts of the Kings and Queens District Attorneys, which recognized this and attempted to work cooperatively with the courts, were the most promising in conception.⁸ But, given existing suspicions and the less than complete development of administrative and planning capabilities in either the court or the prosecutors' offices, it is not surprising that these cooperative ventures were difficult to implement. At the end of 1984, the Queens problems seemed to have been resolved, and the new efforts to introduce felony waivers and to target four month-old cases, stimulated by the SDP, were operating well. But in Kings County, the SDP program it set up in conjunction with the court (TAP) was terminated for a second time at the end of the calendar year.

Here lies the core of an issue that should direct further research: What is the institutional capacity of the prosecutor and the court to plan together? How do these parties manage to work together when they are successful? What problems (perhaps most apparent, in 1984, in Brooklyn and Queens) interfere with joint planning? Is it necessarily true that a District Attorney's Office that pursues program planning independently of the Court (as Manhattan's did) is more likely to achieve its purposes than an office that tries to incorporate the Court action into its plans but discovers it cannot reliably predict or exert influence over the Court's actions?

2. The Force of Personality

It would be disingenuous to ignore the power of individual personalities in affecting standards of case processing. It seems generally true that those actors -- prosecutors and judges -- who are widely perceived as forceful can and do move their caseloads to disposition more quickly than others.

The Administrative Judge in the Bronx Supreme Court, Criminal Term, is regarded as a forceful individual who demands a degree of accountability from both judges and lawyers beyond that required by some other judges. His success in reducing the pending caseload in the Bronx is owed more to his personality, Vera researchers were told repeatedly, than to his procedural innovations.

The same phenomenon was evident in Manhattan. Each of the District Attorney's six Trial Bureaus competed against each other in SDP activities. One Bureau seemed consistently to

⁸The Special Narcotics Prosecutor's program also relied upon court cooperation, but was seen as only a temporary measure to reduce the existing backlog. The District Attorneys in Queens and Kings sought court cooperation for permanent changes.

dominate the others: the calendar judge for that Bureau's cases is recognized for his administrative forcefulness, and the District Attorney's Bureau Chief is described by his supervisors and colleagues as the "best," "most forceful" and "toughest" of the Bureau Chiefs. He is invariably described as "an ex-marine."

Certain dominant personalities seem able to speed case processing; the finding provokes further thought. Given a policy goal in this area, are strong personalities more important to its achievement than structural or procedural change? And what is the element of personality that produces quicker dispositions? Is it the fear of sanction generated by strong actors? Parties appearing before certain judges can count on being (at least) verbally challenged on the record if they are not present and prepared to move cases forward. Certain supervising ADAs manage their staffs with the same expectation of accountability. Conversely, in many courtrooms observed in this research effort, no consequence whatever seemed to flow from non-appearance or lack of preparation. Indeed, many judges claim to lack authority to discipline lawyers for inattention to their calendar responsibilities and seem to feel powerless in the face of indolent or even contemptuous counsel.

What tools and support, if any, could be given judges and supervising ADAs who lack unusually forceful personalities to help them achieve the same results?

3. The Quality of Information Available to DA's Offices

The lack of reliable, systematic case information haunts the New York City criminal justice system in general; Vera researchers saw the problem in microcosm in District Attorneys' efforts to implement the SDP.

Manhattan appears to have taken most seriously the challenge of providing case-aging information. The centerpiece of its SDP is the Star Report System designed to provide up-to-date management information to the Chief of each Supreme Court Bureau on the age of each pending case (once it reached four months old) in the caseloads of every assistant. All boroughs have developed some similar capacity, but not all have devised as fully as Manhattan a way of documenting the aging of cases as it occurs. The managers within the Manhattan District Attorney's Office say that they found this a useful tool in supervising each assistant's handling of his or her caseload. It may be, and Vera researchers will continue to investigate this over time, that the sophistication of Manhattan's SDP Star Reports information system accounts in large part for the apparent success of the Office's SDP effort.

