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STATUS REPORT

**Report of Technical Assistance and Program Development Tasks  
Undertaken and Completed under the Two-year Contract between the  
New York City Police Department and The Mayor's Coordinator for  
Criminal Justice.**

**and**

**The Vera Institute of Justice**

**Submitted for Board of  
Estimate Review**

**Vera Institute  
October 11, 1983**

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

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

I. Program to Enhance Crime Control Impact of Police Patrol, to Reform the Planning, Implementation and Assessment of Patrol Strategy and Tactics.

(1) Police Patrol Action-Research--General Parameters

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

During the 1979-81 period, as a result of close collaboration between the Department and Vera in the design, testing, evaluation and institutionalization of the Felony Case Preparation Project (see Section II), senior officials in the Department requested that, over the next two years, Vera engage in a similar research and program development effort focused on the patrol force and on the issues of resource allocation, deployment, and crime control impact that bedevil this area of police work.

The resources--both uniformed and investigative personnel--which the Department deploys to control crime and to respond to citizen calls for service are, for the most part, what may be termed "committed resources." That is, they are assigned to the patrol precincts, investigative units and other line commands, where they are deployed principally in response to the enormous number of individual calls flowing through the 911 system and in response to the hundreds of thousands of individual crime complaints that call for at least some kind of follow-up detective investigation.

To the extent that the modern deployment methods and patterns leave any patrol resources for "discretionary" deployment, the Department attempts to use them to ameliorate particular crime conditions or to reduce the general incidence of particular crimes. The two essential problems are : (1) how to increase the amount of "discretionary" patrol resources available, and (2) how to direct whatever discretionary patrol resources are available to achieve more effective crime control. To some extent, because the Department lacks solid information about how best to utilize police officers in "directed patrol," and about what crime control impact can be expected from any of the many possible discretionary deployment choices, it is reluctant to divert resources to directed patrol from random "preventive" patrolling and responding to 911 calls.

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

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

Early in 1982, under this technical assistance contract, the Vera Institute began a long-term effort which had as its starting point a thorough review of the literature on patrol research, on techniques for more efficient management of the "calls for service" function, and on crime analysis. With some products of these efforts in hand, Vera and the Department undertook a series of projects intended: (1) to free up for directed patrol some of the resources now committed to the 911 system and (between radio runs) the random preventive patrol function; (2) to detail the content of particular tactics and strategies employed in directed patrol efforts, where those efforts now occur; (3) to assess the relative crime control benefits and the relative manpower and supervisory demands of

of these various tactics and strategies; (4) to explore the possibilities of a micro computer crime analysis system for use at a precinct or zone level, by which flexible patrol resources could be deployed in light of the knowledge developed about the relative merits of the various directed patrol tactics and strategies; and (5) to construct a demonstration project, for formal research evaluation, in which all of the knowledge generated in the first four efforts is applied to the design of a flexible deployment capacity for crime control.

## (2) Literature Reviews

The last 15 years have witnessed an explosion of research literature, focused on the various dimensions of policing. In the past two years, Vera staff have reviewed in detail several hundred articles and research reports pertaining to policing. Work has been completed and submitted in two areas--calls for service and police patrol tactics. In addition, Vera staff are currently completing a review of literature concerning the order maintenance function, which should be submitted by the end of the month.

The review of literature on the service function of the police, Calls for Service: Recent Research on Measuring and Managing the Demand, was submitted to the Department in the fall of last year. The paper reviews various experimental programs, conducted throughout the United States during the past two decades, which deal with attempts to manage service demand. The significant research in this area was carried out during the last 7 years, when a number of innovative programs were implemented and evaluated. The Vera paper summarizes what has been reasonably well demonstrated, identifies the major questions and issues which remain open, and serves as the annotated bibliography on the major research and theoretical discussions in this area.

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

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

The paper focuses specifically on assessments of the impacts of increased patrol presence; research on "community-oriented" patrol strategies; and recent reviews of directed or structured patrol. It attempts to define the state of the art in patrol literature--to wit, general, although qualified belief, in the ineffectiveness of random prevention patrol and an

increasing interest in various forms of directed patrol. Knowledge about these forms of patrol remains limited. The report also summarizes what is known and not known in the field and serves as an annotated bibliography of key patrol research and theory.

Vera has also begun to review the literature on crime analysis and we expect to prepare a report for the Department in the next few months. However, rather than just reviewing the conceptual literature on the content and utility of crime analysis, we will consider developments in the micro computer world with an eye toward identifying a system that would be useable on the precinct level.

(3) Study of Foot Patrol and the Management of Calls for Service, in the 7th Precinct.

Throughout most of this century the basic service delivery unit of the police department was the foot patrol officer. In the last twenty years, however, reliance has shifted overwhelmingly to motorized patrol. The shift occurred in part because of a belief that motorized patrol was a substantively more effective way to deliver police services and, in part, because an increase in the demand for police services was coupled with a sharp decrease in the number of police officers available to provide them.

In the recent past police managers and government officials in general have emphasized the calls-for-service (CFS) function and its associated performance measurements (such as dispatch time, response time, service time, unit utilization rates, radio run backlogs, etc). In New York City, as elsewhere, the growing demand for rapid police response to citizen calls for service was met by the Department increasing the proportion of officers deployed to motorized patrol. In precinct after precinct, the number of radio motor patrol car sectors was increased, and with each increase the number of officers available for foot patrol was reduced.

Motorized patrol was seen as offering several advantages over foot patrol, particularly in performing the service delivery function: motorized officers could cover greater areas during their patrol, could respond more rapidly when dispatched and, consequently, could handle a greater CFS workload than foot patrol officers. In addition, it was believed that rapidly responding, radio-directed cars would be able to catch more criminals at or near the scene of the crime (increasing apprehension and conviction rates) and would be able to create stronger sense of a pervasive police presence (for deterrence). In these two ways, motorized patrol was expected to improve crime control.

During the 1970's researchers began to question the relationship between the rapid response of police and the apprehension of criminals. It was found that citizens delay their reporting of a crime for substantial periods, and that such delay neutralizes the potential effect of rapid police response. Moreover, students of policing began to suggest that placing officers in radio cars and giving them larger areas to patrol might be lessening the officers' familiarity with the areas they patrol and with the needs and desires of the people who reside there. This effect may be compounded by inter-sector dispatching, so necessary for the maintenance of efficient service delivery. For example, the average RMP car in New York City will probably answer calls in several, if not all, of the sectors in a precinct during the course of a tour.



Despite the emphasis on service delivery, police administrators continued to search for effective ways to deter crime and maintain order in their communities. When research raised serious question about the deterrent effect of motorized, random preventive patrol, police officials in New York City focused efforts on the development of crime- and condition-specific strategies.

But to mount preventive and deterrent patrol strategies, Precinct Commanders in New York must borrow personnel from their committed CFS resources -- something which it appears they can do for only limited periods of time if effective levels of service delivery are to be maintained in their commands.

As a result, to effectively mount crime-specific or condition-specific patrols, police administrators in New York City and elsewhere want to design and test methods for reducing the number of personnel specifically dedicated to the CFS workload, so that resources can be devoted to "directed" patrol efforts. Many such "directed" patrol efforts would involve the use of foot patrol as a principal tactic.

Of course, it is not just the police who want to expand foot patrol coverage. Citizens demand it at community meetings around the city, and recent research on its use in Newark indicates that foot patrols improve the quality of life in target neighborhoods and increase the residents' sense of security.

Simply stated, the challenge faced by the Department is to find ways to maintain an effective service delivery capability while at the same time mounting an effective crime reduction and order-maintenance program involving the use of foot patrol resources, and to do this with fewer officers than were previously available. In general, these were the objectives the Department had in mind when it launched the foot patrol experiment in the 7th Precinct.

This foot patrol experiment was an attempt by the Department to determine if a viable foot patrol could be maintained by a precinct at current manning levels, without diminishing the precinct's ability to maintain a satisfactory level of service delivery. To accomplish this, the number of personnel assigned to radio motor patrol in the precinct was reduced and the officers formerly assigned to those cars were placed on foot patrol.

The program was implemented on November 10, 1980 during a period in which the Police Department was losing personnel through attrition without the resources to replace them. This fact subsequently affected the Department's ability to sustain the program in the manner in which it was originally conceived.

The 7th Precinct was chosen for the experiment for several reasons. Small in total area, the precinct contains an area made up of tenement buildings and small retail businesses which is highly suitable for foot patrol because of the heavy volume of pedestrian traffic and street usage during the day and evening hours. This area, which constitutes approximately one-third of the total precinct, accounted for nearly 50% of the total crime reported in the precinct. Furthermore, the balance of the precinct's territory is made up primarily of the large public and private housing projects. Therefore, it was reasoned, if the contemplated foot patrol were sufficient to maintain effective service delivery in the target area, then motorized patrol could cover the other areas of the precinct, while providing back-up in the target area.

Prior to the project's implementation, the precinct was divided into 7 radio motor patrol (RMP) sectors, of which 5 or 6 were normally covered during the day and evening hours. (The territory of an uncovered RMP sector was assigned to the RMP in one of its adjoining sectors.) In addition, there was also a limited amount of routine foot patrol being conducted prior to the experiment, with 5 or 6 officers assigned to foot patrol in the main commercial/residential area during the day and evening hours.

Under the terms of the experiment, the number of RMP units which were manned during a tour in which the foot patrols were operative was to be reduced from the 5 or 6 normally assigned to 3, and they were assigned to the territory outside of the foot patrol target area. The target area itself, which was equal to a little more than 3 RMP sectors, was divided into foot patrol posts. Foot patrol officers assigned to those posts were equipped with portable radios and were listed with the Communications Division as resource units to be assigned (via radio) to the jobs arising out of citizens calls for service (CFS) on the foot posts.

These two factors represent the principal variables in the experiment: First, foot patrol officers in other areas of the city are not listed as resource units to be dispatched in response to calls for service (that is, they are not on the 911 queue) although they may volunteer (by radio) to take an assignment on their post which they hear being assigned to an RMP car. Second, other foot patrol posts in the city are located within the confines of an RMP sector and are covered both by the foot patrol officer and the RMP unit. Thus the crux of the experiment centered on the precinct's ability to handle the CFS workload using a combination of foot and motorized resources in as effective a manner as was previously done using motorized units only.

Because this was the first time in recent history that foot patrol officers in New York City were assigned to posts which were not also being routinely patrolled by RMP cars, the Police Department established guidelines for the assignment to jobs of the foot personnel. In essence, these guidelines paralleled those established for personnel assigned to cars--two men were to be dispatched to potentially hazardous situations while one man could be assigned to any job which could normally be assigned to a one-man RMP car. Also, because of the uniqueness of the experiment, the Department sought the involvement and cooperation of the Patrolmen's Benevolent Association during the planning phase. While the PBA cooperated in planning the experiment, it also sought to insure that the safety of the individual officer was not jeopardized by the absence of sufficient back-up resources, a matter which was also of great concern to the Department's administration. As a result, the Department established, as minimum manning level for operation of the experiment on a tour, the availability of 10 foot patrol officers. Thus, on any given tour during the experimental period, the question of whether or not the experiment was actually placed in operation was determined by the number of personnel available after mandatory assignments (RMP cars, special assignments) had been made. If 10 or more men were available for foot patrol the experiment was placed into operation on that tour-- 3 RMP cars were mounted and foot patrol officers were assigned to the territory which comprised the target area. If fewer than 10 officers were available for foot patrol, the experiment was not conducted on that tour and the number of RMP cars mounted was increased to 6 or 7. If any additional personnel were available after the cars had been filled on a tour in which the experiment was not conducted, they were placed on foot patrol; however, they were not placed on the 911 queue and the territory they were assigned to was also covered by an RMP car.

The experiment, implemented in November, 1980, as a field test, was subjected to a Department evaluation focused on the major standard indices of effectiveness for patrol operations: crime rates, arrest activity, response time and service time, public acceptance, and officer safety. By the fall of 1981, the department's evaluation indicated that the experiment had been a modest success.

In November, 1981, the Department requested that Vera review the operation and evaluation of the experiment to determine if it were feasible to conduct a more thorough evaluation of the program--in particular, to assess any impact on crime. After reviewing Department records, meeting with command and operational personnel and conducting preliminary analyses of available data, it was agreed that, because the program had been operated as a field experiment, it could not easily be subjected to an experimental or quasi-experimental research design retrospectively. The data collected by the

Department during the project was limited to gross measures of productivity and effectiveness. While this was sufficient to permit general judgments, it was not sufficient for impact evaluation. For example, to determine the effect of the foot patrol on crime in the target area, it would have been necessary to collect data regarding crimes committed on the foot patrol posts during those tours when the posts were actually covered and to compare the crime rates with those for the same posts on the same dates in the previous year. Furthermore, to determine if any changes observed were actually the result of the foot patrol, the same process would have to be repeated for a comparison precinct. Even if a valid comparison precinct could have been found, the establishment of a new data base would have required an extraordinary investment of time and money.

For this and other reasons, the 7th Precinct did not appear to be a particularly good opportunity for the Department to learn more about the crime control effects of foot patrol. Moreover, since foot patrol is used in varying degrees in many precincts throughout the City and is a principal element in the Department's robbery program, it was agreed that a broader examination of foot patrol usage (including the experience of the 7th Precinct) would be more beneficial to the Department. Accordingly, a wider study of the tactic was undertaken by Vera and is reported on a later section of this document. (See Section I(6).)

Because the unique feature of the 7th Precinct experiment was the placement of the foot patrol officers on the 911 queue, it was agreed that Vera would conduct a separate study of that aspect of the operation, and would construct a new database from Department records to do so. The results of that study were presented to the Department in October, 1982, for review.

The study of the 7th Precinct experiment sought the answers to two questions. First, whether and how such a program affects a precinct's ability to handle its CFS workload, when fewer RMP units are available. Second, whether there are important differences between foot patrol officers and RMP officers in the kinds of calls they handle, the incident dispositions they achieved, and time they require to complete the transactions.

Some of the more important findings of the study were:

1. Foot patrol units handled a wide range of calls-for-service and, on tours when the experiment was operating, responded to 13.5% of the present incidents.
2. During the program period, the precinct handled a CFS caseload equal in size and diversity to the caseload of the

previous year, despite a 41% reduction in the average number of RMPs available on the tours when the program operated. (In our pre-program, 1980 sample, 5.77 RMPs were available per tour (2nd and 3rd tours), on average. The average dropped to 3.4 RMPs per tour during the sampled 1981 period.

3. The unit productivity of RMPs, defined as the average number of runs per tour, per unit, rose 31.5% during the operation of the program, from 5.4 runs in 1980 to 7.1 runs in 1981.

4. Foot patrol units (either one or two officer teams) averaged .59 CFS runs per tour, per unit. At first glance this seems a very low productivity level; however, the data indicated that the average number of runs made per tour, per foot post was only 1.6, counting runs made by all types of units. However, some of those runs were to incidents that could not be assigned to a singly patrolling foot officers. Seen in this light, the average foot patrol unit handled about 40% of the average number of the runs made per tour to its post.

5. The types of incidents handled by foot patrol units did not differ materially from the types handled by RMPs, except that crime-in-progress calls were rarely assigned to foot units and constituted a significantly larger proportion of the RMP caseload (11.6% vs. 3.7%). Because of this, and because dispatchers were operating under the "one-man car" rules in assigning calls to foot patrol officers, the general priority level of calls handled by RMPs was higher than that for foot patrol units. Nevertheless, 29% of the incidents to which foot patrol units responded were of a priority 4 level or higher. This suggests that foot patrol officers, patrolling in pairs or dispatched together, can and do respond to high priority calls.

6. The median dispatch time increased from 1 minute and 54 seconds in the 1980 sample to 2 minutes and 36 seconds in the 1981 sample, but it is clear that this 42 second increase was not attributable to the program. In fact, the median dispatch time for calls arising on the experimental foot posts was lower than, and increased by a lesser amount, than the median dispatch time for the precinct as a whole. (The increase appeared to be almost entirely a function of a large increase in the dispatch time associated with alarm incidents-- the median increased by 7 minutes from 1980 to 1981). And the dispatch time for cases assigned to foot patrol units was lower than that for RMPs (2 minutes, 14 seconds vs. 2 minutes, 35 seconds).

7. The median service time for all incidents increased by 2 minutes and 35 seconds, from 15 minutes, 56 seconds in the 1980 sample to 18 minutes, 31 seconds in 1981. However,

the analysis suggests that this increase was not a direct function of the program. The median service time for cases in the experimental posts sample was lower than that for the precinct as a whole, although the median was higher for cases handled by foot patrol units than for those handled by RMPs (21 minutes vs. 17 minutes). The difference between the two types of units seems to be a function of the fact that "past crime" cases take more time to dispose of, whatever kind of unit responds, and past crimes accounted for a larger proportion of the foot patrol units' caseload than of the RMP caseload.

The reasons for the increase in service time were not entirely clear, but according to the progress report prepared by the Department in August, 1981, both dispatch and service times were rising in nearly all precincts, as well as in the 7th Precinct and, in that month the 7th Precinct's figures were the lowest among all precincts on the Division 1 radio frequency.

It is possible that the program contributed indirectly to the increase in service time by increasing the number of incidents for which back-up units responded. Back-up units were involved in 26.6% of the incidents in 1981, compared to 19.4% the year before, and the presence of such units was associated with significant increases in service time for the types of incidents, such as past crimes and aided cases, in which service time tends to be high anyway. Notwithstanding this point, we suspect that most of the increase in service time occurred for reasons that have nothing to do with the foot patrol experiment.

In brief, the report indicates that officers can be assigned from RMPs to foot patrol, and foot patrol can be effective in handling calls for service, without creating precinct back-logs or adversely affecting the precinct's dispatch and service times. While the foot patrol officers' productivity per unit was not fully comparable to that of the RMPs, it was reasonable when considered against the rather limited number of calls per tour that arise on a typical foot post. But the principal question is not whether foot patrol units can be used to handle calls for service, but whether they should be used in that capacity. The Department sees the major benefits of foot patrol to flow from its tactical advantages in dealing with selected crime and order-maintenance problems. But if, as the 7th Precinct study seems to suggest, officers on foot patrol can also respond to a portion of the precinct's calls, and total precinct productivity can remain unimpaired, the overall value of officers deployed to foot patrol is increased.

Although no really good measure of the crime control impact of foot patrol was reachable in the data base available

for the 7th Precinct Experiment, the precinct level statistics were encouraging. The total felony complaints in the precinct fell by 5.3% from 1980 to 1981 while they increased in the City as a whole, in the patrol borough, and in the zone. Burglaries in the Precinct decreased by 29% and "other felonies" by 30%, declines of much greater magnitude than those registered for the City, the patrol borough and the zone. While these positive changes cannot be clearly attributed to the foot patrol program, it is reasonable to suspect that the program contributed to them.

#### (4) Order Maintenance and Patrol

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

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

Vera's review of literature and practice in this field suggests that the order maintenance activities of the police and the relationship between order maintenance and crime-control are not well understood. While a fair amount of empirical research has been undertaken, and a growing body of knowledge about police law enforcement and police service providing activities has been produced in the last fifteen years, virtually no attention has been given to the nature of order maintenance problems, the manner in which police agencies deal with them, and the consequences of action or of inaction for both the police and citizenry involved. This is a serious deficiency, given the fact that a substantial proportion of the calls received by police, and of the situations addressed by officers on patrol call for order maintenance--not arrest or service--responses. There are studies showing that order maintenance activities constitute a larger portion of the officer's workload than do conventional law enforcement activities,<sup>1</sup> and there is a commonsensical view that effectively addressing order main-

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



tenance problems in a neighborhood is likely to depress the level of street crime there.<sup>2</sup>

For many years, the police have been thought of as existing principally to suppress crime through enforcing the criminal law; police work has been characterized by its more visible elements--"preventive" patrol and arrests. In this view, the essential and legitimatizing actions of the police are those aimed at the control of crime. But this view is seriously flawed; it oversimplifies the objectives of the police, it leads to inappropriate limits being placed on police resources, and it can result in imposition of certain constraints on all police activities which ought really apply to only a portion of them. For example, the criminal justice system is merely one of several systems to which the police relate, in performing their varied functions; to the extent that the varieties of patrol and the management of the patrol force are determined by efforts to arrest criminals and to preserve evidence and testimony for their prosecution in court, the order maintenance function is bound to suffer<sup>3</sup> and the skills and knowledge needed to perform and manage it well are likely to be lost.

