

Vera Institute of Justice

1013

Research, Planning,
& Technical Assistance
to Improve Public Safety and
the Administration of Criminal Justice

provided to the

City of New York,
Deputy Mayor for Public Safety

Interim Report for the period
January - June, 1991

Introduction

Over the past twenty-four years, the Vera Institute of Justice has provided research, planning, and technical assistance to the City of New York and to its criminal justice agencies under this contract and its predecessors. The assistance provided by Vera has included the appraisal of on-going programs, the conduct of basic research for analyzing needs, and the design, testing, and implementation of projects and procedures that improve public safety and the administration of criminal justice in New York City.

The City of New York has coordinated its receipt of these services, during different periods, through the Police Commissioner, the director of the Criminal Justice Coordinating Council, the Coordinator of Criminal Justice, and the Deputy Mayor for Public Safety. In recent years, oversight was shared between the Police Commissioner and the Deputy Mayor. This year, the contract has been split in two pieces, with the Police Commissioner continuing to oversee receipt of assistance regarding the police function, and with the Deputy Mayor overseeing receipt of all other criminal justice assistance.

This report describes the full range of criminal justice assistance provided to the City, other than on the police function, during the first six months of 1991. The funds available under this contract cover only a small fraction of the costs of the assistance provided

by Vera and described here. This contract and its predecessors have made it possible for Vera to seek and secure other funds, from public and private sources, to support the range and depth of the work specified in this contract and provided during this period, and the statement of expenses that accompanies this narrative continues, as in prior periods, to show the funds raised by Vera from outside this contract and applied to this work for the City.

The Vera Institute of Justice

The Vera Institute has served as a center for action-research in criminal justice and related fields for thirty years. Based in New York City, Vera works with agencies of government at many levels to design, pilot, and evaluate projects that aim to restructure—in large ways or small—systems of justice and other public services.

Program One

Sentencing & Alternatives to Incarceration

Day Fines

Since the mid-1980s, Vera has been working to develop and test practical ways of adapting day fines—originally developed in European courts—for use in New York City and elsewhere in the United States. Day fines, as criminal sentences, are meant to be both more fair and easier to collect than traditional fines, thereby increasing revenue, decreasing the need to use jail to punish non-payment, and encouraging the use of such fines in place of jail sentences. (See inset: “What is a Day Fine?” on page 3 of this report).

Vera launched a pilot project in the Criminal Court of Staten Island in August 1988, to test methods of setting, imposing, and collecting day fines. Vera’s research department has been studying the results of that project and a draft report of findings and conclusions should be completed before the end of this year. Research activity from January through June of this year is described below.

Shortly after launching the Staten Island project, Vera program staff began work with officials of the Office of Court Administration (OCA), the Division of Probation and Correctional Alternatives (DPCA), and the state legislature to explore the statutory and regulatory changes that could facilitate the replication of the Staten Island program

elsewhere in New York State—particularly in the other boroughs of New York City. In the second half of 1990, as the Staten Island program showed signs of success, Vera staff helped to draft legislation at the request of the Assembly Corrections Committee that would authorize counties in New York State to adopt day fines programs in accordance with regulations to be promulgated by DPCA. The proposed legislation, supported by OCA and DPCA, is now under consideration in Albany.

Program Description

Program One focuses on fines, probation, and other alternatives to incarceration. The Vera Institute of Justice assists the Office of the Deputy Mayor for Public Safety, the Office of Management and Budget, and the Office of Court Administration in the design and assessment of sentencing and pretrial supervision programs that aim to reduce over-reliance on incarceration (and the jail crowding that results), while preserving public safety and advancing the other purposes of sentencing.

In response to a request from the New York City Office of Management and Budget (OMB), Vera program staff have estimated that increased fine revenues of \$1,493,000 could result from the extension of day fines to all five boroughs of the city under the proposed legislation.

Although the collection of research data from the Staten Island demonstration project ended in 1990, discussions between Vera staff and officials of DPCA and OMB led to the decision to continue operations through June 30, 1991, to give the State legislature time to act on the bill. Had the legislation been adopted during the last session, the Staten Island operation could have continued without interruption. Because the legislature has not yet acted, however, the Staten Island project was wound down at the end of the period covered in this report.

Vera's research on the Staten Island program has been addressing five basic questions, all meant to be answered by comparing a sample of criminal court cases during the project with a similar sample selected prior to the pilot:

- (1) Were there changes in the sentencing patterns as a result of introducing day fines?
- (2) Were there changes in the dollar amounts of fines imposed?
- (3) Were there changes in the outcomes of collection and enforcement efforts?
- (4) Were day fines more equitable than flat fines for offenders of varied incomes?
- (5) For what pre-existing sentences (e.g., flat fines, probation, jail) did judges substitute day fines during the pilot?

What is a Day Fine?

A *day fine* is a criminal sentence that penalizes offenders by requiring them to pay money, but unlike a flat fine stated in dollars, a day fine is stated as a multiple of the offender's daily disposable income. Although the calculation of daily disposable income is always approximate, the aim is to produce a fine that penalizes offenders fairly who have committed similar offenses but who have dissimilar income. The amount determined as an offender's daily disposable income is "one day fine." Judges therefore sentence offenders to some multiple of these: "30 day fines" for one offense, or "200 day fines" for another.

Because the dollar amounts of the fines are based on the offender's ability to pay, day fines are not only more fair, but they should be easier to collect than ordinary fines—increasing revenue, decreasing the need to use jail to punish non-payment, and encouraging greater use of fines in place of other sentences.

The datasets necessary to perform the analyses of these issues had been cleaned and merged during 1990, so research staff were able to spend the first three months of this year constructing the many variables to be used in the analyses. The analytic variables include three different categorizations of charge, sentence combinations, bail amounts and release status at two points in the case process, fine amount imposed, fine amount that would have been imposed in the absence of statutory caps, final case status, and post-sentence hearing information. To create the variables involving fines ordered and paid and final case status, the pilot program's computerized database in Staten Island was

merged with the research database, and inconsistencies between the two were reconciled.

In addition, in order to control for the differences in the length of the follow-up periods between the pre-pilot and pilot-period samples, subsets of the data had to be defined and isolated for separate analyses.

Beginning in March and continuing into June, the research staff wrote and ran the computer programs to analyze the data. This was a complex process because of the structure of the analyses involving several multiple-group comparisons. The inquiry into which pre-existing sentences were replaced with day fines, for example, required an extensive iterative review of the data so that predictive variables could be identified and non-predictive ones eliminated. This involved the specification and testing of many, alternative models in order to isolate the set of variables that maximized the predictive capacity of the model.

Drafting of the report on the research began in May and will continue through the summer. Plans were made at the end of this period to publish the results of the research either in the National Institute of Justice's *Research in Brief* series (following the previous publication in that series of a summary of Vera's work on fines in New York and elsewhere), or in an article to be submitted to the American Judicature Society's journal, *Judicature* (following our article previously published in that journal on the planning phase of the Staten Island pilot project).

Also during this period, Vera program and research staff developed plans to use the Staten Island experience to develop prototype models of day fines programs for use by interested jurisdictions throughout the United

States. These plans have been taken up by the Bureau of Justice Assistance (BJA) of the United States Department of Justice which is providing funds to support both the development of the prototypes and Vera's provision of training and technical assistance to three jurisdictions to be selected by BJA.

Research Tools for Jail Population Management

In November, 1989, Vera's research department began work under contract to the City of New York to provide city officials with a series of specific tools that would assist those officials to make most efficient use of existing, alternative-to-detention and alternative-to-incarceration (ATD/I) programs, and to guide the development of new ATD/I programs. (See inset: "ATI and ATD" on page 5 of this report).

There are three principal tools under development. These are, first, an estimate of the numbers of inmates who meet the eligibility criteria used by existing ATD/I programs; second, a statistical profile of inmates not eligible for any existing ATD/I programs, from which suggestions can be made both about possible expansions of the eligibility criteria of existing programs and about new programs that might be available to those currently ineligible for any program; and third, a set of indicators that predict with reasonable accuracy whether or not individual defendants who are eligible for existing programs are likely to spend time in custody (either pre-trial or post-conviction), focusing particularly on defendants in felony cases in the New York State Supreme Court.

In addition, Vera researchers will provide a jail use analysis that describes the use of jail-bed-days by the type of time (pre-trial or post-conviction) and the court of final

disposition (Criminal Court or Supreme Court).*

The first two of these tools—the profiles of inmates eligible and ineligible for existing programs—are based on a survey of existing programs developed at the start of the project and administered to the programs in March, 1990. The results of this survey were presented to the ATD/I Advisory Board in October, 1990.