The question of the scope and reliability of existing case processing information within each District Attorney's

Office should be explored further. Each office's information capacity seems central to understanding case handling procedures, and it is possible that useful information will be generated through observations of the process of new systems development in each borough.

4. Why Was There Not a Greater Focus on Detention Cases

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 -- despite the emphasis SDP incentives placed upon them. At this point, it appears that the only office to institutionalize a focus on detention cases was Manhattan's. In its Star Reports, the office routinely lists detention cases by age. No other borough's SDP lists appear to have memorialized the distinction. No other office appears to have devised particular procedures for identifying or handling detention cases, or to have put a premium on disposing of detention cases first.⁹

5. The Design of the SDP: The City Attempts to Buy a New Service from the District Attorneys

One part of the design of the SDP is particularly intriguing and forms a sort of experiment in how City policymakers might pursue other goals.

In the SDP, the City's goals are the reduction of detention population and the reduction of the older pending caseloads. These goals are intended to serve both economy and justice. Because it can be assumed that the District Attorneys have some interest in and have partial control over the speed of case processing and because the City has some power to establish their budgets, the City decided to try to pursue its purpose by offering to pay for particular services from the District Attorneys' Offices: an accelerated pace of disposition for the existing pending caseload and institutionalization of new methods to speed case processing.

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; the progress of the SDP will offer some lessons about how such a model might work and how well.

⁹The lack of conscious distinctions in the handling of jail and non-jail cases may also reflect the 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.

At this point in the evaluation, Vera researchers can offer only the preliminary observation that the purchase-of-service model did encourage each District Attorney's Office to make speed of disposition a management priority in 1984.

The design of the Project also encouraged some comparison among the six District Attorneys and may have generated a degree of competition among them. While each District Attorney's Office attempted to improve on its own 1983 pending caseload numbers, the relative success of each to do so invited comparison. Indeed, executive ADAs several times made inquiries of Vera researchers concerning activities in other offices; the role of evaluator requires the preservation of confidences, however, and whatever cross-fertilization occurred was the product of direct communication between the offices or because implementation of SDP plans can hardly be kept secret.

6. Is Speedy Case Processing a Natural Interest of District Attorneys?

The purchase-of-service model gains additional interest because it is not clear that the service the City seeks to buy -- the speedy disposition of cases -- is perceived by all of the District Attorneys' Offices to be in their natural interest.

Vera researchers have heard conflicting descriptions from District Attorneys' Offices about the importance to them of speedy case processing. Answers vary according to individuals and according to position within the offices. One management-level attorney, with responsibility for overseeing the SDP in his office, said that implementation of the SDP was a difficult managerial task because "speed is not a natural priority for an assistant." The ADA's natural priority, he said, was "keeping his case together" -- making sure witnesses were prepared, documents received, all pieces of proof in place, etc. He said that the SDP required him to create in his staff a sense of the importance of speedy dispositions; the office had never before made it a management priority.

On the other hand, another bureau chief told us that getting cases disposed of quickly had always been of prime importance to him. He thought it bad policy for prosecutors' offices to "keep cases lying around."

From a general policy perspective, the prompt disposition of cases might be thought almost as important to a District Attorney as obtaining convictions of the guilty. As suggested at the outset of this report, the desire for a conviction, the need for sufficient evidence to sustain the burden of proof, and interest in preventing crimes by released defendants should make speed of disposition an important policy interest of any District Attorney's Office.

But these policy interests may not, in fact, filter down to become day-to-day priorities of the Assistant District Attorneys in the trial bureaus unless the District Attorney has mechanisms to effectively communicate policy and to override the inertia created by institutional and individual pressures that work on the individuals in "the trenches." In this respect, the District Attorney at the top of a large bureaucracy may be analogous to a client in a civil case, demanding of the attorney that the case be moved more quickly, but having difficulty finding the tools to cause it to be done.