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

There is often real question about whether or not the police should intervene at all, and about what the objective should be when the need for intervention is obvious. The nature and extent of the intervention is often subject to dispute after the fact, and it is not clear what set of principles or criteria are appropriately applied in rendering those judgments. The administrative systems are not typically geared to collecting and analyzing information about order-maintenance incidents, nor are the managers in as good a position as they would like to issue directives and guidelines for officers to use in handling them. We know that the "order" the police are required to maintain is highly relative. A joyful block party in one neighborhood is a disruptive annoyance in another. Public drinking may be absolutely offensive in one community, but acceptable

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

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

under specific circumstances in another. Congregating teenagers may be tolerable on one corner, but intolerable on another. Thus, effective order maintenance presumes, especially in a culturally and economically diverse city like New York, that police judgments and actions are congruent with the concerns and mores of local communities (which may, of course, not be congruent with the liberties constitutionally guaranteed to troublesome minority interests in a particular community).

Different precincts and different police officers respond to the demands of the order maintenance function in different ways, with different attitudes, and with different results. There are undoubtedly numerous factors influencing responses to disruptions in or threats to local order. But there is virtually no research relating any of these variables to different methods of performing the order maintenance function; there is not even a conceptual scheme available within which to organize relevant descriptive information and useful hypotheses regarding the emergence, persistence and effects of different patterns of order maintenance activities by the police.

There appears to be a need to develop some means for describing and assessing the effects of order maintenance activities on the problems they are intended to address, on the ability of the Department to carry on the law enforcement and service functions, on the level of street crime and on the level of citizen fear of crime.

Vera's review of the literature in this area and of the prospects for the Department to develop useful knowledge through field experiment, has just begun. In fact, a paper reporting on our review of the literature in this area is being edited now and will be presented to the Department by the end of October. What we have learned from this effort will sensitize us and Department officials to the importance of giving attention to neighborhood problems encountered in the course of patrol. The literature identifies some of the complexities of this task ranging from the lack of local consensus on the existence of particular order problems to the lack of information regarding the efficacy of specific strategies and tactics for addressing those problems. The understanding and insight governed from the literature review will certainly influence our thinking in designing the Community Patrol Officer pilot project described later in these pages. (see Section I (8)).

Concern with the function of order maintenance is growing both nationally and in the City. In the coming year we will consider with Department officials the desirability and feasibility of undertaking a more long term effort to expand knowledge of how the Department can best deal with order maintenance demands throughout the City. If such an effort is desirable, Vera would begin by applying what is known about order maintenance to the development of a theoretical framework

that could dictate the questions that need to be asked, the order in which the answers need to be received for the next round of questions to be asked, the kinds of programs that must be implemented to answer these questions, and the characteristics of the precincts that would be desired for locating a series of action-research projects. This framework would also identify environmental and organizational variables that are likely to be most useful in explaining how a precinct perceives and defines the problems, and how it designs and implements its intervention strategies. Finally, the framework would specify hypothesized relationships among problems, program variables, environmental variables and program outcome variables.<sup>4</sup>

The creation of this theoretical framework is prerequisite to the success of an action-research effort, especially one that envisions experimentally manipulating programs. The framework permits discovery of the additional descriptive information that is needed before a useful experiment, or a useful series of related experiments, can be constructed. The theoretical framework also helps decide whether or not formal controlled experimentation is the most effective and efficient way in which to address any particular question and, if it is, helps identify the variables to be manipulated and those to be controlled.

For example, when the principal question is what impact successful order maintenance operations have on crime volume, citizen fear and police morale, it would be desirable to construct a multi-precinct demonstration in which measurements of those variables are standardized for all the sites, while the nature of the problem and design of the program are permitted to vary across the sites. (But to control for the effect of environmental variables, it would be desirable to select precincts that are reasonably similar with respect to selected characteristics of demography and organization.) Alternatively, when the goal is to measure the impact of a particular kind of program on a particular type of order maintenance problem, it would be desirable to standardize the program and vary the precinct characteristics. (But this constrains the program operators, and removes variation in the program design and implementation process.)

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<sup>4</sup>There are likely to be at least four classes of outcome variables with which the action-research program would be concerned: those that measure a program's effects on particular order maintenance problems; those that measure impact on the resources, performance and morale associated with other police functions in the precinct; those that measure impact on the volume and character of local crime; and those that measure impact on the citizens' fear of crime in experimental areas.

(5) Analysis and Evaluation of Patrol Deployment Strategies.

The very size of New York City, the variety of its crime problems and precinct conditions, and the constraints that force police managers to shift their limited "discretionary" patrol resources from problem to problem and from location to location, make it possible for Vera and the Department to hope to develop useful generalizable knowledge about patrol issues from a "natural experiment" approach. After all, even with the size of the police force greatly reduced, patrol resources are deployed--sometimes in innovative ways--in attempts to ameliorate a local crime condition or to reduce the general incidence of a particular crime. Thus, in response to a concentration of crime in particular precincts or sectors, or in response to marked city-wide increases in specific crimes, the New York City Police Department deploys and gives various assignments to anti-crime patrols, neighborhood stabilization units, foot patrol forces, etc. Individual commanders are encouraged to experiment with tactical variations on the basic patrol strategies (e.g.: vertical patrol vs. perimeter patrol, to suppress burglary in a housing project; coordinated mixes of foot patrol, for deterrence and displacement, and anti-crime patrol for apprehension; etc.). Thus, at any given time, there may be a dozen or more experimental patrol operations being undertaken throughout the City. Some (such as the Department's recent foot patrol experiment in the 7th Precinct) may be initiated to test a particular response or crime-prevention tactic intended to enhance the general impact of patrol operations, while others (such as the recent Operation Proteus in Brooklyn) may be designed to concentrate an innovative mix of patrol tactics on a particular crime. A few of the experiments involve tactical deployments in an entire patrol zone or borough.

A familiar problem in patrol experiments is the probable existence of "displacement effects." That is, if the police patrolling in some experimental or demonstration area succeed in creating a perception that engaging in crime (or in a particular crime) is more likely to lead to apprehension than previously, then the measured incidence of crime (or of the particular crime) should go down; but the deterrent effect of the special patrol tactic may only have displaced the crime to another area where the risk of apprehension remains unchanged. Clearly, it is desirable for this program development effort in the patrol field to develop useable knowledge about the dynamics and the magnitude of the displacement effects associated with various anti-crime patrol tactics.

Operation Proteus is a particularly interesting example of a "natural experiment" of the type from which useable knowledge might be extracted; it is unusual precisely because it depends, for its intended crime-control impact, on the existence of a powerful displacement effect from a concentration of uni-

formed foot patrol. Proteus involves a randomized rotation of uniformed and civilian-clothed anti-crime officers, within a specified target area, to reduce the incidence of robbery there; on some days the core of the target area is patrolled by uniformed officers while the perimeter, at which robbery is presumably concentrated by displacement, is patrolled by the anti-crime personnel; and on the other days, the uniformed force is made visible at the perimeter and the anti-crime personnel are assigned to the core in the expectation that robbery arrests can be made there, where displacement should concentrate the crime problem.

The "natural experiments" occurring in precincts around the City, if combined with appropriate data-gathering and analytic work, present opportunities not only to test specific patrol tactics and strategies but also to draw together the lessons learned (what works and what doesn't work, against which kinds of crime problems, under what kinds of local conditions) and thereby to inform police managers (at the city-wide, borough, zone and precinct levels) about how best to deploy and assign discretionary patrol resources for crime-control objectives.

The first of the "natural experiments" reviewed by Vera was the Robbery Identification Program in the 90th Precinct. This program, implemented by the Commanding Officer of the 90th Precinct in the fall of 1981, was designed to facilitate the identification and apprehension of persons committing robberies in that precinct. Vera's analysis and evaluation of the program, delivered to the department in April, 1982, focused on each of the sub-elements of the program's operation, as well as on its impact, to identify the specific tactical and operational strategies which, combined, produced what were found to be remarkably favorable results.

The program began when the Commanding Officer of the 90th Precinct, working with his anti-crime unit, obtained photographs of the persons he believed were likely to be committing a substantial number of robberies in the precinct. The photos were of those persons arrested in the precinct over the previous two years for robbery, grand larceny from the person and gun possession. These mug shots were assembled into easily transportable books, and supporting files were created. These were used by the anti-crime unit and by members of the uniformed force in the preliminary investigation of robberies occurring within the precinct. Because of their portability, the mug-shot books could be immediately taken to the scene of a robbery and shown to the victim and witnesses. Indeed, during the first month of operation the books were used on 35 occasions and resulted in the identification of 18 perpetrators.

Because of its initial success, the project was reviewed by the Central Robbery Division, and on December 1, 1981 an experimental program was implemented which combined the forces of

the Central Robbery Division with those of the 90th Precinct Anti-Crime and Detective Units in a coordinated effort to identify and apprehend the perpetrators of robberies.

The program's initial supervisor, assigned by the Central Robbery Division, implemented a new case management system which insured prompt, thorough and flexible follow-up investigations, and facilitated supervisory control of the process. The management system, which freed the investigators from paper-work by providing for a civilian typist to transcribe their reports, provided for an immediate preliminary investigation to be completed on each case on the day it was reported. Under normal conditions, the initial follow-up investigation may be stretched over several days because the investigator to whom it is assigned goes off duty. Under the new system, if the investigator cannot complete the preliminary follow-up investigation before the end of his tour, it is passed on to another investigator on the following tour for completion.

The program also provides for the active participation of the precinct's uniformed force. If the investigator succeeds in identifying the perpetrator, but is unable to apprehend him, a photo of the wanted person is placed on a bulletin board for the information of the uniformed force. If a uniformed member apprehends a wanted robber, he is able to turn the arrest over to any member of the unit for processing. (Under normal conditions, a uniformed member making an apprehension of a wanted person would be required to conduct the post arrest processing steps himself unless a detective actually assigned to the case is available to take it over.) Further, any member of the uniformed force who makes two apprehensions of persons wanted by the robbery unit is recommended for departmental recognition by the Precinct Commander.

Vera's analysis and evaluation of the program indicated that in addition to it being successful in reducing the number of robberies in the 90th Precinct (robberies decreased in that precinct by 39.8% during the first 6 months of 1982) the investigative management system utilized in the program appeared superior to the normal system used by the Department, and a recommendation was made that further experimentation be conducted with a view towards implementing this management system for all categories of crime.

The program has since been extended to additional precincts, producing preliminary results comparable to those experienced in the original demonstration. Because the 40% drop in robberies in the 90th Precinct was the greatest drop experienced by any precinct in the City, and because the data from surrounding precincts powerfully suggest that there was no displacement of robbery to adjacent areas, the extension of the basic program techniques to more precincts may present an opportunity to test the deterrent impact of police tactics designed

to raise the perceived risk of apprehension for a particular crime. It appears, at this point, that the drop in robberies in the 90th Precinct was achieved principally through the deterrent effect that flowed from quickly-circulating knowledge about the existence and content of the mugbooks. If so--and the hypothesis might be tested in precincts where robbers' perceptions of the risk of apprehension has not yet been affected by introduction of the new program--then the dynamics of crime control through deterrent strategies can be explored as the program expands: knowledge about these dynamics would help inform the design and management of new police tactics that seek to take advantage of deterrent effects.

## (6) Precinct Use of Patrol Resources

Each precinct commander throughout the City deploys his personnel as best he can to addressing the service, the order maintenance and the crime control demands on essentially scarce resources. While he does this within the Department's general framework for patrol operations, he is given some flexibility in creating specific deployment strategies within his command. Thus there exists an opportunity to systematically learn what strategies are currently being employed throughout the city and with what results.

To begin the task of identifying and categorizing the different deployment strategies, Vera distributed a survey instrument to each patrol precinct commander during the fall of 1982. This questionnaire asked a series of questions about the frequency with which foot and scooter patrols were mounted, the types of problems they were designed to deal with, and the strengths and limitations of these patrol strategies. In addition, the Commanders were asked to identify and describe any directed patrol strategies they were using.

The following highlights some of the survey findings:

With the exception of the 41st Precinct in the Bronx and the 111th Precinct in Queens, every precinct deploys foot patrol. There is, however, considerable variation in the number of foot patrol posts manned, and the frequency with which these officers are deployed. Specifically, 62 of the 71 precincts that deploy foot officers do so on a routine basis; that is, these posts are covered five or more days per week. In the remaining nine precincts, the coverage is infrequent or sporadic. Coverage is generally limited to one or two posts, one or two days per week.

City-wide, approximately 320 posts are manned on the day tour, and 215 on the evening tour. The highest concentration of foot patrol coverage is in the borough of Manhattan, where approximately 108 posts are routinely covered. Midtown Precinct North, Midtown Precinct South, and the 6th Precinct collectively account for approximately 56% of the foot patrol units deployed in Manhattan on the day tour.

Foot patrols are primarily assigned to business and commercial districts with a high concentration of pedestrian and vehicular traffic. These patrols are designed to serve a number of purposes including addressing street conditions, "quality of life" problems, enforcement of traffic laws and vendor/peddler regulations, and special conditions. In 28 precincts, foot officers are assigned to fixed school posts.

Special patrol tactics are used in 32, or approximately 45%, of the 71 commands that deploy foot patrol. Twenty-two



respondents reported that they used fixed posts, while ten stated that they used vertical patrols primarily to patrol public and private housing complexes and other areas with high robbery and/or burglary complaint rates.

When the 71 commanders who deployed foot patrol were asked to evaluate the effectiveness of this patrol strategy, eight respondents rated foot patrol as "excellent", 44 as "very good", 16 as "satisfactory", and 3 others were ambivalent. Thus, the vast majority of the commanders reviewed this patrol technique very favorably. The consensus was that foot patrol is very effective in addressing emerging or chronic quality of life conditions, and for handling specific conditions such as school posts, peddler and vendors license violations, prostitution, and traffic enforcement.

The most frequently cited advantages of foot patrol over other patrol techniques were "high visibility" and "community contact." However, several noted that foot patrol is labor intensive and therefore expensive. Additionally, foot officers have limited mobility and therefore they can only respond to incidents occurring in their immediate vicinity.

At present, foot patrol officers are not listed with Communications Division dispatcher as a unit that may be available to respond to a 911 call for service. Seventy one of the seventy-three precinct commanders believe that these units should be on the 911 queue. In describing the types of calls for service appropriate for foot officer response, seven commanders indicated that these officers should be assigned to all calls arising on their posts, while thirteen stated that they should be assigned to all calls arising on their posts with back-up as necessary. Nevertheless, the majority, that is 51 commanders, indicated that foot officers should only be assigned to low priority, one-man RMP type calls.

Scooter patrols are mounted routinely in 62 precincts. In three precincts, they are deployed occasionally, and the frequency of the coverage depends primarily on manpower availability. Eight precincts do not employ this method of patrol.

Scooters are frequently used to handle situations similar to those assigned to foot officers: special conditions, quality of life problems, peddling, and traffic enforcement. Scooters, because of their mobility, are also used to patrol large geographical areas, such as parks, and large public and private housing projects-- areas which because of their size and terrain are not suitable to coverage by foot officers.

When the 65 commanders who deployed scooters were asked to assess the effectiveness of these units, seven rated these patrols as "excellent," 41 as "very good," and 14 expressed some reservations. Overall, the consensus was that scooter patrol is

an effective police tactic. Fifty-three of these commanders indicated that the chief advantage of scooter patrol over either RMP or foot patrol was maneuverability.

While few commanders expressed opposition to the concept of scooter patrol, several were opposed to the use of two-wheeled scooters because they believe these vehicles pose officer safety hazards.

Among the frequently cited disadvantages of scooters were mechanical failures and resulting repairs which produced considerable "down-time," the hazards posed by poor road conditions (potholes), and the fact that scooters cannot be used in inclement weather. Six commanders mentioned that they simply did not have enough trained personnel to mount scooter patrol as often as they would like.

Thirty-six (55%) of the 65 commanders who reported that they deployed scooter patrols indicated that these units were listed as an available resource for 911 calls for service. In 27 of these precincts, scooter units are only allowed to be assigned to low priority, one-man RMP type calls. In five precincts, scooters may respond to any type of call, and in two they may respond to any call with back-up as necessary. Thus, the survey results indicate that scooters are primarily used to handle non-emergency calls for service.

The commanders who routinely mount scooter patrols but do not list these units with the Communications Division were asked whether these units should be available to respond to 911 calls. The commanders were almost equally divided over this issue. Thirteen respondents stated that scooters should be on the 911 queue, while fifteen indicated that they should not.

The survey produced a number of insights into the ways in which foot and scooter patrols have and may be used to address a variety of precinct conditions. These findings will assist us in planning and implementing the Community Patrol Project. Unfortunately, however, the survey was not as successful in identifying specialized, directed patrol efforts being mounted by the precinct commanders. This seems to reflect different perceptions in what constitutes directed patrol. In the coming months, Vera staff will supplement our data with information collected by OMA staff in an effort to describe more fully the range of directed patrol efforts and identify those which deserve special attention.

(7) 115th Precinct Evaluation - The Effects of a Steady Tour on Police Officer Stress

At the Police Department's request, Vera began work on an evaluation of the experimental procedures being introduced by the Department with the opening of the new 115th Precinct in November, 1983. The opening of this new precinct affords the Police Department the opportunity to test several innovative practices. Initially, personnel assigned to the precinct, which is being created by combining portions of the existing 110th and 114th Precincts, will be given permanent tour assignments with rotating days off. This feature, (the elimination of rotating tours) is being implemented in an attempt to reduce stress levels among members of the command caused by the weekly rotation of hours of duty, and marks the first time in recent years that the entire personnel of a precinct will be so assigned.

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

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

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

a. Documentation of Project Implementation: Vera staff have secured all written materials regarding the precinct's organization and operation, and will continue to do so throughout the first year of its operation. Vera has begun monitoring the manner in which personnel are selected for assignment to the command, and will conduct on-site observation both in the station house and in the field during various tours at various times during the first year of program operation. While on site, Vera staff will conduct essentially unstructured interviews with Precinct personnel. The documentation effort is focused on particular dimensions of the project, which includes the following:

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

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

b. Stress Assessment: Vera staff will measure the level of stress among police officers assigned to the Precinct at several points during the first year of operation. A standardized stress measuring instrument has been adapted for this purpose, and will be administered to precinct personnel before the precinct actually opens, again after the passage of about four months, and again around the end of the first year of operation. The data will be analyzed to determine if there is any change in the stress levels. While this strategy will indicate the changes in stress levels that occur during the project, it will not demonstrate that the changes were attributable to the officers' working in the new precinct on steady tours. It would be possible, in other words, that stress levels among Queens police officers generally were rising or falling during the same time period, and that the observed changes in the 115th force were not significantly different from the general trend in the borough. The general trends might be a response to changes in borough-wide procedures or to changes in external pressures on the Department.

Therefore, to provide some basis for inferring a relationship between the new program and observed changes in the stress levels manifested by the 115th Precinct staff, a stratified, random sample of police officers from other precincts in Queens will be selected and given the stress test at approximately the same points in time. This sample will be stratified by seniority levels to resemble the seniority distribution in the 115th. Since the members of the control sample will be selected from precincts throughout the borough, we could assume that the effects of specific working environments would be neu-

tralized. The extent and nature of change in measured stress levels would be compared for the two groups. Change in stress levels of the 115th Precinct sample that is not observed in the control sample might reasonably be attributed to the program. This strategy would also provide some insight into how the actual stress levels of a totally volunteer force (the 115th) compare with those of a random sample of officers in the same borough command.

As a secondary measure of stress, Vera staff will collect data from Department records relating to certain performance measures that may be reflective of variations in stress levels experienced by the officers. These indicators include: sick reports, civilian complaints, corruption complaints, command discipline, department vehicle accidents, alcohol or drug abuse reports, psychological referrals, and requests for emergency excusals. These will be collected periodically for the 115th Precinct and compared with some form of borough-wide measure. Where the incident information is strictly confidential, such as referrals for psychological services, Vera would ask the office in question to provide aggregate statistics for the Precinct. In any event, all personally identifiable information acquired by the Vera staff will be used for research purposes only and will not be shared with anyone not a member of the research staff.

**c. Measuring Service Delivery:** The evaluation will attempt to describe and measure the delivery of police services in the area using a variety of standard indicators. Vera staff will utilize standard Department records where available, and when necessary will create new data bases. Among the indicators which will be reviewed, are the following: the handling of the calls for service workload by the Precinct personnel; crime complaint and arrest performance; general effectiveness indicators (e.g. sick reports, civilian and corruption complaints, command disciplines, maintenance of property and equipment, citizens complaints regarding police service); precinct anti-crime unit activity; utilization and effectiveness of special patrol efforts; and the extent and nature of the precinct community relations and crime prevention programs.

