

Vera Institute of Justice

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Portfolio
of
Demonstration Projects,
Research & Technical Assistance

Semi-Annual Report
June 1994

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Introduction

Helping to Build a Just Society

Since 1961, the Vera Institute of Justice has served as a source of innovative, practical solutions to persistent problems of urban government. By designing and testing demonstration projects in partnership with public officials, Vera works to improve the fairness and effectiveness of a wide range of government systems and services dealing with crime, poverty, and hardship.

The Institute is based in New York and mounts most of its demonstrations in one or another of New York City's diverse communities. Vera's longstanding relationship with this city and its government ensures that the Institute's ideas for reform remain intensely practical. At the same time, Vera designs its demonstrations to generate knowledge that is useful across the country and abroad.

Although its efforts began in criminal justice, Vera soon found that this work was leading its planners to design demonstrations that crossed over into the reform of employment, child welfare, health, and educational services. Since the mid-1960s, Vera has operated demonstration projects in all of these areas, in addition to its continuing work on crime and criminal justice.

Vera's Demonstration Projects

Vera's ideas for reform begin in the experiences of its staff as they work in the

streets, courts, schools, jails, and other institutions of the city. Vera project planners use these experiences and insights to recast familiar problems in ways that suggest new, practical solutions. When a solution has promise, Vera designs a demonstration through which the idea can be refined and tested. At the same time, Vera looks for potential partners in government who have an interest in solving the problem. When these elements are in place, Vera seeks private grants and public funds to support the demonstration, measure the results, and—if the innovation succeeds—expand the demonstration.

Vera does not continue to operate its projects after their demonstration periods are complete. Vera closes its unsuccessful projects and spins off its successes into public agencies or independent not-for-profit organizations, freeing Vera's core staff to pursue new ideas and demonstrations. Vera therefore works closely with its public partners throughout the design, operation, and evaluation of its demonstration projects, encouraging these officials to participate in the learning that is essential to the ultimate institutionalization of successful reforms.

Action-Research

From the moment a new idea has promise, the design of a demonstration is a collaborative exercise involving both practitioners and professional researchers. This commitment to action-research means that Vera projects are designed to advance the

state of our knowledge as well as the state of practice; it means that the research tools needed to understand what each project is doing are built into its basic operations and that the actual demonstrations are accompanied by structured research.

Vera's research observes and analyzes the process of implementing new demonstrations, measures the extent to which the demonstrations are achieving their goals, and provides rapid feedback to project directors so that they can adjust their operations during the course of the demonstrations.

To conduct this research, Vera maintains a department of professional researchers skilled in quantitative and qualitative methods. The presentation of their research in articles, books, and papers—subject to professional review—serves both to disseminate the knowledge gained in Vera's demonstrations to a wide audience and to insure the integrity of the research itself.

Vera's Legacy

The value of Vera's approach to reform is evident in the range of its innovations enduring in New York. The city's Victim Services, Inc., Criminal Justice Agency, Center for Alternative Sentencing and Employment Services (CASES), Legal Action Center, Manhattan Bowery Corporation, Housing and Services, Inc. (HSI), and Wildcat Services Corporation all began as Vera demonstration projects, and were then spun off as independent not-for-profit organizations. Smaller demonstrations are occasionally turned over to existing not-for-profits, such as Vera's Job Site project, now part of The Lighthouse.

Other successful demonstrations have been institutionalized within government agencies, including the Community Police Officer Program (CPOP) that

brought community policing to every precinct in the city; the Early Case Assessment Bureaus (ECABs) operating in most of the district attorneys' offices; and the system of Desk Appearance Tickets (DATs) used to bring minor offenders before the courts without requiring them to spend a night in jail.

Vera's legacy, however, extends far beyond New York. Once Vera has operated and tested a demonstration, its staff provides a unique source of technical assistance both nationally and abroad, combining the sophisticated expertise of academic consultants with practical experience gained in the actual operation of front-line organizations.

Because successful innovation is highly dependent on local context, Vera does not encourage others simply to replicate its projects outside New York. Instead, Vera shares the lessons it learns so that local officials elsewhere can readily apply them to their own situations. This assistance may take the form of an individual publication or participation in a workshop; Vera researchers may conduct evaluations of programs outside New York using expertise and experience gained in Vera's action-research; Vera may invite selected officials from across the country to observe its projects first hand throughout their demonstration periods; or Vera may post a member of its staff to another jurisdiction, as it has in both London and Paris, to work alongside officials there in their own process of reform. For example, the Bail Information Schemes recently institutionalized in every Magistrates' Court in England and Wales are a product of Vera's collaboration with the British Home Office in the 1980s, inspired by Vera's very first demonstration: the Manhattan Bail Project.

This Portfolio

This portfolio describes the work underway at the Vera Institute in the first six

months of 1994. Of particular interest during this period, Vera completed its three-site demonstration of bailbond supervision for pretrial detainees, spinning off projects in two of three sites and closing the third. Vera also closed its Delta drug treatment demonstration in the Bronx, following a disappointing 18 months of operation. Vera's largest demonstration project, providing employment and job development services to graduates of New York State's correctional boot camps, is being prepared for spin off as an independent not-for-profit and is receiving attention from the U.S. Justice Department as a model program for other states. Vera's newest piece of

exploratory research, described for the first time in this portfolio, is examining what would be required to give applicants for General Assistance useful help finding a job rather than simply adding them to the welfare rolls.

The descriptions in the portfolio are necessarily brief, but each should convey the overall ambition of the project as well as its specific accomplishments in the current period. At the start of each description are the names of the Vera staff who managed the project during this time. Additional information about any specific project is available directly from these staff members or their successors.



Section One

Demonstration Projects

Employment for Boot Camp Graduates:

The Neighborhood Work and Vocational Development Projects

—Kevin Curran, *Project Director, NWP*

—Tani Mills, *Project Director, VDP*

Since first appearing in 1983, boot camp programs have steadily broadened their appeal among the nation's legislators as they struggle to contain spiraling correctional costs. Over half the states now operate programs for young adult offenders that replace traditional jail and prison regimens with rigorous programs of two-to-six months. These programs typically include an intensive mix of military drill, physical labor, group discipline, and classroom work. The country's largest is New York State's Shock Incarceration Program, which graduates over 2,000 offenders each year, about twice that of any other state.

The problem for the young people leaving these programs is that while they may have been changed by their experience, those changes are short-lived when, with a criminal record to explain, they return to neighborhoods that provide little opportunity for legitimate employment. Whatever discipline and ambition the Shock Program may instill, vanishes within days if it is not reinforced in the community.

The Vera Institute of Justice and the State Division of Parole have worked together to design, to implement, and to operate a pair of projects that try to solve this problem for the 1000 or so graduates

returning to New York City each year. Basically, the Neighborhood Work Project (NWP) operates as a day labor employer, providing shock parolees with an immediate source of paid work experience upon their release, while they are looking for full-time, unsubsidized employment. The Vocational Development Project (VDP) provides employment skills training and job development services for the shock parolees, helping the participants to use the experience they gain in NWP and recommendations of their NWP Supervisors to obtain regular employment.

Together, NWP and VDP produce extraordinary results. Since the start of their work with shock graduates in 1989, they have been placing about two-thirds of their participants into full-time unsubsidized employment within 66 days of their release. Due in part to NWP and VDP, shock parolees show almost a third the rate of return to prison within a year of parole than do similar parolees not in the "aftershock" parole program (8% for shock parolees; 23% for regular parolees).

How the Projects Work

The platoons that train together in boot camp graduate together six months after the start of their sentences. Technically, they are paroled earlier than they would have been if they had not been in the Shock Incarceration Program. Every Thursday another platoon graduates from one of New York State's boot camps, and all of the

New York City residents in each platoon (25 per week on average) are directed to report the next day to the NWP/VDP offices. The requirement to report as a group the day after release is crucial to maintaining the discipline learned in boot camp and is a condition of parole.

At NWP/VDP, staff clearly outline the programs' expectations for all participants. Each individual is ensured a job if he or she remains focused and motivated. When a participant shows up for appointments, they must be on time and dressed for an interview. During the four-day work week at NWP they must arrive to their sites on time, dressed and ready to work. Their conduct on the site must be cooperative and productive at all times. Drinking or drug use are strictly forbidden.

During the first week after release from shock camp, the platoon attends life skills training in which they learn how to dress for a job, resumé preparation, methods of conflict resolution, and how to hold onto a job once they are hired. VDP staff also helps participants determine accurate work histories and identify special interests or abilities that can enhance their opportunities for job placement. VDP then assigns each participant to a Job Developer for assessment, and together they draw up an individual employment plan. The Job Developer works to improve the participant's interviewing skills while encouraging and developing independent job search strategies.

At the end of the first week, NWP hires the participants to do maintenance and repair work. NWP expects each parolee to work four days each week at one of its many worksites around the city until they land a permanent job. On the fifth day each week, the participants work with their VDP

Job Developer and attend job interviews with potential employers.

The NWP work is crucial to the success of the program. The work assignments tend to be physically demanding and low skilled—debris clearing in state parks and on state highways, furniture moving, setup for concrete pours, wall preparation, and painting. Although not complicated, these jobs do require discipline and provide the participants with an accurate sense of the demands they can expect from a real employer. The feel of a real job is enhanced because the state agencies receiving the services expect professional work. NWP receives work requests from city college campuses, state agencies that operate residential centers, and other government departments that require regular maintenance work. The agencies use funds already earmarked to buy these services to support NWP, and NWP pays the parolees minimum wage. NWP puts a check in the hand of each working participant at the end of the shift. This cash offers some support while they look for regular employment.

The NWP supervisors conduct the work sites as employment labs. They work closely with VDP job developers and swap helpful information regarding each participant's strengths and weaknesses in daily phone calls from the work sites. They focus particular attention on the participant's acquisition of basic but essential skills for employment—getting to the job on time, listening to a boss, working a full day, wearing the right clothes, and bearing up under criticism from a supervisor.

As long as the participant sticks with the program, the Job Developer is responsible for marshaling appropriate resources that can improve the parolee's employability. An individualized case management approach allows the Job Developer to point

out special problems or goals to the NWP Supervisor overseeing the transitional work experience.

In addition to job placement, VDP staff provides parolees with special assistance: locating children in foster care and helping to establish visitation, retrieving property from jail or prison, finding housing, and obtaining documents from the Immigration and Naturalization Service necessary for employment. After placement, the VDP job developer monitors the participant's performance for several months through regular visits to the work place. In this way VDP staff helps the newly hired employee maintain motivation while trying to resolve problems that arise.

Not everyone makes it through this program. Some parolees relapse into drug use. A very few are arrested for new offenses. But most stick to it and find jobs. From January through June 1994, VDP worked with 500 parolees, made 386 placements with an average hourly wage of \$5.50. Placements continue to be strongest in the manufacturing, the general service and the retail/wholesale industries with the food services sector still providing a sizable number of openings. This placement record distinguishes Vera's employment services for parolees as the strongest performer in the City Department of Employment's portfolio of programs for those deemed hard-to-employ.

Vera will spin off NWP/VDP as an independent not-for-profit organization in 1995. Even as we prepare these projects for independence, others are already looking to them as models for similar programs. New York State's Department of Social Services (DSS), for example, has asked Vera to test the value of NWP/VDP for single, adult welfare applicants as part of its Jobs First program. Vera launched an experiment

with DSS in March, placing a small number of Home Relief applicants with NWP/VDP (see pages 24-26 of this Portfolio).