7. Is the Speedy Disposition Project Making Permanent Improvements in the Time Taken to Process Criminal Cases in the Supreme Court?

Vera researchers have begun documenting the factors generally associated with delays and adjournments in the Supreme Court's criminal parts. Our observations so far are consistent with the state of present knowledge on the reasons for delay in the courts. "Local legal culture," prevailing among judges and lawyers, can affect how fast cases proceed, independently of caseloads, court rules, or other factors.¹⁰ The strong individual personalities described above may be altering the expectations of individuals working in the parts of the system where those personalities function, and may create optimism for improvement in the rest of the system. But it remains to be seen how or whether SDP activities will permanently alter the "local legal culture" in the New York City Supreme Court and create new expectations about how long it must take to process a felony case. As of the end of 1984, no such claim could yet be made.

The second incentive awards will be made by the City in January, 1986 based upon performance data provided by Vera. Vera researchers will continue to collect qualitative data from interviews and observations on the prosecutors' second year activities and to analyze a series of quantitative samples of court cases to assess further the impact of the SDP on the City's criminal justice system. A final report of the evaluation will be completed in the Spring of 1986.

¹⁰The role of "local legal culture" is best conceptualized and documented in a study of criminal case processing in four metropolitan courts, including the Bronx (Church, Thomas W., Jr., Examining Local Legal Culture (Washington, D.C.: National Institute of Justice; January, 1982)). 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.

B. The Bail Bondsmen and Bail-Making Project of the Pro Bono Publico Foundation

In 1983, the 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, and then to compile a unique data base regarding this matter and run some initial analyses on that data base. Funds from this City contract have supported additional analyses and report writing. A final report will be available for distribution and for discussion with City officials in due course.

The report will provide information on the following matters: the ways in which defendants post bail, including the use of a bail bondsman; the points in the disposition process at which bail is posted; the distribution of bond amounts posted by bondsmen; the extent to which bondsmen are available to defendants with low bails; the overall impact of the bondsmen on the liberty of those on whom bail is set in the courts of New York City; the relative importance of cash alternative options and bail bond options in bail-making activity at different bail amount levels, and the impact of such options on detention length; and the implications of our findings regarding bail-making practices for bail-setting and bail-making policies in the City's courts.

C. Research on the Police Department's Civilian Complaint Review Board

In January, 1985, officials of the Police Department informed Vera staff that they had begun an effort to review the Department's procedures for receiving and disposing of civilian complaints. Vera was asked to become familiar with the Civilian Complaint Review Board (CCRB) and to consider how Vera research might contribute to the Department's review. After reviewing written materials and speaking with various police officials, Vera staff identified the Department's concerns as including the following:

- 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 a more definitive disposition 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?

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 the officer used an ethnic slur. A very large percentage of the complaints are disposed of either administratively because the complainant refused to press the complaint or cooperate in its investigation, or by conciliation with the complainant. The remaining complaints (estimated at from 14% to 30% of those received, depending on the category of complaint) are disposed of following a full investigation. The majority of these 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, the complaint may be "substantiated" or the officer "exonerated." In substantiated cases, the Board may recommend that formal charges be brought against the officer within the Department, or that he or she be subjected to command discipline, or simply be given training or instructions to correct the misbehavior.

The Board now 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.

Given this understanding of the CCRB's jurisdiction, procedures and data base, Vera staff suggested that the following pieces of research would produce useful information for the Department's deliberations.

1. A Statistical Analysis of Case Outcome

Vera would take a sample of approximately 25% of the complaints falling within CCRB jurisdiction in 1985 and have the Department make a tape of all the computerized information available on each case. We estimate the sample size at between 1,200 and 1,500 complaints. We would then develop programs that would enable us to analyze this data base for a variety of purposes.

To begin with, we would pursue the question of fairness and consistency in case outcome. This would involve categorizing the case in various ways and determining whether there was significant variation in case disposition for each category. For example, the cases might be categorized by the type of allegations involved, or by combining the type of allegations with one or more characteristics of the situation in which the alleged behavior took place. Alternatively, cases might be categorized by selected characteristics of the victim-complainants or the members of the force involved.