**d. Measuring Community Attitudes and Reactions:**

In recent years, an increasing number of police research projects have studied citizens' fear of crime, perceptions of safety and assessment of local police services. These studies are important for two reasons. In the first place, citizen fear of crime and sense of vulnerability has become a source of major concern in its own right, and recent research has indicated that it can and often does fluctuate quite independently from the actual volume of crime in the local neighborhood. Secondly, more police agencies now believe that their crime control and order maintenance functions cannot be performed effectively

without the substantial, cooperative involvement of the people. For both of these reasons, the community's reaction to a police initiative has become an important dimension of its perceived effectiveness.

In evaluating the 115th Precinct project, Vera staff is now reviewing the community survey instruments that have been used in recent studies and adapting one for use in this program. Vera will administer this instrument to a representative sample of residents in the 115th Precinct prior to the opening of the precinct, and again at the end of the first year of operations. An attempt will be made to re-interview the same respondents at the end of the first year, and the size of the sample will be increased to account for the original respondents who cannot be located.

Thus, at the end of the study period, Vera will present the Department with a report that assesses the impact of the operational changes on police officer stress, describe how the changes were implemented and how the effected service delivery and productivity, and describes the extent to which and manner in which citizens' sense of safety and attitudes toward police services changed, if at all, during the first year of program operation.

## (8) Development of a Community Patrol Concept

Based on research conducted on the manner in which patrol resources are deployed in the City of New York, and the strategies employed in addressing crime and order maintenance conditions,, and on research and program development efforts in other jurisdictions, we have suggested that Vera and the Department design and implement a pilot project testing the merits of a new role for patrol officers in local neighborhoods. The role to be tested in one that is in keeping with current thinking in the police and crime control fields, where emphasis is increasingly placed on community-oriented patrol. The pilot, which would initially involve the use of foot patrol officers, would provide those officers with steady posts, of perhaps 10 square blocks, with which they would be expected to develop detailed familiarity. It would require the officers to establish a wide range of contacts in the community and to encourage and assist residents to organize and act to control local problems of crime and disorder. It would encourage the officer to become an important liaison between the people in the neighborhood and the resources in the local precinct.

The project is intended to forge cooperative working relationships between the police and the people and thus exert an impact on the fear of crime, sense of safety, levels of reported crimes and arrests and prevalence of disorder problems in the community. Department officials and Vera staff are currently considering the feasibility of such a pilot project. If it is deemed feasible, Vera will assist the Department in the design, implementation and evaluation of the program.



## II. Programs to Improve the Efficiency and Strength of Felony Case Preparation.

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

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

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

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

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

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

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

such as Homicide, Narcotics, and Organized Crime<sup>2</sup>) were referred to the Precinct Detective Unit ("PDU"), which assigned a detective to conduct an immediate follow-up investigation. The detective interviewed all parties--the arresting and any assisting officers, the victims, the witnesses--and, if necessary, visited the crime scene to search for additional evidence or to locate and interview additional witnesses. He might request assistance from forensic technicians, and he might conduct one or more line-ups where proper identification of the defendant was at issue. During the course of the follow-up investigation, the detective would call upon the arresting officer to assist him, a procedure which involved the officer in developing the case and served as a training vehicle to improve the investigatory skills of the patrol force.

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

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

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

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

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

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

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

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

The Indictment Rate for arraigned felony arrests rose from 13% to 22%--a relative change of 69%. (In the control precinct it rose from 15% to 18%, a relative change of only 20%.)

The Conviction Rate rose from 51% to 63%--a relative change of 24%. (In the control precinct, it remained virtually unchanged--54% and 55%.)

The Incarceration Rate rose from 16% to 21%--a relative change of 31%. (In the control precinct it fell from 23% to 19%--a relative change in the opposite direction of 17%.)

The Long-Term Sentence Rate (sentences with maximums of 5 years or longer) more than doubled--rising from 1.8% to 4.8%. (In the control precinct, this rate decreased from 5.1% to 3.9%.)

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

The Robbery Conviction Rate rose from 51% to 74%, a relative change of 45%. (In the control precinct it fell from 60% to 56%, a relative change of 7% in the opposite direction.)

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

The Robbery Incarceration Rate increased from 30% to 44%, a relative change of 47%. (In the control precinct, it dropped from 44% to 34%, a relative change of 23% in the opposite direction.)

The Felony-Time Sentence Rate for Robbery rose from 21% to 36%, a relative change of 71%. (In the control precinct it dropped from 29% to 23%, a relative change of 21% in the opposite direction.)

The Long-Term Sentence Rate for Robbery (sentences with maximums of five years or longer) more than tripled, rising from 8% to 30%. (In the control precinct, the long-term sentence rate fell from 19% to 14%, a relative change of 26% in the opposite direction.)

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

When it presented these data to the Police Department, Vera attempted to respond to the Department's special interest

in any impact the project could have on robbery arrests. Because there had been such a sharp focus on robbery cases in New York for several months, and because the attention of the media and City Hall could have had an influence on dispositions, independent of the project, Vera was not comfortable making a comparison of the current robbery dispositional pattern with that of the preceding year. Instead, Vera collected robbery arrest and disposition data, for the early months of 1981, from three Bronx precincts which were not operating the Felony Case Preparation Project but which have similar arrest volumes and are located close by the three experimental precincts. (The proportion of the sampled robbery arrests that were still pending in Criminal Court at the time of the report to the Police Department was virtually the same for the two sets of precincts, so the bases for rates of conviction and indictment were roughly comparable.) In the experimental precincts, 64.7% of these robbery arrests had resulted in indictment and an additional 7.2% of them had reached conviction in Criminal Court, for a combined conviction/indictment rate of 71.9%. This was substantially higher than the 59.4% conviction/indictment rate in the comparison precincts.

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

On September 18, 1981, the Police Commissioner announced the Department's plan for city-wide implementation of the Felony Case Preparation Project. To accomplish this, and in recognition of the impact of recent years' attrition on the detective units (an impact detailed in Vera's reports over the preceding months), 430 members of the Department were transferred to the Detective Bureau; these transfers restored the individual Precinct Detective Units to their established quotas and supplied additional personnel to follow the procedures developed in the Vera pilot project. In the last quarter of 1981, under the current contract, Vera assisted the Department to design the necessary operational orders and procedures, to establish a monitoring and on-going evaluation capacity, and to train the new detective personnel. In mid-January, 1982, the first phase

of city-wide institutionalization got underway with routine use of the felony case preparation procedures in the 22 precincts , showing the highest volume of robbery arrests; the new procedures are to be applied, during this phase, to all robbery arrests arising in these precincts.<sup>3</sup> Gradually, the scope of this institutionalization of the pilot project is to be broadened to cover the other indictment-prone felony arrests and the remaining precincts.

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

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

Robbery arrests subjected to the RCEP follow-up investigations and preparation of AIRs had an indictment rate of 59%, while the comparison group's indictment rate was 42%.

RCEP arrests resulted in either a Criminal Court conviction or an indictment at a rate of 72%, while the comparison group's conviction/indictment rate was 59%.

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



RCEP arrests were dropped by prosecutors or dismissed in court at a rate of only 28%, while comparison group arrests were dropped or dismissed at a rate of 41%.

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

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

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

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

- a. The records of both programs were reviewed for the first 10 months of their operation, January through October, 1982. Data bases were established and analysis conducted to determine the degree of program utilization over the ten month period.
- b. Each of the FAP borough units was visited and unit records were reviewed. One month's caseload in each borough was analyzed by reviewing each individual case handled during the month, and conducting a case content analysis. The results of this analysis were quantified and included in the report.
- c. One month's caseload in each of the 22 RCEP precincts was also read and analyzed, and a case content analysis conducted.
- d. Upon review of all of the data, recommendations were made to the Department for some modifications of the procedures utilized in both programs.

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

### III. Programs to Improve Sentencing and the Enforcement of Sentences.

A general enthusiasm for "alternatives to incarceration" arose in the 1960s; it continues today, in an uneasy co-existence with hardening views on penal policy and growing fascination with incapacitation as an organizing principle for sentencing policy. In the last couple of years, as the City's jails have become more overcrowded and the public purse has been affected, the City's search for real alternatives has intensified. Nevertheless, the track records of programs that aim to provide alternatives to jail have not been very good; the reason is that it has proved very hard to prevent the alternatives from being used exclusively for first (or minor) offenders for whom the prospect of being sentenced to jail is, in any event, unlikely. Using the alternatives for cases to which the courts would not ordinarily attach punishment makes the alternative unenforceable (when offenders refuse to comply); this quickly becomes obvious--to offenders and judges alike--and, in turn, makes it all the more difficult to move the courts toward using the alternative in cases that are serious enough for enforcement to be an issue and jail a likely outcome. The first subsection below outlines current efforts to secure systematic use of a workable alternative sentence; the second subsection covers the reasons why it has not yet been possible for Vera to go very far with Task III(a) of the contract specifications.

#### (a) The New York City Community Service Sentencing Project

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

From the inception, the project has stood outside the mainstream of community service sentencing in this country. Community service sentences customarily go to middle class, white first offenders who require little supervision and little support and who face little risk of jail. But by excluding first offenders, by proving to the court that the project could and would directly supervise the offenders' performance of their

service obligations, and by proving to the court that staff could and would (either themselves or through their close working relationships with the Police Warrant Squad) secure the re-sentencing of offenders who refuse to perform their community service or who disobey the rules for behavior at the community sites, the New York City project seems gradually to have won recognition from most prosecutors and judges that it is possible to administer a punishment--at least this punishment--without jailing.

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

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

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

few scored above elementary grade levels on reading and math tests. (The case summaries appended to the full report of the pilot project more clearly convey the need of this Criminal Court population for basic services of all kinds.<sup>1</sup>) Staff provided emergency assistance to those who could not perform the sentence without it. In addition, two-thirds of the project participants accepted help in formulating and carrying out post-sentence plans; each was referred to at least one agency or employer (half had two or more appointments set up for them). Although only 50 percent of these appointments were kept, many participants went on to get jobs, stipended training, or treatment.

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

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

The City allocated up to \$610,000, matched by \$150,000 from the Edna McConnell Clark Foundation, for this larger effort. Expansion in the Bronx and Brooklyn began and a Manhattan project got up and running at the end of September, 1981. For Fiscal Year 1983-84, the City held its financial support constant, and New York State added \$250,000. The financing has been sufficient to permit the projects to build to a supervision capacity of roughly 1,000 sentences per annum. At the rate of intake reached in mid-1983, the Community Service Sentencing Project is operating at a volume in excess of 1,200 sentences on an annualized basis, and the average cost of a community service sentence stands at \$750. It is probable that this cost per sentence, which is already quite favorable when compared with

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

the far less intense probation supervision sentence, will decline further as the boroughs continue to expand and stabilize their operations.

Although caseloads have tripled over the past two years, the rate at which project staff have secured compliance with the terms of the sentence from persons sentenced to community service is holding in the 85 to 90 percent range. To protect the integrity of the community service sanction and to ensure its usefulness to the courts, project staff are rather vigorous in their enforcement efforts. First, all reasonable assistance is offered to offenders to aid them in completing their 70-hour terms (e.g., emergency lodging, detox, nutrition and health services). Phone calls, warning letters and visits to the homes of participants who fail to report as ordered to the service sites exact compliance in most cases; when these efforts fail, a letter is presented to the court alleging non-compliance, and asking that the case be restored to the calendar for resentencing. Close cooperation from the Police Department Warrant Squad helps to bolster the project's ability to return most violators to court. In the majority of delinquent cases, project staff are able to arrange to have the offender brought back before the original sentencing judge.

Once violation of the community service obligation has been established, the judge resentences; the new sentence may be chosen from the full array of sentencing options the law provides for the original conviction. Because almost 9 out of 10 offenders sentenced to community service complied, because at least two-thirds of the offenders who failed to comply were returned to the court for resentencing, and because 8 out of 10 of those so returned received jail terms, the program's enforcement record continues to encourage compliance by a difficult-to-manage offender group and this, in turn, encourages continued use of the sentence in cases where punishment is a priority for the court. Only six percent of the offenders sentenced to perform community service under project supervision during the period studied have so far escaped full punishment; 94 percent have either completed their term of unpaid, supervised community service or have been jailed upon being returned to court to answer for the violation.

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

From the beginning of the pilot project through September, 1983, about 2,300 offenders were sentenced to perform community service under the project's supervision. The profile is still that of a jail-bound group: those sentenced to community service average 8.7 prior arrests and 5.3 prior convictions, and 44 percent received a jail or prison term on their last conviction.

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

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

The population used to develop and to test these statistical models consisted of a pool of criminal court defendants who were initially screened as eligible for community service by project court representatives, but who were subsequently dropped from consideration for a variety of reasons. The utility of a model that predicts the sentences of "rejects" can be seen more clearly by examining the screening process that generates the pool of defendants from which rejects and project participants are both ultimately drawn. Initially, cases are culled from the daily court calendars on the basis of appropriate charges--these being the basic range of property and theft offenses which lack elements of threat or violence against the person. The court papers for such cases are then searched for a variety of factors which help to determine first-cut eligibility: indicia of jail-boundness (e.g., a record of prior conviction, pretrial detention status, markings by judges or assistant district attorneys as to the plea offer); reliability of the defendant,

indicated by his or her community ties; and a determination that the defendant does not have a recent and significant record of violent criminal behavior. Once this check of threshold eligibility had been made, the data about eligible candidates are entered on the project's MIS forms, from which they enter the research data base.

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

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

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



The predictive models were built by testing many "what if" propositions to find the one that best fits the actual pattern of jail/no jail dispositional decisions. For example, what if the courts systematically imposed more severe sanctions upon defendants who had heavier criminal records, higher charges, more recent convictions, and were older? Furthermore, what if the prior record were 5.7 times more influential in this result than the level of the charge and 3.2 times more important than the recency of last conviction? Obviously, there are hundreds of such possible combinations. Fortunately, using a computer speeds up this modelling process; one can quickly test a number of different combinations of predictive variables, and the computer is programmed to generate for each combination the estimated weight given to each variable.

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

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

actual dispositional outcomes.<sup>2</sup> Although the models vary from

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

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

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

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

The models were then applied to the pool of eligibles who became participants, to estimate the proportion of those sentenced to community service who would have gone to jail in the absence of the program. The computer went through each participant's case, weighing each predictive variable as specified in the model for the borough in which the case originated, thereby producing an estimated probability of that offender being sentenced to jail.

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

When these models are applied to the program participants screened for eligibility during the same period (October 1, 1981, through September 30, 1982) it appears that 42 percent would have been sentenced to jail (excluding those who would have drawn "time served") had they not been ordered to perform community service. If the estimates derived from the sentencing models are applied to the offenders sentenced to community service in calendar year 1982, it appears that jail sentences were displaced in 44 percent of these cases.

Having estimated the program's displacement of jail sentences in calendar year 1982, it is possible to use the same data base to estimate the average length of the jail terms that would have been received (and the average time that would have been served after taking account of credits for pretrial detention and good time) by the project participants who would have been sentenced to Rikers Island. Over the last calendar year, the program freed up an estimated total of 48 cell/years in the Department of Correction's supply of cells for sentenced inmates. The project's operations also reduced demand for detention cells because defendants sentenced to community service spend less time in the system waiting disposition. An estimated 17 cell/years were freed up in calendar 1982 by the project's impact on time to disposition.

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

In mid-1983, with the preliminary results of the Research Department's impact analysis in hand, project staff made certain changes in their eligibility criteria and their court operations, in an attempt to use the detailed research findings to increase the rate at which community service sentences displace jail sentences. The data for May through September, 1983, suggest that this attempt has been successful, and that displacement is now running at about 60 percent of all sentences to community service.

Meanwhile, research attention has also been devoted to recidivism data. The pattern of offending for the petty recidivists who draw short jail terms in New York City is pretty clear. About half are re-arrested within six months of release from jail. It turns out that these rates are not much affected by the nature of the punishment imposed: Being punished by community service does not make boy scouts and virgins out of petty recidivists, but neither does jailing them.

The computerized files of the New York City Criminal Justice Agency were searched for data on all new court cases against persons sentenced to perform community service between January, 1981 and March, 1982 in Brooklyn and the Bronx, and all those sentenced to the project in Manhattan between September, 1981 and March, 1982. Of all these project participants, 494 had been at risk of rearrest for at least 180 days at the time data were last collected. Forty-six percent had been re-arrested.

That 46 percent of project participants were arrested again within six months of being sentenced to perform community service was disappointing, but not surprising; it would have been unreasonable to expect a short, punitive alternative sentence to reverse (through some unsuspected, powerful, "rehabilitative" impact) the underlying pattern of recidivism that characterizes the group of chronic petty offenders who conventionally get short jail term after short jail term and who were targetted by project staff for this sentencing alternative.

But what would have been the effect on crime if these offenders had received jail terms instead? To answer this

question, a comparison was made between participant rearrest data and rearrest data on similar offenders actually sentenced to jail. A comparison group of 358 jailed offenders, whose profiles consist of similar prior histories and current charges, was assembled for this purpose, and rearrest information was obtained on each offender for the period running 180 days from his release from jail. By the end of six months of being at risk of rearrest, the proportion of the city-wide comparison group rearrested (44 percent) was roughly the same as the proportion of participants rearrested (46 percent). Although more than half of each group were not rearrested, these recidivism rates are high; they suggest that property offenders who receive short jail terms in New York Criminal Courts tend to remain petty recidivists and that being given short jail terms--as opposed to serving a community service sentence--makes no significant difference in the subsequent rearrest pattern.

It is impossible to develop an accurate estimate of how much crime would have been averted had the project and its jail displacement effects not been operating. The best that can be done is to project the most unfavorable comparison--the "worst case"--by contrasting the rearrest pattern of the participant group (as before) with the rearrest pattern (from date of sentence) of the offenders who were actually sent to jail. This worst case comparison of rearrests begins from the time of sentencing (so that the short jail sentences get the benefit of their incapacitative effect). The city-wide proportion of jailed offenders rearrested, 180 days from sentencing, was 35 percent (as compared to 46 percent for participants), presumably because all of the jailed offenders in the comparison group had been removed from the streets for at least a portion of the time after sentencing.

This does not end an inquiry into the relationship between community service sentencing and crime. Two other questions--more difficult to probe--remain. First, does the apparent crime-reduction effect from incapacitating jailed offenders persist, if the measurement period is extended (to twelve months, for example)? Second, are those offenders who are rearrested arrested more or less frequently, depending on which group they are in?

Because the proportion of program participants rearrested was highest in Manhattan, and because the difference 180 days from sentencing was greatest there (51% of participants rearrested, compared to 39% of jailed offenders), a second look at Manhattan recidivism data was undertaken recently. Contrasting the proportions rearrested over a full year from date of sentence (making, again, the "worst case" comparison), the proportion of those sentenced to jail in Manhattan who were rearrested within the year reached 59 percent. The gap, presumably caused by the incapacitative effects of short jail terms at the beginning of the year, was narrower than when

measured at six months, but the proportion of this jailed group rearrested was still ten points lower than the 69 percent of community service participants rearrested.

However, those who had originally been sent to jail were much more likely to be arrested more than once. The jailed offenders were rearrested an average of 2.1 times each over the twelve months following their release from jail, while the offenders sentenced to community service were rearrested an average of 1.5 times each over the twelve months at risk. As a result of this lower frequency of offending among the group sentenced to community service, the average number of rearrests over the year following sentencing was identical for the two groups (1.5 for each), despite the early incapacitation of the jailed offenders.

These rearrest data do not permit certainty of interpretation--the two groups of offenders whose post-sentence behavior is being compared are not, after all, perfectly comparable. Nevertheless, the data give little comfort to those who assume that the incapacitative effects of short jail terms offer a lasting crime control advantage over punishing these same offenders through community service sentences.

(b) The Court Employment Project's Alternative to Incarceration Project

To the extent that the Community Service Sentencing Project, discussed above, is effective in substituting a non-custodial punishment for short jail terms, part of that result is rooted in knowledge generated by Vera's study of the Court Employment Project (CEP). That research, described below, showed CEP's pretrial diversion efforts to be ineffective in reducing reliance on jail, but, by revealing the nature of the obstacles that the criminal justice system presents to "alternative" programs, the research informed the design of the Community Service Sentencing Project. The research also led to the redesign of CEP.

