

Vera Institute of Justice

Portfolio
of
Demonstration Projects,
Research & Technical Assistance

Report for the period
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Introduction

Innovation through Action-Research

The Vera Institute of Justice has served as a center for action-research in criminal justice and human services for more than 30 years. Vera works with agencies of government at many levels to design, pilot, and evaluate projects that aim to improve and restructure—in large ways and small—systems of justice and other public services.

The Institute is based in New York City, where it serves as general consultant to the city government for the reform of criminal justice services. That consultancy, which has continued since 1967, keeps Vera working in close collaboration with people throughout the criminal justice system and helps Vera ensure that its ideas for reform remain intensely practical.

When such an idea has promise, Vera seeks private grants and public support to mount a demonstration project, measure the results, and—when the innovation works—help government agencies implement it widely.

While most of these efforts begin as solutions to criminal justice problems, they sometimes lead Vera's planners across bureaucratic boundaries into employment training, child welfare, health, and education.

Vera's Demonstration Projects

Vera's approach to innovation is to collaborate with public agencies throughout the design, operation, and evaluation of its demonstration projects. In this way, the public managers responsible for the ultimate institutionalization of successful reforms are, from the outset, building both their understanding of the innovation and confidence in their ability to make it work.

To assist this process, most Vera demonstration projects are accompanied by structured research, which not only evaluates the success or failure of the innovation but provides project managers with constant feedback so that they can make adjustments during the course of the demonstration.

The value of this approach is evident in the range of innovative programs and enduring institutions that it has produced. New York City's Victim Services Agency (VSA), Criminal Justice Agency (CJA), Center for Alternative Sentencing and Employment Services (CASES), Legal Action Center, Manhattan Bowery Corporation, Addiction Research and Treatment Corporation, and Wildcat Services Corporation all began as Vera demonstration projects. Among the dozens of programs institutionalized within law enforcement agencies following Vera demonstrations are the Community Police Officer Program (CPOP) that brought community policing to every precinct in the

city, the Early Case Assessment Bureaus (ECABs) operating in most district attorneys' offices, and the system of Desk Appearance Tickets (DATs) used to bring minor offenders before the courts without having to spend a night in jail.

As these examples suggest, Vera does not continue to operate its projects after their demonstration periods are complete. Unsuccessful projects are closed, and successful projects are either incorporated into the operating procedures of public agencies or separately incorporated as independent not-for-profit organizations in their own right.

Technical Assistance and Research

Successful projects in New York City often provoke interest in other jurisdictions. Vera project managers, having immersed themselves in the design and demonstration of an innovation, are frequently asked to assist other cities, states, and occasionally foreign countries to replicate the reforms born in New York. Similarly, Vera researchers, having mastered a field in a

demonstration project, are often called on to evaluate similar reforms in other places.

Recognizing that successful innovation is an intensely local process, Vera does not attempt to duplicate its projects outside New York; but Vera program planners do provide technical assistance to colleagues in other jurisdictions, and Vera researchers evaluate programs elsewhere when their expertise and experience are well-suited to the task.

Vera's Portfolio of Current Projects

This portfolio contains descriptions of the projects that Vera operated during the last six months of 1992. The descriptions here are necessarily brief, but each is intended to convey the overall ambition of the project as well as its specific accomplishments during the six-month period.

Additional information about any specific project is available directly from the Vera staff members listed at the beginning of each project description.

Program One

Community Policing

The Model Precinct Project

—Michael Farrell, *Vera Associate Director*

The Model Precinct Project provides the New York City Police Department an opportunity to implement its ambitious plans for community policing in a single precinct on a pilot basis. While other precincts are slowly coming up to the strength they will need for community policing, the model precinct has already received the full complement of officers, permitting the department to test and refine the structures and strategies that will be needed for community policing. As a result, those who live or work in the Sunset Park area of Brooklyn, together with the officers who serve in the 72nd Precinct, are getting an advance look at how the entire city will be policed by the end of the decade.