In addition, U. S. Attorney General Janet Reno became interested in Vera's NWP and VDP programs as she sought ways to encourage states to provide comprehensive training, job development, and drug treatment services for offenders leaving boot camps. Ms. Reno visited the programs in February, meeting with representatives from NYS Parole, the City University of New York (CUNY), and Vera at an NWP worksite on the Brooklyn College campus. During her visit, the Attorney General observed an NWP team at work and was pleased by its accomplishments at the college. She also held private, spirited discussions with a half dozen former participants who continue to hold onto jobs after completing the program two to five years ago.

Independence for People with Developmental Disabilities:

Job Path

—Fredda Rosen, *Project Director*

—Emily Ellis, *Deputy Project Director*

Job Path is a long-standing Vera demonstration program developing and testing ways of enabling people with developmental disabilities to work and live in integrated non-institutional environments. The program works in partnership with city, state, and federal governments and with a wide range of private businesses and non-profit organizations. Currently, Job Path is piloting four new efforts, each with a different focus but the same overarching goal: to help people with severe disabilities become full participants in mainstream community life.

The first new effort targets individuals who previously had not been considered candidates for employment. This project tests the utility of Job Path's supported work strategies, which combine work and on-the-job counseling support, in enabling people with the most severe disabilities to move into the workforce. One group of current trainees is multiply-disabled; they are blind, have a developmental disability and a secondary psychiatric diagnosis. Job Path is also testing whether supported work techniques can help people with traumatic brain injuries.

A second experiment targets people served in the state's most intensive and restrictive setting, Medicaid-funded day treatment programs. This experiment is a good example of how this long-standing project continues to produce innovation. The obstacles to reform in the day treatment system are daunting: service providers are reluctant to exchange stable Medicaid funding for less-familiar supported employment grants; parents have genuine concerns about their severely disabled sons and daughters leaving the safety of day treatment for the vagaries of the work world; potential participants, though eager to work, have had little exposure to the world beyond the day treatment center and are comfortable with the structure and social network they've found there.

As they began to work with day treatment participants, Job Path staff found that they needed more powerful tools than existed in the Job Path program. And, given the range of their needs, helping day treatment participants move into the workforce seemed a limited—and limiting—goal.

As a result, Job Path staff redesigned the project to find ways to help participants achieve satisfaction and self-sufficiency in their personal lives as well as through work.

The project uses the techniques of "person-centered planning," an approach that enables people with severe disabilities to make choices and find activities of interest that connect them to their communities and their neighbors. Using a staff team of four who work as "community facilitators," outside their usual roles as counselors or job developers, Job Path has targeted a small number of day treatment participants and other Job Path trainees, focusing on those with the most severe disabilities.

In addition to asking, "What kind of work would you like to do?", the team finds out how participants would like to live their lives: how and where they would like to live, what kinds of relationships they would like to have, how they would like to spend their leisure time, and what kinds of services they need. The goal is to help participants, most of whom have had little opportunity to make choices about their lives, identify their goals and dreams, and pursue them.

The team's work is not done in office counseling sessions. Team members spend time with participants and their families and friends at home, at work or in the day treatment program, and in their neighborhoods. The idea is to help each participant create a "circle of support," a cadre of people who will support the individual's plans and activities.

A recent grant from the U.S. Department of Education's Rehabilitation Services Administration has expanded the project's work. The grant, which began January 1, 1994, supports activities to help individuals with severe disabilities become involved in social and recreational activities in their communities.

The project is helping participants extend their lives beyond the day treatment center. One young woman now works at an

advertising agency and no longer attends day treatment. She goes to salsa classes on the weekends and is beginning to think about finding her own apartment. Another participant has a part-time job at a fast food restaurant and has become involved in activities at El Museo Del Barrio in his community, while still another is making new friends who share his love for animals by volunteering at the Prospect Park zoo.

Job Path's third pilot effort uses person-centered strategies to provide new opportunities for special education students when they leave school at age 21. The work has been undertaken in partnership with the New York City Board of Education's District 75, which operates the Board's programming for students with the most severe disabilities. These students have limited post-special education options; the vast majority leave school for facility-based day treatment and sheltered workshop programs.

Using the person-centered approach, Job Path and District 75 staff are averting sheltered placements for a few individuals. Post-graduation plans for one young man include a supermarket job, membership at a community recreation center, and music classes at a settlement house near his home.

The District 75 officials who are responsible for graduating students want to make this kind of graduation plan the rule rather than the exception. They are discussing with Job Path staff the possibility of an expanded partnership that would build the District's capacity for making and implementing person-centered plans, and change outcomes for students District-wide.

Operating parallel to the person-centered planning work but sharing its approach and values is Job Path's "supported living" project, the fourth new effort. The demonstration aims to help people

establish their own homes and live independently in the community. Job Path staff work with participants to find safe, affordable housing and locate durable support services. The project's focus is on arranging "natural" supports from family, friends, or neighbors. Five participants are now living in their own apartments, and we expect several more to move shortly.

Over the coming year, the four new projects should yield practical information that can be used to spur change in the current service system. In that same fashion, Job Path's supported work program served as a model for reform in the past decade. Vera created Job Path sixteen years ago to test the hypothesis that techniques of "supported work"—developed by Vera in work with ex-offenders, ex-addicts, and others—could help people with developmental disabilities move into the mainstream work force and gain greater independence. Within a few years, those techniques proved successful, and supported work has now become the standard strategy across the country to assist persons with disabilities to obtain and to maintain employment.

Job Path's work began in the late 1970s when New York State fundamentally changed its treatment of people with developmental disabilities, entering a consent decree in the litigation over Willowbrook. The consent decree mandated the movement of people from the custodial care of large institutions to small, residential facilities in neighborhoods across the state. The new policy was based on the idea that people with developmental disabilities would be part of community life.

In practice, however, even after leaving the large institutions, many of these people spent their days in segregated sheltered workshops. Vera established Job Path in partnership with New York State to

demonstrate that people with developmental disabilities could work in the conventional labor market. The demonstration has been effective; more than 1100 Job Path trainees have become employees of banks, law firms, department stores, restaurants, and other large and small businesses in New York City.

In the mid-1980s, Vera staff began to adapt Job Path's techniques to two populations for whom the program as originally designed seemed inadequate: those with disabilities so severe that their school or workshop counselors thought that they could never work, and those who entered Job Path but had difficulty holding their jobs when counseling support was diminished. These individuals needed long-term, even life-long support in order to work. To meet their needs, the staff introduced a new "supported employment" component.

Today, Job Path offers two employment options: transitional employment, based on the program's original model, is for people who, given a structured work experience and intensive but time-limited support, can learn to work independently; supported employment is designed for those who need on-going support in order to work. Over the last year, the transitional and supported employment programs moved 107 Job Path trainees into mainstream jobs.

A Neighborhood-Based Public Defender: *The Neighborhood Defender Service of Harlem*

—Leonard Noisette, *Project Director*

—Robin Steinberg, *Deputy Project Director*

The Neighborhood Defender Service (NDS) is developing and testing a new design for urban public defender offices. It is sponsored principally by New York City,

with additional support from New York State and private foundations.

For years, public defenders have argued that they could provide better service to their clients if they could get involved in cases earlier, spend more time with investigations, and devote some attention to the broader problems that bring their clients into court in the first place. These improvements were proposed as additions to traditional public defense services, however, the price tag was prohibitive. To test the value of these innovations in a practical way, it was necessary to redesign a public defender service to put these features at the core of its work.

The Neighborhood Defender Service of Harlem's goals are to demonstrate that this kind of defender can provide a higher quality service to clients, and in doing so can reduce the use of pretrial detention and inappropriate imprisonment.

In December 1990, NDS began serving the residents of Harlem. The service is closer in some ways to what a private lawyer might provide, but in other ways resembles a civil legal services office. In the thirty years that public defenders have been in existence, there has never been an office like this.

Most urban public defenders spend their days assigned to a single courthouse. In contrast, NDS lawyers represent clients in any of a dozen courthouses in two counties. An NDS lawyer might be in Bronx Supreme Court in the morning and Manhattan Criminal Court in the afternoon. Another day the attorney might be representing a client in Family Court or in any of several civil or administrative courts. When the court day is done, most of the staff return to the main office, where work continues well into the evening. The office is open and active seven days a week.

The staff at NDS is also unusual for a public defender. One-third of the staff members are lawyers, in contrast to two-thirds in most defender services. This reflects the high priority and resources given to investigation and to social services. Most of the non-lawyers—the administrative assistants, interns, and community workers—work in teams alongside lawyers rather than in separate divisions. The community workers, who handle most of the investigations, are young college graduates rather than the retired police officers employed by many public defenders.

The design of NDS follows three basic principles that distinguish it from that of traditional public defenders: early intervention, team defense, and client-centered representation.

Early Intervention

NDS is designed to begin its work for clients earlier than traditional defenders. Instead of waiting for a court to assign counsel to a defendant, NDS begins its work as soon as an indigent person accused of a crime asks for assistance. Many clients are first interviewed by NDS staff at the police station, immediately after arrest when they or a relative call the NDS 24-hour line. Some contact NDS even earlier, if they or their relatives hear that the police are looking for them. In these latter cases, NDS begins its investigations before arrest and can help clients to surrender voluntarily.

Although NDS attorneys are occasionally able to persuade the police or prosecutors not to press charges before an arrest is made, the primary aim of early intervention is to permit the attorneys to appear at the first court appearance with knowledge about the defendant and the case. Vera planners hoped that this would permit NDS attorneys to correct factual

mistakes in the allegations made by prosecutors and provide the arraignment judge with meaningful information about each defendant's community ties, possibly persuading the judge that the defendant could properly be released rather than incarcerated until trial. In addition, the planners hoped that early intervention would put NDS defense teams in a better position to evaluate the strength of the prosecutor's case and therefore make better strategic decisions in the course of plea bargaining and trial preparation.

NDS receives each of its cases through one or the other of two intake tracks.

On one track, NDS begins representation of defendants at police precincts and even earlier if the defendants have requested NDS to represent them. To inform Harlem residents about their option to request NDS rather than wait for an assigned lawyer, NDS uses posters, leaflets, presentations to community groups, and classes in the public schools. The cases that come to NDS through clients' requests are known at NDS as retained cases, although the clients do not pay for their defense.

On the other track, NDS represents defendants to whom it is assigned by the court at arraignment, but only to the extent that these assigned cases are necessary to supplement the numbers of retained cases. This year assigned cases have counted for less than 10% of the cases handled by NDS. Even in these cases, NDS defense teams attempt to intervene early, often beginning their investigations within minutes of receiving assignments.

Team Defense

NDS provides representation through small teams of lawyers, community workers, and administrative assistants,

rather than assigning cases to individual attorneys to handle on their own. Each team is headed by a senior attorney.

The team organization is designed to accomplish several things: to assure that there is someone available to speak to a client knowledgeable and follow up on any requests; to provide greater continuity of representation when individual staff members are unavailable; to structure collaboration among diverse team members in the preparation of individual cases; and to integrate non-attorney staff into the representation of clients throughout each case. In addition, the teams have provided emotional support, collegueship, and professional training to the team members.

The model requires team members to organize their work together effectively. Each team has experimented with its own ways of assigning work and ensuring coverage of court and office duties. In the last six months the office has begun introducing greater uniformity of team organization as team leaders have identified techniques that work best. Such uniformity should better enable an evaluation of whether or not the teaming model is one which can be effectively replicated in other defender offices.

Team defense at NDS is heavily dependent on the NDS computer system. Every staff member works at a personal computer connected to the NDS local area network. Team members record their work on a variety of custom-designed screens, allowing their colleagues to keep up to date on all that is happening on their cases. Use of the system has evolved into one which allows staff to follow events in the office and developments in other cases, relaying advice and suggestions in what become overlapping electronic discussions of strategy.