The Court Employment Project was the nation's first pre-trial diversion program when it was launched in 1967, following planning under an earlier contract between Vera and the City. It was designed to avoid punishment and the stigma of conviction for young offenders who, it was thought, would be better dealt with by remedial programs, counselling, and help finding work than by prosecution, adjudication of guilt, and penal sanction. CEP participants were diverted before trial and, if they took part in the program for four months, had the charges against them dismissed. It was soon apparent that CEP's service-based alternative could draw increasing numbers of cases out of the criminal process; and the best available data indicated that, by doing so, it was achieving the goals set for it. In due course, CEP was institutionalized as an independent corporation supported with social service funds by contract with the City of New York, and its pretrial diversion model was replicated in hundreds of U.S. jurisdictions.

However, a crucial question had not been answered with certainty: do these pretrial diversion programs in fact divert their clients from full prosecution and punishment at the hands of the court, or do they merely impose (without conviction) a new form of rather burdensome "treatment" on persons whose cases would have been dismissed or discharged anyway? This question, and a series of equally important questions about the effects of "treatment" provided in this way, could not be answered with real certainty except by true (random-assignment) experimental research, the difficulty and expense of which stood in the way of answers until 1977-79. During that period, Vera carried out a federally-funded study, the design for which had won support from those on the bench and in the bar who had opposed earlier controlled research proposals. The results were reported in 1981.<sup>3</sup>

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<sup>3</sup>Sally Hillsman and Susan Sadd, Diversions of Felony Arrests: An Experiment in Pretrial Intervention (Washington, D.C.: National Institute of Justice, 1981).

The results of the research effort confirmed that, by the late 1970s, pretrial diversion simply did not result in significantly more lenient treatment from the courts, primarily because almost half the cases in the randomly assigned control group were dismissed anyway (although virtually all were cases commenced by arrest on felony charges), and most of the control cases that were not dismissed were disposed of without full criminal convictions. Pretrial diversion was not an alternative to jail. Because so many cases do not, after all, result in conviction and punishment, CEP had--despite its efforts to prevent this--become a dumping ground for the "light" and unprosecutable portion of the court's felony caseload.

The research also showed that, despite their exposure to an array of CEP services of high quality, the diverted group remained indistinguishable from the controls with respect to recidivism, employment and educational status, and other measures of social adjustment.

Although the news was not good, it was important: CEP stood as one of the few service-providing agencies targetted at young adult offenders and had developed an effective staff--many of them street-wise ex-offenders--and a useful reputation; if these were to be put to good use, pretrial diversion was not (or was no longer) the way to do it.

Vera then worked with CEP itself to completely restructure its program. CEP ceased accepting pretrial diversion clients. A pilot program was launched, through CEP, in which intensive supervision was provided (all day, daily, for the first six weeks and thrice weekly for four months thereafter) to offenders who had already been sentenced to jail or prison but whose sentences were deferred for so long as CEP's conditions of supervision were being met. (This was an attempt to ensure that CEP's resources not be wasted on cases that the system would not treat seriously, and to increase the intensity of service to a point where it would be more reasonable to expect improvement in the employment and educational spheres and a decrease in recidivism.)

The second major change that followed termination of CEP's pretrial diversion effort was a nearly total re-design and re-financing to make it a direct provider of paid work experience, stipended job-training, and remedial education for young adult offenders referred from any point in the criminal process. Vera saw this as the most desirable course to pursue because Department of Labor (CETA) funds had not been successfully applied to the task of securing entry into the world of work for inner-city, ill-educated, delinquent minority youth. Most programs, focused on the placement-rate requirements written into their CETA contracts, excluded such unlikely candidates and creamed their participants off the top of the enormous pool of eligible youth; CETA programs that were open to criminally-



involved youth were usually not sufficiently well-designed or well-managed to deal effectively with their often unruly behavior or their multiple deficits. Through Vera, the Department of Labor's Office of Youth Programs invested almost \$2 million in CETA funds in CEP, to operate a youth employment program which Vera designed for CEP clientele.

By the Spring of 1981, CEP's intensive supervision of jail-sentenced offenders and its direct employment and training of several hundreds of high-risk youth seemed to mark a successful transformation of the nation's first pretrial diversion program to an altogether different agency, operating with techniques more suitable to the 1980s and more in keeping with the new knowledge about "alternative sentences." By the end of 1981, however, the collapse of the federal CETA program threatened the existence of both the new employment efforts of CEP and its intensive supervision alternative (because job settings were used as a major structural element in the intensive supervision program). This led to a further period of financial and programmatic instability at CEP. But, throughout 1982 and 1983, Vera has been helping CEP to plan its way out of the crises and, once again, to re-finance its efforts. At the date of this report, these efforts appear to have been successful, with New York State providing funds for CEP's alternative sentencing work, a variety of City agencies purchasing labor from CEP's work crews, and the Board of Education and the Department of Employment providing resources for CEP's training components. If CEP can, as it intends, stabilize operations of the Alternatives to Incarceration program, Vera will attempt an evaluation of its impact.

(c) Use of Fines as a Criminal Sanction

With all the research done on the American criminal justice system over the last twenty years, including a great deal of work on criminal penalties, the fine as a sanction has been virtually ignored despite indications that it is used a great deal for a wide variety of offenses and offenders. As a result, in New York City, it is neither known how the fine is used nor whether the experience of other jurisdictions suggests it could be used, or enforced, more effectively.

During these last two years, in collaboration with researchers at the Institute for Court Management in Denver, and at Vera's London Office, Vera has been examining laws related to fining, court practices in the use of fines, attitudes about fine use and enforcement, and the administration of fine collection in American state and local trial courts, in U.S. District Courts, and, in a more limited way, in the courts of England, Sweden and the Federal Republic of Germany. (The research in the United States has been funded by the National Institute of Justice, the European research has been carried out with support from the German Marshall Fund of the United States and a separate grant from the National Institute of Justice, and only the New York City empirical research was supported from the contract with the City of New York.)

The statutory law of all fifty states and the District of Columbia, federal statutes, Congressional proposals for revisions of the law, and the body of relevant case law were reviewed. Extensive site visits were made to more than thirty courts across the country, including three U.S. District courts, to observe sentencing and enforcement activities and to interview key actors in this process about their procedures, their problems with these procedures, and their attitudes toward fine use and enforcement. In addition, the Institute for Court Management conducted a telephone survey of 126 courts in 21 states, interviewing court clerks and administrators about the extent of fine use in their jurisdictions, the types of offenses for which fines are used, their collection and enforcement practices, and their attitudes toward the fine as a criminal sanction.

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

The more detailed examination of the use of fines in New York City's Criminal and Supreme Courts was undertaken by sampling all sentences imposed in these courts during a one week

period in 1979, analyzing the data on all cases in which a fine was imposed, and examining the collection efforts undertaken in these cases over a one year period after sentencing.

Separate, detailed working papers have been prepared on each of these efforts; together they represent the most extensive body of written material on fine use and enforcement practices available in the criminal justice and legal literatures. They are being compiled as a set of three companion volumes to the Final Report of the American project to the National Institute of Justice. The NIJ will review the report for possible publication. The report on the New York City data was submitted to the Office of the Coordinator for Criminal Justice for review in October, 1982.

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

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

This work is of continuing interest to New York City, not only because fines are widely used, for a great variety of offenses, but also because their enforcement presents a serious administrative problem as well as an important source of revenue. In New York City, the sample of Criminal Court cases showed that 31 percent of all sentences are (excluding summons and most traffic offenses) fines, including 66 percent of sentences for those convicted of gambling offenses, 40 percent of those convicted of disorderly conduct and loitering, 39 percent of those convicted of drug offenses, 27 percent of assault convictions, 20 percent of the prostitution convictions, 16 percent of the theft convictions, and 14 percent of the trespass convictions. Only about five percent of all Supreme Court sentences are fines, and that these cases tend to be non-violent felonies involving drug sale and possession, destruction of property, gambling, driving while intoxicated, assault without serious injury, and possession of a weapon when there are mitigating circumstances.

This fining is big business. In 1980, New York City Criminal and Supreme Courts collected almost \$4.5 million in fines, not including fine collections for parking violations and minor traffic offenses. (And much of the fines revenue is produced by relatively small fines; in Criminal Court, fines range from \$25 to \$250 with \$50 being the modal amount.)

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

Because so little systematic information exists on fine enforcement and revenue collection in the United States, Vera has been conducting empirical research in this area in England. This study, funded under a separate grant from the National Institute of Justice and carried out in conjunction with Vera's London Office, will describe in detail the fine enforcement strategies used by four magistrates' (or lower) courts in England. Drawing upon systematic samples of fined cases and upon extensive, in-depth interviews with all the court and

court-related participants in the enforcement process (including the police), the study is documenting how these courts set fine amounts, monitor payments, serve subpoenas, and enforce the fine sentence in the event of nonpayment.

Because the English lower courts use fines with defendants who are often repeat offenders charged with relatively serious offenses, many of whom are unemployed or on public relief, this study should provide us with potentially useful insights into the administrative problems of fine collection with a population at high risk of default. It should also document in considerable detail, the operation of various enforcement strategies and their relative success with this population, including the effectiveness of property seizure and the threat of imprisonment as methods of enforcement. These coercive techniques are of particular interest to us because the English criminal justice system has experimented with them more than the American system has. In conjunction with the work already done in the United States and in New York City, we believe this study, which is nearing completion, will usefully inform policy and practice in the area of fine enforcement specifically in the area of lower court sentencing more generally.

(d) Assessing the Penalty Assessments.

Since May 12, 1982, New York's courts have been required by Penal Law section 60.35 to impose penalty assessments on all individuals convicted of felonies, misdemeanors or violations under the Penal Law.<sup>4</sup> At the request of the Criminal Justice Co-ordinator, Vera is considering how the use of penalty assessments in New York City might be assessed, to help inform the City's consideration of appropriate directions in policy.

The measure was proposed by the Governor as part of a package which provided for assessments against those convicted of traffic infractions and surcharges on the sale of beer, wine and cigarettes, as well as those convicted of crimes, and which allocated the revenues to provide funds for criminal justice programs. The Legislature, however, passed only that proposal which mandated assessments for violation of the penal law, and it further directed that the monies generated be channeled into the state's general revenue fund.

As enacted, section 60.35 mandated that those found guilty of felonies be assessed \$75, those convicted of misdemeanors be assessed \$40, and those convicted of violations be assessed \$15. The legislation further provided that the provisions of the Criminal Procedure Law concerning the collection of fines, the remission of fines, and the commitment of a defendant for failure to pay a fine shall apply to the use of penalty assessments.

The introduction of this levy into the administration of criminal justice raised several important questions. Some of these issues have already surfaced in the City. People v. Darrell J. (N.Y.L.J., August 30, 1982), apparently the first reported decision involving the statute, criticized section 60.35 on several grounds and urged the legislature to review the measure carefully.

The opinion focused attention on lack of uniformity in judicial approaches to the assessment. A systematic review of court calendars (which indicate what penalties were imposed at arraignment) conducted in August, 1982 and covering four boroughs appears to confirm this impression. For example, some calendars note that judges explicitly waived the penalty assessment in some cases. The absence of any reference to the levy on the calendar notations in other boroughs suggests that in these cases the penalty was implicitly waived through the failure to impose it. When the penalty assessment was levied, it was accompanied in most jurisdictions by a jail alternative.

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<sup>6</sup>The legislation exempts those convicted under the Vehicle and Traffic Law, as well as those convicted of violations not codified in the Penal Law.

In at least one borough, however, the assessments were calendared simply as dollar amounts, without an alternative period of incarceration.

When a penalty assessment is imposed, its relationship to the sentence meted out merits further systematic consideration. Vera's study of fines in New York City showed that fines are the most frequently used sanction in the City's Criminal Court, and that the dollar collection rate on these fines is close to 75% citywide. Although there is wide variations among the boroughs, the median fine levied was also \$75. (Only 20% of all fines imposed were above the mean amount of \$105.40) Unlike the revenues from penalty assessments, revenues generated from the collection of fines go to the City treasury.

Since, like fines, penalty assessments require payments from convicted defendants and call for dollar amounts of similar magnitude, the question arises whether penalty assessments, if levied and enforced, would impinge on the often used and quite successfully enforced fining option. For example, are the dollar amounts of fines being reduced to take account of penalty assessments, as was maintained in the Darrell J. opinion? If so, the reduction constitutes a shift in revenue from the city to the state.

In April, 1983, the Legislature's modification of the penalty assessment statutes (PL 60.35 and CPL 420.35) became effective and provided legislative authority for judges to waive penalty assessments while renaming them "mandatory surcharges." This legislative action addresses some of Vera's concerns. Although other issues remain of interest to us, exploring them would require substantial and lengthy empirical efforts.

#### IV. Crime Control and Crime Prevention Programs

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

Over the last few years, prosecutors, police officials, and crime researchers have shifted public and political attention away from deterrence, which depends on raising apprehension rates, as the principal crime control strategy, to "selective incapacitation." Increasingly, police activity, prosecutors' "career criminal" programs, and legislatures' enhanced sentencing provisions for repeat offenders have given practical expression to the widely-held belief that substantial crime control benefits would flow from locking up for long periods a relatively small number of criminals--those whose very high frequency of offending makes them responsible for most (or much) of the crime. The growing enthusiasm for selective incapacitation flows from the findings of researchers who have devised schemes which appear to permit fairly discriminating identification of high-rate offenders and which, in theory at least, offer the possibility of substantially lower crime rates without massive increases in prison capacity.

Yet, important questions abound: Can it be done? (That is, is it in fact possible to predict which offenders present an unusually high probability of committing serious crimes in the future?) Is it possible to do so early enough in their criminal careers for the policy to have its theoretical impact? If we incapacitate the high-rate offenders, will crime rates in fact go down? (That is, will others commit the crimes for which our incapacitated offenders would have been responsible if they were not incapacitated?) Can we, without unacceptable violation of other values, ignore "just deserts"? (That is, can we imprison one armed robber, who is predicted to be a low-rate offender, for six months while imprisoning another, whose crime is otherwise the same, for 16 years because he is predicted to commit armed robberies frequently in the future?) If it is acceptable to introduce disparities of penalty to accomplish crime control objectives, does it matter what characteristics are used to identify those chosen for the incapacitating terms? (That is, does the strategy become unacceptable if the distinguishing characteristic is past drug addiction? Age at first arrest? Recent employment history? Race?) What risk is there that, by re-focusing police, prosecutorial and penal resources on the (presumably) few high-rate offenders, we will lose the general deterrent impact of the system on the many who are now low-rate offenders (or who are not offenders at all) because they feel the system's deterrent effect? (That is, can we afford to trivialize further the behavior that is criminal but is not now viewed as "dangerous"?) Can we re-focus the relevant agencies to pursue a "selective incapacitation" strategy for high-rate offenders whose crimes are particularly dangerous (e.g., rob-



bery) without those agencies also trying to "selectively incapacitate" the very much larger number of high-rate offenders whose crimes are comparatively trivial (e.g., shoplifting, joy-riding, graffiti-writing)?

Increasingly, in recent years, empirical research on habitual offenders has been cited in support of the proposition that a relatively small group, repetitiously committing crimes and being arrested, is responsible for a disproportionate share of the behavior with which the criminal justice system must routinely deal, and especially for many of the predatory crimes of violence about which the public is extremely concerned.<sup>1</sup>

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

Thus, although our knowledge has expanded considerably in the past ten years: (1) We do not yet have prospective studies

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<sup>1</sup>See, Peter W. Greenwood, The Rand Habitual Offender Project: A Summary of Research Findings to Date (Santa Monica, Calif: Rand Institute, 1978), and "Tradeoffs Between Prediction Accuracy and Selective Incapacitation Effects," Paper Presented at the Conference on Public Dangers, Dangerous Offenders, and the Criminal Justice System, Harvard Law School, February 1982; Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, Delinquency in a Birth Cohort (Chicago: The University of Chicago Press, 1972); Marvin E. Wolfgang and Paul E. Tracy, "The 1945 and 1958 Birth Cohorts: A Comparison of the Prevalence Incidence and Severity of Delinquent Behavior," Paper prepared for The Conference on Public Dangers, Dangerous Offenders and the Criminal Justice System, Harvard Law School, February 1982; Paul Strasburg, Violent Delinquents: A Report to the Ford Foundation from the Vera Institute of Justice (New York: Monarch Press, 1978); Susan B. Estrich, Mark H. Moore, and Daniel McGillis, Report of the Project on Public Dangers, Dangerous Offenders and the Criminal Justice System (Cambridge, Mass.: Harvard Law School, 1982).

for testing the power of the leading predictive models in the field, or for developing more refined models that identify precisely what criteria from Family Court records (or from other sources of background information) would be likely to help prosecutors target high-frequency serious offenders in adult court. (2) We cannot fully describe, despite recent analyses of delinquent and of adult criminal careers, complete criminal career patterns, which follow offenders across the transition from Family Court to adult Criminal Court. (3) Finally, we have very little information about just how selective juvenile and adult courts already are in their separate treatment of serious offenders, and whether, because of disjunctions between the courts, there really is a "free ride" in adult court for youths who arrive there with serious juvenile records; that is, we know little about whether juvenile court history already influences decision-making in adult court despite formal restrictions on access to juvenile records.

Much of the knowledge now being used to advance the "selective incapacitation" strategy is based upon retrospective analyses of adult offenders. For example, Rand's scale for identifying high-rate serious offenders, based upon retrospective interviews with convicted and incarcerated adults, includes three juvenile variables--conviction before age 16, placement in a juvenile facility, and juvenile drug use--as predictive of intensive adult criminal involvement. A major problem with knowledge of this kind is that, while we can know what characteristics of juvenile records distinguish low-rate from high-rate offenders among prisoners whose criminal careers extend into their late 20s and early 30s, we do not know which of the universe of juveniles who now have these (or other) characteristics will in fact proceed far enough into the adult system to become career criminals of the type Rand studied. That is, the research on which current policy is being based offers no assurance that we can identify appropriate targets for selective incapacitation prospectively, at an earlier point in their criminal careers. Nor can we be sure from such retrospective research that, if prediction is possible, it can avoid over-predicting chronic serious criminality (i.e., it may be that the selection criteria developed by such methods will generate far too many "false positives").

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

need information to determine whether prosecutorial access to such records might be limited to knowledge of convictions only, or if too much predictive value would be lost if such a limitation were imposed. And finally we need to develop more information on what the early adult criminal records of the universe of juvenile delinquents look like, to assess whether the adult careers of chronic and non-chronic delinquents groups differ, and to permit a reasoned consideration of whether the early adult offenses of identified chronic delinquents are serious enough and frequent enough to warrant limitations of the confidentiality of Family Court records and to justify a special focus of police and prosecutorial resources on them when they first appear in adult court.

There is a need for prospective research that combines detailed official criminal history data on habitual offenders' period as juveniles with similar data from their years as young adult offenders. In addition, while the chronicity of the juvenile's delinquency may be predictive of high-rate adult criminality, other background factors may make at least as great a contribution to the prediction of serious criminal behavior in the "high-crime" years.

The City asked Vera to help cut through some of the difficulties researchers have had in developing databases that permit prospective examination of such a wide range of potentially predictive variables. Vera could help because, in 1981, it completed an extensive study of a representative ten percent sample of 1,890 juvenile delinquents processed by the New York City Family Court. The extraordinarily rich data base, created for the purpose of describing the business of the Family Court, was subjected to some re-examination at the end of 1981, in response to a request from the Police Department. The Department requested assistance in determining what crime control gains could be expected if prosecutorial decision-making (and police case-building--see Section II)--was informed by making available the delinquency histories of first adult offenders when they come to majority in the criminal justice system with a (hidden) pattern of repeated felony activity in Family Court.

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

A preliminary look at the Family Court Disposition Study data showed that certain juveniles had, indeed, established fairly substantial records of serious charges before they turned 16 and entered the adult system. There were 714 fourteen and

fifteen year olds in our sample who had had at least one prior delinquency charge brought against them; 417 (58%) of these had more than one and 153 (21%) had five or more such prior court contacts. The majority of these juveniles still had more than a year "at risk" of further juvenile arrest before they would pass beyond the jurisdiction of the Family Court. Within the group of 417 who had more than one prior arrest, there were 396 who had at least one relatively serious prior arrest (e.g., for robbery, a sexual offense, assault or burglary), and 231 (or 18% of all the fourteen and fifteen year olds) had had more than one such serious prior charge brought against them. Looking more closely at the 161 juveniles who entered the Vera sample on a robbery arrest, over half were found to have had a prior robbery arrest.