In any event, the logic of this approach is to select the criteria for defining the case categories, measure the dispositional variance in each category, and 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.

Secondly, we would use the data descriptively to determine whether there are situational, victim- or officer-related patterns associated with the occurrence of particular kinds of allegations. This kind of information would have obvious training applications, and might even be useful for focusing the attention of field supervisors and inspections personnel.

Finally, we would recommend a system of data analysis which the CCRB staff could do periodically to monitor case outcomes and patterns associated with the occurrence of particular kinds of allegations. This would convert this rather extensive data base into a management tool useful to the CCRB and other units of the Department as well.

This study would involve the Department's producing a tape containing all of the data on a sample of 1,200 to 1,500 1985 complaints. We would put the data base on computer, develop the research and analysis design, carry them out and draft a report for the Department.

2. A Qualitative Assessment of the Disposition Process

The statistical analyses would tell us how the cases are disposed of and would identify situational, victim and officer characteristics associated with those dispositional patterns. However, it would not tell us very much about how the dispositional process is carried out, the kinds of evidence that are typically available and typically missing in various types of cases, or how the staff and Board members generally assess evidence and evidentiary deficiencies in the cases before them. A qualitative analysis of the dispositional process would address these issues.

For this purpose, we would select subsamples from our statistical sample for a careful analysis of the case file. This kind of study requires a significant time commitment for each case considered, in that the roles played by particular persons involved in the inquiry and 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, we would want to interview selected staff and Board members about their role in the process and their perceptions of its strengths and weaknesses.

Because of the resource demands involved in this process, we would have to confine ourselves to a fairly limited number of cases and to select them from the most important categories of allegations and dispositional outcomes. Allegations of excessive force account for almost 50% of the total allegations. Abuse allegations account for 23%, but they closely resemble force cases in terms of dispositional outcomes. Discourtesy allegations, on the other hand, account for approximately 26% of the total and appear to differ in significant ways from force cases in their dispositional patterns. Therefore, we would limit our selection of qualitative samples to the force and discourtesy categories.

In 1983, almost 45% of the force cases were closed administratively without any finding and another 40% were referred for conciliation. Therefore, looking into these dispositional categories is essential. Among those cases which go to investigation, the essential dispositional categories from either a substantive or a quantitative point of view are those which were unsubstantiated (over 60% of the total investigated), those which were substantiated (approximately 12%), and those which were exonerated (approximately 8%). These dispositional categories are important as well for the discourtesy cases. Examining them would provide some sense of what differentiated the substantiated from the unsubstantiated cases and what kind of evidence and investigative procedures, if indeed there are any such patterns, lead to an exoneration.

Given these considerations, we would select small subsamples of force and abuse cases in each of these five dispositional categories. Thus, 60 force cases would be selected consisting of 10 cases each in the administrative closure, conciliation, substantiation and exonerated dispositional categories. Because the unsubstantiated category is substantively frustrating to all parties, however, we would select 20 such cases for careful study. The same size subsamples would be selected for the discourtesy cases.

This qualitative material would be used to assess the investigative and dispositional process itself and to determine whether changes in procedures could be made that would reduce the volume of cases that are disposed of as unsubstantiated.

In carrying out this project, we would do detailed content analyses of 60 case files involving force allegations and 60 files involving allegations of discourtesy. Within each of these categories of allegation, the procedures and content of the investigatory and dispositional process would be carefully described and assessed and then compared across the allegation categories.

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

The Department has designed the CCRB process to provide citizens 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 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 can tell us much about the fairness, efficiency and effectiveness with which the CCRB carries on its function. However, it would not tell us much about how the citizenry feel about the accessibility of the process, or what they hope to derive from participating in it, or how they reacted to the disposition when it was rendered. Nor would we learn very much about the expectations, perceptions and evaluations of the police officers who participate in the process.