The idea for the model precinct emerged from discussions between Vera and the New York City Police Department in September 1990, as the Dinkins administration was completing its *Safe Streets, Safe City* plan. That plan committed the entire department to community policing—not just a discrete unit of foot beat officers in each precinct, but a community-oriented, problem-solving approach to police work throughout the department.

Today, more than two years later, the Police Department's commitment remains strong, but so does the need for practical solutions to the dozens of organizational problems that this new approach presents.

The model precinct provides the department with a laboratory in which to fashion solutions to at least two sets of problems: what are the organizational structures best suited to community policing and how can the Police Department's separate units work together on community crime problems.

For example, once the model precinct was fully staffed, several specialty units were combined into a single Special Operations Unit that undertakes foot patrol of small beats. In all precincts, community police officers took on warrant and fingerprint responsibilities, eliminating

Program One Community Policing

Vera designs, tests, implements, and evaluates techniques for community policing. For over a decade, Vera has been the New York City Police Department's principal partner in the invention of community policing.

This report describes three projects on community policing with the NYPD as well as a research project evaluating community policing efforts in eight cities in the United States.

these specialist units; but in the model precinct, the larger Anti-Crime and Street Narcotic Enforcement Units were also rolled into Special Operations. The officers in this consolidated unit were then cross-trained in each of the areas of former specialization. In essence, plainclothes anti-crime work and street narcotics enforcement work became *tactics*, not organizational *units*, available for use when (and only when) problems in a beat area required them.

Another organizational dilemma facing the Police Department is how to integrate its "sector cars"—those responding to 911 calls—into the problem-solving activities undertaken by the beat officers. In the model precinct, Vera staff worked with police commanders to redraw the beat and sector lines creating 16 foot beats and eight sectors, all but one of the sectors co-terminus with a pair of beats.

Vera staff have worked alongside Police Department personnel since the start of the model precinct, analyzing data, participating in planning, organizing training, and assessing the results.

Vera's analysis of the calls for service handled by model precinct units during 1991 disclosed that the precinct's sector cars spent more time answering calls outside of their assigned sectors than in them because of "cross-sector dispatching" by the Communications Division. In the spring and summer of 1992, Vera organized some experiments designed to test methods of reducing cross-sector dispatching. These involved dispatching low priority calls from the precinct rather than from the 911 Communications Section. This is done in other precincts on some calls, but the range of calls eligible for precinct dispatch was widened as part of these experiments; and the result, as expected, was to increase the

time available to the sector cars for problem-solving within their assigned sector.

Vera staff also worked with precinct managers to organize opportunities for the sector personnel and the Special Operations Unit to work together on problem-solving. Initially, problem-solving strategy meetings were held on a beat level, run by beat supervisors, with the sector officers invited to attend. Attendance by the sector officers was sporadic and the discussion was dominated by beat officers. Vera staff worked with precinct managers to reorganize these meetings, so that they are now held by sector rather than by beat, with attendance mandatory for sector and beat personnel: officers and supervisors. This new structure seems to be successfully integrating the sector officers into the problem-solving discussions, although cross-sector dispatching continues to limit their involvement in the enforcement activities themselves.

Most recently, the Police Department as a whole reviewed the effort to combine functions such as warrant execution and fingerprinting with beat police work, and fingerprinting was dropped from the tasks of beat officers. In the 72nd Precinct, the review extended to the other unit functions that had been combined in the Special Operations Unit. The narcotics enforcement work appears, in practice, to fit well with the work of the beat officers, so that organizational arrangement has been continued. The plainclothes anti-crime work, in contrast, did not fit well and has been re-established as a special unit in the precinct. The beat officers in Special Operations, however, continue to make use of plainclothes tactics as necessary rather than relying exclusively on the special unit.

The Electronic Beatbook

—Michael Farrell, *Vera Associate Director*

—Patrick Colgan, *Project Director*

The Police Department's decision to emphasize problem-solving throughout its work has led Vera to develop a new way for police officers to handle information. Instead of using reports primarily as a supervisory instrument, designed to permit supervisors to review and assess a piece of police work that has been completed, reports are increasingly seen as sources of information that teams of beat and sector officers need in order to identify crime problems and develop strategies for solving them. The Electronic Beatbook is a computer application designed to give individual police officers easy access to that information.