All three of the tools, as well as the jail use analysis, are also based on statistical analyses that have been delayed because of substantial difficulties Vera encountered obtaining complete accurate datasets from the State Division for Criminal Justice Services (DCJS) and from the New York City Criminal Justice Agency (CJA). The contract and workplan originally specified that all of Vera's analytic work would be performed on data created by Vera from several existing datasets to be supplied at the start of the project by DCJS and CJA. The data from CJA itself consists of several datasets, some of which come from the City's Department of Correction (DOC). Unfortunately, all of the data was late and, when it arrived, much of it was found to be incomplete or flawed. The last corrected datasets were received from DCJS and CJA in June of this year.

* In the original plan, an additional set of analyses were to be performed regarding court case processing. Vera researchers were to examine two samples of cases in order to assess what case and defendant characteristics were associated with lengthy times to disposition, with a special focus on defendants held in custody before conviction. These analyses were deleted from the project in the summer of 1990 when city officials decided to move ahead with a larger, separate project on felony case processing.

During the first three months of this year, Vera researchers used the incomplete data that they had received to construct variables corresponding to the eligibility criteria of existing ATD/I programs and to

ATI and ATD

"Alternatives-to-incarceration" (ATI) is a phrase used generally to refer to a wide variety of programs that serve as criminal sentences in place of incarceration. Such programs can include intensive supervision on probation, residential treatment for an addiction or other condition, job training programs, community service orders, and counseling programs of various types. In recent years, some jurisdictions have also characterized house arrest, incarceration in "boot camps," and other custodial alternatives to traditional penal institutions as alternatives-to-incarceration.

"Alternatives-to-detention" (ATD) is a phrase used to distinguish those programs that are designed as alternatives to pretrial detention of defendants, rather than to post-conviction incarceration as a sentence.

In practice, the two sets of programs can look very similar, employing the same techniques and providing the same services (just as jails used for pretrial detention and post-conviction incarceration can easily blur the legal distinction between the purposes of confinement).

The distinction can be further blurred when the early success of a defendant in an ATD program prompts the parties to agree to a guilty plea and sentence in the case that requires the defendant (now a convicted offender) to continue in the program as part of the sentence.

isolate some specific prior record variables for which Vera will have to obtain additional data from a DCJS "TRENDS" database. This work will now allow the researchers to generate the profile of eligible and ineligible inmates from the complete datasets. During these same months, Vera researchers also used the incomplete datasets to develop the computer programs that will allow them to develop the predictive indicators of future custody.

In March, when matching some corrected DCJS data to the CJA data, two additional errors were found in the DCJS computer tapes. Vera researchers analyzed the problems and concluded that one could be corrected by some re-programming at Vera, but the second required DCJS to redo its Staten Island sample. This was the final tape received from DCJS in mid-June.

The data from CJA proved more troublesome. Following a series of difficulties in 1990, CJA undertook to deliver the final datasets to Vera in December of last year. Unfortunately, CJA was unable to deliver the data until April of this year and, because one of these datasets was mis-identified by CJA, the data were not usable until early May. Vera researchers also discovered that arrest dates were missing from CJA's Supreme Court dataset, a problem that CJA was not able to remedy until the end of May. At that point, Vera researchers again attempted to process the data, this time discovering that 1100 Criminal Court records indicating a transfer to Supreme Court had no associated Supreme Court data in the appropriate CJA dataset. Vera researchers sent a list of the problematic cases back to CJA, and this final set of data was returned to Vera in mid-June.

By the end of the period covered in this report, it appeared that the profiles of inmates

eligible and ineligible for existing ATD/I programs would be available early in the autumn. As for the predictive indicators of custody for Supreme Court defendants, the tasks still remaining include completion of variable construction and iterative testing of alternative models.

Bail-Bond Intensive Supervision

Vera launched its first bail-bond supervision demonstration project in the summer of 1987. Four years later, Vera operates three of these demonstration projects: one in Nassau County, another in the Bronx, and a third in Essex County, New Jersey.

The projects aim to relieve jail crowding without increasing pretrial misconduct—failure to appear or new offending—by those released. They do so by using the powers of a bail bondsman or bondswoman both to remove defendants from jail by posting their bonds and to return those defendants to jail at their own discretion. Instead of exercising these powers for profit by charging fees and requiring collateral, Vera's program staff require their principals (as those released by a bondsman or bondswoman are known) to comply with individually-tailored programs of supervision so intense that criminal behavior is very unlikely, and Vera's staff returns those principals to jail when their behavior suggests that no modification of the supervision will adequately contain the risk of offending or flight. Although the release of the defendants is obtained by posting the bond, the project charges no fees and asks no collateral.

Because these projects focus so intensely on eliminating the risk of criminal offending and because the project staff are able to adjust and enforce the terms of a principal's release without recourse to the

courts, the projects also serve as laboratories for the development and testing of techniques of very intensive supervision widely applicable to ATI and ATD programs.

Each of the three current projects follows a similar plan. Vera's project staff bail out detainees with verifiable community ties who have been unable to secure their own release, and who are determined by project staff to be very likely to remain in detention for substantial periods. To make the assessment of likelihood that a defendant would otherwise remain in detention, project staff make use of predictive indicators that have been developed from statistical data in the pertinent jurisdiction. Although the development of these indicators can be a lengthy, difficult process—and was particularly so in the Bronx—it is essential to the intergity of this sort of intervention.

Principals sign contracts governing their activities. All of these contracts include agreement to daily face-to-face contacts and random drug testing. Failure to comply with these or other requirements leads to the imposition of more stringent conditions and sometimes to their return to jail. The project arranges for employment, substance abuse treatment, education, and/or vocational training for each person released. All principals reside in a transitional facility after their release from jail until all such arrangements have been made.

The projects seek to reduce jail crowding by decreasing the number of days its principals spend in jail not only before their cases are completed, but afterwards as well. This is possible because the record of good behavior and good performance in school, job, or counseling established by principals who successfully complete the program can persuade judges to impose non-custodial

sentences where they otherwise would have sentenced offenders to jail.

During the first six months of 1991, the Nassau County project continued its operation, although uncertainties caused by the state budget crises made management of the project difficult. In its four years of operation through June 30, 1991, the project has supervised 230 principals, of whom 160 successfully completed (remained under the supervision of the Agency until their cases were finally disposed of or they were remanded to another form of supervision). Only 12 principals have ever been arrested for a new offense while under supervision. Only four principals have ever absconded; none remained free from project supervision for more than a few days. Seventy principals have been surrendered to the sheriff before final disposition of their cases, nearly all because they failed to abide by the provisions of their release agreements, rather than because of any illegal conduct.

The Bronx project bailed out its first principal on November 29, 1990; and by June 30, 1991, it had bailed out 26 principals, of whom 13 were still under supervision. Three principals have been arrested while under supervision, and four have absconded.

Vera's project staff introduced an innovation into the Bronx project during this period through the establishment of a full-day program of cognitive skills training which all principals are required to attend when first released. If the training works, many of the principals should then be able to live at home while their community release placements are finalized. This would shorten the average length of stay in the transitional residence, which has proved problematic in the early months of operation.

The Essex County project (funded entirely by Essex County, New Jersey, as part of its court-ordered program to relieve jail overcrowding) posted bonds for its first principals in April of this year. By the end of June, fifteen detainees had been bonded out, of whom twelve were still under supervision at the end of the period. Only one principal was arrested while out on bail; he was returned to jail and the Agency was exonerated from its bond. Two principals successfully completed their terms of supervision.

The Essex County project is the only one in which Vera has established an in-house program of treatment for substance abuse. The program operates under a specialist, clinical director, and is based upon the principles of relapse prevention. By the end of June, seven principals had successfully completed the 20 instructional units of the program and were participating in twice-weekly evening sessions aimed at maintaining and reinforcing the lessons learned in the instructional phase.

Program Two

Employment & Crime Prevention

Repositioning the Neighborhood Work Project & Vocational Development Project

In 1978, Vera created the Neighborhood Work Project (NWP) as part of its broader efforts to explore the link between employment and crime prevention. The project aimed to provide recently released inmates of the state prisons and city jails a source of immediate, short-term, legitimate income. It offered a low wage, paid at the end of each working day, for up to four months of work.

In 1979, Vera added the Vocational Development Project (VDP) offering the same population a mix of job training, basic education, and help in job placement. By coordinating their efforts, these two projects permitted ex-offenders to move from jail or prison right into an NWP job while making use of VDP's training and placement services.