Knowledge about these matters could be generated, however, by conducting a survey of victim/complainants and members of the force who were involved in the cases we selected for our statistical sample. A 20% subsample of our statistical sample of 1,200 would give us a subsample of 240 cases for the survey. We would stratify the subsample so that force, abuse, discourtesy and ethnic slur cases were included in equal proportion to their representation in the large statistical sample. We would limit our survey to the principal victim in the case, the complainant (if different from the victim), and the officer who is the object of the complaint. For planning purposes we estimate that this approach would yield an average of 2.5 respondents per case, for a total of 600 respondents.

This subsample would consist of police officers, who are often suspicious of research, especially that which applies to their jobs, and citizens, many of whom have limited abilities with written English. These considerations suggest that telephone interviews are likely to produce a substantially higher response rate than are mailed questionnaires. Nevertheless, we might use an introductory letter to prepare respondents for our call. Participation would be voluntary, of course, and confidentiality would be guaranteed to all respondents.

This project would involve the development and pre-testing of data collection instruments, the interviewing of 600 respondents, the creation of a computerized data base, data analysis and reporting on the results.

These three pieces of research together would provide a careful assessment of CCRB operations and a clear sense of how it meets the hopes of the Department and the citizens and offi-

cers involved with it. The Department agreed on the usefulness of the proposed research and asked Vera to begin under our present contractual relationship. Thus, the statistical component was begun in September, 1985 and the qualitative component will be initialed in late October. It is expected that this entire research agenda will be completed by September, 1986, and that Vera staff will discuss interim findings with Department officials at several points throughout the year.

VI. PROGRAMS FOR DIVERTING INDIVIDUALS AND DISPUTES FROM THE CRIMINAL JUSTICE SYSTEM

A. The Manhattan Bowery Project - Controlled Research on the Costs and Benefits of Different Approaches to Detoxification

Vera created the Manhattan Bowery Project in 1967, in an early and successful demonstration that voluntary, medically-supervised detoxification could be effectively used in lieu of arrest -- 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 Project has been an independent non-profit corporation 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, differs from the Manhattan Bowery Project's earlier model. The latter still provides constant medical attention during the participant's 5-day stay in the detox ward, to treat injuries and ailments as well as to assist him to withdraw from alcohol by administering drugs during that period. In contrast, the Social Setting detox 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.

Clearly, the social setting model is less expensive than the medical model for detoxification, but little or nothing is known about how the two approaches differ with respect to participants' experience and handling of physical withdrawal, or the relative success of these approaches in engaging participants in post-detox treatment programs. These concerns are now widely shared by professionals engaged in providing detox services, as well as by those responsible for developing public policy to deal with the problem.

In cooperation with MBC and Beth Israel Medical Center, Vera submitted a research proposal, which was subsequently funded by the National Institute on Alcohol Abuse and Alcoholism of the Department of Health and Human Services. The research utilizes a controlled design, whose purpose is to compare the safety and efficacy of medical and non-medical detoxification.

The study is in its second of two years, having completed the data collection on over 1100 subjects. The subjects were drawn from a population of those deemed eligible for non-medical detoxification and seeking detoxification services at either the Manhattan Bowery facility or either of two non-medical facilities (Westside Social Setting Alcoholism Treatment Center or

Lower Manhattan Sobering-Up Station). Because all three of these programs specialize in serving public inebriates, almost all of our subjects are impoverished and homeless, with extensive histories of alcoholism. Eligible men who entered these facilities during the intake period (February, 1984 through January, 1985) were randomly assigned, with their consent, to one of the detoxification facilities, and once admitted to a facility went through the program's standard detoxification process.