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

In March, 1983, the National Institute of Justice awarded the Institute a grant to transform this small research effort into something more likely to provide real help. The goal of the NIJ-financed study, which began in May, 1983, is to increase understanding of the relationship between juvenile and adult criminal careers, and to generate information useful for the assessment of concrete crime control strategies including those directed at the selective incapacitation of adult offenders. Vera will study, prospectively, the 1,251 fourteen and fifteen year old youths identified in the original Vera random sample of 1,890 juvenile delinquents who entered the New York City Family Court during 1977-1978. The records of this sub-group's Family Court contacts have now been updated through the end of their 15th year, and the data base has been extended through the high-crime years by adding information on all their subsequent adult arrests (from their 16th birthday through ages 18 to 20, depending on their age at intake into the original sample).

The statistical analysis of this expanded database will begin early in 1984; it will permit: (1) development of a detailed picture of the criminal career patterns of this cohort as it moves from Family Court to Criminal Court; (2) prospective testing of the leading predictive models in the field which attempt to identify chronic, serious adult offenders; (3) construction of additional predictive, prospective models built on the relationship between a juvenile's Family Court record, personal and family background characteristics, and his or her subsequent early adult criminal career; and (4) comparison of the treatment given by the adult system to individuals with less serious juvenile records, when they first enter the Criminal Court jurisdiction.

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

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

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

(b) Research on the Relationships Between Employment and Crime.

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

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

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

The experience suggested that labor market strategies in general, and employment programs in particular, can reach "high-risk" groups effectively only if they are built on a sounder theoretical and empirical base. First, if employment programs are to have any prospect of affecting employment status, they must take account of whatever employment experiences and opportunities already characterize the lives, families, and neighborhoods of the target group, and particularly, the

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

Vera's exploratory research, under a previous technical assistance contract with the City, was beefed up in 1978 with the start of a formal, five year study, supported by the National Institute of Justice to look closely at relationships between employment and crime and to develop knowledge with which to assess past accomplishments and future policy and programs in this area. This work is now in its fourth year.

In addition to publication and wide distribution of a review of relevant literature,<sup>2</sup> the project is pursuing two research strategies. First, for a 1979 sample of 900 Brooklyn Criminal Court defendants, detailed information on employment and arrest histories are being collected, over time, and being enriched with follow-up interviews on the sample's more recent experiences of employment and of crime. Second, Vera has placed ethnographers in three "high-risk" Brooklyn neighborhoods to make an intimate study, over eighteen months, of the development of criminal and of legitimate lifestyles among the local youth. From these efforts, the project aims to construct a model of employment and crime that accounts for youths' simultaneous exploration of both illegal and legal opportunities and that accounts for the widespread lessening of street crime as youths move from their late teens to their early and mid-twenties. To understand these phenomena better, and to ground that understanding in empirical study of this kind, should make it possible to devise more effective policies and programs that take advantage of the crime-averting potential of employment.

The research addresses the full array of relationships between "employment" and crime rather than the narrower set of relationships between "unemployment" and crime. This is because the work to date suggests that policy is too narrow and takes too little advantage of the crime-averting potential of employment if it rests on an assumption that any sort of employment

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<sup>2</sup>James W. Thompson, Michelle Sviridoff, and Jerome E. McElroy, Employment and Crime: A Review of Theories and Research (New York: Vera Institute, 1981 and Washington, D.C.: National Institute of Justice, 1982).

will have an impact (or the same impact) on all those whose criminal behavior might be curtailed by some form of participation in the labor market.

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

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

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



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

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

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

This research offers no solace to the tendency to view the employment problem of these youths as no more than a lack of interest in working or a difficulty obtaining some sort of job; similarly, there is little to support program advocates who assume that no more than some kind of "work experience" is required to move high-risk youth into legitimate, stable lifestyles. Both views ignore important structural changes in the economy, and both ignore the age-related progression of these youth through occasional jobs, work of increasing quality, and

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

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

The effectiveness of employment programs in improving the behavior (including the employment activity) of participants depends heavily on individual, social and structural economic factors. This suggests that, in the future, a better matching of programs to specific population groups and to conditions of the local economy would lead to increased program effectiveness. For example, about half of property arrests are of male youths, 15 to 19 years of age. Since this group is (or ought to be) heavily involved in schooling and is tied to the income flow of the parental household (however meagre), their employment and income needs differ markedly from those of older people seeking employment in order to support their own households. Perhaps programs providing secondary labor market opportunities for this young criminally active group should not be designed to produce

full-time stable employment, nor be judged on achieving it. Part-time work that does not compete with schooling but provides an income alternative to crime and serves as part of a long-range socialization into the labor market would be a more realistic program goal for this group, particularly when, as now, jobs of this type are scarce in neighborhoods where high-risk youth are concentrated.

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

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

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

It is expected that this work will be essentially complete in the early months of 1984. At that time, we hope to use the results of the research to design a pilot program that might be implemented in New York City with outside funding assistance. In fact, the Employment and Crime project has served as a kind of umbrella effort in the employment area. It has provided data and consultation to public and non-profit agencies within and outside the City, and has informed other Vera programs concerned with employment. Indeed, because of its work in the Employment and Crime project, Vera was invited by the U.S. Department of Labor to undertake a substantial demonstration research project called the Alternative Youth Employment Strategies (AYES) project.

In July, 1980, the Alternative Youth Employment Strategies Program began in Albuquerque, Miami, and New York (where the Court Employment Project was chosen to run the project (see Section IV (b) of this report). It was expected that 450 high-risk youth (defined as low income, out-of-school, out-of-work, and 16 to 21 years old) would be randomly selected at each site. The project design required that roughly 50 percent of the experimentals and controls be referred to the program from the criminal justice system. The experimentals were to be assigned to one of three program models -- work experience, education and training, or a mixture of the two. Vera staff who had direct experience of NWP and VDP were responsible for designing the program models and two members of Vera's central staff provided full-time technical assistance to program managers at the three local sites, monitoring and trying to help shape operations through frequent visits and almost daily phone contact. Finally, Vera assumed responsibility for handling all DOL funds and for monitoring the fiscal operations of each site.

In the negotiations between DOL and Vera, there was some compromising of what Vera felt to be the best program design for the target population. Although, in the end, each AYES project offered three basic CETA services and some options within each service model, the flexibility was not as great as at Vera's Vocational Development Program, for example; the AYES sites were not able to provide participants with as much individualized tailoring of the mix of CETA services as Vera's experience suggested was necessary. Nevertheless, there remained strengths of program design and sufficient flexibility to increase the likelihood of positive results from the impact research.

Two other features of the AYES projects distinguished them from CETA programs generally. The program design emphasized strict enforcement of program rules, and it imposed no specific placement goals on the project operators.

Unfortunately, after the project got going, problems arose in the Department of Labor both with respect to the total amount of funds that would be made available and with respect to

the flow of those funds from the Department to Vera (and thence to the sites). These problems almost certainly had negative impact on program implementation. To begin with, the sites could not be as fully staffed as Vera's project design required, and some staff members were brought on far later than was desirable. (For example, job developers did not begin work in the local sites until the projects had been underway for months.) In addition, because DOL made a series of fairly short-term awards (ranging from one to several months at a time) and then amended and extended the overall AYES grant as additional funds became available to the Department, a persistent and destructive sense of uncertainty and crisis was created, particularly for the youth and staff at the sites.

In fact, none of the sites ever achieved the expected level of 450 participants. New York City was closet to that level with 407. In Miami, 378 were taken on, and 298 got into the program in Albuquerque. (The number of randomly selected controls in each of the sites was: New York 415; Miami 394; Albuquerque 326.) In Miami, approximately 50 percent of the experimentals and controls were referred to the program from the criminal justice system; in Alburquerque, only about 35 percent were referred from the criminal justice system, but CEP in New York made up the difference with approximately 70 percent of its pool coming from the courts.

The AYES research was designed to measure relative impact of the three program models on the employment outcomes, earnings, and criminal justice involvement of the participating "high-risk" youth. Vera designed the research to incorporate standard data collection instruments which the Department of Labor mandated for all demonstration programs funded by the Office of Youth Programs. In addition, Vera took advantage of experience in the Employment and Crime Project to develop a special set of instruments to collect extensive data on the prior work histories of the research subjects and on their self-reported delinquencies. The original design called for the collection of impact data on each research subject, both project participants and controls, at program intake, program exit, three months after program exit, and eight months after exit. The research plan called for Vera to analyze differences between experimentals and controls first and then to look for any differences within the experimental group that could be a product of the different program models (work experience, classroom training, or a combination of the two) in which the subjects participated.

For the demonstation AYES projects at the sites, DOL-funded operations ended in September 1981. It is a limitation in this research and demonstration effort that data-gathering for the controlled research began with and was limited to the first year of project operations. In almost any new project, and particularly in a project as complex as AYES,

much of the first year is devoted to testing and evolving operating policies and procedures, developing linkages with the community, and building staff capability. Even for the best of programs, it is usually after the start-up year that operations and impact can be effectively assessed. Because most youth employment research and development efforts were eliminated with the change of administrations, an expected second year of DOL funds for AYES project operations did not materialize. Nevertheless, in Miami and in New York the agencies operating the projects were convinced that the basic program design was one worth continuing for this youthful offender population; they have continued, in scaled down and modified ways, with local support.

The collection of follow-up data continued throughout the spring of 1982 and the final report on the project was presented to DOL in 1983. The most consistent and reliable finding was that experimentals were more likely than were control group members to have obtained employment at some time during the follow-up period; 51% of the experimental group as compared to 41% of the control group were employed during this period. Similarly, experimentals had higher mean weekly earnings (\$63.16) than did controls (\$47.67),, and worked significantly more, averaging 26.2% of the follow-up period, than controls, who averaged 19.2% of the period working. These effects are important indicators of program success, and imply that the AYES program succeeded in its goal of improving employability and increasing earnings. It is also clear that the program's effects on earnings and percent of time worked flow from the fact that more experimentals secured jobs, rather than from experimentals securing better jobs than controls. Analyses of the working subsamples of each group showed that working experimentals earned no more than working controls, and that experimentals and controls held their jobs for equal lengths of time.

The program's hopes for improving the quality of employment for participants seem somewhat naive in retrospect. The target population faces structural barriers to employment based on its youth, its distinct lack of human capital, its involvement with the criminal justice system and its racial/ethnic minority status. Those are not barriers that are likely to be overcome by a mere six months of work experience and training, even if the subjects actually participated for that long a period. They did not, of course. Thus, helping participants to secure more, if not better, work could be considered a notable accomplishment despite the fact that it falls somewhat short of the original objectives.

An investigation into the reasons for the greater success of experimentals than controls in obtaining employment is important. It seems likely that the general effect on employment emerged from a complex interaction of program effects, attributes of the participants prior to program entry, and post-

employment opportunities available to members of this population. Each of these elements varied by site, as did the magnitude of the difference between the experimental and control group. Albuquerque had the highest percentage of employed subjects, 64% of the experimentals and 55% of the controls. However, the largest difference between the two groups was in New York--44% of the experimentals and 27% of the controls worked a difference of 17%. The Miami site showed intermediate rates of employment and the smallest difference between the two groups--47% of the experimentals and 42% of the controls were employed at some time during the follow-up period.

We believe that improved employment of experimentals resulted from the program's creating an environment and network that assisted participants in finding work. Many of the participants were unconnected with job search networks before coming into the program. In that state of isolation, change in the person's employment situation was unlikely. The AYES program brought some of these individuals together in a situation whose *raison d'etre* was securing jobs; it brought them into contact with people who encouraged them to seek work, or at least accept an opportunity if it came along. In this way, AYES seems to have affected the employment of its participants, despite the absence of an aggressive job development component. Thus, the program's environment provided the participants with a job-seeking network, rather than the identification of specific jobs.

The difference in employment between experimentals (44%) and controls (27%) was greatest in New York. This may be attributed to the devastating effect of isolation in a city as large as New York. That is, in a city the size of Albuquerque (with a population of fewer than 300,000), it is likely that even the population served by the AYES program would have some job-seeking network. In contrast, many of the controls in New York might have very few affiliations with working people and little or no access to a job search network. Entry into AYES may have provided some necessary role models and contacts to increase the participants' motivation to look for employment or to accept opportunities when available.

There were no significant differences in employment effects among the three models.

In addition to the employment outcomes, the AYES research focused on criminal justice outcomes. The analyses of official record data did not reveal any differences between experimentals and controls on post-program assests or convictions. While there was a relationship between number of hours spent in the program and number of post-program arrests, it is not clear whether this is a program effect or simply a function of self-selection. That is, there may well have been some factor, outside the program, which determined both who stayed in the program and who get arrested.

Given what we now know about the program and the research population, the lack of effect on arrests is not surprising. Only about a third of the AYES research subjects had a record of arrest in the two years prior to intake. Since the research found the number of prior arrests to be best predictor of post-intake arrests, the volume of such arrests was likely to be small in a 14 month period, even in the absence of the program. It is clear from the data that the AYES sample was not drawn from a "hard core" offender population, despite recruitment from criminal justice agencies. In view of that fact, the AYES program could have had to exert an extraordinarily powerful effect on participants to show a statistically significant difference in arrests between experimentals and controls. Thus, the lack of effect in this area may be more indicative of a failure to recruit a very criminally active population of subjects than of a failure of treatment.



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

In New York State, prisoners leave the upstate institutions with \$40 "gate money," from which they must pay transportation costs to New York City; Rikers Island jails provide City inmates with only \$1.50 when they leave. Out of prison and out of work, with no desire to go on welfare, an ex-prisoner, who doesn't choose to accept welfare, has an immediate need for cash, but, unless he is one of the very few who has lined up a job before release, the labor market cannot respond to that immediate need. And, even if illiteracy, lack of skills and employment experience, the stigma of recent imprisonment, and racial discrimination were not standing in the way of finding a source of legitimate income, conventional jobs usually pay at least two weeks in arrears. It seems obvious that the market's inability to provide earned income on an immediate basis to persons coming out of prison stimulates crime.

Vera has attempted, in the Neighborhood Work Project, to provide prison releasees the immediacy of a day's pay for a day's work that characterizes the casual labor market, while eliminating the exploitative and uncertain features of it. With \$1.25 million of federal block grant funds from the Department of Housing and Urban Development (HUD), Vera launched the pilot Neighborhood Work Project (NWP) in November 1978.

NWP offers to any prisoner coming into New York City from city, state or federal prisons an opportunity to earn legitimate income on a flexible work schedule, for up to six months following release from custody. The project provides temporary, unskilled, part-time employment on closely-supervised work sites for persons over 18 who register within one month after release. No skills are required and the only entrance requirement is a willingness to work hard at strenuous physical labor. There is, in principal, no waiting two weeks for the first paycheck--even the first day on a site, pay comes at the end of the day's labor.<sup>3</sup>

NWP is financed by the sale of its services to public and non-profit organizations. The primary customer to date has been the N.Y.C. Department of Housing Preservation and Development,

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

which purchases NWP's services to renovate City-owned housing stock.

Workers can choose which days they work and are assigned to work-sites on a daily basis. To schedule work, a worker calls NWP the day before, or by 8:30 the day he wants to work; the shape-up that gives him an appropriate site assignment is done by computer, while he's on the phone.

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

An NWP participant can, if he chooses, get help in his search for permanent conventional employment from the Vocational Development Program--an allied project offering employment and training services, also designed and operated by Vera (and described in the next subsection of this report).<sup>4</sup> For those NWP workers who want help, VDP's job developers will assess their needs, desires, and skills and will assist them to find appropriate work or training. NWP, as an employer, can provide potential employers with performance evaluations and recommendations.

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

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

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

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

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

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

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

However, unlike private sector day-labor operations, NWP workers cannot work more than six months at NWP. This is the key to the most important difference between working at NWP and working at a conventional job: NWP is short-term transitional

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

In the NWP pilot year beginning November 1, 1978, just over 1,000 returning prisoners took up the NWP offer, and by the Fall of 1979, the project was able each day to field seven crews of 10 slots each, for which its registrants could call in to reserve a place. This led Vera and the City to increase the capacity for the program year beginning November 1, 1979. Backed by \$1.9 million of HUD financing, NWP was able to field 10 crews each day. The demand from returning prisoners for paid work on the NWP model was still not met and NWP was further expanded in May, 1980 by a transfer of \$248,000 of HUD monies from the City's Housing Preservation Department: this permitted NWP to phase in an additional five crews. (These crews were devoted to work on HPD's in rem properties.) Thus, in the second NWP year, 1350 returning prisoners were accomodated. In October, 1980, NWP was further expanded, with a total annual budget of \$2.9 million, to provide temporary employment to roughly 1600 persons returning to the City from incarceration. In the current federal fiscal year, while funds have not increased from the previous years, NWP has been able to field--through various economies--155 workers per day, as in FY '81 and FY '82, despite inflation. NWP has entered its fifth program year with roughly the same amount of contract income (\$3 million) with which to provide day labor to those seeking it.

From November 1978, when it began operations, to the end of June 1982, NWP has employed 6,610 workers; in the current operating year, NWP expects to be able to employ roughly 1,400 returning ex-prisoners--approximately 300 eligible for daily shape-up at any one time.

Some 1,700 of those who have left NWP are known to have gone on to a job or stipended training program. Of the remaining 3,496, the great majority (73%) were terminated from NWP's rolls only because a time came when they did not call in for the required two days of work in a week. Since very few subsequently contacted the program, it is not known whether or not they found conventional jobs on their own, or just stopped working and returned to crime or welfare dependency; whatever they did, they used the program as a source of legitimate cash for varying lengths of time during the period of greatest economic (and other) stress immediately after release.

NWP has also been able to respond to a series of requests from the City's Department of Correction (DOC) to help restructure the City's work-release program. Lack of jobs for potential work-release participants, and lack of substance in the DOC program, seemed to limit unnecessarily its utility both as a device to help re-integrate City prisoners and as a way to reduce overcrowding pressure on Rikers Island. In September 1980, after joint inspection of the DOC work-release facility and program, Vera assisted DOC in a successful search for CETA funds to employ vocational counsellors and job developers at the facility. Vera then set aside up to 50 slots in the daily NWP crew complement, for use by City work-release participants (capacity of DOC's work-release facility is 60 inmates).

From September, 1980, to June 30, 1983, 500 inmates from the New York City work-release facility were employed in NWP. NWP hopes to continue this accommodation in 1983-84.

Over the past year, as public funds for most employment and human service programs have been reduced, many government agencies have had to shop more carefully for service providers. New York City has paid especially careful attention to costs of housing improvement services of the kind for which it has been contracting with NWP, both because these services tend to be costly and because productivity (or cost-effectiveness) can be measured relatively easily. HPD has continually compared the cost of NWP's services with those of other contractors. In these reviews, NWP's costs have been found to be equal to or below those of the private sector contractors that provide sheetrocking, debris removal, painting and plastering services to HPD. This fact is one of the important lessons to be learned from NWP: an unscreened and relatively unskilled work force of ex-offenders can achieve market levels of productivity if provided with proper supervision, reasonable pay levels and clear work assignments.

As NWP approaches its sixth year of operations attention is being focused on how to diversify its income in order (1) to meet the ever-increasing demand for work by returning prisoners, (2) to minimize dependence on a single (and possibly vulnerable) source of public funds, and (3) to offer NWP participants some opportunities for longer term "casual" employment or skills training. Discussions have been initiated with private sector developers and contractors, to explore NWP's potential as a day-labor subcontractor in construction work, and with other public agencies who have need for flexible, well-supervised temporary work forces.

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

There is a point of some importance hidden in the fact that NWP has been financed principally by contracts backed with HUD money. Department of Labor funds (CETA, as they were known through 1982 and then Job Training Partnership Act (JTPA) funds beginning in 1983) were the more logical source, but upon examination proved wholly unworkable. Although the CETA legislation appeared to permit substantial flexibility of program design so that innovative program models might be developed to meet the varying needs of various unemployed and unskilled groups, CETA regulations and administrative practices introduced a number of rigidities that made it difficult or impossible to apply these monies where they might be most useful. NWP's model of two or three days of work a week, for example, was not possible under most localities' rules for CETA programs. (References below to CETA are also applicable to the new JTPA program.)