Within only a few years, this pair of projects had proved its worth. Over the past decade, a quarter of the inmates released from state prison back to New York City—more than 2,000 each year—have sought work at NWP, although NWP has had enough work, even at the best of times, to hire only half of them. At the same time, VDP has maintained an extraordinary 70 percent job placement rate.

Despite their success, however, these projects have never achieved the stability that ordinarily allows Vera projects to become independent of the Institute after the demonstration phase. The source of the instability in these projects lay in the various mechanisms by which NWP's work was funded over the

Program Description

Program Two involves the development and implementation of employment and job-related services that target ex-offenders in order to reduce future crime. Previous research by the Vera Institute and others has demonstrated that employment for ex-offenders prevents crime; but in New York City, as elsewhere, employment remains relatively inaccessible to those recently released from jail or prison.

The Vera Institute of Justice assists the Office of the Deputy Mayor for Public Safety by developing demonstration programs and modifying existing programs that increase employment opportunities for those recently released from incarceration or under intensive supervision by probation, parole, or correctional agencies.

years and the separation that persisted through all of those arrangements between the policy interest in preventing crime and the commercial interest in providing customers with high quality labor at competitive prices.

The instability did not often interfere with the ability of NWP and VDP to carry out their work. An early study by Vera researchers disclosed tension within the project between those members of the project staff who identified with one or the other of these interests, but so long as government customers could be found for the labor and so long as Vera's assets could provide the necessary business capital, the internal tensions could be managed.

The early funder of NWP's work was the federal government's community development program, a program that permitted NWP crews to do work for neighborhood-based organizations that they otherwise could not have afforded. After a few years of such funding, however, the federal government began to redirect and reduce these funds just as the number of ex-inmates seeking NWP employment was swelling.

Vera found what appeared to be an appropriate solution in an arrangement with New York City's Department of Housing, Preservation, and Development (HPD). HPD officials had just begun a new program to seize buildings abandoned by landlords, and they now needed a flexible, low-cost, reliable work force to rehabilitate the apartments in hundreds of such buildings all over the city. Vera used its computers to develop an efficient way to schedule this kind of work and deploy large numbers of crews—as many as 50 each day—to sites throughout the city on as little as 12 hours notice. Over ten years, under a series of contracts with HPD, NWP crews helped to renovate over 10,000 apart-

ments for occupancy by homeless families, and it expanded further to provide similar labor to the Port Authority, the Public Development Corporation, and the City's Department of General Services.

For a short time in the mid-1980s, HPD's expanding need for labor of this kind and the State and City's interest in expanding NWP's capacity to employ ex-inmates for crime prevention purposes allowed the project to harmonize these different policy interests. By the end of 1988, however, HPD was seeking to cut back on its commitments to NWP and hopes were fading that a source of capital could be found to permit the project ever to survive with or without HPD's business. In the same year, New York State launched its shock incarceration program and, recognizing that a reliable source of employment for shock parolees was essential to maintaining the success of this particular program, decided to contract with VDP to provide employment services to every shock parolee returning to New York City.

For two years, officials at the City's Office of Management and Budget, cognizant of the crime-prevention benefits of NWP and VDP, assured the continuation of substantial levels of HPD work for the NWP crews; but the worsening fiscal condition of the City and the growing reluctance of HPD to use its budget to support the City's and State's public safety interests rendered this source of funding obsolete by the beginning of 1991. At the same time, VDP was proving as successful in moving the shock parolees through NWP's short-term work and into good jobs as it had been with the populations served earlier. Together NWP and VDP have permitted the Division of Parole to maintain a 100 percent release rate for parole-eligible shock inmates from New York City.

In January of this year, facing continuing budget reductions, HPD began several rounds of cutbacks in its portfolio of contracts with NWP. At the end of the month, HPD notified Vera that, as a result of additional budget cuts in the upcoming fiscal year, it would eliminate the NWP contract altogether after June 30, 1991. In the months following that announcement, additional cut-backs at HPD reduced further the number of crews that NWP could support and led to lay-offs among NWP's administrative staff even before the June deadline.

In the six month period from January 1, 1991 through June 30, 1991, NWP provided a source of immediate earned income for 971 individuals, of whom 50 percent were New York State shock parolees; 32 percent were non-shock state parolees; three percent were on work release from city correctional facilities; and 15 percent had been released from city jails, were on probation, or were on work release from federal institutions. In the same period, VDP provided permanent job placement assistance to 572 individuals, of whom 90 percent were New York State shock parolees, with the balance on other forms of parole or work release.

Recognizing the importance of NWP and VDP's employment programs to its public safety policies, New York City's Deputy Mayor for Public Safety contracted with Vera to support the continued operation of NWP after July 1st for a limited time as part of the Mayor's "Safe Streets, Safe City" program. This contract—negotiated during the last months of the period covered in this report with the support of the City Council—provides Vera and its partners in government a brief period of time within which either to find a mechanism to support the continued operation of NWP or to reposition VDP in such a way that it could perform adequately without NWP.

During the last months of the period covered in this report, a strategy to support NWP crews through contracts with state agencies was developed, although the strategy remains to be tested over the summer and into the fall of 1991. The success of these efforts is of greatest importance to the State Division of Parole, whose chairman is trying to get agencies with substantial minor maintenance and capital budgets to step into the breach left by HPD.

Vera staff have been following leads uncovered in two meetings chaired by the state commissioner of parole and organized by state budget officials. State agencies represented at those meetings included Transportation, Mental Health, Mental Retardation & Developmental Disabilities (OMRDD), the Facilities Development Corporation, and General Services. In these discussions, staff from the State's Division of the Budget added CUNY to a list of public agencies that might be in a position to purchase NWP's services.

Vera may be able to begin putting NWP crews to work on CUNY and OMRDD sites in July and August of 1991. Each of these agencies should be able to use large amounts of unskilled and semi-skilled labor. OMRDD operates five large institutions in the metropolitan area, and more than 200 small, community-based residences and day programs for the developmentally disabled; the present minor maintenance budget for these facilities in NY City exceeds six million dollars annually. CUNY presents similar opportunities, with its various campuses requiring continuous renovation and maintenance throughout the City.

Even if this latest strategy succeeds, an independent home for NWP and VDP must be found if the projects are to continue to serve the city and state. Discussions about the structure of the projects after spin-off from

Vera began at the end of the period covered in this report. Any long-term solution will have to address the need for capitalization, credit, and recognition in legislation of the public

safety interests in assuring adequate levels of employment for people recently released from penal institutions.

Program Three

Court Administration & the Adversarial System

Felony Case Processing

Since 1983, Vera staff have been providing OMB and the Criminal Justice Coordinator's Office (now the Office of the Deputy Mayor for Public Safety) with technical assistance and research services on the problem of delay in the processing of criminal cases. Although Vera's work was originally focused on the development, implementation, and evaluation of the Speedy Disposition Program, which ran from 1983 through 1987, Vera researchers continue to provide assistance and analyses to city officials as new efforts in this area are planned.

Following the announcement of a new case processing initiative as part of the Mayor's "Safe Streets, Safe City" program last autumn, Vera staff worked with officials from OMB and the Office of the Deputy Mayor for Public Safety to explore the potential benefits and difficulties of a new program in this area.

During the period covered by this report, Vera staff drafted a proposal for monitoring and evaluating any such initiative. The proposal, if accepted, would combine technical assistance to agencies developing strategies to speed up case processing, and analyses of times to disposition and detainee length of stay at various points in time over the life of the project.

The Neighborhood Defender Service

The Neighborhood Defender Service is a new kind of public defender. Established in the spring of 1990 by Vera for the City and State of New York, the project began full operations in December of last year.

The purpose of this demonstration project is to advance the development of new

Program Description

Program Three involves efforts to solve problems of delay and inefficiency in the court process as well as the development of programs to improve the quality and cost-effectiveness of the prosecution and defense functions. The Vera Institute of Justice assists the Office of the Deputy Mayor for Public Safety, the Office and Management and Budget, and, on request, the Office of Court Administration, the District Attorney's Offices and the Police Department in the design, implementation, operation, and assessment of programs that aim to reduce delays and improve the quality of the adversary system of justice in criminal cases.

techniques for the more effective and cost-efficient public provision of legal representation to indigent criminal defendants. The basic hypothesis is that, by restructuring the manner in which this legal representation is delivered, public defense providers can provide better services to their clients, and do so in ways that improve the quality and the cost-efficiency of the criminal justice process generally.