The research staff has collected a considerable amount of background data on each subject, including drinking and alcoholism treatment history, medical history, and financial and employment status. These data, in combination with treatment variables, such as medication and care received, and counseling sessions attended, will be assessed for their effects on various outcome variables. One set of outcomes concerns the subjects' experience during the detoxification period, including the nature and frequency of trauma associated with withdrawal; the number and type of medical problems identified and treated during detoxification; the subjects' assessment of the experience at the end of their detoxification; and the average length of stay in the detoxification program. Another set of outcome variables addresses the effectiveness of each program in motivating participants to continue treatment. These data include the rate at which referrals for treatment are accepted and carried out by the subjects and the rates at which they are readmitted to any of 30 detoxification programs in New York City within four months of entering the study.

The research has also undertaken to describe the various detoxification services in New York City as a "local context" within which to place the quantitative results. To develop these descriptions, the administrators of each of some 30 programs were interviewed by research staff and the results of these interviews will be incorporated in the project's final report. This report should be completed by the end of 1985.

While the project is currently in the preliminary stages of data analysis, the early results have yielded a number of interesting findings. These suggest that non-medical detoxification is safe for the great majority of this population; however, there is a small proportion of this population who need medical detoxification and find it extremely difficult to obtain from traditional medical facilities. In addition, certain program characteristics appear related to the likelihood that a client will enter and complete a rehabilitation program. These results suggest programmatic changes which would include more thorough screening prior to detoxification to ascertain whether non-medical or medical detox is most appropriate. In addition, the dearth of aftercare facilities for this population necessitates that program staff make a concerted effort to find a referral for rehabilitation which best meets the client's treatment needs. Additional research is necessary to test the efficacy of these changes.

B. Research, Planning and Pilot Testing of Programs for Better Handling of Mentally Retarded Offenders and of Alcoholic or Alcohol-Abusing Offenders

As part of Vera's efforts to identify groups within the jail and prison populations which might be handled in a more appropriate and less costly manner, the Institute began in 1983 to examine the service needs of alcoholic prisoners and mentally retarded 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. Vera set out to see whether an attack on the treatment problem -- in particular, whether creating mechanisms to transition newly-released prisoners into community-based alcoholism treatment -- might over time have some impact on the numbers of crimes committed by alcoholic and alcohol-abusing offenders and on the numbers of such offenders being returned to prison.

With respect to mentally retarded offenders, Vera's involvement was not provoked by a body of knowledge which calls for action on an identified treatment gap, but rather by a nearly total absence of knowledge. Anecdotes abound -- among judges, lawyers, and mental health practitioners -- about offenders who either do not seem to belong, or cannot get along, in the criminal justice system. When such offenders are recognized, the inappropriateness of the system's routine response and the need for special services are often recognized as well; the judges, lawyers and others reporting these anecdotes often scramble to try to create suitable alternatives. Sorely lacking, however, is knowledge about the incidence of mental retardation in the offender population and knowledge about the outcomes of ad hoc efforts to bring into play, in these cases, the agencies having service responsibilities for the larger population of mentally retarded and developmentally disabled individuals. It appears that the lack of knowledge impedes development of systemic responses.

Vera is taking different approaches to the two special offender populations, in attempting to devise better institutional responses. Vera staff are developing, in a 12-month planning effort, a pilot project for alcoholic prisoners. That pilot project would offer (either by creation of a new treatment program or through adaptation of existing programs to this population's needs) a continuum of services: pre-release treatment in a single jail or prison, a link to community treatment through continuity of case supervision across the release point, and treatment in the community after release. The link between institutional and community treatment is likely to be crucial

and difficult to maintain -- crucial because release is known to be stressful, and to be associated with relapse for alcoholic and alcohol-abusing prisoners, and difficult because of the break occurring at that point in agencies' responsibility for care and custody. To help firm up the link, planners are exploring the use of either a special work-release facility, from which prisoners initially would go daily to community treatment services, or the assignment of counselors (from a pilot project's staff or, perhaps, from probation or parole agencies) who would maintain relationships with the prisoners both while they are still incarcerated and while they are being introduced into the community-based services.