There were other difficulties with CETA that generally got in the way of good programming for ex-offender groups. Usually, CETA programs were required to produce a certain number of job placements. This required "service" is antithetical to the operating principal of NWP (which capitalizes on the considerable capacity of many to pursue job placement directly, with only occasional or initial help), and is unwanted by a substantial number of those who make use of NWP's transitional employment structure. The high priority given to job placements, in the CETA models, was usually translated to contractual performance requirements which made it foolish for program operators to adopt a no-questions-asked, no-skills-or-experience-required approach to intake. (Thus, in conventional CETA-funded programs, most ex-offenders tend to be screened out.)

CETA also inhibited sound program development by regulations that seemed to require separation of programs offering on-the-job-training, programs offering work experience, and programs offering classroom training. These rigidities were neither statutory nor regulatory in nature, but program operators' inability to secure CETA financing for projects that offered individualized packages consisting of varying amounts of each type of basic service made the ex-offender population (and other groups with multiple needs) an unattractive group to serve. The tendency was for CETA contractors to offer one or another of the specific services (e.g., classroom training in clerical work, or work experience in building rehabilitation), and to select clients who could be matched with the one service provided. Such a result is not a problem for an individual who has made a clear vocational choice, who needs only one kind of CETA service, and who can shop around for a program offering

what he wants. But this is not typical of the ex-offenders who need CETA-type services. For example, a 25 year old high school drop-out may need to earn his high school equivalency diploma before proceeding to an on-the-job-training position to learn a trade. If he can do both within a single program, it is more likely that he will develop a sense of short- and long-range goals, a trust in one set of vocational counselors, and the security which might enable him to organize his life around an activity that is not one or two months in duration, but 6 or 8 months.

In 1979, Vera staff met, over a period of several months, with relevant officials in the Department of Employment, New York City's CETA prime sponsor. These meetings were aimed at fashioning a pilot project that would permit a test of the utility and the impact of equipping a single program operator with the flexibility to make use of all types of CETA services and the authority to tailor individual packages of these services for multiply disadvantaged ex-offenders. The basic idea was to permit each ex-offender to select, with professional guidance and after vocational assessment, the mix of "work experience," "on-the-job training," "skills training" and classroom courses suitable to his needs. The hypothesis was that this participatory, flexible approach to vocational development within a single CETA program would permit ex-offenders facing serious and multiple vocational deficits to gain a more competitive posture in the labor market, and to get and keep significantly better jobs. That fall, a contract was awarded to Vera to operate the Vocational Development Program (VDP).

Funded through the CETA program until September, 1982 and through JTPA currently, the Vocational Development Program can, for example, arrange for a participant to spend two days per week in a college curriculum and three days per week earning a stipend at a job in a non-profit or public agency. Alternatively, VDP can arrange for on-the-job training in a private company and reimburse the employer for fifty percent of the trainee's wage. VDP organizes the program around the needs of incoming participants rather than referring them sequentially to one after another single-purpose project. This program is intended as a laboratory in which techniques for individualizing employment and training offerings can be developed, and in which the value of this flexible approach can be tested and demonstrated. The program served 1,000 ex-offenders in its first four years of operation, and will serve 300 in FY '84. If successful, it should suggest ways in which to make employment programs more flexible and should provide useful vocational assessment and tracking models for use by other employment program operators.

The Vocational Development Program's ability to provide effective vocational services to ex-offenders was soon recognized by the New York City Department of Correction: as a

result, in December 1981, the City contracted with VDP to take on the task of providing vocational counselling and job placement assistance to inmates on New York City Work Release. (The City's experience in the previous year, with facility staff on CETA lines providing these services, had not been successful.) The Department of Employment and the Department of Correction determined that the most promising set of vocational services would be the Neighborhood Work Project (for immediate, temporary work in the early stages of work-release participation) and the Vocational Development Program (to help secure longer term post-release employment). VDP began to provide services to work-release participants in January 1982.

The Vocational Development Program has now placed into jobs over 600 ex-offenders who have gone through the special program in which CETA offerings are mixed and individually tailored. VDP staff have also assisted over 500 ex-offenders to secure direct placement into full-time jobs or into paid training positions--the majority of these persons were referred from NWP worksites. Although VDP job developers explored and met success with many types of firms (securing for clients jobs that range from diamond-cutting to plumbing), most placements have been with small firms. These firms, too small to have their own personnel staff for screening new hires, benefit from the screening provided by VDP staff, and develop confidence in the training they deliver and in their judgment.



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

We know that many who are incarcerated have long criminal histories at the time of imprisonment, and evidence substantial likelihood of being re-arrested after return to the community. We know that the typical inmate's experience while in jail or prison is often destructive personally and offers little that would effectively prepare him for re-entry to the community. And we know that the vast majority of inmates leave prison without savings, without immediate entitlement to unemployment benefits, and with very poor prospects for employment, and that they are without resources at a time when the need for them is acute. In the 1960s, because growing knowledge about the plight of ex-prisoners identified them as a population critically in need of vocational assistance, and because everyone hoped that recidivism could be reduced by increasing their employment prospects, the Department of Labor (DOL) and the Law Enforcement Assistance Administration (LEAA) funded a number of vocational training and job placement programs for inmates, within the prisons and after release. For those who could not find work immediately, however, the problem of acute financial need at the time of release remained.

Thus, in the 1970s DOL sponsored two important research projects designed to meet released prisoners' need for financial assistance during the period of transition from the institution to the community. Both the LIFE project (Living Insurance for Ex-prisoners) and the TARP project (Transitional Aid Research Project) demonstrated that providing financial aid, even for a relatively short time, reduces re-arrests during the transitional period--especially if the work disincentive effects of

certain aid payment mechanisms are eliminated.<sup>5</sup> These findings suggest that guaranteed employment immediately upon release would be the ideal service for reducing post-release recidivism.

It was for these reasons that Vera designed the Neighborhood Work Project described above. An ex-prisoner registering with NWP immediately after release, instead of receiving transitional financial assistance in the form of unemployment benefits (as in TARP), receives a wage at the end of each day worked. The design of NWP goes to some lengths to avoid income exercising a disincentive effect on participants' search for regular employment: while continued eligibility requires ex-prisoners to continue working at least two days per week, no one is permitted to work more than three days per week and at least two weekdays are thereby set aside, each week, when project income cannot get in the way of the search for regular employment.

NWP has been operating for over five full years, and several thousand ex-prisoners coming to New York City from federal, state and city institutions, have registered to work there. This presents an unusual and important research opportunity: NWP's transitional aid comes from guaranteed, immediate post-release employment rather than from transfer payments of one sort or another; its almost total absence of intake criteria make it available to anyone released from confinement; its operating assumption is that returning ex-offenders are adults, capable of understanding what is expected of them and of using the financial benefits of employment to help themselves adapt to stable life in the community.

Despite these and other interesting dimensions, NWP has not yet been the subject of any systematic research effort. At

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<sup>5</sup>Both projects provided financial payments directly to the ex-offender in the community. However, in the TARP program, the amount of the financial aid received was reduced in proportion to any money the participant earned in legitimate employment. The researchers found that the TARP arrangement had two effects that opposed each other and balanced each other out. On the one hand, the TARP payments, by providing necessary financial assistance, lowered the number of arrests experienced by persons receiving them--just as the LIFE payments had. On the other hand, because TARP payments were lost to the extent that the recipients found work, they increased unemployment; unemployment increased arrests, so the TARP payments produced a side effect that wiped out the direct arrest averting effects of financial assistance. (See, Kenneth Lenihan, *Unlocking the Second Gate*, R & D Monograph 45 (Department of Labor: Government Printing Office, 1977); and Peter A. Rossi, Richard A. Berk and Kenneth S. Lenihan, *Money, Work and Crime*, (New York: Academic Press, 1980).)

the beginning of the program the meager research resources that were available were used to develop forms for collecting data describing participant characteristics at intake, program operations and the extent of worker participation. Vera has developed, under this contract, a research design to generate the block of knowledge needed to build on the findings of LIFE and TARP.

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

The major questions to be addressed fall into two general categories: a) those dealing with NWP as a program model for transitional aid to ex-inmates returning to the community; and b) those dealing with the meaning and impact of paid work in the lifestyles of recently released, highly crime-prone ex-prisoners. For example, what are the demographic characteristics of the ex-prisoners who voluntarily register for the guaranteed (but low-wage) work offered by NWP, and how do they differ from those released to the City from correctional facilities who do not seek such aid in the transitional period? What resources are available to them in the community, and are these more substantial for the ex-prisoners who make use of NWP? What proportion of NWP participants secure employment upon or after leaving the program; how long does it take them (with or without the help of job developers) from program entry and from program exit to first regular employment; and what kinds of jobs do they secure, with what remuneration and benefits?

Through extended interviews with and case studies of successful and unsuccessful users of NWP, it will be possible to find out how they perceive and value their prior work experiences, which jobs they define as useful and important, and why. Questions such as these cry out for answers: What perception do they have, upon release, of the job market and their prospects within it, of the personal qualities and skills that enhance or limit prospects, of ways successful job-finders emphasize their skills and de-emphasize their limitations? To what extent are their views of legitimate employment shared by their friends and families? How do they think legitimate employment, whether of a desirable kind or an undesirable kind, is secured by others? How have they gone about their personal job search? What connections do they see between their prior criminal histories and their employment histories and prospects? What kinds of crime are they engaging in while working, if any, and what kinds of crime do they engage in when not working, if different? Do they view present, prospective, or any kind of employment as a better choice than, or a deterrent to, criminal activity?

Answers to these questions--and questions like them--will be provided by the research that Vera will carry out over the next fifteen months or so. In the Spring of 1983 the Ford Foundation recognized the potential utility of conducting such a study and, in the fall, the Foundation awarded us a grant for fourteen months support. We will begin the research before the end of this calendar year.

(f) Transitional Employment Project for Recent Cuban and Haitian Entrants--A Pilot Combining Elements of NWP and VDP.

By the end of 1981, more than 11,000 of the original 125,000 Cuban entrants from the "Freedom Flotilla" of 1980 were being carried on the caseloads of the eight refugee resettlement agencies in New York City, and the metropolitan area was increasingly becoming a magnet for secondary migration of Marielistas from other localities. At the same time as refugee resettlement agencies were experiencing unique difficulties in moving the Cubans off their caseloads into full, independent participation in the larger society, they were confronted with the prospect of a wave of Haitian entrants presenting at least as many barriers to conventional resettlement techniques.

The populations previously served by resettlement agencies have not, it seems, prepared the agencies well to meet the needs of the Cuban and Haitian groups; in disturbing numbers, these new entrants have an unusual depth of vocational deficiencies and naivete about the labor market in this country.<sup>6</sup> Most are young, single men who have no family ties on which to rely. Few

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<sup>6</sup>The difficulties that the existing refugee resettlement agencies have in responding to the needs of this new caseload are not surprising, in view of the context of their efforts. The amount of time and resources the agencies must commit to provision of a wide range of social services (assistance in obtaining housing, food stamps, home relief, etc.) of necessity reduces their resources for undertaking extensive employment efforts on behalf of clients. While the social services are important, either as prerequisites or as supplements to clients' job placement, they are not enough. In addition, the agencies are not resourced to monitor their clients' performance at the worksite, when job placement is achieved, making it difficult to ensure job retention, not just job placement. Lack of post-placement services not only obstructs clients' retention of initial placements, but also limits their chance of moving, at the appropriate time, into better vocational opportunities. Finally, to furnish language instruction which could enhance clients' employability, the resettlement agencies in New York City must rely primarily on still other agencies which appear to face either substantial difficulty in meeting their language training objectives, or a danger of not being refunded, or both. It appears that at least two major problems for agencies providing ESL (English as a second language) remain unsolved: despite the fact that the vast majority of the Cuban and Haitian entrants are unemployed, the ESL curricula rarely have a vocational orientation; and, to a certain extent as a consequence, these ESL programs have experienced great difficulty in maintaining stable and adequate attendance.

report stable employment histories in their country of origin, and almost all have no more than minimal experience in trying to find their own jobs and negotiate wages or work conditions here. There is only the narrowest applicability of their Cuban and Haitian work experience to employment opportunities and conditions in the New York City labor market.

It has become increasingly apparent that many of the Cubans and Haitians on the resettlement agencies' caseloads require a non-traditional approach to resettlement, and a special focus on employment in that process. Various refugee resettlement organizations and the New York State Department of Social Services therefore asked Vera to try to apply its experience with hard-to-employ groups to the vocationally-rooted problems of their most difficult-to-employ Cuban and Haitian clients.

To extend the Institute's previous employment programming to this population presents some unique difficulties; not only do the Cuban and Haitian entrants present a wide range of vocationally-related attitudinal problems, deficits in education and skill, and (in the case of the Cubans) a high incidence of prior involvement with criminal lifestyle, but they are also relatively isolated from the community at large. (In the case of the Cubans, they are surprisingly isolated even from pre-existing Cuban-American and Hispanic communities--in part because of stigmatizing press reports about them.) Vera responded by planning, under this contract, a program for this crime-prone group that makes use of the Institute's existing program models, in combination with English as a second language (ESL) training.

Vera's resulting application for federal funding (through the state), would establish a pilot program to serve 75 of the most difficult-to-employ Cuban and Haitian refugees over the course of a year. The pilot would provide subsidized transitional employment, vocational training, job-related ESL, and on-site supportive services to the participants, who would continue to receive ancillary services from the voluntary resettlement agencies. The pilot aims to enable Cuban and Haitian entrants now on the caseloads of community-based and voluntary agencies (the "volags") to attain economic self-sufficiency, by providing them with the work habits and the social and vocationally-oriented skills necessary to secure and maintain competitive employment; the goal is to place at least 60% in unsubsidized employment.

Upon entry into the program, Cuban and Haitian participants would, each week, have three days of salaried work experience in Vera's Neighborhood Work Project (NWP) and two days of stipended, job-related English language instruction. A Vocational Development Program job developer/case manager would monitor each participant and, at the appropriate time, either: 1) attempt placement in an unsubsidized job, or 2) arrange more

specialized training at a private sector worksite prior to developing opportunities for unsubsidized employment.<sup>7</sup> The nature of the training offered to the participants at their worksites would be considered in tailoring the vocationally-related ESL curriculum.

Job-related ESL instruction seems a crucial link in any effort to enhance the employability and economic self-reliance of the Cuban and Haitian entrants. The vocationally-oriented ESL component of this pilot will be structured: 1) to enable the Cuban entrants to function more effectively in English on the NWP worksites or the worksites arranged for them by VDP; 2) to provide the Cubans and Haitians with a level of language competency which could, at minimum, be sufficient for retention of jobs where co-workers and supervisors are not speakers of their native language; and 3) to enhance the number, variety, and quality of vocational opportunities for which they could plausibly apply when they become ready to obtain competitive employment. Participating in the ESL component of the pilot program would be, as participation in the work experience would be, mandatory; failure to comply with program requirements for ESL would make entrants ineligible for work experience. Attendance policy for ESL classes would be as stringent as for work at NWP (see Section III(1), above); absences would be excused when participants either are required elsewhere to resolve questions relating to entrant status or to obtain documents necessary for employment, or present a doctor's certificate substantiating ill health, but the ESL instructor will issue a warning after two unexcused absences and will terminate participants after the third. Stipends have been budgeted for ESL training as an additional incentive for participants as well as to guarantee that their weekly earnings are equivalent to the minimum wage for a 35-hour work week.

As indicated above, a job, even a job coupled with an ability to get by in the English language at work, is not all that is needed for successful resettlement of many of these recent entrants. Thus, the job developer/case manager, aided when necessary by the other staff of VDP and NWP, would provide information and refer clients to services for problems with

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<sup>7</sup>If an entrant demonstrated a skill which could be upgraded through on-the-job-training (OJT) in a private sector firm, the job developer/case managers would attempt to develop such a training slot and would provide support to both the employer and the trainee. If the entrants were determined to be CETA-eligible and if VDP had sufficient OJT inducement funds available, the project would be able to utilize these funds and provide partial subsidization to the employer. Such OJT arrangement would be negotiated in conformity to the U.S. Department of Labor guidelines, which limit subsidization of trainee wages to a 50% maximum.

housing, health, and the law. Whenever appropriate and feasible, pilot project staff would solicit assistance from the referral agency in question, for joint resolution of the problems facing individual Cuban or Haitian clients. But NWP site supervisors and VDP job developers will be available, together with the ESL instructors, to provide crisis intervention services, including counseling. These staff are fairly well acquainted with the problems faced by new arrivals to New York City, as they deal with recently-released prisoners whose adjustment problems in this regard are similar, to some extent, to those of the new arrivals from Cuba and Haiti.

In some of Vera's prior projects for difficult-to-employ populations, trainees who received a network of supports when in the project do better, after graduating to the competitive labor market, if the supports are only gradually reduced rather than abruptly terminated. Prospects for careful follow-up services to enhance job retention seem particularly strong for Cuban and Haitian entrants, so the pilot project will provide, on an as-needed basis, systematic post-program supports both to participants and to their immediate supervisors at the jobs into which they are placed. The job developer/case managers will follow-up the placement every day during the first week after graduation from the Vera pilot, once a week for the next three weeks, every two weeks for the next three months, and thereafter at thirty-day intervals for a total of six months. Follow-up would include visits to the workplace, calls to the employer and employee, and appointments at the VDP offices after work.

The pilot envisions development of a detailed individualized tracking system for each participant and systematic observation and assessment of the participants' use of the experiences and services offered in the various settings. By these methods, the pilot would attempt to provide useful information to public and private agencies responsible for seeing that this crime-prone group of entrants to New York City achieves greater self-sufficiency and achieves it soon.

The State has indicated its readiness to finance this pilot, which is scheduled to begin in December, 1983.



## V. Programs for More Efficient Operation of the Juvenile Justice Systems.

Many problems in the administration of justice and in crime control are--or appear to be--generic; examination of the adult criminal justice system or the police patrol or case-building functions, for example, can produce knowledge and programs that are equally effective in or easily adaptable to the juvenile justice system and the control of juvenile delinquency. But some of the problems in the juvenile justice field are specific to it and call for separate study and different program activity.

Publication in 1978 by Monarch Press of Paul Strasburg's Violent Delinquents: A Report to the Ford Foundation from the Vera Institute of Justice marked the beginning of a new series of Vera program development efforts in the juvenile justice field. One effort has aimed to launch a pilot project, to test a program model combining rich services and very intense supervision for dealing with and controlling the behavior of chronically delinquent youth in a non-secure setting. Chronic delinquents, although relatively few in number, are more likely than other groups to engage in an act of violence--simply because their delinquency is so frequent; yet, ironically, when such youths are released from a secure placement facility or from detention after arrest for their last criminal engagement, they are rarely accorded any program (parental, private or public) that holds much promise for controlling their behavior or for changing it. However rich the services (educational, vocational, etc.) offered by a program, it cannot prevent the return to Family Court and to confinement of client youth whose delinquency is so chronic that they are near certain to be re-arrested after entering the program. Of course, concern about this likely early recidivism, about staff's inability to prevent it, and about the implications of program failure that inevitably arise when the re-offending occurs, leads most programs to turn chronic delinquents away. This, in turn, makes the need for program development and knowledge building on this topic the more pressing.<sup>1</sup> Nevertheless, Vera has been unable to secure financing for the pilot, and the plan is simply being carried forward until the times are more favorable. Meanwhile, other projects are proceeding.

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<sup>1</sup>See, Bonnie P. Lewin, A Review of Past and Current Efforts by the Criminal Justice System to Combine Controls and Services in the Handling of Offenders (New York: Vera Institute, 1979).

(a) The Family Court Disposition Study--Starting at the Beginning.

The aim of this research project was to detail the kinds of offenders and offenses coming before the Family Court--which were hidden by a veil of confidentiality from the view of policy-makers, researchers, and even the judges and lawyers who operate and work in that court. The hope is that this research, through the various reports issuing from it, will improve the quality of future legislative reforms and the program development efforts of Vera and the other agencies trying to improve the juvenile justice system.

After a planning effort supported by an earlier technical assistance contract with the City, Vera began this study in 1978, when the ideas historically associated with the juvenile court's jurisdiction over youthful misconduct were increasingly being questioned by those who condemned juvenile courts as an experiment that had failed. There was a widespread perception that crime committed by children within the jurisdiction of New York City's Family Courts was increasing in frequency and viciousness; at the same time the idea took hold that Family Court was lenient with dangerous juvenile criminals. One headline that summer, proclaiming that "15 Year Olds Get Away With Murder" became (and remains, years later) a popular, shorthand condemnation of Family Court. The (incorrect) notion gained currency, in part by frequent repetition in the press, that an 18-month placement was the most severe dispositional option available to a Family Court judge. Pervasive images of a surging tide of dangerous juvenile criminals being handled by an intentionally non-punitive Family Court aroused popular anger, offended notions of justice, and created widespread demands for more effective crime control from this court.