Client-Centered Representation

NDS has designed its representation of clients around all of the legal consequences of an accusation of crime, not simply the resolution of a specific criminal case. In New York City, as elsewhere, prosecutors are increasingly using civil proceedings to punish offenders for criminal offenses. Forfeitures of cars, cash, leaseholds and eviction proceedings are all gaining currency as prosecutorial devices. Even before this trend took hold, many criminal defendants faced legal proceedings to terminate their parental rights, cancel public benefits, or deport them as a consequence of the same behavior alleged in the criminal case. NDS is able to represent its clients in all parallel proceedings.

The broader relationship between defense team and client is manifest within criminal case work too, in the priority accorded to sentencing plans and aftercare -- continued social service support until the conclusion of the criminal matter. And if a particular client returns to the office months or years later with another case, the same team will represent him or her. All of these features encourage team members to assist clients over time with a wide range of problems, rather than focusing exclusively on the individual case of the moment.

Education and Outreach Programs

As a neighborhood-based defender, NDS has developed closer relationships than traditional public defenders not only with its clients, but with the community it serves. NDS staff participate in a wide range of community events and meetings, and NDS organizes its own educational programs in Harlem schools. In the winter of 1993-1994, NDS staff taught its fifth semester of a ten-unit high school curriculum helping teenagers to handle conflict

with police officers. The program was expanded to include the participation of a retired police officer, a Harlem resident, to bring added perspective to the sessions.

During the summer of 1993, NDS supervised a dozen teenagers in a summer work program, training them as peer advisors on issues of criminal justice and taking them to talk with young residents of each of the public housing projects in Harlem. NDS will supervise its second group of teenagers in the summer of 1994, with an expanded program that will include office skills training and employment counseling.

In the Fall of 1993, NDS continued its commitment to working with youth in Harlem by participating in a mentoring program with a seventh grade class from a local junior high school. The program involved both establishing individual mentoring relationships between the students and NDS staff members, and weekly sessions at the NDS offices in which the students are taught about various aspects of the criminal justice system. Our goals for 1994 are to continue to participate in the mentoring program and to create an internship program for local high school students with community legal service providers.

Results

By the end of 1993, NDS had represented over 3000 clients, mostly in felony cases. In December of 1993 the Vera Institute's research staff provided the second of three planned evaluations on the impact of NDS representation. The researchers measured impact by comparing clients represented by NDS arrested between January 1991 and June 1992 with a sample of matched clients and cases represented by traditional defenders in the same courts over the same time. As with earlier research, the results showed that

NDS clients had higher release rates, lower conviction rates, and fewer sentences of incarceration, but only slightly so.

Specifically, the pretrial release rates were more positive for NDS clients compared to a matched sample. While the results were not as favorable as we had hoped, nor the difference large enough to be attributed strictly to NDS representation, NDS clients were released more often than defendants of the same race, age, gender, prior, and current charge. In an effort to further increase rates of pretrial release, NDS in the late winter of 1993 adjusted its early intervention systems. The change called for team leaders to play a more direct role with the intake team. As a result of this change we hope our research results will show an improvement in pretrial release.

As for rates of incarceration imposed on NDS clients, research results already exceeded our hopes. In fact, these incarceration rates were significantly lower for NDS clients—with the gap growing even further in the second year of research. The researchers found that the sample of 395 NDS clients were sentenced to substantially fewer days of incarceration (39,835) than 395 matched defendants. These results suggest that the additional information that NDS teams are able to provide to judges and prosecutors by virtue of its model of representation has a meaningful impact. The third and final research sample, representing the mature practice of the NDS design, will be analyzed in the fall of 1994.

New Forms of Pretrial Supervision of Defendants:

Bail Bond Supervision Projects

—Vera Adler, *Project Director*

In May 1994, Vera completed a seven-year, three-site demonstration of intensive supervision of detainees for whom it had posted bail bonds. Vera opened the first of its bail bond projects in the summer of 1987 in Nassau County and followed it with additional demonstrations in the Bronx and in Essex County, New Jersey. These three projects showed that many defendants held in jail on cash bail can be safely released into their communities without financial conditions, if they are intensively supervised.

Project Design

The bail bond projects aimed to relieve jail crowding without increasing pretrial criminal activity or failure to appear in court by those released. The projects used the powers of a bail bondsman or bondswoman to remove defendants from jail by posting their bonds. Instead of exercising these powers for profit, by charging fees and requiring collateral, Vera's program staff required their principals (defendants for whom bail bonds have been posted) to comply with individually-tailored programs of supervision so intense that criminal behavior was very unlikely. Vera's staff returned principals to jail if their behavior suggested that no modification of the supervision would adequately contain the risk of their offending or fleeing. The program assumed the financial risk of posting the bond; the defendants and their families paid nothing.

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

courts, the projects also served as laboratories for developing and testing techniques of intensive supervision widely applicable to other programs.

Vera's project staff posted commercial bail bonds for detainees with verifiable community ties who, according to predictive indicators developed from data in the particular jurisdiction, were likely to remain in detention for substantial periods.

Principals signed contracts, with Vera staff governing the principals' activities. All contracts included agreement to daily face-to-face contacts and random drug-testing. Failure to comply with these or other requirements led the project staff to impose more stringent conditions and sometimes to return the principals to jail. The projects arranged for employment, substance-abuse treatment, education, and/or vocational training. A substance abuse counselor also conducted on-site cognitive skills training groups and relapse prevention groups for project principals. After their release from jail, all principals resided in a transitional facility for anywhere from a few days to a few weeks, until all arrangements had been made.

The projects sought to reduce jail crowding by decreasing the number of days its principals spent in jail not only before their cases were completed, but afterwards too. This was possible because principals' records of good behavior and good performance in school, job, or counseling could persuade judges to impose non-custodial sentences where they otherwise would have sentenced offenders to jail.

Results

During the seven years that Vera operated bail bond supervision projects, it posted bonds for 821 defendants. Of these,

262 (31.9%) were surrendered by project staff for serious failure to comply with program requirements; 60 (7.3%) were rearrested while under supervision; and 22 (2.7%) absconded, of whom more than half were subsequently tracked down by project staff and returned to custody. The overall rates of rearrest and of flight compare favorably to the rates of other pretrial release programs, even those supervising defendants who had less serious criminal histories and were being held on less serious charges.

The table below breaks these numbers down by jurisdiction.

	Jurisdiction (Months of Intake)			
	Total	Nassau (61 mos.)	Essex (33 mos.)	Bronx (39 mos.)
Bonds posted	821	369	230	222
Returned to jail by Vera	262	100	54	108
Rearrested while under supervision	60	15	18	27
Absconded	22	7	4	11
Died	3	0	1	2

As these data indicate, although the Bronx performance measures were respectable (12% rearrests and 5% absconders), the Bronx was not able to perform at the level of the other projects. Despite operating six months longer than the project in Essex (an urban jurisdiction which resembles the Bronx more than suburban Nassau), the Bronx agency took in fewer defendants, making its cost-per-participant higher. It returned twice as many participants to jail as Essex, yet had 50% more principals arrested while under supervision, and almost three times as many absconded, making its performance less attractive to funders.

Vera staff identified two primary reasons for the Bronx project's difficulties. The DA's tight control over sentencing,

coupled with his reluctance to reward compliant principals by agreeing to probation sentences, meant that Bronx principals stayed in the court system and under project supervision far longer than principals in the other two jurisdictions. This created two problems. The principals were harder to supervise, which led to a higher rate of surrenders, rearrests, and flight. And they occupied slots that should have gone to new defendants, which hampered the project's ability to meet its intake goals.

A second source of difficulty was the size of the jurisdiction—the number of arrests, the number of prisoners—which complicated and lengthened every step of the project's operations, from getting a bailbond signed by a judge to getting a bonded defendant released from jail. This environment consumed staff time, time that staff at other sites used for screening, monitoring, and providing services for principals. Unable to invest the necessary time in screening, and unable (because of its limited budget) to hire highly experienced staff or take the time to train less experienced staff, the project fell short of its intake goals. Lacking the necessary time and staff expertise for monitoring and arranging services, it sometimes surrendered participants instead of tightening or changing their release conditions and, more frequently than the other two projects, saw under-supervised or under-served participants offend again or flee.

To adapt the model to the Bronx setting would have required a level of funding that seemed politically untenable. Vera decided, therefore, to close the project.

Institutionalization

On April 1, 1993, Vera transferred its Nassau County Bail Bond Agency to the Educational and Assistance Corporation

(EAC), a Nassau-based organization with a twenty-year history of operating programs in the criminal justice system. On January 1, 1994, it transferred the Essex project to Volunteers of America, a national organization with considerable experience in operating criminal justice programs in New Jersey.

Vera staff is now preparing a report that will describe the three projects' operations in detail and will discuss their difficulties and successes. By offering lessons from the three-site demonstration and recounting the post-Vera experiences of the two projects that were spun off to other agencies, the report should assist others interested in using these techniques to relieve jail overcrowding or to provide intensive community supervision.

Treatment for Drug Addiction in the Criminal Justice System:

The Delta Project

- Vera Adler, *Project Director*
- Sofia Quintero, *Deputy Director for Administration*
- Bob Lonergan, *Deputy Director for Enforcement*

In 1992, Vera opened a demonstration project in the Bronx to test the viability of mandatory day treatment, rather than residential treatment for addicts facing jail or short prison sentences. The Delta project—taking its name from the Greek letter Δ (Δ), a symbol for both “defendant” and “change”—quickly encountered a series of operational difficulties that led to a redesign of its staffing and case management in the summer of 1993. As these areas improved, other difficulties with intake and treatment revealed themselves. In the spring of 1994, the Institute decided to close the Delta project, using the lessons learned to develop a different treatment model for future demonstration.

Providing drug treatment to addicted offenders instead of sending them to prison is no new idea, but the kinds of drug treatment most widely available are poorly suited to the requirements of the criminal justice system. Existing drug treatment programs cluster around two extreme regimens. At one extreme are the “therapeutic communities” (TC’s), 18-to-24-month residential programs, considered effective for those who stick them out; but these programs are extremely expensive. At the other extreme are out-patient programs that require only a few hours each week. These are cheap, but far less effective than TC’s. Adding to the difficulties for courts that want to use any drug treatment is the fact that programs of both types have lengthy admission routines, while judges are under pressure to dispose of cases quickly.

Looking at this situation in the early 1990’s TC’s appeared sufficiently tough to meet the political demand that an alternative to prison feel like punishment, but were too expensive to be widely used. Out-patient programs were regarded as too lax to serve as a criminal sentence. Vera planners concluded that, what the criminal courts needed was an effective form of drug treatment that is as rigorous as a TC, but is shorter, pays less for housing, and is available to accept an offender at court on short notice.

The Delta project was designed to fit this niche. Delta targeted offenders whose cases are disposed of quickly in special court parts which exclusively handle drug offenses. Delta’s court staff screened hundreds of cases every month in these courts, to find those where Vera’s research showed that the statistical probability of a jail or prison sentence was high. The project staff then spoke with the defendant, the Assistant District Attorney, the defense lawyer, and the judge to try to arrange a sentence to

Delta instead of incarceration. To be accepted into Delta, offenders had to: (1) be permitted to plead guilty to a probation eligible charge; (2) have a significant history of substance abuse; (3) agree to abide by all of the specific conditions of their treatment, including home visits by program staff and random urinalysis testing on demand; (4) not be held on a warrant from any other court; (5) have sufficient community ties so that they will have a reliable place to stay for the duration of the treatment; and (6) be likely to receive a sentence in the absence of Delta of at least nine months in jail. This final criterion was assessed through a simple test created through statistical modeling of the disposition of similar Bronx court cases.

