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**This country's
criminal justice system
could be working better . . .**

**Vera Institute of Justice
Technical Assistance**

. . . Lots of the people with whom it should be dealing never reach the courts; some who get there don't belong there at all; some are handled inappropriately and ineffectively; some emerge more hostile, dangerous and unable to support themselves than they were when they went in.

No one knows it better than the professionals who run the system—police, court personnel, penal officers. They also know that so much of their professional time is spent in trying to keep the system from falling into total disarray that they do not have the time to define and promote the reforms which would better serve the needs of both the defendant and the public.

The Vera Institute of Justice was founded in 1961 to help the New York City criminal justice system seek and enact reforms. Its founder was Louis Schweitzer, an industrialist and philanthropist who believed that the bail system as it operated in New York City's courts was failing to serve the true ends of justice. Schweitzer thought it was both morally wrong and economically inefficient to detain defendants in prison before trial—their families left without support, their jobs forfeited, their access to private lawyers impeded—simply because they could not raise money for bail. The Manhattan Bail Project, Vera's first endeavor, pioneered a more efficient and just approach to pre-trial release—an approach that has been adapted in more than 100 jurisdictions across the country and that contributed to the Federal Bail Reform Act of 1966.

The Bail Project was the first of Vera's many efforts to design changes, large or small, that could increase the efficiency and fairness of the criminal justice system. Twelve years is not a long time in the history of American law, and it is not surprising that Vera's experiments have made only small changes in the shape of American justice. But the fact that something has been accomplished in a system in which there has been so much despair and frustration has provided some reason for optimism. An atmosphere in which change is seen as possible has been created, along with a method for developing new solutions to old problems.

Several of Vera's projects, particularly the Bail, Summons, Bowery, and Court Employment Projects, have been picked up spontaneously by many municipalities. Recurring requests for Vera's advice in setting up reform projects prompted the Institute to create a Technical Assistance Program. Technical Assistance staffers are available to both private and public groups to share the skills in program planning that Vera has developed over the last 12 years.

Not all of Vera's experiments have been successful, but failure can be as instructive as success. Vera has learned, and is learning. Nevertheless, many of the projects have worked well enough for New York City's criminal justice system to adopt them as permanent city-wide reforms, and for other jurisdictions to borrow from them.

Vera has no wish to duplicate its programs in other places. Each jurisdiction has its own problems, needs and resources. What the Technical Assistance staff attempts to do is to help each jurisdiction design the programs to meet its needs. The techniques Vera has used in its own projects are adaptable in a variety of situations, and its projects can serve as examples of achievable reforms.

The Manhattan Bail Project

The Vera Institute's approach to the bail problem was to set the tone for much of Vera's activity over the next 12 years. Investigators set out to learn everything they could about bail practices. The investigators found that some evidence of the need for reform, and some suggestions for how to bring it about, had been available since 1927 but that no one had taken action. Based on all the available data, a small demonstration project was developed which encouraged judges to release many defendants without bail before trial on the basis of verified information which suggested that they were likely to return for trial voluntarily.

Project staffers interviewed defendants in an office in the Manhattan Criminal Court building to obtain information on their length of residence in the city, their family arrangements, their education and work histories, and their criminal records. The data was verified with other persons or agencies, and scored according to a weighted point scale developed specifically for the purpose. Defendants who achieved a certain score were recommended for release on their own recognizance.

The success of the demonstration project led to the National Bail Conference of 1964, to the Federal Bail Reform Act of 1966, and to adaptation of the concept by about 100 jurisdictions. It also led to adoption of the ROR (release on recognizance) system as a permanent part of New York City's criminal justice system in all five boroughs. Although the New York City Office of Probation holds official responsibility for the program, Vera has maintained its interest in bail reform and is still seeking ways to improve the ROR concept and to make it work better on a city-wide scale.

Toward that end, New York City's Criminal Justice Coordinating Council recently established a pilot Pre-Trial Services Agency for the borough of Brooklyn, to conduct all ROR interviews and to seek conditional release for some defendants who cannot meet the standard ROR requirements and who appear to require some extra supervision and support to insure their voluntary return for trial. The Vera Institute is running the pilot project for the Criminal Justice Coordinating Council.

The Manhattan Summons Project

The Summons Project was designed to test the hypothesis that many persons charged with minor criminal offenses can be trusted to appear in court voluntarily without being detained until arraignment. The hypothesis ran that if they are provided with adequate evidence of community roots, the police can safely decide to issue summonses to some defendants, thereby eliminating the time-consuming complications of pre-arraignment detention.

The Summons Project began in one police precinct in 1964. At the station-house a Vera staff member interviewed defendants charged with simple assault or petit larceny and scored their community ties on the basis of the point scale developed during the course of the Bail Project. Based on their score, some defendants were recommended for summoning rather than detention to await arraignment.