At the same time, the Family Court's handling of less serious conduct and, in particular, its handling of status offenses, was condemned as overly harsh. The deleterious effect of court involvement with PINS ("Persons In Need of Supervision"), the perceived over-use of the placement disposition in PINS cases, and the virtual identity of PINS and delinquency case processing procedures were often cited as evidence of the Family Court's overreaction to essentially trivial behavior.

Finally, Family Court shared the blame that was directed at adult criminal courts for allowing the great majority of persons arrested to slip through the system unscratched. Quite apart from its philosophical antipathy to the concept of "punishment," rooted in statute, Family Court was criticized as administratively or procedurally unable to deliver substantial justice to the thousands of cases making up its burgeoning case-load. The result of the Family Court's action on its incoming cases could be described as an "inverted pyramid": In 1976-77, the Youth Aid Division of the New York City Police Department

reported that approximately 25,000 juveniles were arrested on delinquency charges in New York City, but the Office of Court Administration reported that only about 350 juveniles were ultimately placed by the Family Court in any sort of confined setting. Few informed explanations could be offered for this dramatic falling off in the delinquency caseload after it hit Family Court, but it generated a substantial public perception of injustice.

When decision-makers and planners, including the Vera Institute's staff, tried to lay the groundwork for changes in Family Court policy and procedure, they discovered that, beyond anecdote and press-based public perception, almost no information existed to describe the business of the Family Court or its actual processing of juvenile cases. Most participants in the Family Court system acknowledged the lack of systematic information, and the chronic, puzzling inconsistencies in the data that did exist.

For example, no one agency was charged with collecting information on delinquency cases from arrest through final disposition. The Police Department gathered arrest data, the Department of Probation gathered intake data, and the Office of Court Administration gathered court processing data. It was a matter of general knowledge that the information from the various sources did not mesh. Thus, it was not always possible to document the fate of particular cases, or particular categories of cases in the Family Court system. It was generally acknowledged that the lack of reliable information frustrated planning for change; it was certainly frustrating the Vera planners.

For all of these reasons, Vera launched a comprehensive study, with support from the City, the Ford Foundation, the New York State Division of Criminal Justice Services, the Foundation for Child Development, the William T. Grant Foundation, and the Scherman Foundation. The purposes of the research were to provide a systematic information base describing the kind of behavior with which Family Court is presented in its juvenile offense-based jurisdiction (delinquency and status offenses), and to try to understand how the Family Court system disposes of these cases and why it disposes of them as it does. The study's design was based in large part on the "wide" and "deep" sample design first used in Vera's Felony Arrests: Their Prosecution and Disposition in New York City's Courts (New York: revised ed., Longman, 1981). In that study, the combination of statistical and interview data was shown to be a useful method for understanding the realities behind aggregate case processing data.

Vera drew a "wide" sample of 1890 delinquency and 893 PINS cases, selected randomly from all delinquency and PINS cases appearing at Probation intake in the four major boroughs of New York City between April 1, 1977 and March 31, 1978. The

sample represents approximately one of every ten delinquency and one of every six PINS cases that appeared at intake. Because the sample was drawn at random, it was possible--for the first time--to document the full range of behavior that gives rise to the Court's delinquency and PINS jurisdictions. Detailed information with respect to each wide sample case was gathered from arrest, probation and court records.

In addition, Vera researchers conducted interviews with the principal Family Court system actors--e.g., arresting officers, intake officers, prosecuting Assistant Corporation Counsels, and judges--who were involved in each case in a "deep" sample; the deep sample consisted of over 200 cases drawn from the wide sample. (In the murder/manslaughter category, the deep sample consisted of the full universe of murder and manslaughter cases that reached Family Court during the year: the number of such cases was far too few for the one-in-ten "wide" sample to pick up enough cases for significant "deep" sample data-gathering.) The wide sample data showed what the Family Court does with the cases presented to it; the deep sample interviews help to show why. The interviews were designed to explore reasons for the processing and dispositional decisions reached in individual cases, and to surface patterns of reasoning and underlying fact that would help policy formation and planning for an improved Family Court system.

Summary presentation of the results of this work is extremely difficult, because the principal purpose of the effort is to dig beneath the summary picture one gets from aggregating, into a few categories, the behavior of delinquents and the responses of officials. Several hundred copies of the full 550 page report of this research, published by Vera in 1981, have now been distributed, upon request, to agencies, bar association committees, legislative staffs, and others with special concerns and interests in this field.<sup>2</sup>

The Project Director then worked briefly under this contract with the City toward putting the results of the Family Court Disposition Study in a form accessible to a wider readership; she then won one of the grants in the Ford Foundation's competition for support of the writing of nonfiction books that offer humanistic perspectives on major issues and trends in modern society. Planning for the book has allowed Vera, for the first time, an opportunity to distill the essentially disaggregated information collected for the original study and to identify and weave together some of the most important themes present in the material.

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<sup>2</sup>Jorena Adams Weisbrod, Family Court Disposition Study (New York: Vera Institute, 1981).

Perhaps the most striking theme is that the Family Court's delinquency caseload rarely involves violent behavior. In the vast majority of cases, children are not arrested with weapons and their acts do not cause physical harm to people. More children are charged with burglary in the third degree than any other offense; one of every four delinquencies handled by court personnel is likely to have been arrested on a top charge of burglary in the third degree. The typical Family Court burglary occurred when a boy, fourteen or fifteen years old, with at least one prior burglary arrest, not armed with any weapon, acting together with at least one other child, broke into an unoccupied neighborhood store at night. While heinous, violent crimes were committed by a few of the children in the 1,890 sampled cases, they were rare indeed; the bulk of the behavior brought to court is not what we ordinarily consider fearsome or personally frightening--not in New York City, at least.

The court's jurisdiction ends at the sixteenth birthday. Two-thirds of the children before it are fourteen or fifteen; the court sees almost no children under thirteen charged with delinquency. It also rarely sees girls. Eighty-two percent of the children in the delinquency sample are what is still ironically termed "minorities" (52 percent black and 30 percent Hispanic); the remainder are white. Over half of the children live in a home with no father or constant male figure; nearly half live in a home in which no one is working.

The children in delinquency cases were, generally, not strangers to Family Court. Over half had had delinquency cases before and over one-quarter of that group had had four or more prior arrests. We began to understand reasons for such frequent prior appearances at the court (which are particularly jarring when we remember that the oldest in the group are 15) by studying the paths that the cases follow to final disposition.

There is a dramatic attrition of delinquency cases as they move through the system; of the 1,890 sample cases that entered the court, only 267 stayed in the system long enough to have a judge decide whether or not the child committed the acts alleged. Six percent of the children were placed on probation; four percent were ordered removed from their homes and placed in residential institutions. The rest, in law and in fact, got nothing.

Not only did they get nothing as a punitive or controlling response from the court, they also got nothing to help solve their demonstrated physical, emotional and psychological problems. Family Court personnel rarely refer children to the voluntary service-providing agencies that exist in New York City; voluntary referrals are viewed skeptically because the people handling delinquency cases think most children before them lack the "motivation" to seek help. Why, they ask, should a referral be made when the child is not motivated to see it through?

A striking fact emerged from the research: placement facilities, both private and governmental, have the right to reject children whom the court has ordered placed. Even when the court orders that a child be removed from home and placed in a residential institution, that child may ultimately remain at home because no institution will have him. It is not hard to guess which children are rejected--those who are "unmotivated" and pose potential management problems for the institution.

The obstreperousness, the anger, the difficulty of many of the children in the sampled cases masked physical maladies. Often the difficult children were sick or suffered disability but, even though court personnel knew of their physical and mental deficits, the court lacked power to compel delivery of treatment. Here is a brief sketch of one illustrative case. The despair embodied in this case is relentless; it is not an atypical story:

The fourteen year old boy was arrested with two other children at 1:00 in the morning; the three had used a crowbar to force the door to the storage area of an apartment building. They were caught in the act by a night watchman as they were removing three bicycles. The watchman called the police and the children were immediately arrested.

At the time of the arrest, the boy had run away from home and had been gone for a month. His mother refused to take him home. He was taken to Spofford (a secure detention facility) at 6 a.m.

Also at that time, the boy was on probation for a prior finding of criminal trespass. In addition to that case, the boy had been arrested eight times before--five of the eight times for burglary. Not one of those eight cases stayed in the Family Court system long enough for the court to determine whether or not the boy was guilty. There were four other children in the boy's family, all of whom had Family Court records. One of his brothers had been arrested seven times and was currently on probation.

Most juvenile burglary cases collapse because individual complainants will not or cannot sustain the burden of pursuing a case in Family Court. It is frustrating, time consuming, and expensive in days lost from work. In this case, however, the owner of the apartment

building was adamant and leapt the hurdles of the court system. The case stayed alive and the boy was found to have committed burglary in the third degree.

The Probation Department's investigating officer concluded that, in light of the boy's record and the record of his siblings, he should be removed from home and placed in a residential facility. The judge--not surprisingly--agreed; he ordered the boy placed.

The odyssey of the "exploration of placement" began. In theory, explorations identify the most suitable placement for an individual child; in reality, explorations involve serial interviews with placement agencies who pick and choose among children. The theoretical purpose of the exploration is stood on its head; the agencies identify children suitable for them.

During the exploration, the Probation Department noted that the boy had a "below borderline I.Q." He was thus referred to two facilities identified by the Department of Mental Hygiene; both rejected him.

After that, he was referred to: The Jewish Board of Guardians; St. Joseph's Children's Services; Edwin Gould Services for Children; and the St. Joseph's Home of Peekskill. All four agencies rejected the boy. Finally, he was referred to two non-secure placement facilities operated by the New York State Division for Youth, the state's corrections department for children; both rejected him.

The judge, with no options left, ordered the boy placed in an "unspecified" facility run by the Division for Youth, notwithstanding the boy's previous rejection by two of that agency's homes.

Three months passed and the Division for Youth returned to court. They submitted a "Petition to Terminate Placement"; they begged to be relieved of the "respondent" (the name for a defendant in Family Court). The petition read in part:

"After extensive attempts to place the respondent with the Division and also with a private program, the Division concluded that Division

placement is unsuitable and inappropriate because, due to the respondent's mental retardation, the Division cannot guarantee his physical safety if placed in a Division facility. Furthermore, due to his inability to articulate and comprehend, [the respondent is] placed in a scapegoat position. The respondent has such severe mental limitations that he is unable to respond to rules and procedures and to benefit from a Division program."

The court granted the Division's petition. The judge cancelled his order of placement. He substituted an adjournment in contemplation of dismissal as a final disposition of the boy's case. An "ACD" (as they are called) means that a respondent returns home. If he stays out of trouble for six months, his case is dismissed; the court provides absolutely no supervision during the six months--the respondent is on his own.

The boy violated the ACD when he was arrested again for burglary within six months. As the court began to process the new burglary case, the boy turned sixteen and the bell tolled for Family Court's jurisdiction; once sixteen, everyone arrested in New York City goes to Criminal Court.

The Family Court immediately dismissed both cases pending against the boy and closed their files on him. The judge inked the following note on his order of dismissal: "The court has nothing to offer the respondent."

The boy's case had had nineteen hearings.

The 893 status offense cases painted--if anything--an even sadder picture than the stories of delinquency. The children in PINS cases are also virtually all poor and black or Hispanic. There are many more girls involved in PINS cases (almost half of the children are girls) because poor mothers often try to use the Family Court to control their daughters' sexual activities. The deep sample data suggest that some mothers use the PINS procedure to punish daughters who were beginning to threaten their mothers with sexual competition.

It was hard to distinguish many of the PINS children from "neglected children" (on whose behalf petitions are brought against parents in this same court), even though the PINS cases were born out of allegations of a child's, not a parent's, mis-



conduct. Consider, for instance, the life history of one of the children in the sample of PINS cases. He was a fifteen year old boy, whose mother had deserted his family eight years before. The boy was living with his father; a neglect charge had been filed against the father because they lived in an apartment with no electricity. When the PINS case began, the boy's father was hospitalized with a stroke.

The boy had been arrested seven times on delinquency charges. He had been put on probation once. A robbery case was pending against him in Family Court at the time that the sample PINS case began.

The boy's oldest sister (whose infant was hospitalized-- abuse was suspected) initiated the PINS case. She claimed that her fifteen year old brother smoked pot and that he had taken her fur coat to give to a friend. She wanted to leave the boy in court on the day the case began; she did not want him to come home with her. The only other adult family member available to care for the boy was a twenty-one year old brother who had just been released from prison.

At this point, it seems that the organizing themes for the book-in-progress will include the following: 1) The Family Court is a poor people's court. The children the court sees in delinquency and PINS cases would most likely not be there if their families had greater resources. This seems particularly true in PINS cases, which often present precisely the sorts of conflicts for which families of a different class seek private help. 2) The people who handle cases in Family Court and who make decisions in placement agencies are rarely from the same class as the children whose cases they process. In this sense, the court is a metaphor for all urban institutions that serve the poor. The class difference creates a distance that is revealed overtly and subtly. With astonishing frequency, court records contain physical descriptions of children and their families such as: "mother has thick lips, large pores, and oily skin" or "mother looks like Dionne Warwick." The distance between the court and the children manifests itself also in the emotional numbness of many court personnel. It is perhaps understandable that individuals dealing every day with situations of despair and extreme emotion learn ways to avoid involvement. But this distance leads to a churning of cases in the court and a willingness to accept results like the one reached in the burglary case described above. 3) A deep look at the cases shows that the court does not work in "the best interests of the child" as the written law says it must; there is a fundamental dishonesty at work in continuing to assert that it does--or can. We could, perhaps, be better off admitting the limits of what a court can do, and the profundity of the problems the Family Court is asked to solve, and start from the beginning again to design a system that--at the very least--does not hold out false promises.

Copies of the manuscript of this work should be in the hands of the New York officials responsible for Family Court operations and policy by January, 1984; the book should be published later in 1984.

(b) Other Agencies Use of Family Court Disposition Study Data.

In September, 1982, the Office of the Coordinator of Criminal Justice and Special Services for Children (SSC) of the Human Resources Administration submitted a proposal for a "Court-Related Youth Services Demonstration Project" to the New York State Department of Social Services. The project is designed to expand pre-petition diversionary services and post-petition remand services in Person in Need of Supervision (PINS) cases in the Brooklyn Family Court. According to the proposal, the project would have two components:

- "1. A Remand Services Unit would terminate unnecessary foster care and permit withdrawal of PINS petitions by intervening in selected PINS remand cases at an early stage and providing intensive services to families and children. Services would include case management, crisis counseling, family counseling, and referral within thirty days to an established preventive services program subcontracted by SSC or to a regular SSC field office unit.
- "2. A Pre-Petition Intervention Unit would prevent PINS petitions from being filed and possible subsequent foster care by providing pre-petition diversionary services to families. Services would include family mediation, school advocacy, crisis intervention, resource identification, and referral to a preventive services program in the community. Follow-up services would be provided to assure that families make the utmost opportunity of services provided and that such services are appropriate."

The proposal relies on Vera's Family Court Disposition Study as the primary data base describing current PINS processing in New York City, reprinting data from the study to describe the behavior ordinarily alleged in PINS petitions. At this point, Vera staff are working, on an informal basis, with staff in the Coordinator's office to establish preliminary project caseload estimates, and to consider the shape of an appropriate evaluation.

The Victim Services Agency is currently preparing a report on reasons for complainant withdrawal in Family Court delinquency cases. VSA has analyzed a small sample of cases in Brooklyn and the Bronx. The VSA Report obtained data from the Family Court Disposition Study data base, to provide a context for its findings (e.g., data describing aggregate delinquency disposition patterns in Brooklyn and the Bronx, and charge

distributions in the two boroughs). Vera staff familiar with the data base have been consulting informally with VSA staff to review reasons for complainant withdrawal.

In the spring of 1983 the Victim Services Agency, together with the New York City Corporation Counsel began a pilot project in the Bronx Family Court, designed to provide special services to child victims of delinquency offenses. The idea for the project arose out of discussions among FCDS, VSA and Corporation Counsel staff, and preliminary planning and funding efforts relied on FCDS data for caseload estimates and descriptions of the kinds of offenses likely to involve child victims.

In January, 1982 the Chief of the Brooklyn District Attorney's Office Sex Crimes Bureau contacted Vera staff for assistance in developing a better understanding of the juvenile offender cases and designated felony cases involving sexual offenses, which are handled by that Bureau. The aim was to analyze case processing patterns in juvenile sex offense cases and to devise new prosecution strategies. The Vera staff responsible provided all of the aggregate (unidentified) data involving sex offenses as well as similarly aggregated data for Brooklyn in particular. The Bureau is using the material to develop a profile of juveniles arrested in Brooklyn on sex offense charges.

(2) "Partners in Progress"--Development of a Model for Intense Supervision of Moderately Delinquent Youth in a Community Setting.

Over the term of this contract, Vera has been collaborating with a former Family Court judge and the City's Department of Parks and Recreation in developing, monitoring and planning a proper evaluation of a program model that combines intense, one-on-one supervision with paid employment for certain moderately delinquent referrals from Family Court.

In the summer of 1981, a Family Court judge referred a small group of 14 to 16 year olds to the Department of Parks and Recreation, for participation in a pilot employment program, Partners in Progress (PIP). The summer pilot featured two components: (1) paid employment and (2) a one-on-one relationship with a work partner (variously functioning as a work supervisor, a counsellor, a mentor and a role-model). Participants were employed to work, one-on-one, as assistants to individual Urban Park Rangers in their various functions: patrolling the park, dispensing information to park patrons, providing first aid and leading group tours. It was the expressed hope of the judge and her collaborators in the Parks Department that regular employment and supportive supervision on a relatively long-term basis would help the moderately delinquent Family Court defendants, many of whom were at risk of more serious and more chronic delinquency, improve their employability and avoid anti-social activity or institutional placement.

In order to promote the long-term dependable relationships, between Family Court youth and adults, thought necessary to produce the desired effect on the youths, PIP was extended beyond the summer. During the 1981-82 school year, PIP participants were assigned to various recreation facilities throughout the city, close to either their homes or schools, and placed (again, one-on-one) with adult partners holding supervisory positions within the Parks Department. In this afterschool extension of PIP, participants were required to remain actively enrolled in school if they wanted to continue drawing pay for hours worked. Program personnel monitored their school enrollment and attendance through regular contact with participants' guidance counselors.

As Vera became increasingly involved in helping to monitor and shape these developments, the Institute helped the Parks Department to continue working with the first-year PIP participants and to take on a second group in an expanded program demonstration.

PIP, as originally conceived by the Family Court judge, was designed to be personal and responsive, in contrast to the Family Court process which is often perceived as impersonal, unresponsive and slow, and capable of reinforcing a delinquent's anti-social behavior rather than correcting it:

(The cycle of neglect, rejection, transfer and failure reinforces the child's sense that he belongs nowhere and fans (his) alienation.... The seemingly endless chain of policemen, probation officers, judges, social workers, doctors and correction officers who pass through his life, rarely to reappear, conditions him to expect little from relationships with adults except professional curiosity, indifference or interference.<sup>3</sup>

In contrast to the impersonality and discontinuity of experiences in the court and its related agencies, PIP attempted to foster long-term, supportive one-on-one relationships with adult role-models, as a means of influencing the behavior of the youths.

According to the judge, PIP's attempt to combine a one-on-one relationship with employment was suggested by a previous Family Court effort, in which probation officers were trained by a professional therapist in individual counselling methods. It became obvious, however, that probation officers -- because of their caseload responsibilities -- spend too little time with clients to foster supportive relationships, and are anyway too much perceived as extensions of the court to develop such relationships with ease. The judge recognized that a supportive relationship with an adult is most likely to develop in a voluntary context yet also recognized that many Family Court youth are unwilling to participate in the voluntary programs that have a chance of fostering such relationships. The judge reasoned that, because many Family Court youths desire paid employment, an employment setting of the right kind might be a setting in which a voluntary one-on-one relationship could grow. Employment, in this early phase of PIP's development, emerged primarily as a motivating factor to induce Family Court youth to establish supportive relationships with adults.

But PIP was also conceived as a means filling the pressing need for intermediate dispositional options between probation on the one hand and institutional placement on the other. In its developmental period, the program remained structurally independent of the court. Participation was voluntary, and PIP was neither a diversion program nor an alternative to placement. Enrollment was independent of the court status of a participant's case (e.g., the cases of some participants were still pending in Family Court when they entered PIP; others' cases had already been dismissed; and for some the case had resulted in a finding of delinquency, and a disposition of either probation or suspended sentence).