Delta provided day treatment, engaging participants for most of each week day. The clinical staff tried to modify aspects of each offender's thought habits and behavior that are believed to be causally related to their criminality and substance use, a technique known as cognitive-behavioral treatment. Simply, this form of treatment aims to teach offenders new ways of thinking and behaving.

The first six months of operation revealed practical difficulties and design weaknesses which limited admissions to the program and made it difficult to retain participants in the program. Approximately 40 percent of Delta's initial clients were terminated early.

In July and August 1993, Vera planners re-examined several aspects of the program. All staff members were interviewed, intake procedures were reviewed, and judges, prosecutors, defense counsel, other ATI providers, and experts in the treatment field were consulted. The review revealed screening difficulties in the courts, inadequate staffing for assessment of social

support needs and referral to services, and a need to extend supervision and crisis intervention beyond program hours when participants seemed most vulnerable to relapse and to renewed participation in criminal activity.

Delta suspended intake from September through November 1993 while the project was restructured under a new director. Intake resumed in December, with the project operating under a tighter, team-based case management system, making greater use of drug testing, and conducting intake screening and court advocacy more efficiently. Most important, each participant's treatment team included an enforcement monitor who extended the treatment team's reach into the participant's home community. The enforcement monitors worked late hours and weekends, conducting unannounced home visits and locating participants who failed to attend treatment. As they encountered participants outside of the formal treatment setting, the monitors attempted to reinforce the lessons learned in treatment, helping participants to navigate the dangers and temptations in their own neighborhoods.

The improvements resulted in greater staff productivity, client retention, and provision of counseling and social support services. Nevertheless, intake remained very low and Delta's new emphasis on community supervision and crisis intervention revealed new difficulties in the treatment design that seemed to require more basic changes to the design.

The decline in intake resulted from arrest patterns and prosecutorial decisions that reduced the percentage of defendants eligible for consideration from 33% of defendants in the summer of 1993 to less than 10% in the fall and winter of 1994. In light of these patterns, the Institute informed its

government partners in this project that it would close Delta at the end of June, while continuing to examine ways to design a non-residential treatment program for addicts facing jail sentencing.

Negotiations to transfer clients to alternative programs began immediately with judges, prosecutors and the Probation Department. The Bronx District Attorney's ATI Project Director was highly instrumental in bringing these negotiations to a swift and satisfactory conclusion. By the end of May, all of Delta's clients had been

transferred to four programs: El-Rio, an alternative to incarceration program of the Osborne Association; TRI and Narco-Freedom both operated by the Department of Probation; and Crossroads, a program exclusively for women.

In a parallel effort, the Institute helped Delta's staff find positions elsewhere in Vera, at former Vera projects, and in other criminal justice and treatment organizations, including El-Rio, The Women's Prison Association, Alliance for the Homeless, and CASES.

Section Two

Project Development & Exploratory Research

Legal Coercion in Drug Treatment

—Douglas Young, *Project Director*

For almost a decade, Vera researchers have been examining how courts, prosecutors, probation offices, and parole agencies can improve the success of mandatory treatment for addicts in the criminal justice system. Today, with support from the Daniel and Florence Guggenheim Foundation, the Edna McConnell Clark Foundation, and the National Institute of Justice, Vera researchers are exploring addicts' perceptions of legal pressures to enter and to remain in drug treatment. As this research proceeds, Vera planners will use its results, together with lessons learned in the Delta Project, to design a demonstration of a new form of drug treatment for addicts facing jail sentences.

The subject of Vera's latest research in this area is the Brooklyn District Attorney's Drug Treatment Alternative to Prison (DTAP) program, which has gained considerable local and national attention for successfully keeping drug offenders in treatment. As the *New York Times* noted in an April 1994 article by James Dao, DTAP participants remain in treatment at a rate two to three times higher than that reported in research on comparable treatment services; but, as Dao pointed out, without the research Vera is now conducting, we cannot say why the addicts placed in treatment by DTAP stay so long.

Are DTAP participants uniquely predisposed to stay in treatment? Or, more likely, does DTAP operate in unique ways to enhance retention? If it does, what program practices are most critical? Is it DTAP's unique enforcement capacities or the severity of the consequence for failing in DTAP? Or is it the program's close association with the treatment sites?

Vera is examining these and related questions about the role of legal coercion in retention by studying two groups of treatment clients—Brooklyn DTAP participants and a matched comparison sample of persons attending the same treatment programs under some other criminal justice mandate (e.g., probation, parole, a court referral). In addition to tracking these individuals' retention in treatment, Vera researchers are collecting extensive interview data upon admission to treatment and six weeks thereafter. The data, gathered from standardized psychosocial assessment instruments, scales of program involvement, and specialized measures tapping client motivation and perceptions of legal pressure, will be analyzed to examine how they influence length of stay in either group.

In preparing for the first subjects' admission to the study in March, project researchers spent January and February pilot-testing instruments and data management operations, and formalizing informed consent procedures and arrangements with the three DTAP treatment providers

(Daytop Village, Samaritan Village, and Veritas) that serve as study sites. By the end of June, 35 Brooklyn DTAP clients and 27 comparison group subjects were participating in the study; these represent about one-third of the projected study sample of 180. Only two of the 62 individuals who were eligible elected not to participate in the study. The current rate of admission is slightly ahead of the rate anticipated in plans originally outlined for NIJ.

In addition to this formal, quasi-experimental study of Brooklyn DTAP, other work focusing on the role of legal pressure in treatment outcome will continue at Vera, with further development of the Perception of Legal Coercion (PLC) scale for use with legally-mandated treatment clients. During the summer, researchers will continue to test possible improvements to the scale. Future work will focus on extending the PLC's applicability to persons attending non-residential modalities and those under orders to attend treatment from "drug courts," where the judiciary is closely involved in drug treatment referral, monitoring, and discretionary enforcement. A third year of support from the Guggenheim Foundation, received in May, provides seed money for these activities; Vera intends to seek additional funding for this continued development work.

In June, Vera staff also continued their collaboration with researchers from the NYC Criminal Justice Agency and the Kings County DA's office on an application for funding solicited by the National Institute of Drug Abuse. If approved, this grant would support a rigorous study on the impacts of DTAP treatment, program benefits and costs, and the substantial expansion of Vera's legal coercion research.

Evaluation of DTAP Expansion

Further evidence of DTAP's promise as a model of legally-mandated treatment is the support New York State has provided for its expansion to other jurisdictions in New York City and upstate. Since mid-1992, Vera has been monitoring the city-based expansion of the Drug Treatment Alternative-to-Prison program to the Manhattan and Queens District Attorneys offices, and the City's Special Narcotics Prosecutor (SNP). These programs, which have now been operating for about a year and a half, mirror the goals of the Kings County program (which began in the fall of 1990). All DTAP programs aim to divert defendants charged with a second felony offense (and thus bound for prison under the State's mandatory sentencing laws) to 15-24 month residential drug treatment programs. Participants who drop out or are expelled by the program face the legally-mandated prison term (typically 2-4 or 3-6 year terms); charges are dismissed if the person completes treatment.

Vera's monitoring of these programs' early results has focused on tracking admissions and terminations from treatment, and gathering descriptive information on program practices and participants. Project staff compile participant status data from DTAP staff at the three sites and conduct interviews with new participants at the dozen or so community-based therapeutic community (TC) programs to which they are referred. Interim results of this effort were presented in Vera's report, *Diverting Drug Offenders to Treatment: A First Year Report on DTAP Expansion*, issued in December 1993. Disseminated to a wide audience of criminal justice and substance abuse policymakers, the report offers a detailed analysis of the operational commonalities and contrasts among the four city-based programs and of

the three new programs' first-year performance.

So far, Vera's research suggests that they are maintaining rates of retention similar to the impressive figures posted by Brooklyn DTAP. Queens DTAP has had especially low attrition, although the early data suggest that participants in this program may come to treatment with a better prognosis (less extensive drug histories and psychiatric problems, higher socioeconomic status) than those in Manhattan or SNP DTAP. Other notable early findings showed male clients, Hispanics, and persons with medical disorders and recent psychological problems to be at the greatest risk of early termination. Tentative findings involving Vera's Perception of Legal Coercion (PLC) scale suggested that early drop-outs have less knowledge about how they were being monitored in treatment, believe the DTAP DA would not learn quickly about treatment failure, and have less fear about serving prison time.

In April, Vera staff was invited by the Bureau of Justice Assistance (BJA) and State officials to present the DTAP model and these early findings at a BJA-sponsored Treatment, Rehabilitation and Education Workshop in San Francisco. One of only ten programs selected nationally for presentation (and one of only two treatment diversion programs selected), DTAP's standing as a model treatment alternative for prison-bound offenders was underscored at this meeting.

Vera continues to track new and previous admissions to the Manhattan, SNP, and Queens programs. At the end of April, project staff stopped interviewing new participants, and began preparing data and conducting statistical analyses for a second year report to be issued this fall. For the first time, with comprehensive intake

interview and program data on over 250 persons, it will be possible to perform statistical comparisons between the programs, and multivariate analyses that can isolate the *independent* effects of different factors (e.g., drug use severity, criminal history, motivation, PLC) on retention.

During the second quarter of the year, project staff also began discussions with State officials on plans for a third year of research on DTAP expansion. While Vera will continue to monitor program admission and retention performance, our focus will shift from gathering descriptive and participant data to cost-benefit issues and tracking outcomes of graduates. In June, planning began for analyses of the prison displacement effects of the three new programs that could become part of a larger, collaborative effort with State investigators assessing the relative costs and benefits of the DTAP programs.

Local Crime Victimization Surveys

—Lola Odubekun, *Project Director*

Vera is conducting New York City's first local crime victimization survey since the 1970s. Unlike public opinion polls, which ask a few general questions about crime along with other issues, this study covers twenty-two specific crimes and asks for detailed information on the circumstances surrounding each experience of victimization. To test the value of such surveys, Vera is conducting both a city-wide telephone survey and an intensive, face-to-face survey in a single neighborhood.

The survey results are intended to supplement, not replace, statistics on crimes reported to the police.

The main data collection instrument is a 35-item questionnaire organized in four parts: (1) neighborhood disorder; (2) danger in the neighborhood and the measures residents take to protect themselves against crime; (3) actual crime victimization experiences of respondents and other members of their households; and (4) respondents' experiences with officials in the criminal justice system.

Data collection for the survey uses two techniques. The primary technique is a citywide telephone survey of English-speaking residents in the five boroughs; the secondary technique consists of in-depth personal interviews with public housing residents in Red Hook, Brooklyn. A random digit dialing technique was adopted for the telephone surveys in order to provide a representative sample of city residents and to allow the sampling of both registered and unregistered telephone numbers. A cluster sampling approach was adopted for the in-depth interviews to obtain an adequate sample size within the time allotted for data collection. At the end of June, data collection was in its final stages in the telephone survey, and complete for the in-depth interviews.

The in-depth interviews reveal great fondness for the neighborhood among almost all respondents in Red Hook, while finding wide agreement about very serious crime problems confronting the neighborhood: drug sales and related gunfire. Complete results of the survey will be published as part of Vera's *Atlas of Crime and Justice*.

Atlas of Crime and Justice in New York City: Second Edition

The victimization survey follows Vera's publication in October 1993 of the first *Atlas of Crime and Justice in New York City*—a collection of data from a wide range of city, state, and private criminal justice

agencies presented in a non-traditional format. Thirty maps show the distribution of crime, the levels of census data, and the locations of social service agencies by precinct, community district, census tract, and zip code. Thirty-one charts present crime data over time; all maps and charts are accompanied by descriptive, non-technical text.