The Neighborhood Defender Service is designed as a five-year project of action-research. The staff of the Neighborhood Defender Service provides direct legal representation to indigent clients who reside within a designated neighborhood catchment area in Harlem. NDS representation differs from that provided by traditional public defenders in three ways. First, it is neighborhood-based, operating from the community where its clients reside rather from the courthouses where they are prosecuted. Second, it is team-based, providing representation through teams of lawyers, paralegal investigators (called "community workers"), and administrative assistants, rather than through individual attorneys. The team approach brings the benefits of many minds to each case, permits many tasks traditionally done by lawyers to be performed more efficiently by non-attorneys, and allows NDS to continue work on a case despite the temporary unavailability of an individual lawyer. Third, it is client-centered rather than case-centered, representing its clients in any proceedings related to their criminal charges, including proceedings concerning parole, immigration, housing, forfeiture, and termination of parental rights.

These three features enable NDS to bring to its work a detailed knowledge of cases, clients, and community resources, and to do so from the very first court appearances in each case. The service encourages community residents who cannot afford counsel to retain the services of an NDS team without fee as soon as they are arrested, and NDS keeps a team on call for such work 24 hours each day, every day of the year. Taken together, this model for defense services should provide the courts with the confidence to release more defendants pretrial, and should provide defendants and their lawyers with the confidence to choose a strategy and bring their cases to conclusions without undo delay.

During the first six months of this year, NDS commenced representation in more than 900 cases and continued representation in another hundred. Vera has issued two reports describing the work of NDS over this period. The first describes the efforts of project staff together with city officials to organize systems of intake for the new service and examines the nature of the cases that first came to the teams (*Intake: The First 500 Cases*). The second report examines the practice and results of commencing representation before defendants are traditionally assigned counsel in New York (*Early Assistance of Counsel*). Both reports cite encouraging results in the first months of operations that show NDS clients released at their arraignments at rates substantially greater than other defendants.

Program Four

Drug Enforcement, Education, & Treatment

Enforcement

Vera is currently concluding its two-year study of the effects of the City's Tactical Narcotics Team (TNT) program of narcotics enforcement at the community level. The research focuses on the extent to which a complex enforcement strategy such as TNT can reduce disorderly conditions, reduce the street crime that often accompanies drug markets, reduce fear of crime among community residents, increase the use of streets and parks, improve attitudes toward the police, and help community residents "regain control" of their streets.

The research employs a longitudinal design in two Brooklyn neighborhoods that were early targets for TNT and, for comparison, in a third neighborhood designated at a future TNT site. By documenting community activities before TNT began in the target areas, Vera researchers developed baseline information on drug trafficking and associated community attitudes and perceptions. Vera researchers then continued observing community activity and gathering data during and after TNT's deployment in each neighborhood.

In January, February, and March of 1991, Vera researchers continued to review and analyze the research data. This included the analysis of panel interviews conducted

during TNT deployment periods in all three study precincts, which was completed in February.

Analysis of data from the post-TNT waves of the household survey also continued. Late in February, data from the follow-up wave of the household survey were merged into a common dataset with data from the pre- and post-TNT waves. This merging then allowed researchers to ascertain the extent to which community perceptions from the pre- and post-TNT waves persisted in the follow-up period.

Ethnographic research staff continued transferring paper records of field notes and interviews into a computer database as the analysis of these data also continued. Ethnographic researchers also produced a paper

Program Description

Program Four aims to improve the effectiveness of city and state efforts to control drug markets, to devise drug education and prevention programs, and to enlarge provision of effective substance-abuse treatment services in New York City.

describing the evolution of cocaine markets in central Brooklyn between 1980 and 1990, which will provide a historical context for much of the ethnographic data.

Vera research staff prepared a progress report on the research for the Director of the National Institute of Justice for use in his testimony before Congress, as mandated by the Anti Drug Abuse Act of 1988.

Analysis of interview data for the assessment of how the police department implemented TNT continued during this period, as well.

Data concerning the case outcomes of TNT arrests arrived at Vera from the Criminal Justice Agency (CJA) in early March and researchers began analysis of the data late in the month.

First drafts of the analysis of ethnographic field data from the 67th and 70th precincts were completed in March. These drafts were circulated among research staff and the process of revision began late in the month.

Finally in March, researchers working on the panel interviews began the analysis of post-TNT interviews conducted in the 67th and 70th precincts.

In April, Vera researchers began drafting the final report on the research project. In May and June, initial drafts were prepared of the chapters describing the ethnographic work, the household survey, the panel interviews, the process analysis, and the analysis of case outcomes.

Education

During April, May and June, Vera research staff met with officials of the Brooklyn District Attorney's office, Erasmus High School, and the Federation Employment and Guidance Service (FEGS), to discuss plans to develop and evaluate drug prevention services for high risk youth at Erasmus in Brooklyn. FEGS and the DA's office have been engaged in truancy and drop-out-related services for many years at Erasmus, and are considering expanding these efforts to address drug problems; Vera was invited to collaborate as an evaluator of these services, and to provide conceptual assistance in the development of alternative approaches to prevention. Discussions centered around a proposal to the federal Office of Substance Abuse Prevention (OSAP) for both program and research support in this area. Present plans call for submitting this proposal in September of this year.

Treatment

In early January, the draft of the final report of Vera's Alcoholic and Substance-Abusing Offender Project continued to be disseminated to State agencies and other parties involved in that initiative. Culminating three years of work on pilot treatment efforts by New York State's Department of Correctional Services (DOCS), the Division of Parole and the State's drug and alcohol agencies, the report focuses on research findings and recommendations for improving prison and community-based treatment programs for inmates and parolees.

With regard to prison programs, the report concludes that, in the absence of favorable one-year post-release outcomes for participants of a pilot pre-release program, or for participants of other DOCS-run prison-based

substance abuse programs, there is a clear need for more intensive treatment alternatives which have sufficient identity and purpose to succeed in the correctional environment.

The report also explains several suggestions for developing community-based programs and supervision strategies that are tailored to the unique needs of substance-abusing parolees. Descriptive information previously unavailable on offenders in New York is also included in the report, such as the prevalence of use of different substances by inmates, the match between their need for treatment and program participation, and the degree to which different inmate characteristics, such as drug history, predict failure after release.

Throughout the first half of 1991, Vera staff held discussions with agency representatives to collect their reactions to the draft report. Over the course of this review period, modifications and additions were made to report, although none of these involved substantial re-writing. Parole officials requested additional information in two areas that were of particular interest to that agency: the prevalence of treatment need and extant service availability among parolees; and the availability of third-party (Medicaid) reimbursement for community-based programs serving this population. Project staff conducted additional research in these areas and, in late March, provided memoranda to parole officials addressing these concerns. Responses to the report were entertained through June, 1991. Vera issued the final version of the report in July.

Vera's research and program staff were stimulated by this research project to develop a proposal to establish a broad-spectrum

substance abuse treatment program that would be integrated with Vera's employment projects for ex-offenders, VDP and NWP. The proposed program features three structured treatment phases, with participants' progress rewarded by increased opportunities for employment income. The program would target parolees from New York State's shock incarceration program who are at risk of being returned to prison, although the treatment model described in this proposal may be useful in other criminal justice settings, as well.

Increasingly, legislative and executive branch officials of the State are turning to Vera staff for informal advice on the provision of treatment for substance abuse within criminal justice settings. Issues on which Vera's advice was sought during this period include the monitoring and staffing of new, prison-based therapeutic communities; training of parole officers in substance abuse relapse prevention; developing a statewide parolee program initiative; and conducting controlled research on parolee-specific community-based treatment demonstrations.

Finally, from April through June, Vera staff held discussions with members of the Brooklyn District Attorney's staff concerning an evaluation of his Drug Treatment Alternative-To-Prison (DTAP) program, resuming a dialogue began in the fall of 1990, when the pilot program was established. Following a review of the program's progress to date, Vera staff began assisting DTAP researchers in the development of a plan for quasi-experimental, longitudinal research on DTAP impacts. Vera will continue to collaborate with the District Attorney on these evaluation plans, as they search for funds to support this effort over the next several months.

Vera Institute of Justice

Research, Planning,
and Technical Assistance
to Improve Public Safety and
the Administration of Criminal Justice

provided to the

City of New York,
Deputy Mayor for Public Safety

Interim Report for the period
July - December 1991

Introduction

Since 1968, the Vera Institute of Justice has provided research, planning, and technical assistance to the City of New York and to its criminal justice agencies under a contract, currently overseen by the Deputy Mayor for Public Safety. The assistance provided through this contract and its predecessors has included appraisal of on-going programs, the conduct of basic research for analyzing program needs, and the design, testing, and implementation of projects and procedures that improve public safety and the administration of justice in New York.