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<sup>3</sup>Paul Strasburg, Violent Delinquents: A Report to the Ford Foundation from the Vera Institute of Justice (New York: A Sovereign Book, 1978) p. 125.

There are, of course, other programs that have been based on one or the other of PIP's central components -- a one-to-one relationship with an adult or a youth employment experience. What was unique about PIP, and what interested Vera, was not the use of either of these components alone, but PIP's effort to combine them, in a program designed for a population of Family Court youth -- work experience providing an optimal setting for a one-on-one supervisory relationship to flourish and one-on-one supervision enhancing the work experience.

There has been considerable variety in the goals and expectations of past programs based on one-to-one relationships. Some programs emphasize providing alternative role-models to compete with adolescent peer groups and to promote positive social values. Other programs, grounded in a therapeutic casework model, attempt to establish a central relationship as a means of developing a youth's capacity to relate to other human beings with trust and concern: behavioral change is expected to follow the development of such a primary trusting relationship. Still other programs employ a one-to-one design to ensure maximum control and surveillance for adjudicated delinquents. (Although PIP is not explicitly designed as a control program, it might provide a particularly useful mechanism for the intensity of supervision required for a modicum of control, simply by its involvement of the youth in nearly full-time, structured vocational and educational activities.)

There has been far more research on the efficacy of youth employment programs than of one-to-one supervision programs. Though there is still no definitive statement of what youth employment programs can accomplish, present knowledge suggests that the goals of youth employment programs should differ from the goals of employment programs for adults; rather than attempting to place youth in full-time, stable employment settings, it may be more appropriate to aim for part-time work that does not compete with schooling but provides an income alternative to crime and serves as part of a long-range socialization into the labor market.

Under the technical assistance contract with the City, Vera devoted to the developing program, part-time, a program analyst who was familiar with employment programs for criminal justice populations. The task was to monitor program development and review the court and probation files of youths referred to PIP. It was hoped that, through the process of outside review, it would be possible to determine the characteristics of participants who fared best in PIP, increase knowledge of program process, correct its mistakes promptly, and expand and institutionalize those aspects of the program which worked best.

A review of the court records and characteristics of participants who had come through orientation in the summer of

1981 revealed that PIP participants were all from minority backgrounds and almost entirely from single family households. Most had been heavily truant in the year before program entry. The ten boys who entered PIP had all been referred to Family Court on delinquency charges; the two girls in the program had entered Family Court on PINS petitions. Of the original 12 participants, five boys had prior Family Court records, ranging from two to five arrests apiece, generally involving property offenses. The other participants had no prior court involvement.

In the course of Vera's review of PIP's program process it became apparent that the employment component of the program needed to be more than an enticement to involve participants in one-on-one supervisory relationships. As far as participants were concerned, PIP was primarily an employment program and could only be understood as such. The relationships that developed between participants and adult partners were dependent upon them actually working as a team. Because it was (by design) the context in which participants and adult partners spent time together, employment was the structure in which they might interact, and the quality of that employment therefore mattered. Yet Urban Park Rangers had been selected as summer work-partners primarily for their personal characteristics, not so much for the nature of the work they perform. As a group, Rangers are young, personable, ethnically mixed, energetic, and enthusiastic about their work. But it was evident in the summer pilot that the kind of work Rangers do (touring, providing information, patrolling the parks) did not immediately lend itself to providing substantive work experience for PIP participants. From Vera's examination of the program, it became clear to the Rangers that it was necessary to define structured work tasks for their partners, lest PIP participants assume that they were being paid merely to follow their adult partners around.

As PIP has developed, the Parks Department and the judge became increasingly aware of the importance of providing real work experience in conjunction with supportive relationships. Even by the end of the first summer, PIP participants had more work of their own to do--cleaning up neglected areas of the park, patrolling fragile fields during group events. And in the afterschool extension of the program, during the 1981-82 school year, it was thought appropriate to assign participants to work-sites based as much on the kind of work the site afforded as on the kind of adult-partner with whom a participant would be paired. As PIP evolved, the two central program components--the work and the supportive one-on-one relationship--became more equally important.

In 1982 PIP staff began to develop placements outside the Parks Department as a means of exploring the extent to which the program model might be adapted to other contexts. In exploratory interviews, PIP had little difficulty locating individuals and agencies willing to take on the responsibility



of a young work-partner, at least for the summer program. The program co-ordinator identified interested parties not only in other city agencies (the Human Resources Administration, the Department of Housing), but also in private concerns (Con Edison, for example).

Vera's review also suggested that program eligibility should perhaps be limited to youths involved with Family Court on juvenile delinquency charges. The program was originally open to any Family Court youth (juvenile delinquents, PINS and victims of neglect). Although the delinquency referrals with the most extensive records chose not to participate in PIP, other delinquent youth, some with quite serious delinquency records, did appear to want and to benefit from the program. One boy, referred after four property offenses in a single year, attended the program regularly and did not get into trouble after enrolling; his probation officer wrote the program to detail, for PIP staff, the boy's transformed behavior. In the case of another boy, who also had a string of property offenses, a school guidance counselor wrote the program about his marked improvement.

After Vera's review of these data, eligibility for enrollment was somewhat redefined. PIP was made open to youth coming before Family Court as juvenile delinquents, with no more than three previous findings (i.e., convictions) of delinquency.

Although there was some evidence that PIP affects the behavior of participants, it was impossible to develop any systematic knowledge of program effectiveness. The program was too small for quantitative evaluation, and was evolving--as good programs should. It was useful to the Family Court judge and to the Parks Department, and instructive to Vera, for Vera staff to participate in shaping the evolution of this effort...But something more was called for; in October-December, 1982, Vera and the Parks Department sought private funding to monitor the development and expansion of PIP as a demonstration project for its target population of juvenile offenders. Vera's preliminary investigation of PIP's pilot phase suggested that the program was of sufficient conceptual interest to merit expansion and further investigation. In particular, it affords an opportunity to develop increased knowledge about the current consequences and potential effects of one-on-one programming. With PIP having completed its "shake-down" pilot experience, Vera believed it would be valuable to expand the program's operations and to assess it, and its effect, on a larger scale. The private financing did not materialize, however; Vera monitored the program informally in 1983, but did no further detailed analysis.

## VI. Programs for Diverting Individuals and Disputes from the Criminal Justice System

### (a) The Midtown Outreach Program.

In 1981, Vera assisted the Mayor's Midtown Enforcement Project and the Manhattan Bowery Project in the development of a program to alleviate the conditions caused by the large numbers of distressed persons congregating in the midtown area. As a result of this effort, funding was provided by the Department of Mental Health, Mental Retardation and Alcoholism Services and a pilot program implemented.

The growth of the emotionally disturbed population in the midtown area can be traced to the deinstitutionalization movement in the 1970s, which resulted in thousands of patients being released from the state's psychiatric hospitals. Many of these persons gravitated to the Midtown Manhattan area in search of cheap housing. From the outset, many had difficulty coping with the fundamentals of everyday living: finding shelter, managing money, obtaining food and clothing, following medication schedules and maintaining necessary linkages with medical and social agencies.

These emotionally disturbed persons tend to wander aimlessly through the Midtown area, obstructing vehicular and pedestrian traffic and frightening visitors, community residents and area workers with their bizarre or abusive behavior; sometimes they engage in disruptive or physically violent acts. Police incidents involving ex-mental patients in the Midtown area increased dramatically in the years following 1976: the number of radio runs involving emotionally disturbed persons in the area increased 193% from 1976 to 1980 (from 232 to 680). During the same period, the number of incidents in which the police had to bring persons to a hospital for psychiatric examination increased by 554%. All of this caused a significant drain on police resources in the area.

While the city provided a wide range of health and social services in the area, it was obvious that some mechanism was needed to draw the disaffiliated population into treatment. Using the experience gained from the operation of the Manhattan Bowery Project, the plan for the Midtown Outreach Program was formulated and subsequently funded to close this gap.

The program was initially staffed by a case manager and street outreach teams composed of social workers and plain-clothes police officers. The case manager is responsible for the overall operation of the program, negotiating for services, developing a service network and continually informing the outreach teams of changes in service. The outreach teams patrol the targeted area in a private van equipped with a portable police radio, food, clothing and emergency medical supplies, and

offer assistance to individuals who want and need help but do not know how or where to get it.

The outreach team patrols the target area (30th to 59th Streets, 5th Avenue to 10th Avenue) in the van or on foot looking for individuals who may be in need of assistance. Members of the team approach these individuals on foot, offering food, drink and assistance. The assistance, based on individual need, may be medical treatment, help negotiating the welfare/social security system, temporary shelter or conversation. The team also offers immediate assistance to uniformed police officers by responding to radio calls concerning emotionally disturbed persons (EDPs) in the service area. If appropriate, after initial assessment, the outreach team will relieve the uniformed officers in EDP cases. The outreach teams also respond to requests made by phone from store owners and concerned private citizens regarding problem situations and individuals in need of assistance.

A key element in the outreach team's operation is the information and referral services provided by them. They offer information regarding services and, after assessment, refer clients to these services. Members of the team (primarily the social workers) act as advocates to insure that the client receives satisfactory care. The types of referrals vary depending on the service needs of the clients. For some individuals, temporary shelter may be of primary concern; while for others, it may be long-term psychiatric care.

Vera assisted in the initial planning and in the on-going evaluation of the program; while it was found that the program was successfully meeting its goals, it was also determined that its effectiveness was not dependent upon the assignment of police personnel. As a result, the two police officers initially assigned to the program were returned to regular police duties in the summer of 1982, and were replaced by civilians. The Midtown Outreach Program has been refunded and the scope of its operations increased to provide psychiatric screening at the City's shelters.

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

Vera created the Manhattan Bowery Project in 1967, in an early and successful demonstration that voluntary, medically-supervised detoxification could be effectively used in lieu of arrest -- with life-saving effect for the persons treated. Many other jurisdictions followed suit, and public drunkenness was subsequently decriminalized in New York and elsewhere.

The Manhattan Bowery Project has been an independent non-profit corporation for some time now. Several years ago, it opened a second detoxification center in Manhattan, not in the Bowery but in Midtown on the West Side. The approach to detoxification taken at this center, the Social Setting Alcohol Treatment Center, differs from the Manhattan Bowery Project's earlier model. The latter still provides constant medical attention during the participant's 5-day stay in the detox ward, to treat injuries and ailments as well as to assist him to withdraw from alcohol by administering drugs during that period. In contrast, the Social Setting detox center, after screening out and referring to hospitals those who need immediate medical treatment or appear likely to experience medical complications during the period of withdrawal, does not administer any drugs during the detoxification period and does not provide round-the-clock medical attention.

Clearly, the social setting model is less expensive than the medical model for detoxification, but little or nothing is known about how the two approaches differ with respect to participants' experience and handling of physical withdrawal, or with respect to the nature and frequency of their encounters with alcohol and alcoholism treatment programs after they complete the detox period. These concerns are now widely shared by professionals engaged in providing detox services, as well as by those responsible for developing public policy to deal with the problem.

Discussions between Vera and MBC about possible research strategies culminated in 1981 with a meeting with officials from the National Institute of Alcoholism and Alcohol Abuse, within the Department of Health and Human Services. It was agreed that virtually no well-designed research exists by which to compare the costs and effects of the two detox methods, and that such research is badly needed.

Spurred by the National Institute, Vera and MBC solicited the collaboration of the Detoxification Unit at Beth Israel Medical Center in Manhattan. While Beth Israel provides a medical program of detoxification, as does the MBC center on the Bowery, there are sufficient differences between the two to make comparison between the hospital-based Beth Israel program

and the free-standing center on the Bowery both interesting and useful -- particularly from the national perspective. With Beth Israel's tentative agreement to participate, Vera research staff worked under this technical assistance contract to design, and then re-design, an appropriate research project.

Vera proposed to conduct controlled research on the different effects and cost/benefits of social setting detoxification, free-standing medical detoxification, and hospital-based medical detoxification programs. The research would compare the impacts of the three New York City programs on a population of public inebriates who seek entry to the free-standing detoxification units; consenting applicants for detox would be randomly assigned to one or another of the three treatment programs and transported there. Research would measure the relative effectiveness of the programs in providing safe and complete detoxification treatment, identifying and treating (or securing treatment) for any accompanying medical disorders, promoting referrals to after-care, and suppressing rates of readmission for detoxification. In addition, the research would provide a broader context, within which to consider the models studied, by conducting a survey of representative detoxification programs throughout the country.

Review of this research proposal by NIAAA was held up pending clarification of how the scope of that Institute's work would be affected by the Administration's budget cuts and its proposals to transfer some programs to state block grant format. In December 1981, the Department of Health and Human Services notified the Institute that NIAAA could not sponsor research of the kind Vera had proposed because New York State had opted to receive federal alcoholism funds in block grant form. But because NIAAA's Special Review Committee had already reviewed the Vera proposal, had unanimously approved it for funding, and had found it to be "well designed and focused upon one of the most important and unsolved questions in the field both economically and programmatically," Vera was asked, in June 1982, to re-submit the proposal to different administrative unit within NIAAA. The revised proposal was re-submitted and reviewed in the early part of 1983. As a result, Vera has been given a two year research grant which commences in October of 1983. We expect that it will produce much information that will be useful to the City in reviewing the impacts and cost-effectiveness of the detoxification services available for public inebriates.

(c) The Apartment-Hotel Project--Developing Models for Housing the City's Growing Homeless Population.

New York City faces a critical problem in determining how to house adequately those who have been driven out of barely adequate housing by rising real estate values and conversions of tenements to luxury cooperative and rentals: the thousands of patients who have been released to a resource-starved city from state mental institutions, the inmates released from City jails and state prisons, the street derelicts and addicts, and, in general, the large number of persons who cannot manage to maintain stable living accommodations. For years, the Men's Shelter on Third Street, flop houses on the Bowery, and Single Room Occupancy (SRO) Hotels on the upper West Side have provided accommodation for these groups, albeit barely habitable accommodation. Conversions to middle income and luxury housing have reduced the supply of rooms in Bowery flop houses and SROs by more than 30,000 beds (over 60% of the total supply) in the last six years. The quality of the governmental response has been inadequate--for example, the funds allegedly saved by releasing mental patients from institutions have not been reallocated to community programs. Rather, these and other subgroups of homeless people are dumped on the streets without services.

As a result of Vera's work on these problems in earlier periods, its studies of the patterns of use individual homeless people make of the Men's and Women's Shelters contributed to the growing body of ethnographic research that pricked both public and government consciences in the 1981-82 period. On a practical level, the Institute's work provided a basis for reorganization of important parts of the service delivery systems at the Shelters (e.g., training Shelter staffs to secure public assistance and supplemental Security Income benefits for individuals eligible for them, development of tuberculosis screening procedures).

But during that period, the Shelter population increase from 9,236 to 13,780--not counting those too frightened of conditions at the Shelters to come in from the cardboard boxes, piles of blankets and public lavatories where they seek to live. Events increasingly confirmed the need for private non-profit agencies to move aggressively into the business of providing housing, of various types, to the growing and various homeless population: The City's Shelter system cannot be made adequate for more than short-term assistance of the meanest kind, and the financial and other risks of operating low-income housing for the homeless groups continue to prove too daunting for more than a few very well capitalized non-profits to move into the service gap. Meanwhile, the "quality of life" problem grows--for the City as a whole, and particularly for the homeless.

The challenge is to create decent, secure, and (for those who need it) supportive housing models that can be financed and operated at rents of \$150 per unit (the monthly welfare shelter allowance). After a brief planning period under this technical assistance contract, the New York State Department of Social Services engaged Vera to plan and implement a demonstration project aimed at developing a solution. First, Vera is to open one or more Single Room Occupancy hotels and operate them in such a way that data can be generated about: the costs of running such a hotel; the staff necessary to deal adequately with the target population's non-housing needs (e.g., the specific services needed by released mental patients, ex-offenders, recovering alcoholics); methods for resident selection; operating strategies for social, medical, and nutritional support services, as needed; and funding sources available to support the costs of such enhanced services, when coupled with SRO housing. The idea behind the first part of the planned effort is that, with a firm grip on this information base, Vera and the responsible state and City agencies would be better equipped to encourage other non-profit operators to provide accommodation for homeless groups. The second prong of this effort is to be Vera's development of a housing planning unit, within the Institute, which would aim to increase the supply of shelter, hostel, and residence-hotel accommodation for low-income single persons. This unit would be a resource center for non-profits, voluntary groups and public agencies interested in offering accommodation; the unit could provide, for example, guidance on site selection, on reconstruction processes, on building operations and maintenance, on support services, and on the surrounding legal issues. The unit could help define more fully the various populations at risk and analyze housing strategies needed by the various groups within the homeless population.

The ultimate goal of this project is to stimulate and service a consortium of special housing providers to replicate the models tested.

The project team includes staff having legal, financial, housing, social service, and architectural expertise, as well as experience working with and studying the homeless populations. Over the past two years, staff have reviewed more than fifty sites for possible development as model apartment-hotels. These sites range from vacant institutional buildings owned by religious organizations or City Agencies (e.g., hospitals, schools, convents, nursing homes), to City-owned or private SRO (Single Room Occupancy) hotels, to vacant City-owned (in rem) tenements. The Project is currently developing plans and evaluating the financing possibilities for four buildings selected from the initial 50; the four are (1) a vacant former nursing home, owned by a religious organization; (2) a vacant former institutional residence, owned by the State; (3) a vacant privately-owned former SRO hotel, and (4) a vacant former SRO

now owned by the City, which took the building in rem. Architectural plans and engineering studies have been completed for the first two sites.

Perhaps the most important and challenging task confronting this demonstration project is the development (and the packaging) of creative financing strategies which draw on public and private sector resources to acquire, rehabilitate and operate any such building on welfare-level rents, without direct or indirect subsidies. This is crucial, for few non-profits have capital from which such subsidies could come, and few of those with capital will risk it on such ventures. Some of the public resources available include low-interest loans from the New York City SRO Loan Fund, from the New York City Housing Preservation and Development Department, and from HUD's Urban Development Action Grant program. (It is clear, however, that the problem cannot be solved by depending on these sources alone.) Private sector investment resources include proceeds from tax syndications (particularly for historic structures) and investment funds and loans from private and institutional investors. Drawing on all of these resources, in various combinations suitable to each potential site, the Project has developed strategies for public-private partnerships by which limited public funds can leverage adequate private sector participation.

The plans for each site, as they develop, include basic residential hotel services as part of operations, including: maintenance and repair, linen service, security, and front desk staffing. Where feasible, congregate dining facilities, providing one or two meals daily, have been included. Because of the focus on the low-income homeless, it is expected that many tenants will also require supportive health and social services as well as vocational rehabilitation and employment guidance, but current cost projections permit provisions for meeting these needs directly only when existing health, mental health and human service providers are not already located in the immediate community or in areas easily accessible from the site.

In the Project's development of each of the possible pilot sites, staff are working closely with the relevant community boards and block associations--a time-consuming but crucial part of the process--and with key local service and housing organizations. This should permit Vera to develop site plans which reflect the interests and concerns of the relevant community in all phases of the process: design, tenant screening, ancillary services, management and financing. So far, it seems possible, working together with the local community and its organizations, to develop models that not only provide low income housing but also contribute in various ways to the existing neighborhoods.

If the present schedule holds, the first of the sites will be acquired at the end of 1983; ownership will be in a



limited partnership formed by a subsidiary corporation (the general partner) created by Vera, which would bring public sector funds to the enterprise, and limited partners bringing private investment funds to the enterprise and taking back tax benefits and, in some cases, interest payments. The limited partnership will then contract with the Institute to manage the apartment hotel. By the end of 1984, it is expected that two sites will be operating.

Already, Vera's work on this project has generated substantial interest from other non-profits (who are increasingly seeking technical assistance, from Project staff, on how to launch and operate similar projects), from investors (who want to take advantage of the tax shelter incentives, and historic preservation incentives, in the 1981 Economic Recovery Tax Act), from public officials and public agencies (who are under increasing pressure to find a means of housing the still-growing numbers of homeless persons), and from private foundations (some of whom seem willing to set up loan-guarantee funds and low interest loan pools for partial financing of such ventures). And, at each step along the process, with respect to each site, project staff are documenting their trials, errors and discoveries in order to produce, at a later date, materials that will make it easier for other non-profits to provide accommodation to the subgroups of homeless persons for which each has particular concern.