The project worked. By the summer of 1967, the New York City Police Department had adopted the system in all five boroughs. Between 1967 and 1971 the non-appearance rate stayed at a fairly constant five percent, and the City saved about \$6.7 million in the police time that would have been necessary to transport defendants to court and wait for arraignment. By 1971, police were issuing summonses for all non-fingerprintable offenses, i.e., almost all misdemeanors and petty violations including disorderly conduct, harassment, petit larceny and theft of services. And a New York State Criminal Procedure Law, which went into effect on September 1, 1971, permitted the "desk appearance ticket" to be issued statewide for everything but felonies, provided that the defendant was not under the influence of alcohol, narcotics or other dangerous drugs.

The Manhattan Bowery Project

In America, it's usually against the law to be drunk in public. About one arrest in three is for public drunkenness. Most of those arrested are alcoholic derelicts who are prosecuted under vagrancy and disorderly conduct laws, detained without treatment in crowded, unsanitary "drunk tanks," and returned to the streets where the cycle starts again. Alcoholic offenders are apt to be confirmed recidivists; some are arrested as many as 200 times and spend 20 years of their lives in jail on short-term sentences. It costs about \$100 million a year in public funds to handle drunkenness through the criminal justice system—\$100 million in police time spent handling two million alcohol-related arrests, court time

spent adjudicating drunkenness cases, and the use of correctional facilities for short-term detention of homeless derelicts.

The Vera Institute became involved in the alcoholic derelict problem when the Manhattan Summons Project revealed that many arrests in the test precinct fell into the drunkenness/disorderly conduct category. In response, Vera developed the "diversion" concept which would become highly important in several of its subsequent projects. Rather than being arrested and incarcerated, Vera postulated, alcoholic derelicts should be "diverted" from the criminal justice system into a special facility that could offer detoxification, medical treatment, social services, and some hope for at least partial rehabilitation. In 1967 the Bowery Project was established, as an independent corporation, to provide these services. Seven days a week, the project's two-man rescue teams patrolled the Bowery in unmarked police cars, offering help to drunken derelicts who were obvious targets for arrest. A year and a half later the project added an emergency care clinic operated by St. Vincent's Hospital and an out-patient unit. Altogether, the project currently treats and counsels about 260 men a week. Many of those 260 are "repeaters" whom the project sees again and again, but the number of participants prepared to accept some form of after-care plan rose steadily over the project's first four years of operations and has stabilized at 65 percent. Arrests, which numbered about 75 a week before the project began, have dropped by 80 percent.

In brief, the project saved significant amounts of police time and removed the problem of public intoxication from the criminal justice system in one precinct.

The Manhattan Court Employment Project

The Manhattan Court Employment Project was built on the premise that for many young city residents criminal careers can be halted by solving some of the defendants' personal problems and by getting them good jobs. An arrested defendant is eligible

for participation if he appears to be in need of and amenable to employment, if he is drug-free, and if his previous criminal record is limited. He is offered the likelihood that the District Attorney will dismiss charges against him if he responds well to counseling and job placement efforts within the 90-day period for which the court suspends prosecution.

The project began operations in February 1968. By December 1970 it had proved its usefulness and since that time has been operating as an independent corporation under contract to the City of New York. It opened a Brooklyn unit in 1970 and a Bronx unit in 1971. Today, it handles about 2,500 cases a year and achieves dismissal of charges for about 58 percent of its cases. A Queens unit will open soon.

Like the Bowery Project, the Court Employment Project operates on the assumption that diversion from the criminal justice system can be the most efficient and appropriate way to meet the needs of some defendants and the public, and to ease the congestion in the courts.

The Bronx Sentencing Project

The Bronx Sentencing Project was established in mid-1968 to test the diversion concept at yet another stage in the criminal justice process and to comply with the President's Crime Commission's recommendation that lower court judges be provided with pre-sentence reports on which to base alternatives to prison sentences. The project dealt with persons already convicted of serious misdemeanors but not yet sentenced.

Project staff interviewed convicts and presented short, concise reports and recommendations to judges in the high-volume Bronx Criminal Court. Using the short-form pre-sentence report as one basis for their decisions, the judges adjourned some cases for one to six months so the offenders could receive counseling, and employment and social service assistance from a community agency—

Volunteer Opportunities Inc. (VOI). The participants' progress during their interim release was monitored, and a final recommendation was made to the court by VOI in consultation with project staff.

During the three years of the pilot project, one-third fewer project participants received prison sentences than did members of a control group of non-project-participants.

When the pilot ended in October 1971, VOI moved into the space formerly occupied by project staff and assumed the project's functions on a grant from the Law Enforcement Assistance Administration.

The Neighborhood Youth Diversion Program

The Neighborhood Youth Diversion Program, which was established in early 1971 in a particularly crime-ridden section of the Bronx, was designed to forestall criminal careers among young people who were just beginning to get into trouble with the law. The program operates as a private, non-profit corporation whose board of trustees is made up of members of the community, experienced youth workers, and representatives of the two institutions which jointly developed the project—Fordham University and the Vera Institute.