The success and value to the City of this unusual relationship with the Vera Institute is evident in the range of agencies and programs that it has produced. New York City's Victim Services Agency (VSA), Criminal Justice Agency (CJA), Center for Alternative Sentencing and Employment Services (CASES), Community Police Officer Program (CPOP), Manhattan Bowery Project, and Early Case Assessment Bureaus (ECAB) are all direct results of this collaboration between the Vera Institute and city officials—a collaboration made possible through this contract for technical assistance and research.

The City of New York has overseen the services provided by Vera, during different periods, through the Police Commissioner, the director of the now-defunct Criminal Justice Coordinating Council, the Coordinator of Criminal Justice, and—most recently—the Deputy Mayor for Public Safety. This year, the contract itself was divided into two contracts, with the Police Department contracting directly with Vera for assistance regarding the

police function, and the Deputy Mayor's Office contracting for all other criminal justice assistance.

This report describes the full range of criminal justice assistance provided to the Deputy Mayor for Public Safety under this contract during the second half of 1991. The funds provided by this contract cover only a fraction of the costs of the work described here, but each of the projects has, at one time or another, relied upon this contract for support. Indeed, one of the more valuable aspects to the City of this collaboration lies in Vera's ability to secure other funds, from both public and private sources, to extend the range and depth of the work well beyond what the city alone could afford.

The Vera Institute of Justice

Vera has served as a center for action-research in criminal justice and related fields for more than 30 years. Vera works with agencies of government at many levels to design, pilot, and evaluate projects that aim to improve and restructure—in large ways or small—systems of justice and other public services. Based in New York, Vera operates a wide range of demonstration projects within the city while conducting research and providing technical assistance in many other jurisdictions.

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Program One

Sentencing & Alternatives to Incarceration

Drug Treatment as an ATI

During the fall of 1991, Vera staff designed a new kind of alternative to incarceration (ATI) for New York City that would provide drug treatment to appropriate offenders. The project would target a group of offenders not currently offered alternatives to incarceration because of the speed with which their cases are disposed in special court parts dealing with drug offenses, and would provide those offenders with drug treatment in a non-residential program—a type of treatment which could be efficiently employed in a wide variety of criminal justice settings if proved effective here. The program has now been selected for funding by city officials and will begin as a Bronx-based demonstration project in the spring of 1992, with intake scheduled to commence in September.

The idea for the project springs from the recognition that large numbers of jailbound substance-abusing or drug-dependent defendants are currently moving through the criminal courts who are in need of treatment for their drug-related problems, but are not receiving and probably will not receive treatment because there is currently no systematic effort to identify them early enough for an effective ATI intervention.

The new project should fill this gap in current sentencing options if it can simultaneously accomplish two things: target and gain custody over an appropriate group of detained, drug-abusing defendants at the earliest possible point in their cases, and implement a successful treatment regimen.

The treatment that will be provided is grounded in a view of addiction and criminality, not as disease, but as consequences of social, economic, situational, cognitive, and behavioral factors. The treatment provided by the project's clinical staff will try to modify those aspects of each offender's thinking and behavior that are believed to be causally related to their criminal behavior; hence it is known as cognitive-behavioral treatment. In short, the treatment will teach offenders new ways of thinking and behaving.

Sentencing & Alternatives to Incarceration

Program One focuses on community-based supervision, fines, and other alternatives to incarceration. Within this program, the Vera Institute assists the Office of the Deputy Mayor for Public Safety, the Office of Management and Budget, and the Office of Court Administration in the design and assessment of sentencing and pretrial supervision programs that aim to reduce over-reliance on incarceration (and the jail crowding that results), while preserving public safety and advancing the other purposes of sentencing.

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In order to bring an appropriate group of offenders into the program, the project will employ court-based screeners. Their initial target group will be detainees who (1) are kept in jail on specific felony drug charges at arraignment, (2) are not predicate felons, (3) are likely to face an incarcerative sentence without program intervention, and (4) are not being detained because they are wanted in other jurisdictions. From this group, screeners will select defendants who have ties to the local community and whose treatment needs fit the treatment provided by the project. In the case of each selected defendant, the screener will propose both to the defense attorney and to the prosecutor that the defendant plead guilty immediately to a probation-eligible charge and enter the six-month treatment program with a promise of probation upon successful completion. If both sides were amenable, the agreement would then be presented to the judge.

The program in the Bronx should run as a demonstration project for at least two years to determine its viability; but, if successful, the cognitive-behavioral treatment should be very attractive as a method of drug treatment in many criminal justice settings, providing a much less expensive response to addiction than therapeutic communities or hospital-based treatments, and one particularly suited to people whose drug problems are interlaced with other criminal activity.

Analytic Tools for Jail Population Management

In November 1989, Vera's research department began research to construct a series of analytic tools that would allow city officials to make more efficient use of existing alternatives to incarceration (ATI) and alternatives to detention (ATD), as well as guide the development of new programs. (See inset, "ATI and ATD" on page 4 of this report).

Four separate tools are being provided to the city. A draft of the first, an analysis of jail use in New York City, was delivered in October 1991. The others, to be delivered early in 1992, include estimates of the proportions of inmates in detention who meet the eligibility criteria for existing ATI and ATD programs, a series of predictors for use in identifying defendants who are "jailbound," and statistical descriptions of those detainees who are not currently eligible for any such program.

The draft of the jail use analysis, submitted to the Office of the Deputy Mayor for Public Safety and the Office of Management and Budget in October, revealed that the inmates who used the majority of jail days in the sample period were those who were incarcerated both before and after sentencing. This suggested that if the city wished to maximize its investments in alternative program strategies as a means of relieving jail overcrowding in city facilities, the primary intake of those programs should be from among those in pretrial detention at time of program intervention.

The analysis of the numbers of inmates eligible for existing alternative programs will be confined to those programs that were in existence when the research began: the Assigned Counsel Alternatives Advocacy Project, the Alternatives to Reincarceration Project, the Bronx Bail Bond Supervision Project, the Bail Expediting Project, Consultants for Criminal Justice Alternatives, the Court Employment Project, the Community Service Sentencing Project, Intensive Supervision Probation, and Treatment Alternatives to Street Crime. The purpose of this analysis is to help city officials determine which alternative programs are good candidates for expansion, and the number of slots that could be filled.

The analysis of eligibility is complicated because each of these programs first

employs formal eligibility criteria through which they identify the defendants on whom they will focus their attention, and then rely on the experience and negotiating skills of their own court staff to persuade prosecutors, defendants, and judges to place in the program defendants who appear to be genuinely headed for jail or prison.

To cope with these two levels of screening, Vera researchers have developed two types of estimates of eligible inmates. The first assumes that program screeners do no screening beyond the application of their program's formal criteria (the maximum eligible pools), while the second assumes that program screeners can perfectly predict the final disposition and sentence in the absence of their intervention and therefore accept only those offenders who meet the target sentencing criteria of their program (the perfectly targeted eligible pools).

While the real capability of program screeners lies somewhere in the middle of the two estimates, these figures will provide both a lower and an upper bound to the city officials considering expanding their investments in alternative programs. A first draft of this work was completed by the end of December.

Finally, the predictive tools for identifying jailbound defendants are intended to help city officials and program managers ensure that their programs target offenders most likely otherwise to occupy jail cells. The analysis uses a random sample of all 1985 arrests, and the predictive models are being developed specifically for defendants indicted on felony charges and arraigned in Supreme Court. Once the models are completed, the variables found to be predictive can be compared with the formal screening criteria applied by the ATI and ATD programs and recommendations will be made about adjustments to those criteria.

ATI and ATD

"Alternative to incarceration" (ATI) is a phrase used to refer generally to a wide variety of programs that serve as criminal sentences in place of incarceration. Such programs include intensive supervision while on probation, residential treatment for an addiction or other condition, job training, community service, and various types of counseling. In recent years, some people have also characterized home detention, incarceration in "boot camps," and other custodial alternatives to traditional penal institutions as ATIs.

Not all community-based punishments are ATIs. Community service, for example, is only considered an ATI when it is used in place of a jail or prison sentence. When judges sentence petty offenders to community service instead of probation or a small fine, the community service is not an ATI.

"Alternative to detention" (ATD) is a phrase used to distinguish programs that are designed to supervise defendants while their cases are still pending in court. These programs are designed to replace pretrial detention, rather than post-conviction incarceration.