During the planning effort, which began at the end of this contract period, Vera's planning staff will narrow the target group (deciding, inter alia, whether to start in a State or City facility and whether to limit participation to offenders who have committed certain types of crimes, or are within a certain time of release). The planning staff will seek the active support of Corrections, not only at the policy-making level but at the facility where the pilot is to be introduced. The planning staff will either identify a model treatment program in a single Corrections facility (and augment it, if necessary) or plan a model program in a single facility. They will identify and obtain cooperation from one or more community treatment services to which pilot participants can be brought after release, create a programmatic link between the facility program and the community program, prepare a pilot program staffing plan, and obtain funds for operation of the pilot program. In order for the pilot to be useful for research purposes -- i.e., in order for the pilot to permit some assessment of the hypothesis that effective alcoholism treatment services, delivered to this population, can reduce their subsequent criminal behavior -- the planners will keep research constraints and opportunities in focus when designing the pilot (so that appropriate participants are targetted and appropriate data can be collected); they will also establish criteria for measuring the impact of the pilot (particularly, at the early stage of pilot operations, so that it will be known whether services are, in fact, being delivered). The City's Office of Mental Health, Mental Retardation, and Alcoholism Services has already approved Vera's approach, is collaborating in the work, and is expected to support most of the planning costs.

Simultaneously, this planning staff unit at Vera is developing the knowledge base for a pilot project to deal with service gaps faced by mentally retarded offenders. In contrast to the state of affairs in the field of alcoholic and alcohol-abusing offenders, the Institute felt the knowledge-base regarding mentally retarded offenders to be too primitive for an effort intended to lead directly into operation of a pilot program. No consensus exists about the magnitude or shape of the problem or about what programmatic strategy is most likely to prove crucial. Indeed, without knowledge of how many mentally

retarded offenders come into the criminal justice system, what crimes they have committed, how their cases are currently being disposed, and what unmet needs (e.g., for day programs, housing, employment) are affecting the disposition of their cases, designing a pilot to test a programmatic strategy or to develop operational knowledge and expertise would be at least as likely to miss the mark entirely as to be useful in this field. Similarly, without knowledge of the capacity of existing social service agencies to meet the needs of this population, criminal justice agencies and government units charged with serving the mentally retarded have little basis for helping to shape the design of a pilot -- that land of planning calls for some confidence that certain definable new services are (or are not) called for, that existing services can (or cannot) be adopted to serve mentally retarded offenders, or that brokers and new procedures for identifying and referring these offenders will (or will not) suffice to bring about appropriate institutional responses.

Drawing on a review of literature and of existing programs, conversations with experienced individuals in criminal justice and other government agencies, and participation on the State's Task Force on Criminal Justice and the Developmentally Disabled and on the City's Prison Mental Health Task Force, Vera has adopted a two-prong approach to the need to fill in some of these knowledge gaps. To provide basic information, Vera will screen a large, random sample of New York City defendants. This survey will be used to establish the incidence of retardation in this population and (when supplemented by personal, demographic and criminal justice data) to paint a more detailed portrait (or series of portraits) of the mentally retarded defendant. To begin to specify the needs of this population, and to document the availability or unavailability of services to meet these needs, Vera will operate a small, rather ad hoc and exploratory, pilot project. It will select a small number of retarded offenders, closely examine their needs for service, and try to meet those needs by brokering with existing service providers. With the knowledge gained from these survey and pilot research activities, Vera's planning unit will develop proposals for more appropriate institutional responses. A grant of \$74,000 from the State Council on Developmental Disabilities has enabled the Institute to begin work on this effort.

In August 1985, a project director and a planner joined the Institute's planning staff, to form the core staff of these planning efforts in the area of special offender populations. They have already completed a review of the literature on screening and diagnostic instruments, in the mental retardation field, and have been consulting with experts in testing. In September they expect to complete the necessary steps -- choosing the instruments to be used, arranging facilities and times to administer them, and arranging for systematic collection of the other data necessary for a survey of mental retardation among defendants awaiting arraignment.