The *Atlas* provides a common framework for inter-agency discussion about the relations between New York's communities, crime, and criminal justice agencies; it enhances our understanding of crime in the city by placing the data in a social context. Although the *Atlas* was circulated primarily to state and city agencies, Vera has distributed hundreds of copies to individuals and has filled bulk orders from local colleges for use in undergraduate courses in criminal justice and urban planning.

In the fall of 1994, Vera will publish a brief supplement to the *Atlas* with updated maps showing the citywide distributions of property and violent crime for 1993, as well as the citywide changes in crime since 1989. The maps show that decreases in crime for the city as a whole mask substantial local increases in some neighborhoods.

Vera will publish a second edition of the full *Atlas* in the summer of 1995.

Alternatives to Juvenile Detention

—Laura Winterfield, *Project Director*

In November 1992, New York City was selected as one of five jurisdictions to receive a nine-month planning grant from the Annie E. Casey Foundation to reform its juvenile detention system. The planning process for this Juvenile Detention Alternatives Initiative brought juvenile justice practitioners and policy makers together,

many for the first time, to discuss the appropriate use of secure detention facilities for youth and to plan alternatives. The city's Department of Juvenile Justice asked a Vera researcher to join the planning process and assist in the analysis of the problem. Vera staff brought research expertise to the city plan and to the presentation of data to support various city proposals.

During the summer of 1993, the inter-agency group identified specific mechanisms to reduce inappropriate use of secure detention and to provide appropriate alternatives. The group drafted a plan to implement these, and submitted it to the Casey Foundation. In the fall of 1993 the city's plan was one of two accepted for funding by the Foundation.

Vera staff guided the development of the principal database used in the planning, specifying the appropriate units of analysis, the method by which an analytic case would be created, and the crucial variables. Vera staff also provided technical assistance to City officials defining the specifications of a risk assessment instrument for probation staff to use in Family Court.

As part of this work, Vera structured and performed multivariate analyses to determine the extent to which there is racial bias in the processing of juvenile cases, both in the juvenile or the adult court. Minorities are over-represented in the juvenile justice system compared with their presence in New York City's population, but it is unclear whether race *as an independent factor* or other factors (for example, differences in the crimes committed or different family situations) account for the over-representation at different stages. A multivariate analysis can control for factors simultaneously, thus permitting an analysis of the degree to which race is a factor apart from the other variables on which data are available.

The results of this analysis cast some doubt on the significance of race alone as an explanatory factor in decisions made once a case gets to court. Vera's researchers, working with colleagues in the office of the Deputy Mayor for Public Safety, examined decisions by Probation staff to "adjust" the case at intake (decide to handle the case informally rather than pass it along to the prosecuting agency); by prosecutors to decline to prosecute; by judges to dismiss the case with or without prejudice before determining guilt; by judges to dismiss the case at disposition or to dispose of it with a conditional discharge, probation, or custodial placement. In adult court, researchers examined decisions by prosecutors to drop the case or refer it to Family Court, and decisions by judges to acquit or to sentence the juvenile offender to probation, or split sentences, or imprisonment. The analysis showed that race was not an independent factor, when several other factors were controlled. In the adult courts, the important factors were: the borough of arrest, the number of associates arrested, the severity of the arrest charge, whether or not a weapon was used, and whether or not the police kept the youth in custody after arrest rather than releasing him or her to a relative. In the Family Courts, the significant factors were similar: the borough of arrest, the severity of the arrest charge, whether or not the arrest charge was a drug charge or a designated felony, whether or not a weapon was used, and whether or not the police kept the youth in custody after arrest. It is possible, however, that race is an independent factor explaining decisions made by police before these cases get to a court.

The results of these analyses, including those on over-representation of minorities, will be used by Vera planners as they work with city officials to design new alternatives to custody for juveniles before the courts.

Employment for Welfare Applicants

—Meryl Schwartz, *Project Director*

What would happen if a public assistance applicant was offered immediate employment in place of an application? Vera is exploring the answer to this question in an experiment to redirect individuals toward jobs and away from welfare. Vera is uniquely positioned to provide welfare applicants with immediate temporary work and to assist them in finding permanent employment through its Vocational Development Project (VDP) and Neighborhood Work Project (NWP). The results from this experiment will give the New York State Department of Social Services (DSS) important information with which to redesign the welfare system to help people find steady work rather than receive public assistance.

Over the past 20 years, numerous programs designed to move welfare recipients from public support to paid employment have been implemented and evaluated nationwide. Research has shown that employment and training programs can have a positive impact on earnings; however, despite continuing gains over a number of years, the increased earnings do not necessarily lead to reductions in welfare costs.

Almost all programs studied have limited participation to women with children under 18, who receive federal benefits from the Aid to Families with Dependent Children Program (AFDC).¹

Few programs exist to help non-AFDC public assistance applicants and

¹There are no monolithic findings about the success of welfare to work programs. The above are merely some of the research findings from a variety of studies of different types of interventions. For a thorough discussion of the research results of employment programs for AFDC recipients see, J. Gueron and E. Pauly, *From Welfare to Work*, Russell Sage Foundation: New York, 1991.

recipients move from welfare to work. Non-AFDC recipients typically include: non-disabled single people between the ages of 18 and 64, childless married couples, and two parent families where both parents are capable of work and has not been recently employed. Since the federal government does not provide cash assistance to the non-AFDC poor, only 22 states provide cash benefits themselves, commonly called General Assistance.² And even fewer provide employment services.³ Because General Assistance is seldom subject to research, there is a lack of knowledge about how to help move these people from welfare to employment.⁴

²Forty-two states have a formal General Assistance program. In 20 of these states, the program is operated on a county or locality basis and not statewide. M. Nichols, J. Dunlap and S. Barkan, *National General Assistance Survey*, 1992, Center on Budget and Policy Priorities, National Conference of State Legislatures, p. 2.

³Proposals to require large numbers of non-AFDC recipients to perform minor maintenance services for municipalities in exchange for their public assistance checks are not new. See "Giuliani Wants Welfare Recipients to Work," *New York Times*, March 15, 1994, p. B-1 col. 2. These "Public Work Projects" do not assist people in locating permanent employment and lack any support structure to ensure participant success. Anecdotal information and evaluation suggest that they do not help significant numbers of people leave welfare and find sustaining employment in the mainstream labor market. Lieberman Research Inc., *An Evaluation of the Work Relief Employment Project in New York City*. (Prepared for the New York State Department of Social Services) January 1975.

⁴Research is available on the federal Job Training Partnership Act which includes some people who would qualify for General Assistance programs in their home states. These studies also include people who are in receipt of AFDC as well as people who are not eligible for any benefits. Because these groups are not separated out, we do not know how the JTPA programs work for this distinct population. For example, see H. Bloom, et al., *The National JTPA Study Overview: Impacts, Benefits and Cost of Title II-A*. Abt Associates Inc., January 1994.

DSS cites VDP/NWP as a model of employment and training programs that does exactly what they want to do—get people “temporary jobs, an immediate source of income, and a connection to the labor market.”⁵ VDP and NWP have successfully provided services to people on parole for over ten years. Together, they combine the two essential features in finding work: knowing how to find a job and having a work history to show to a potential employer.

Vera’s Home Relief Test Project grew out of DSS’s 1993 Jobs FIRST initiative to restructure public assistance programs to get people capable of work—education, training, and employment to redirect them from welfare at their initial application rather than after they are already enrolled. The experiment began April 1, 1994, and will continue over six-months focusing on three questions: (1) How do single people respond to job placement in place of ongoing benefits?⁶ (2) What happens once enrolled in a program that guarantees a temporary job and assistance in finding a permanent one? (3) Do these employment services have any effect on the participant’s receipt of public benefits in the short term?

Vera is conducting this experiment in three phases:

- Phase one (April 1994) was devoted to refining the goals; working out technical problems between DSS, NYC Human Resources Administration (HRA), and Vera; and preparing VDP/NWP staff for the test project.

⁵ NYS Department of Social Services, *New York’s Welfare Reform Agenda: “A Jobs FIRST” Strategy*, January 1994, p. 3.

⁶ This project is limited to the non-AFDC welfare population. New York State’s non-AFDC program is called Home Relief (HR).

- In phase two (May-June 1994), project staff interviewed approximately 250 Home Relief applicants asking them if they would participate in NWP/VDP instead of continuing with their applications. Those who declined were asked why, and their answers were recorded. There was no penalty for choosing welfare over employment. DSS is now searching its database to determine whether or not individuals who declined employment received public assistance, and if so, for how long.

Those who expressed interest in employment were further screened to determine suitability for participating in the VDP/NWP experiment. After randomly dividing the selected pool into two equal groups, half went to the experiment and half went to the control. The experimental group was referred to VDP/NWP for services. The control group was not offered any services other than what is usually available.

- In phase three (June-August 1994), the experimental group is participating in a slightly modified VDP/NWP model. Within 2-4 days, participants are expected to appear at VDP for an orientation. During their first week, participants attend Life Skills Training, which focuses on job search skills: interview, dress, and attitude. At the end of the week, participants are assigned to a Job Developer, who assess their employability and help find suitable jobs. Participants are expected to meet with their Job Developer once a week. At the end of their training, they are oriented and prepared for NWP placement employment. They are expected to work four days each week at a designated job site, and are paid minimum wage at the end of each worked day. The fifth day each week is devoted to job development.

During phase three, problems confronting the participants are logged for later analysis, to provide information about the types of issues that interfere with people's ability to obtain and to maintain employment.

Both groups are observed. The experimental group is monitored to measure their participation and cooperation with VDP and NWP, their performance at NWP sites, their satisfaction with the program, and their success in finding permanent jobs. In due time, project staff also records if participants keep their jobs or if they apply for public assistance. For those who do not complete the program, their relationship to the various steps in the program will be analyzed too. The control group is followed to see if they find employment on their own or if they continue to apply for public assistance.

We expect this exploratory work will ask new questions about how New York's public assistance program can be restructured. Restructuring the application process to divert people who can become self-supporting raises many challenges. We imagine that the system will have to help people address a variety of social problems in addition to the lack of employment. Helping people to identify and to resolve problems through meaningful programs will be essential to the any successful diversionary effort that does more than merely redirect people from receiving needed benefits.

Guardianship and Child Welfare

—Meryl Schwartz, *Project Director*

In January 1993, Vera began an exploration of the ways in which the legal relationship of guardian to ward might be used to protect children who come to the attention of the child welfare system. Guardianship is not a new legal device, but child welfare agencies in the United States only occasionally use guardians to provide long-term care for children who cannot live at home, and there are varieties of guardianship that have not been tried in a programmatic way anywhere.

In June 1993, Vera published an analysis of the value of guardianship for children in foster care who can neither be reunited with their parents nor adopted. That paper, *Reinventing Guardianship: Subsidized Guardianship, Co-guardians and Child Welfare*, also described how the use of co-guardianship might prevent children at risk from entering the foster care system in the first place. Vera's work was presented at an all-day conference in New Brunswick, New Jersey, on "Helping Families in Crisis." Papers will be published in a Symposium Issue of the *NYU Review of Law and Social Change*.

There are roughly 400,000 children in foster care in the United States. Almost a quarter of these children have no hope of a permanent home and are expected to remain in foster care until they reach adulthood. The child welfare system has long relied almost exclusively upon adoption to provide the permanency that experts in child psychology believe is necessary for the healthy development of children who cannot return home. For those children who cannot be adopted, there is no other hope at permanency.