In practice, some ATDs look very similar to some ATIs, employing the same supervision techniques and providing some of the same services. The distinction can also be blurred because some programs operate as both an ATD and an ATI. This allows a defendant's successful participation in an ATD program, if followed by a conviction in the criminal case, to lead the court to sentence the defendant to continue in the program as an ATI.

Bail Bond Supervision Program

Vera launched its first bail-bond supervision demonstration project in the summer of 1987. Four years later, Vera operates three of these demonstration projects: one in Nassau County, another in the Bronx, and a third in Essex County, New Jersey.

The projects aim to relieve jail crowding without increasing pretrial misconduct—failure to appear or new offending—by those released. They do so by using the powers of a bail bondsman or bondswoman both to remove defendants from jail by posting their bonds and to return those defendants to jail at their own discretion. Instead of exercising these powers for profit by charging fees and requiring collateral, Vera's program staff require their principals (as those released by a bondsman or bondswoman are known) to comply with individually-tailored programs of supervision so intense that criminal behavior is very unlikely, and Vera's staff returns those principals to jail when their behavior suggests that no modification of the supervision will adequately contain the risk of offending or flight. Although the release of the defendants is obtained by posting the bond, the project charges no fees and asks no collateral.

Because these projects focus so intensely on eliminating the risk of criminal offending and because the project staff are able to adjust and enforce the terms of a principal's release without recourse to the courts, the projects also serve as laboratories for the development and testing of techniques of very intensive supervision widely applicable to ATI and ATD programs.

Each of the three current projects follows a similar plan. Vera's project staff post commercial bail bonds for detainees with verifiable community ties who have been unable to secure their own release, and who are determined by project staff to be very

likely to remain in detention for substantial periods. To make the assessment of likelihood that a defendant would otherwise remain in detention, project staff make use of predictive indicators that have been developed from statistical data in the pertinent jurisdiction. Although the development of these indicators can be a lengthy, difficult process—and was particularly so in the Bronx—it is essential to the integrity of this sort of intervention.

Principals sign contracts governing their activities. All of these contracts include agreement to daily face-to-face contacts and random drug testing. Failure to comply with these or other requirements leads to the imposition of more stringent conditions and sometimes to their return to jail. The project arranges for employment, substance abuse treatment, education, and/or vocational training for each person released. All principals reside in a transitional facility after their release from jail until all such arrangements have been made.

The projects seek to reduce jail crowding by decreasing the number of days its principals spend in jail not only before their cases are completed, but afterwards as well. This is possible because the record of good behavior and good performance in school, job, or counseling established by principals who successfully complete the program can persuade judges to impose non-custodial sentences where they otherwise would have sentenced offenders to jail.

During the last six months of 1991, the Nassau County project rebuilt its operations, which had been brought almost to closing because of state budget cuts. In its four years of operation through December 31, 1991, the project has supervised 236 principals, of whom 155 successfully completed (remained under the supervision of the Agency until their cases were finally disposed of or they were remanded to another form of

supervision). Only 10 principals have ever been arrested for a new offense while under supervision, and only three principals have ever absconded. Seventy-three principals have been surrendered to the sheriff before final disposition of their cases, nearly all because they failed to abide by the provisions of their release agreements, rather than because of any illegal conduct.

The Bronx project bailed out its first principal on November 29, 1990; and by December 31, 1991, it had bailed out 73 principals, of whom 41 were still under supervision. Four principals have been arrested while under supervision and five have absconded (two were returned to jail by agency staff, two by police, and one is at large).

The Essex County project (funded entirely by Essex County, New Jersey, as part of its court-ordered program to relieve jail overcrowding) posted bonds for its first principals in April of 1991. By the end of December, 66 detainees had been bonded out, of whom 40 were still under supervision at the end of the period. Seven principals were arrested while out on bail. Twelve principals successfully completed their terms of supervision.

In all of these projects, the rates of rearrest and non-appearance in court are among the lowest ever recorded by pretrial supervision programs.

The Essex County project is the only one in which Vera has established an in-house program of treatment for substance abuse. The program operates under a specialist clinical director, and is based upon the principles of relapse prevention. By the end of December, 27 principals had successfully completed the 20 instructional units of the program and were participating in twice-weekly evening sessions aimed at maintaining and reinforcing the lessons learned in the instructional phase.

The only change to the program itself in this period was the introduction of a Cognitive Skills Development course at each of the three sites in mid-November. This 15-session curriculum consists of training that helps principals with cognitive deficits, deficits which research has shown are common among offenders and may be a contributing cause of their inadequate social adjustment and maladaptive behavior.

Day Fines

In September 1991, Vera completed its final evaluation of its action-research project in Staten Island that tested the applicability of "day fines" to lower courts in the United States. Day fines—originally developed in European courts—are criminal sentences that allow judges to impose monetary penalties that are sensitive to the ability of the offenders to pay. As a result, day fines should be both fairer and easier to collect than traditional fines, thereby increasing revenue, decreasing the need to use jail to punish non-payment, and encouraging the use of such fines in place of other, more costly, sentences. (See inset, "What is a Day Fine?" on page 7 of this report).

Vera launched a pilot project in the Criminal Court of Staten Island in August 1988 to test methods of setting, imposing, and collecting day fines. Vera's research department studied the results of that project and a draft report of the findings and conclusions were submitted to the Deputy Mayor for Public Safety and the National Institute of Justice in September. Among those findings and conclusions were the following:

- *The Pilot Project Successfully Substituted Day Fines for Fixed Fines*

Day fines were successfully introduced into routine sentencing in the Staten Island

What is a Day Fine?

A day fine is a criminal sentence that penalizes offenders by requiring them to pay money; but unlike a flat fine stated in dollars, a day fine is stated in units, each of which represents the offender's daily disposable income. Although the calculation of daily disposable income is always approximate, the aim is to produce a fine that similarly penalizes offenders who have committed similar offenses but who have very different incomes. The amount determined to be the offender's daily disposable income is "one unit" or "one day fine." Judges, therefore, sentence offenders to "30 day fines" for one offense, or to "200 day fines" for a more serious offense.

court; they replaced two-thirds of the fixed fines in penal law cases sentenced by the judges during the pilot year. The remaining one-third of the fines were fixed fines imposed by non-Staten Island judges sitting temporarily in the court to cover for vacationing or sick colleagues; these judges had not been trained to use day fines and, therefore, used the traditional tariff system to set the fine amount.

All the judges trained to use day fines did so consistently throughout the pilot year without tying up their calendars. Therefore, the mechanics of imposing a day fine (establishing the number of day-fine units based upon the offense, and estimating net daily income and number of dependents to calculate the monetary value of each unit) were not too complex or time-consuming to be applied routinely in a relatively fast-paced criminal court.

• *The Introduction of Day Fines Increased Average Fine Amounts*

After introduction of the day fine, average fines rose 25%, from \$205.66 during the pretest period to \$257.85 in the pilot period. In addition, had the larger day fines not been capped by the statutory fine maxima, fine amounts during the pilot period would have increased even more dramatically.

Even constrained by the legislative fine caps, the total dollar amount of the fines imposed by the court in penal law cases increased by 14% during the day-fine pilot (from \$82,060 to \$93,856). However, the impact of day fines on potential revenue was even more dramatic when uncapped fines were examined. In the absence of the caps, the fine dollars ordered by judges using day fines would have been almost 50% higher than the capped fines actually ordered (rising to \$137,660 from \$93,856); this was a 67% increase over the fine amounts ordered during the period before day fines were introduced.

Thus, the day fine, as a new fining mechanism, showed potential for generating substantially higher revenues, so long as collection rates did not decline with the higher individual day fine amounts.

• *The Higher Day Fines Were Collected More Successfully than Fixed Fines*

The Staten Island day-fine pilot project introduced two types of changes into the Criminal Court: the day fine itself, and a more individualized collection system. Instead of simply setting a deadline for full payment, after which delinquent offenders were required to appear in court, the day fine collection system established periodic deadlines for payment of installments. As each payment date approached, a reminder was

mailed; and if any installment was missed, a phone call was made to the offender to determine the problem. In some cases, the collection staff sought a change in the fine or the final deadline, based on difficulties experienced by the offender.

Perhaps because of this new collection system, the substantial increase in average fine amounts did not reduce the rate at which offenders paid their fines in full. Eighty-five percent of the day-fine experimental cases (those subject to the new collection strategy) eventually paid in full compared to 76% of the pretest fine cases. This is not a statistically significant difference, so it cannot be said that the day-fine system improved the court's already high level of success securing full payment; but day-fine cases that did not pay in full were significantly more likely than pretest fine cases to pay something toward the fine amount owed (9.4% compared to 1.7%) and significantly less likely to pay nothing at all (5.7% compared to 22.2%). The experiment did show, therefore, that the collection process improved overall.