Young offenders and "almost" offenders whose parents or schools find them too difficult to handle are diverted from the traditional Family Court/probation process at intake to a community-based program which offers them close personal counseling with "advocates" who themselves grew up in the neighborhood. The program also tries to provide solutions to some of the family problems which may be contributing to the young participants' delinquency; it provides recreational activities; and it offers the opportunity to participate in an innovative program component called the Forum. Presided over by several community residents who have received special training as mediators and conciliators,

the Forum attempts to help participants and their parents deal with family conflicts that might otherwise lead to the child's placement in an institution outside of the home.

If the young participants do well during their 90 days in the program, the Office of Probation drops their cases and erases their delinquency records.

Supported Work

Vera developed its first "supported work" program in conjunction with the Bowery Project. Project Renewal, begun in 1970, offered employment in a controlled setting to a group of project out-patients who undertook to clean and maintain a number of New York City playgrounds.

The following year, Vera turned to the problem of employing ex-addicts whose poor or non-existent work experience and skills, coupled with addiction and criminal histories, made it difficult for them to obtain and maintain jobs in the regular job market. In April 1971 Vera created the Pioneer Messenger Service, which now employs 70 former addicts in a commercial enterprise with especially close supervision and assistance. Later, New York City's Off-Track Betting Corporation agreed to staff two OTB offices with supported work ex-addict employees. And finally, in July 1972, Vera created the Wildcat Service Corporation, an independent public service corporation which employed 300 ex-addicts during its first year of operations and plans ultimately to employ 3,000 in a variety of public service tasks developed in cooperation with the City of New York and some private agencies. The jobs run from unskilled, entry-level activities like maintenance and security to more skilled painting, construction and repair work to even more skilled clerical, graphic arts and translating work.

The "supported work" environment relies on group work settings, clear job definition, strong supervision, and an emphasis on

productivity rather than personal therapy to rehabilitate the supposedly "unemployable" ex-addict. Wildcat estimates that 50 percent of its employees are ready for non-supported jobs after a year in the program.

Of the 388 participants hired by Wildcat since July 1972, 13 percent have been promoted to supervisory positions within the corporation or to jobs in the private sector. Only 23 percent have dropped out of the program—17 percent were fired and 6 percent left voluntarily. Less than 2 percent have returned to drugs, and only 13 employees have been arrested since the program began. Absenteeism and shortages in the OTB supported work offices have been lower than in the majority of OTB offices.*

* Data as of June 1, 1973.

What is Technical Assistance?

Jurisdictions throughout the country, large and small, are operating or planning programs like the ones Vera has developed in New York City.

Des Moines, Iowa, has provided a particularly good example of the impact that local officials and citizens can have on their criminal justice system, relying in part on Vera's experience. Des Moines was one of the first cities to adapt the Manhattan Bail Project. The project later grew to include a supervised release program based substantially on the Manhattan Court Employment Project. Des Moines also established a minimum-security pretrial detention facility that uses work release and community resources to aid defendants who are awaiting trial. Now, the number of defendants who are detained before trial in Des Moines is less than 10 percent, and the State Legislature is working to expand the system statewide.

Since 1972, many jurisdictions have used and are using the help of Vera's Technical Assistance staff in setting up their own programs.

For instance, the Cincinnati Police Division asked Vera to help them establish a summons project, to plan a detoxification project, and to develop a more efficient method for serving warrants. Currently, Vera is helping the Cincinnati Police establish a Criminal Justice Division which will be able to provide the leadership for further reforms.

In Tucson, Arizona, Kansas City, Missouri, Davenport, Iowa, and Portland, Oregon, Vera is helping local officials to reform existing programs and to develop new programs, adapting some of Vera's projects, like Court Employment, to their local needs.

Specifically, Technical Assistance is prepared to:

- explain to other jurisdictions the concepts behind, and the operating procedures for, Vera's projects
- help examine the adaptability of the Vera concepts to specific local situations
- help in determining what local resources would be needed to adapt a Vera project and whether those resources were available
- help design a project which would meet the jurisdiction's own specific needs
- help obtain funding
- help hire project staff and train them both on-site and at Vera projects
- help design and monitor a project evaluation
- provide support and advice in implementation and operations.

The experience in Des Moines, and in other jurisdictions, gives Vera the opportunity to see some of its ideas tested in various en-

vironments and forms. This opportunity has reinforced the goals of the Technical Assistance staff: to help local officials extract from the Vera programs those techniques which suit their local situations, and to encourage innovation and experimentation. Stated in other terms, the goal is to encourage a diversity of reforms on the theory that through diversity the best reforms can be found, and that one reform inevitably leads to others.

What does it cost?

In 1972 Vera received a grant from the Ford Foundation to finance the Technical Assistance Program. The Ford grant permits Vera to offer advice and a good deal of technical assistance without reimbursement. But when a local project is funded, and Vera provides continuing assistance well on into the project, it usually asks the local jurisdiction to reimburse its costs.

If you think Vera can help . . .

Write or call the Technical Assistance Program, Vera Institute of Justice, 30 East 39th Street, New York, New York 10016, (212) 986-5380.

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