There are many reasons why children cannot be adopted. In some cases the child

welfare agency cannot find potential adoptive parents, especially for sibling groups, children with severe psychological or medical conditions, and the growing number of infants born addicted to drugs or with AIDS. In other cases, however, children remain in foster care because of the nature of adoption itself rather than the unwillingness of families to provide them a permanent home.

Before an adoption can take place a child must be "freed" from its biological parents and all parental rights terminated—including the right to continued contact with the child. Some children and even some potential adoptive parents resist this rigid requirement. Older children frequently reject adoption because they want to maintain a real or emotional connection with their biological parents. Some foster parents, particularly kinship foster parents, whose cultural traditions embrace the extended family, resist adoption when it means severing ties with other members of the family network.

It is these children for whom subsidized guardianship may prove more appropriate than adoption. Guardians have a legal duty to care for and protect the children in their care. It is said that they stand in the shoes of the child's parents and accordingly can make important decisions for the child. The appointment of a guardian does not require a termination of parental rights, and parents retain the duty to support and, where appropriate, the right to visitation. The subsidy, like the adoption subsidy, enables families to become guardians for children who would otherwise remain in public care.

At least ten states are already operating small subsidized guardianship programs as a permanent plan for children who cannot return home or be adopted. The programs benefit both older children who

resist adoption and adoptive parents who find termination of parental rights inconsistent with deeply held cultural values — as demonstrated by the prevalence of subsidized guardianship programs in states with significant Native American populations. The programs have been a success at achieving permanence for children whose only other option was long-term foster care.

There are several advantages to using subsidized guardianship as a permanency option for children in foster care. When a guardian is appointed, the child is discharged from foster care to a permanent caregiver who cannot be removed without good cause. The guardian no longer has to consult with the child welfare agency before authorizing medical treatment or making educational decisions. There is no longer a need for a caseworker resulting in fiscal savings from a reduction in administrative costs. Judicial resources are saved when custody of the child switches from the state to the guardian because there is usually no continuing judicial review. The cost of judicial proceedings to extend foster care placements are saved and judges are free to devote more time to their remaining cases.

The principal barrier to enacting a subsidized guardianship program is funding. Unlike foster care maintenance payments and adoption subsidies, current law does not provide any straightforward federal reimbursement for payments made to guardians. As a result the federal government may realize substantial savings while state and local governments see none. Fiscal savings from a reduction in administrative costs may be offset by the increased burden on state and local funds. Without a way to share in the federal savings, costs to some states might increase. Additionally, children discharged from foster care to guardians may lose eligibility for federally reimbursed medical assistance.

States have always had the option of appointing guardians to care for dependent children, but have rarely chosen to do so. It appears that guardianship is under utilized because there is no subsidy in most states. The subsidy however is an integral part of a guardianship program because it ensures that the children will be adequately supported and enables foster parents to accept the responsibility of becoming guardians. The child welfare system has long relied upon maintenance payments and subsidies to find adults to care for needy children. Guardianship subsidies are necessary for the same reasons.

Guardianship also offers a promising opportunity to prevent foster care for children at risk. When a parent needs assistance, the law permits the court to appoint a co-guardian with legal authority to act alongside that parent. Adding a co-

guardian to a family in trouble could enable that family to remain intact. By formalizing the kinds of arrangements that many families already make informally during difficult times, overburdened parents could begin to address their own problems and learn new ways to help their children, without the costs and traumas of removal. The co-guardians could be grandparents, aunts, uncles, godparents, friends or any other person known to or interested in the family. Because co-guardians would be added to troubled families, a child welfare agency administering such a program would have to commit to provide access to ongoing support services to support the co-guardian relationship. Vera is currently exploring the possibility of piloting a demonstration project in New York City to test this novel use of guardianship to prevent the removal of children from their homes.

Section Three

Technical Assistance

Community Policing

From 1984 through 1990, Vera designed and organized New York City's first demonstration of community policing: The Community Patrol Officer Program (CPOP). Early in the demonstration, the project proved very popular and was expanded to every precinct in the city. The CPOP demonstration ended in the fall of 1990 when then Commissioner Lee Brown decided to make community policing the operational framework for the entire department. Since then, Vera's project and research staff have been assisting New York and other cities to build on our experience with CPOP and institutionalize the best practices. Three such efforts are described here.

New York City's Model Precinct

—Michael Farrell, *Vera Associate Director*

The Model Precinct Project was implemented in the Spring of 1991 to provide the New York City Police Department with an experimental precinct in which to test practices and procedures designed to support a community-oriented, problem-solving style of policing. Its introduction followed a decade of work between Vera and the New York City Police Department on community policing that began with the Community Patrol Officer Program. At that time, the then Police Commissioner had completed a resource allocation plan for the NYPD which, in addition to calling for an increase of over 5,000 police officers, committed the entire

NYC Police Department to a community-oriented, problem-solving approach to police work.

The Model Precinct Project was designed to assist in moving the Department from traditional deployment practices to deployment strategies which support a community-oriented style of policing. To permit this, the Police Department staffed the experimental precinct, the 72nd in Sunset Park, with the full complement of personnel called for by the allocation plan; a staffing level which other precincts would not reach for a number of years.

When the Model Precinct Project began, several specialty units were combined into a single Special Operations Unit responsible for patrolling small beats on foot. In all precincts, community police officers took on warrant and fingerprint responsibilities, eliminating these specialized units; in the Model Precinct, the larger Anti-Crime and Street Narcotic Enforcement Units (SNEU) were also incorporated into Special Operations. The officers in this consolidated unit were then cross-trained in each of the specialized areas. As a result, plainclothes anti-crime work and street narcotics enforcement work became tactics, not organizational units, available for use when problems in a beat area required them.

In late 1992, the Police Department reviewed the effort to combine warrant

execution and fingerprinting with beat police work citywide. Fingerprinting was dropped from the tasks of beat officers. In the 72nd Precinct, the Anti-Crime and SNEU narcotic enforcement functions were reviewed. The narcotics enforcement work fit well with the work of the beat officers, so the organizational arrangement was continued. In contrast, the elimination of the plainclothes anti-crime unit caused problems, so a special unit was re-established, smaller than its predecessor, allowing beat officers to use plainclothes tactics as necessary. This approach has been widely seen as successful.

Another organizational dilemma confronting the Police Department is how to integrate its "sector cars" (those responding to 911 calls) into the problem-solving activities undertaken by the beat officers. When the Model Precinct Project started, Vera staff worked with police commanders to redraw the beat and sector lines creating 16 foot beats and eight sectors; all but one of the sectors co-terminus with a pair of beats. This should have allowed sector car officers to work with beat officers on common problems, but Vera's analysis of the calls for service handled by Model Precinct units during the first year disclosed that the sector cars spent more time answering calls outside of their assigned sectors than in them because of "cross-sector dispatching" by the Communications Division.

In the spring and summer of 1992, Vera tested methods to reduce cross-sector dispatching, including dispatching low priority calls from the precinct rather than from the 911 Communications Section. This is done in other precincts on some calls, but the range of calls eligible for precinct dispatch was widened as part of these experiments. The result, as expected, was to increase the time devoted by the cars to their assigned sectors where they could help identify persistent problems.

Vera staff has also worked with precinct managers to organize opportunities for the sector personnel and the Special Operations Unit to work together on problem-solving. Initially, problem-solving strategy meetings were held on a beat level, run by beat supervisors, with the sector officers invited to attend. Attendance by the sector officers was sporadic and the discussion was dominated by beat officers. Vera staff and precinct managers reorganized these meetings so that they are held by sector rather than by beat, with attendance mandatory for sector and beat personnel: officers and supervisors. This new structure is helping to integrate the sector officers into the problem-solving discussions, and the formulation of this sector team concept is deemed one of the most important accomplishments of the model precinct.

Three years into the project, many techniques have been tested and refined. Some of the experimental strategies developed in the 72nd Precinct have been adopted in other precincts, while others continue to be refined at the model precinct. Overall, the experience of the 72nd Precinct has informed police management on a wide range of issues involved in delivering effective police services in a community-oriented, problem-solving manner.

With the inauguration of a new Mayor and the appointment of a new Police Commissioner in January 1994, the police department began an extensive review of its operations with the intention of improving the delivery of police services to New York City residents. To accomplish this, the Police Commissioner has appointed 14 working groups to review the entire scope of department operations and to suggest ways to improve them. While these "re-engineering" committees are expected to make a number of significant changes in

department organization and operation, the Police Commissioner has indicated that the Department remains committed to providing police services in a community-oriented, problem-solving manner. As the new administration adapts community policing, the Model Precinct may continue to provide a place where new ideas can be tested, and practice can be closely observed.

In the meantime, Vera's staff continues to work with the Department on the development of community policing strategies. During the past six months, Vera's staff has participated in the Department's re-engineering efforts, serving on two committees, including the one responsible for redesigning precinct operations. In addition, Vera's staff has worked with the Office of the Chief of Patrol developing a new patrol deployment experiment to be implemented in July 1994 in the 49th Precinct in the Bronx. While the 49th Precinct project differs from the Model Precinct in a number of ways, Vera staff has assisted the precinct's management in finalizing project design by incorporating many of the Model Precinct's successful strategies. The sector team concept, pioneered in the Model Precinct, is being replicated in the 49th Precinct, as are elements of the data management system developed to support field operations in the 72nd Precinct. Vera's staff has also worked with staff of the Police Academy in designing a training program for 49th Precinct personnel, and will participate in that training.

A Performance Measurement System

—Randy Grinc, *Research Associate*

—Jerome McElroy, *Consultant*

In March 1993, Vera embarked on a two-year project with the New York City Police Department (NYPD) to develop and to test a system that can measure the

performance of community policing at the precinct and the beat level. This performance measurement system for community policing will be one of the first of its kind in the nation and should allow the NYPD to assess its progress and its effectiveness in articulating goals, specifying roles, documenting change, and assessing achievements at the neighborhood and at the precinct levels.

During the past year, Vera researchers have been studying existing performance measurement systems in police departments across the country. While many police departments have instituted or are in the process of adopting the community policing approach, few have developed a systematic method to assess their organizational progress in implementing it and to assess individual police performance in problem-solving on the neighborhood level. The NYPD/Vera performance measurement system will seek to accomplish both of these objectives.

While police performance has traditionally been measured by crimes reported, arrests made, 911 calls answered, and the time it takes to answer them, these measures fail to capture the effects the police can have on the overall quality of life (for example, by reducing fear among residents). Under community policing, residents are important partners in identifying problems and in developing solutions for them. They are also important in evaluating the effectiveness of the problem-solving efforts. Therefore, a new performance measurement system should integrate community feedback with descriptions by officers of their own operations, as well as with the traditional statistical measures, such as arrests.

Indeed, a citizen survey will lie at the core of the performance measurement system, now under development. A

telephone survey of randomly selected households in each precinct being evaluated will ask residents to state concerns about conditions in their neighborhood, their perceptions of the level of fear in the neighborhood, their awareness of police presence and activity in the community, and their satisfaction with the police services. Also, the system will rely on in-depth interviews with community residents concerning the design, the implementation, and the effects of strategies intended to alleviate the problems which directly affect them.

The results should provide useful information for the police department's organization at three levels:

1. The precinct should get information on the problems, the strategies, the activities, and the effects of the Precinct Commander's managerial decisions.
2. The borough should have information, in due time, on the precinct's responsiveness to community problems, on the borough-level and precinct-level's effectiveness to solve problems, and on the effectiveness to involve other public and private sources in the problem solving process.
3. The headquarters should receive citywide information to identify priority problems in each neighborhood, to attempt strategies to correct problems, and to observe the effects.