The day fines did take longer to collect than the pretest fixed fines. This pattern was closely related to the higher average day-fine amounts. Day fines took longer to collect both with and without the new collection

techniques. Nevertheless, the introduction of day fines, when coupled with the new collection techniques, did not increase the number of post-sentence court appearances. (In the absence of the new collection approach, the higher day-fines did result in more court appearances).

Another benefit of the new collection techniques was the significant reduction in post-sentence arrest warrants for failure to appear. Before the pilot, fixed fine cases averaged 55 post-sentence warrants per 100 cases. During the pilot, day fine cases in which the new collections techniques were used averaged only 26 such warrants per 100 cases, while day fine cases where the old collection methods were used averaged 83 warrants per 100 cases.

Next Steps

As a result of the success of Vera's demonstration project in Staten Island, the New York State Assembly is currently considering legislation that would allow counties to adopt day fines that exceed the current fine limits. Vera program staff have estimated that increased fine revenues of \$1,493,000 could result from the extension of day fines to all five boroughs of the city under the proposed legislation.

Program Two

Employment & Crime Prevention

Employment for Parolees

In the second half of 1991, Vera has organized an extraordinary process of planning and experimentation to create opportunities for transitional employment available to parolees in New York City on an unprecedented scale. This collaboration between the Office of the Deputy Mayor, the New York State Division of Parole, the City's Office of Management & Budget, the State's Division of the Budget, and the State's Division of Criminal Justice Services, has aimed to transform Vera's Neighborhood Work Project into a quasi-public agency, able to perform routine maintenance and repair for government agencies while providing hundreds of parolees released from state prisons into New York City with legitimate employment and assistance with longer term job placement.

This effort takes advantage of work that Vera has undertaken over the last decade and a half to use employment strategies to reduce crime.

That work began in earnest in 1978, when Vera created the Neighborhood Work Project (NWP). The project then, as now, aimed to provide recently released inmates of the state prisons and city jails a source of immediate, short-term, legitimate income. It offered a low wage, paid at the end of each working day, for up to four months of work.

The next year, Vera added the Vocational Development Project (VDP), offering the same population a mix of job training, basic education, and help in job placement.

By coordinating the efforts of these two projects, Vera permitted ex-offenders to move from jail or prison right into an NWP job while making use of VDP's training and placement services.

Over the past decade, a quarter of the inmates released from state prison back to New York City—more than 2,000 annually—have sought work at NWP, although the project has had enough work to hire no more than half of them even at the best of times. At the same time, VDP has maintained an extraordinary 70 percent job placement rate.

The original funder of NWP's work was the federal government's community development program, allowing NWP crews to work for neighborhood-based organizations that could not afford to hire unsubsidized labor. After a few years of such funding, however, the federal government began to redirect and reduce the funds in this

Employment & Crime Prevention

Program Two focuses on employment and job-training services for ex-offenders as well as other projects that aim to prevent future crime. The Vera Institute assists the Office of the Deputy Mayor for Public Safety by developing demonstration programs and expanding the capacity within government agencies to provide these services.

program, just as the number of people seeking NWP employment was swelling.

Vera found a temporary solution to the withdrawal of federal funds in an arrangement with New York City's Department of Housing, Preservation, and Development. HPD needed a flexible, low-cost, reliable work force to rehabilitate apartments in hundreds of abandoned buildings that HPD had seized. Over ten years, under a series of contracts with HPD, NWP crews helped to renovate over 10,000 apartments for occupancy by homeless families, and it expanded to provide similar labor to the Port Authority, the Public Development Corporation, and the City's Department of General Services, deploying as many as 50 crews a day (each composed of five parolees) on as little as 12 hours notice. By the end of 1988, however, HPD was cutting back on its rehabilitation efforts and, by the summer of 1991, this source of funding and work for NWP participants was gone.

Despite the decline in demand for NWP labor from HPD, the need was rapidly increasing for the transitional employment opportunities that NWP had created for parolees. By 1991, New York State's shock incarceration program—with its assumption that prisoners could be paroled into jobs at the end of their rigorous, six-month regimen—had become dependent on NWP and VDP to maintain their 100 percent release rate. In addition, the State's Department of Correctional Services was planning to ease overcrowding in its prisons by expanding several times over its work-release and half-way house programs, all of which would

require much greater capacity than even NWP could provide for transitional employment.

Recognizing the importance of NWP's employment program to the city's public safety policies, the Deputy Mayor for Public Safety contracted with Vera to support continued operation of NWP during the 1992 fiscal year. This special contract—put in place with the support of the City Council—provides a one-year period within which NWP must be repositioned to continue its work under a new contractual rubric.

At the start of that year, Vera's program staff and our many government partners in this effort had hoped that state agencies would gradually contract with NWP for more and more crew labor, so that city-paid crews could be phased out and replaced by state-paid crews over the course of the year in an orderly way. When, by October, it was clear that this would not happen, the Division of Parole put in place some additional funding for NWP's core costs as well as a budgetary mechanism to make the purchase of NWP's services more convenient for state agencies.

By the end of December 1991, these new arrangements had produced new demand from state agencies for NWP's crews, and the burden on city funding was beginning to ease. Nevertheless, projections still indicate that NWP will need to be placed within a state agency's domain (either Parole or Corrections) in order to serve the expanding needs for transitional employment of new parolees.

Program Three

Court Administration & the Adversarial System

Neighborhood Defender Service

In the spring of 1990, the Vera Institute of Justice established the Neighborhood Defender Service of Harlem to advance the development of new techniques in the public provision of legal representation to indigent criminal defendants. The aim of the project is to demonstrate that, by restructuring the manner in which legal representation is delivered, public defender organizations can provide better services to their clients and do so in ways that both improve the quality of criminal justice generally and reduce the costs of unnecessary incarceration and delay.

The Neighborhood Defender Service (NDS) provides direct legal representation to indigent clients who live in Harlem. NDS is organized differently from traditional public defenders in three ways: its work is neighborhood-based rather than court-based, with lawyers on call 24 hours a day; it provides representation through teams of lawyers and non-lawyers rather than through individual attorneys; and it defines its representation around the client's problems rather than around a specific criminal case.

Its unique design permits neighborhood residents to retain NDS lawyers without fee as soon as an arrest has been made, or even before, rather than waiting for a court to assign counsel later in the process. This, in turn, allows NDS to begin its representation and investigation while a client is still in the police station.

The design also permits NDS to represent clients in all cases related to criminal charges, including proceedings in civil courts. A single team may represent a client in two or more criminal cases in different counties, as well as in related family court, housing, or forfeiture proceedings.

Equally important, NDS staff members are available to engage with individuals and organizations throughout their clients' community. This work includes preventive education in the schools, collaboration with social service organizations, and participation in a wide range of community activities. This work helps potential clients and their families make use of the services NDS provides, while also giving NDS access to community resources in assisting clients with bail proposals and sentencing plans.

Court Administration & the Adversarial System

Program Three focuses on efforts to strengthen the adversarial system of justice by improving the quality and efficiency of institutional advocates: public defenders, district attorneys, corporation counsel, and agency legal departments. At the same time, Vera works with judges, court administrators, and city and state officials to solve problems of delay and inefficiencies in court process.

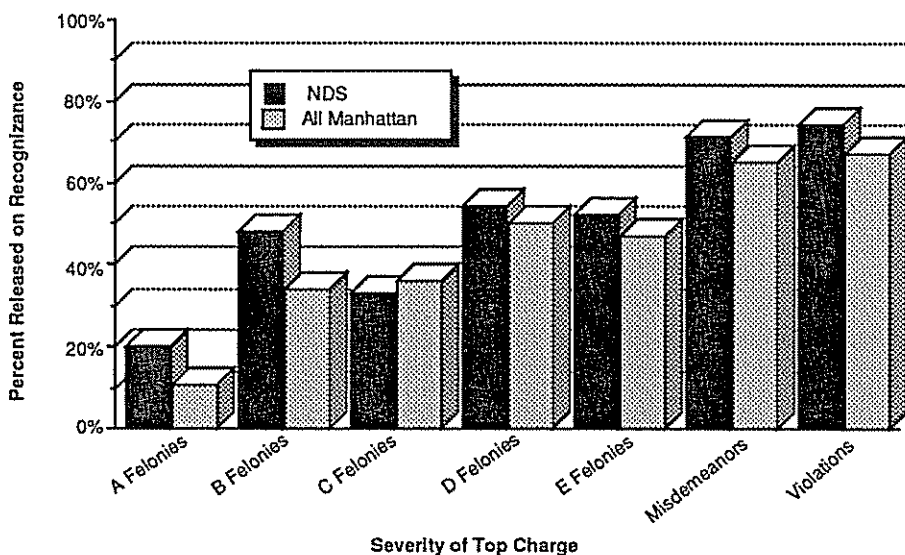
The first five years of NDS operations have been planned as a demonstration period of *action-research*. Accordingly, many of the operational details of the design are being tested and modified during this period. Modifications are based on the results of continuous research and monitoring of the quality and efficiency of NDS representation, as well as on research by the Vera Institute of Justice into its impact in court and in other parts of the criminal justice system.