It is expected that the police department will authorize Vera to test these instruments within a single precinct in the fall of 1994.

The Electronic Beatbook

—Michael Farrell, *Vera Associate Director*

—Patrick Colgan, *Project Director*

The Electronic Beatbook is a computer application designed to give individual police officers easy access to information that they and their fellow officers have accumulated over months or years. It provides officers engaged in community policing with an easy way to record information about their beats, their daily activities, and their problem-solving plans directly into the computer network in their precinct. Teams of Community Beat Officers are able to exchange information about chronic beat problems, problem-solving goals and progress, and new problems nominated for priority attention.

The Electronic Beatbook began as an effort by Vera to develop a computerized version of the paper Beatbook that has been kept for each beat in every precinct since the start of community policing in the mid 1980s. The Police Department's decision to install computer networks in all precincts took the design of the Electronic Beatbook to a higher level, permitting Vera staff to use the network to shape the way that beat officers work together, use historical data, and analyze their own efforts. The result is a powerful officer-oriented information system used on a pilot basis in the 72nd Precinct since February 1993, where it proved both useful and popular.

In addition to keeping track of data, the Electronic Beatbook serves as a problem-solving "coach" that offers suggestions and requires responses to questions at critical points in the problem-solving process. For example, when an officer chooses a chronic problem as a priority for the coming month, the Electronic Beatbook requires the officer to respond to a series of questions related to the effectiveness of the actions and

strategies previously applied to the problem. In addition, the Electronic Beatbook leads the officer through a detailed problem analysis whenever a new problem is identified.

The application gives officers new abilities to perform their own investigations and research. The system can answer questions by drawing upon information entered by anyone in the precinct, including officers, members of the beat team, or members of other units. Also, the system gives officers access to 911 (calls-for-service) and complaint databases. Using a powerful information retrieval capability, the Electronic Beatbook will respond to queries such as:

- Have any officers made contacts within the Sanitation Department that would help me clear an abandoned lot on my beat? How many radio runs and complaints have occurred near the lot?
- What strategies have been applied to this problem over the last two years? What were the results? What were the supervisors comments during that time?
- When was the last meeting of the 49th Street Block Association? Were any officers present? What was said about the persistent disorderly conditions at 52nd and Greenwood Streets?

Relevant information may then be printed out, saved for future review, or included in a new Beatbook entry. Reports can be generated—in either standardized or customized formats—to be shared with other Community Beat or Community Sector Officers, supervisors, or members of the community involved in a particular problem or set of problems.

Reports can be tailored and formatted to reinforce the problem-solving meth-

odology in which officers have now been trained.

In addition to helping officers find information, the Electronic Beatbook's reporting feature assembles widely scattered scraps of information into a meaningful whole. For the convenience of the officers and to reduce data entry time, information may be entered into the system in any order. Activities, observations, meeting notes, and results are later combined by the system to produce Electronic Beatbook reports: clear, logical histories of problems, locations and issues over time.

In the first six months of operation, the Electronic Beatbook was used by 85 officers for an average of one 20 minute session per week. As a group, they compiled the equivalent of 243 typewritten pages spread over thousands of individual entries. Qualitatively, the officers started to record information that was much more relevant to the conditions they were working on, including documentation of steps taken to implement strategies, contacts made with community members, and collaboration with outside agencies.

The new Police Commissioner and the Chiefs of Department and Patrol visited the 72nd Precinct in March 1994, to view a demonstration of the Electronic Beatbook. Although the Electronic Beatbook is ready to be expanded into other precincts, the Police Department is waiting to complete its internal reorganization before proceeding.

While the Electronic Beatbook eliminates much paperwork and provides officers with more critical information than they previously had available, it still requires officers to come to the precinct to use the computer. To reduce the time that officers are spending at the precinct, Vera is exploring the potential for creating similar

applications on hand-held computers that officers can take into the field. While not suitable for extensive documentation and planning, hand-held computers can offer most of the powerful information retrieval resource capabilities now available on the Electronic Beatbook. Hand-held computers can also be used for direct entry of data required on a wide variety of forms. This data can be transmitted directly into desktop computers when officers return to their station house, eliminating much of the manual preparation of forms.

Vera staff is developing a prototype of such a hand-held computer using an Apple Newton. The Newton has been programmed to accept memo book entry of beat conditions, to perform key-word searches on these entries, and to accept direct entry of data for completed Domestic Violence Reports.

Sentencing Reform

From 1979 through June 1994, Vera designed and operated a series of demonstration projects to test new forms of criminal sentence that could serve as alternatives to incarceration for adult offenders. Today, Vera is using the experience gained in these projects to assist New York City, the U.S. Department of Justice, and the Federal Judiciary improve sentencing practice throughout the country and expand the alternatives available to judges.

National Demonstration of Day Fines

—Julie Eigler, Coordinator

In 1988, Vera launched the first U.S. demonstration of day fines, a new way of structuring the traditional criminal fine.

Vera then used the lessons gained from the demonstration to adapt the system to other jurisdictions around the country. Today, Vera is providing technical assistance to several states which are in the process of implementing day fines as part of their sentencing practices.

The day fine concept originated in European courts, where the monetary fine is the sentence of choice. Many European judges utilize some version of a day fine, a unit-penalty which allows a judge to vary the penalty with the severity of the offense without overburdening offenders in poor economic circumstances. The amount of the fine is determined through a two-step technique that embraces principles of proportionality and equity common to both European and American sentencing jurisprudence. The day fine, a criminal sentence that penalizes offenders by requiring them to pay money, is unlike a flat fine stated in dollars in that it is stated in units. Each unit 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 offenders 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.

After several years of research in Europe and in the U.S., Vera launched a pilot test of the day fine concept in the Richmond County (Staten Island) Criminal Court where it ran as a demonstration project from 1988 to 1989. The reform was introduced to replace the traditional "tariff" system of setting fines. Vera's objectives were to discover if Criminal Court judges would be willing to use the day fine as the

primary sanction for a broad range of penal law offenses, and to examine the effects of their doing so. Vera staff provided Staten Island judges with a fully elaborated day fine plan, developed in working sessions with the judges, prosecutors, and local defense attorneys. Vera simultaneously introduced new techniques for collection, such as installment payment plans and warning letters for late payments, and enforcement of day fines, hoping to increase the court's confidence in the reliability and effectiveness of the fine as an intermediate sanction.

Vera researchers followed the experiment closely. At the end of the one year demonstration, they concluded that use of fines as sentences had remained about the same before and during the demonstration; but there was an 18 percent increase in the total dollar amount of fines imposed while collection rates remained stable. Statutory maxima define upper limits for fine sentences. Despite these limits, the total dollar amount imposed increased during the project period. Had the statutory caps been lifted, and the fines calculated based on straightforward application of the day fine principles, the total dollar amount of fines imposed would have been 79 percent greater than in the period before the demonstration.

Moreover, the research found that fine amounts were widely dispersed along the possible range, in contrast to the clustering of fine amounts (for example, \$50, \$100, and \$250) observed before the demonstration. The dispersion suggests that judges used the new procedures as intended, to fine offenders more fairly on the basis of their individual economic circumstances.

As the Staten Island project was nearing completion, Vera provided technical assistance to a second pilot in Phoenix,

with support from the State Justice Institute and the National Institute of Corrections. A sentence called FARE Probation was created as an alternative to ordinary probation. Day fine techniques were used to determine the total amount of each monetary sanction "package," which typically included a range of financial orders such as a fine, a probation service fee, a victim compensation fund assessment, and restitution. Data from the first ten months show that two thirds of the offenders sentenced to FARE probation were convicted of felonies, almost all of which involved theft, fraud, or drugs; two-thirds were first offenders; and almost three-quarters were employed, but only 1 percent had a net weekly income of more than \$250. Eighty-two percent had fully paid their fines or were up-to-date in their payments on fines that averaged \$1,000.

For the last three years, a team of staff and consultants assembled by Vera have been providing technical assistance to jurisdictions participating in a nationwide set of day fine demonstration projects. This is a federally funded effort to refine this sentencing tool for wider use throughout the United States, grounded in the knowledge gained by Vera pilot experiments in Staten Island, NY, and Phoenix, AZ. Since 1992, based on the success of these day fine pilots, the Bureau of Justice Assistance within the U.S. Department of Justice has been funding demonstrations of day fine projects to introduce day fines in selected courts in three states: Oregon, Iowa, and Connecticut.

In Oregon, sentencing practice in felony cases is regulated through sentencing guidelines set by a Criminal Justice Council. The guidelines include community-based penalties as well as incarceration, and the Council has included day fines, as a sentence in its own right and as part of a larger probation order. A Council

Subcommittee selected four counties for the demonstration, one of which includes the state capital. Two courts are using day fines exclusively in misdemeanor cases, while the other two are using day fines in felony cases as well. State legislation has been approved; it directs the Criminal Justice Council to study and make recommendations concerning the imposition and collection of fines, and for the Sentencing Guidelines Board to adopt rules for the use of structured fines statewide.

In Iowa, the structured fines demonstration project has been sponsored by the State's Department of Human Rights and the Polk County Attorney's Office. The current system replaces all tariff fines with structured fines for misdemeanors and low level felonies. The volume of structured fines imposed since the project's inception has far exceeded initial estimates, and collection results appear to be good.

In Connecticut, the demonstration has been based in Bridgeport's G.A. 2 Court, a mixed-jurisdiction court handling low-level felonies and misdemeanors. The demonstration is sponsored by the Connecticut Judicial Department's Office of Alternative Sanctions and is overseen by a committee of state and local court officials. The committee developed a grid, establishing the number of units that can be imposed for each level of offense. In addition, the demonstration has incorporated installment payments for fines.

Vera's technical assistance has included visits to all of the demonstration sites and production of periodic monitoring reports analyzing data on the use and collection of day fines. By June 1994, the Connecticut and Iowa projects had concluded, and the Oregon project was nearing completion. It is expected that courts in Iowa and Oregon will continue to utilize structured

fines and the accompanying collection system after the conclusion of the demonstrations.

In order to assist other jurisdictions interested in initiating the use of day fines, Vera staff members will be working with the Justice Management Institute in Denver to produce documents about the demonstration projects and the lessons gained from them. These documents, which will include a Program Brief and Implementation Manual, are designed specifically to be of concrete assistance in setting up a day fine program. These documents will be available from Vera at the end of this year.

Jail Population Management

—Laura Winterfield, *Project Director*

With the experience gained in Vera's demonstrations, New York City and State have created a diverse array of alternatives-to-incarceration (ATIs) to punish criminal offenders while alleviating much of the overcrowding in the city jails and state prisons. As these programs have expanded, city officials have needed tools to assess how effectively they displace offenders from jail and where new resources could be most efficiently targeted.

Vera researchers have developed a broad set of statistical tools for city officials over the last several years, most recently in partnership with colleagues at the city's Criminal Justice Agency. The first set of tools, delivered in 1992, were: (1) a Jail Use Analysis, profiling the defendants and the sentenced offenders who occupied the largest portions of jail space on an annual basis; (2) an Eligible Pool Analysis, showing the number of inmates eligible for, but not

sentenced to, each of the city's existing ATI programs; (3) an Ineligible Pool Analysis, profiling the groups of inmates who were ineligible for all existing ATI's, so that new program models could be designed for them; and (4) Predictive Models, to help officials determine the likelihood that actual savings are being produced by each ATI program.

When these tools were completed, City officials asked Vera to undertake additional tasks to make these tools more useful to various City agencies, as well as to the ATI programs.

The second set of tools, completed in 1993, included: (1) screening criteria for each ATI program so that staff could identify defendants who were likely to be incarcerated at sentencing, but for whom incarceration was not mandatory under the law; (2) a uniform database containing information about defendants accepted and rejected by ATI programs to help shape designs for new programs and improve management of already existing ones; and (3) predictive instruments that estimated the length of the jail or prison terms that specific offenders would likely serve if not sentenced to an ATI. This third piece of work was only marginally successful, due to the narrow variation of sentence lengths in criminal court and the lack of data about the strength of individual case evidence. Vera researchers were unable to build meaningful predictors of sentence length for Criminal Court sentences.

Over the last year, the Criminal Justice Agency has taken the lead role in continuing this work with assistance from a Vera researcher. This most recent work seeks to develop a single model to predict if a defendant is jail bound, and if so, to predict the length of stay. CJA with Vera's help, is also updating the eligible pool analysis to include new programs which have appeared since the initial work in 1991.

This work was still underway when the last Vera researcher engaged in the project transferred to the Criminal Justice Agency in the summer of 1994, bringing Vera's involvement with this assistance to an end.

The Federal Sentencing Reporter

—Daniel Freed & Marc Miller, *Editors*

—Sarah Lyon, *Publication Manager*

The Federal Sentencing Reporter (FSR) is a bi-monthly journal of articles, cases, and commentary on sentencing in the federal courts. Created by Vera in 1988, in the wake of the Sentencing Reform Act of 1984, the establishment of the U.S. Sentencing Commission, and the development of an initial set of sentencing guidelines for federal offenders, FSR is an effort to encourage the development of a common law of sentencing in the federal system. Although individual practitioners and institutions can and do subscribe to FSR, each issue is provided for the judiciary and sent to every Federal District Judge and Federal Chief Probation Officer in the nation.

In appearance, FSR resembles many specialist legal reporters. Published for Vera by the University of California Press at Berkeley, FSR tracks the evolution of the federal guidelines and sentencing case law, provides a forum for scholarly debate, and compares the federal system to sentencing developments in the states and other countries.

In its brief life, however, it has already formed an intellectual bridge between judges in courts across the country who find an intellectual discussion of individual sentencing decisions useful in their own roles. This is neither a journal published for scholars, nor does it aim—as many legal reporters do—to provide practitioners with

fast answers to routine problems. The participation of sentencing judges in the FSR—through the submission of commentary or simply through the reproduction of their sentencing opinions—lies at the heart of this effort to reform sentencing theory and practice at the level of the individual case.

Each issue focuses on one major topic, combining short articles and cases. In the first half of 1994, FSR ended its sixth year by publishing three issues, addressing "Supervised Release," "Guideline Developments in the Circuits, 1993-1994," and "Justice Department Guidance for Prosecutors." FSR appears on the legal electronic databases Lexis and Westlaw.

Courts and the Adversary System

In 1990, Vera launched its demonstration of a neighborhood-based public defender office: the Neighborhood Defender Service of Harlem (see pages 10-13, above). Almost immediately, Vera's use of computer technology in the demonstration to support team work and manage information efficiently attracted wide attention. In 1992, New York City asked Vera to apply the lessons learned in integrating technology with court reform at the Neighborhood Defender Service to other projects. Two such efforts are described here.

Computerization of the Midtown Community Court

—Richard Zorza, *Counsel for Technology*

The Midtown Community Court has been open since October 1993, processing misdemeanor arrests in the Midtown area, and forging new dispositions in these minor cases. In the spring of 1993, the City's Criminal Justice Coordinator and the Court's Coordinator asked the Vera Institute of Justice to take responsibility for

integrating computer technology into the Court design. Vera and its technical partners have built a computer platform that is intended not only to serve the Court's current needs, but to allow the Court to change procedures in future innovations.

The Court's computer system brings together information from a wide variety of electronic and non-electronic sources and displays it in a way that assists judge, counsel, and court staff in reaching a decision about the appropriate disposition in each case that comes before the Court. The Court's computer system is used by all the participants judges, clerks, defense lawyers, prosecutors, defendants, CJA staff, social service staff, court administrative personnel, and members of the public.

The system has the following components:

Defendant Interview and Verification Module. This module allows the Criminal Justice Agency to use a set of hand-held, pen-based computers to record its individual interviews with defendants shortly after their arrest. The interview includes the standard questions about "community ties" which CJA already asks in all New York City courts. At the Community Court, interviews also ask additional questions designed to assist the court to select an appropriate sentence. The project is experimenting with computers that recognize handwritten text, so that all data is input during the interview, and there is no need for subsequent data entry. The hope is that, if successful, this technology may be used citywide to speed the interview process.

The Community Court software also helps CJA staff to verify the information collected in the defendant interview. The software then calculates the "release score" and presents it electronically to the judge.

Electronic Data Gathering Module. This component links the computer systems of the Office of Court Administration (OCA), the State Division of Criminal Justice Services, the New York City Police Department, and the New York County District Attorney. The system brings data from all these agencies into the Court's computer system, including document images from OCA.

Judicial Desktop Module. This module, designed in consultation with the Judges of the Criminal Court, displays the electronically collected information in a mode that makes it instantly accessible. Nineteen-inch color screens have been programmed to show the arrest information, the complaint, the defendant's rap sheet, and the assessment information. The screen includes options which allow the judge to review in detail the defendant's prior history in the Community Court, including his or her compliance with alternative sanctions. It also searches the rap sheet to obtain further information about the defendant. The judges who preside in the court have been pleased with the system, and have asked Vera to build software that will allow them to input dispositions themselves as they decide cases. The new version of the Judge's Desktop now being designed will also include software that analyzes success rates for alternative sanctions for different kinds of defendants, and displays predictions for the judge.

Court Flow Module. This component tells each system user when a case is ready for their attention and provides detailed information to court managers about when each step is completed or how long it is delayed.

Alternative to Incarceration Module. This allows the court's social service staff to track every contact and interaction on behalf

of a defendant. The staff records each monitoring call to confirm that a defendant is attending an assigned program, to obtain assistance for that defendant, and to keep contact with the defendant or his family. The system includes visual and color coded systems that reminds the staff of their tasks, and the judge to review the defendant's compliance with the court's orders.

Public Access and Suggestion Modules. The Public Access Module allows anyone in the court, including those in the holding area awaiting arraignment, to view displays of the court's schedule and the results of its completed cases. The Public Suggestion Box, which has been preliminary programmed, will be implemented before the end of the calendar year, and will allow visitors to suggest improvements in the working of any part of the court. These modules reflect the commitment of the court's designers to promote public participation in the administration of justice.

As a result of Unified Court System's experience in this experiment, they are modifying their plans for the future to build systems more similar to the Community Court experiment. Their cooperation has been critical to the success of the project.

The designers of the court, the Office of Court Administration, and Vera are now planning several enhancements to the system including the following:

A Police Feedback and Warrant System. This will inform every police officer of the disposition in cases where he or she has made an arrest. The officer will learn about sentence, warrants, and instances of re-arrest. This information will include computer stored photographs of the defendant. It will be available both on line and in paper form and will be used in the preparation of photo warrants.

A Community Mapping System. This will show judges and the community where crimes are occurring, and how these patterns change over time. This will help the Court, the police, and the community to become more reflective about the impact of law enforcement strategies and sentencing.

An Electronic Filing System. Electronic document filing by police, the DA, and other agencies will enable the clerk to focus on information management and court flow supervision.

Justice System Networking. To provide judge and counsel with more information on the spot, Vera and the court are working with Parole, Probation and Correction agencies so that information about a defendant's status will be electronically imported and displayed on the Court screens.

The Community Court's Coordinator, the Office of Court Administration, the City, and the Brooklyn District Attorney are currently planning a second community court to be located in Red Hook, Brooklyn. Again, Vera is organizing the use of technology for this project. Extensive use of video, electronic kiosks, and integrated information systems will help to create a Justice Center which will allow community members to access and make use of a wide variety of court services from the Red Hook community.

Modernization of the Assigned Counsel System

—Richard Zorza, *Counsel for Technology*

New York City fulfills its constitutional obligation to provide legal representation to indigent criminal defendants through the Legal Aid Society, the office of the Appellate Defender, the Neighborhood

Defender Service, a handful of law school clinics, and individual attorneys in private practice working under the Assigned Counsel Plan. In 1992, responsibility for the administration of the Assigned Counsel Plan passed from the state government to the city government, and in planning for this new role, city officials asked Vera to provide technical assistance in creating a computer system to support the plan.

The computer system for the plan has been designed as an efficient, easy-to-use bill processing system that will provide sophisticated oversight and audit control. In the fall of 1993, the project installed interim audit tools. These tools permit plan staff to question participating attorneys about vouchers which appear to request payment for excessive hours of work. The result is that attorneys modify their requests in some cases, saving the city money.

When the system is fully implemented in June 1995, assigned attorneys will bill the city for their services on forms that will be scanned into the computer system and checked against data from the Office of Court Administration computer system. The information on these forms, when scanned and electronically indexed, will provide more usable data to the attorneys and the administrators than did the previous paper system, and will dramatically reduce data entry costs. As a result, the administrators should find themselves with more information about the quality of legal services being provided, and with more time to use that information for training and oversight.

Although controls will be tighter, attorneys who submit proper bills will receive payment sooner than was possible without this system. Payment will also be hastened when the city is able to expedite the statutorily required approval of payments by judges.

Another benefit should be assistance in budgeting. Until now, the Office of Management and Budget and the Comptroller's office have had to forecast the expenditure of funds through a projection system that did not reflect reality. It was not unusual for millions of dollars of attorney bills to hit the city's accounts months after the close of the fiscal year in which the services were delivered. The speed of the new system and its links to OCA data should assist officials in budgeting the costs of assigned counsel in a timely fashion.

Finally, the city will gain an important new source of data that will indicate how the criminal justice system is functioning. Apart from information about attorney costs, the new system will provide fresh insight into the ways in which cases move through the court system, increasing the staff's ability to identify problems of delay and improve the overall system of justice.

By June 1994, Vera's programmer had completed the design of the database and the programming of the data entry portion of the system. He had completed both the design and the coding of the audit mechanisms, and had completed the module which will allow reviewers and auditors to view an image of the voucher at any stage of the processing. As a result of staffing changes in city governments, the Vera programmer assigned to the project has taken primary responsibility to finish programming the system. He is now completing the system for judicial approval of vouchers.

Significant work remains to be done in testing the completed portions, in programming the interface with the State Office of Court Administration, and in arranging

the transfer of existing cases into the new system. In addition, work remains to be done by the City Financial Services Information Agency (FSIA) which is responsible for the scanning portion of the project and for the interface with the city's check generating software.

Building on the expertise gained in the work, Vera is now helping the coordinator of Criminal Justice in planning a new "Datashare Project", which would build a system of shared information between approximately 30 city criminal justice agencies, reducing repetitive entry of arrest data, court data, and criminal record data. Such a system has been planned, and even funded before; but the community technology used in the Midtown Community Court and in the Assigned Court Counsel System has finally made this goal achievable.

The plan is to build a "store and forward" facility. It will collect information from all contributing agencies and redistribute it. The central facility will automatically forward all information it receives only to those agencies authorized by the originating agency to receive the information. The system is being designed with careful protections to guarantee that each originating agency retains control over who can receive any particular piece of information in the shared database.

Through June 1994, Vera has been assisting the city's new Department of Information Technology and Telecommunications (DOITT) with the conceptual work for this project. DOITT is currently organizing a pilot test of the concept with three agencies. The test should be completed within the next six months.