In December 1991, NDS completed its first year of operations. A strict comparison of NDS cases with a matched sample of other cases from the same time and courts will be completed by the Vera research department in the summer of 1992; in the meantime, however, data kept by the NDS staff can be used to compare some aspects of the practice with data collected by other agencies for similar cases. This data shows that the NDS model has produced greater use of pretrial release and shorter times to disposition than traditional defense services in its first year. Other measures, including case outcome, will only begin to be available next summer.

During the second half of 1991, NDS revised its team structure in light of the strengths and weaknesses that had been observed during the first year. The teams had proved particularly useful in collecting information quickly that could help obtain the client's pretrial release, and invaluable in assisting clients with a range of practical problems whose solution often produced a more constructive result in the criminal case. By taking clients to look at apartments, organizing voluntary drug treatment, representing clients at welfare hearings as lay advocates, and helping clients with their schools or their job searches, the community workers, administrative assistants, and interns on the teams changed the posture of hundreds of cases this year, providing real help to their clients while persuading prosecutors and judges to sentence defendants to a variety of residential and non-residential programs rather than incarcerate them.

Nevertheless, the internal management of the teams had proved problematic. The demands of managing a team and handling a caseload of serious felonies while providing

Rates of Release on Recognizance at First Appearance in 1991



More Pretrial Release. Judges at Criminal Court arraignment released NDS clients whose cases lasted beyond arraignment more often than they released all such defendants in Manhattan in 1991. The higher rates of release occurred at every level of charge, except C felonies, which account for the smallest number of cases. (Data for Manhattan provided by the New York City Criminal Justice Agency).

the new attorneys with the level of training and supervision that was desired meant that the team leaders either were spending so much of their time with the new attorneys that they could not fulfill their other responsibilities, or they could not find the time to work with the new attorneys.

Furthermore, the need for training was not confined to the attorneys recently out of law school. Several of the experienced staff attorneys had come to NDS from other jurisdictions or from practice in New York courts other than the criminal courts. The community workers were required to have college degrees and some experience in relevant work, but the role was new and every community worker needed training and guidance. The administrative assistants, as well, needed training in a unique role that required them to manage and support a busy team relying heavily on a computer system that had just been developed.

By November, it was concluded that the decision to give each of the team leaders a new attorney to train appeared to be the least efficient use of the skills and time of the team leader. As a result, the teams were reorganized in December to distinguish *training teams*, on which new attorneys will henceforth spend their first two years in the office, from *standard teams*, each of whose attorneys will be able to take principal responsibility for any felony case. The team leader on a training team will have heavy responsibility for training and supervision, and therefore will carry principal responsibility for fewer cases than team leaders on standard teams.

Although this new team structure has now been implemented, it will get its first real test in the fall of 1992, when four new attorneys begin work on the first two-year training team.

Program Four

Drug Enforcement, Education, & Treatment

TNT Evaluation

By December 1991, Vera had nearly completed its two-year study of the effects of the New York City Police Department's Tactical Narcotics Teams (TNT) and their efforts at street-level narcotics enforcement.

This research focuses on the extent to which a complex enforcement strategy such as TNT can reduce disorderly conditions, reduce the street crime that often accompanies drug markets, reduce the fear of crime among community residents, increase the use of streets and parks, improve attitudes toward the police, and help community residents "regain control of their streets."

The research employs a longitudinal design in two Brooklyn neighborhoods that were early targets for TNT and, for comparison, in a third neighborhood designated as a future TNT target area. By documenting community activities before TNT began operating in the target areas, Vera researchers developed baseline information on drug trafficking and associated community attitudes and perceptions. Vera researchers then continued observing community activity and gathering data during and after TNT's deployment in each neighborhood.

By the autumn of 1991, the field research was completed, and the research staff turned to the final drafting of the report and discussions of the findings with city officials and with senior members of the police department. Vera research staff also reviewed the results of the work with staff of the National

Institute of Justice and other organizations that had funded the research. A final version of the report will be issued in 1992.

High School Drug Education

For many years, criminal justice agencies have collaborated successfully with community-based organizations working in high schools on programs to prevent students becoming truant or dropping out. Recently, as public officials and educators have become increasingly eager to build drug education into high school curricula, there has been interest in expanding some these efforts to deal with substance abuse directly.

In New York City, one of the best established programs is operated at Erasmus Hall High School by the Federation Employment and Guidance Service (FEGS). Early in

Drug Enforcement, Education, & Treatment

Program Four focuses on public and private efforts to eliminate drug markets, to devise drug education and prevention programs, and to enlarge the provision of effective substance-abuse treatment services.

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1991, Vera research staff began working with the program sponsors to plan an expansion into drug education and to devise an evaluation for the program.

In September 1991, the school officials, FECS, and the Kings County DA's office, working with Vera staff, finalized a program design for high school girls at Erasmus Hall who are identified as particularly likely to become heavily involved with drugs. The program would employ a range of interventions, including work training and experience, cultural enrichment, parental involvement, mentoring, and self-esteem building, which would be tailored to the specific needs of individual students through a system of case management.

If the program is now implemented, Vera researchers will evaluate both the process of implementation and the results achieved. Vera's work during the second half of 1991 included the drafting of a research design and the crafting of protocols on confidentiality and other ethical concerns raised by the program.

The program sponsors are hoping to secure federal funding from the Office of Substance Abuse Prevention to permit operations to begin in 1992.

Legal Coercion in Drug Treatment

One of the few widely accepted axioms in the drug treatment field is that program retention predicts program success. Research has consistently shown that—no matter what the type of program—the longer a client stays in treatment the greater the reduction in drug use and in crime, and the greater the client's vocational and social stability in the community.

The importance of keeping clients in treatment has led to renewed interest in using

the coercion available within the criminal justice process to keep offenders who need treatment in treatment. If courts, prosecutors, probation or parole agents can coerce offenders into longer stays in treatment, then use of their coercive powers in the design of drug treatment programs could usefully be expanded. The challenge is to make efficient use of coercive power, so that treatment outcomes are substantially improved without increasing reliance on custodial penal consequences when treatment fails. To do that, it will be important for those who administer the coercive power of the criminal justice system, and those who design treatment programs, to understand the workings of legal coercion much more deeply than they do today.

During the second half of 1991, Vera researchers began working with the King's County DA's office to evaluate the role that legal coercion is playing in that office's successful Drug Treatment Alternative to Prison (DTAP) program. This work is the first step in a long-term effort to analyze how coercion is perceived among offenders who are officially referred to drug treatment from the criminal justice system, and whose participation is subject to continuing supervision by a legal agent, such as a prosecutor, judge, or probation or parole officer. The objective is to isolate and understand the role played by perceived coercion, in treatment retention and outcome.

DTAP presents an extraordinary opportunity for examining this issue, because (1) legal coercion is present in this program in an unusually strong way, and (2) after more than a year of operations, treatment retention in DTAP remains unusually high.

DTAP's high retention rates help explain why this program has won and kept the attention of criminal justice policy makers throughout New York City and State, as well as elsewhere in the country. Over three-

fourths of the more than 100 defendants who have entered DTAP's therapeutic communities (TCs) since DTAP began in October 1990 remain in these programs—a retention rate that is more than double the average rate for a similar duration in TCs nationwide.

Lessons from DTAP should prove valuable in trying to understand the operation of coercion in other criminal justice and treatment contexts. While likely less straightfor-

ward (and successful) than DTAP in their use of coercion, programs that aim to retain probationers, parolees or pre-trial defendants in outpatient drug treatment are proliferating throughout New York City, as government officials tackle the twin problems of jail overcrowding and drug abuse. To succeed, they will need to know much more than they do today about the effects of different kinds and amounts of coercion that they apply.