The Electronic Beatbook began as an effort by Vera to develop a computerized version of the paper Beatbook that is kept for each beat in every precinct as part of the Police Department's community policing effort. The Police Department's decision to install computer networks in all precincts took the design of the Electronic Beatbook to a higher level, permitting Vera staff to make use of the network to shape the way that beat officers worked together, made use of historical data, and analyzed their own efforts. The result is an officer-oriented information system now being installed in the Model Precinct for testing and refinement before it is applied throughout the department.

Basically, the Electronic Beatbook is a "street-level" database application that gives Community Beat Officers the ability to tap into the shared experience and expertise of the entire precinct. The Electronic Beatbook provides officers with an easy way to record information about their beats, their daily activities, and their problem-solving

plans directly into the computer network. Similarly, teams of Community Beat Officers are able to exchange information about chronic beat problems, problem-solving goals and progress, and new problems nominated for priority attention.

The key attraction for officers should be the system's ability to answer questions that draw upon information entered by other personnel in the precinct. Using a powerful information retrieval capability, the Electronic Beatbook will respond to such queries as:

- Have any officers made contacts within the Sanitation Department that would help me clear an abandoned lot on my beat?
- Does anyone have any information about a particular suspicious vehicle?
- When was the last meeting of the 49th Street Block Association? Were any officers present? What was said about the persistent disorderly conditions at 52nd and Greenwood Streets?

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

Reports can be tailored and formatted to reinforce the problem-solving methodology in which officers have now been trained.

In addition to helping officers find information, the Electronic Beatbook's reporting feature assembles widely scattered scraps of information into a

project's on-site coordinator has his office there. The project's employment specialist is also in the contact office for about 12 hours each week. During the first year of the project, there was a community health nurse who was also located in the contact office, but this position was eliminated by BJA for the project's second year. Although some residents use the contact office, its benefits to them are not clear. And while many of them are aware that employment services are available there, most residents are not motivated to use these services because few people have obtained jobs through the office.

The best example of inter-agency collaboration comes from Norfolk, where the mayor directed every city agency to become involved in the program. Each agency, including the Police Department, sends representatives to monthly meetings at which problems are discussed and

strategies suggested. Two subcommittees of this group also meet regularly. Beat officers in Norfolk feel the result of this management-level coordination through the rapid responses they get when they call on an agency with a specific problem.

The most successfully implemented problem-solving process was that in Prince Georges County. Early in the project, the officers received training in the SARA method of problem-solving (the acronym stands for "Scan, Analyze, Respond, Assess"). The officers write short reports, called SARAs, on the problems they identify on their beats and enter them into a computer, from which they are reviewed by a sergeant. The officers then try to solve the problems through the methods identified in the SARAs and close them out. Although the impact of this technique cannot yet be measured, the relatively complicated method was successfully implemented.

Program Two

The Adversary System & Court Administration

The Neighborhood Defender Service

—Christopher Stone, *Vera Deputy Director*
—Rick Finkelstein, *Project Director*

The Neighborhood Defender Service is a Vera demonstration project developing and testing a new design for urban public defender offices. It is sponsored principally by the City of New York, with additional support from New York State and private foundations.

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

The Neighborhood Defender Service of Harlem represents such a redesign. Its goals are to demonstrate that this kind of defender can provide a higher quality service to clients, and that doing so can reduce the use of unnecessary pretrial detention, allow cases to reach disposition sooner than they would otherwise, and reduce inappropriate imprisonment.

In December 1990, NDS began serving the residents of Harlem in a manner

radically different from traditional public defenders. The service was closer in some ways to what a private lawyer might provide, but in other ways resembled a civil legal services office. In the thirty years that public defenders have been in existence, there has never been an office quite like this.

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

Program Two The Adversary System & Court Administration

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

continues well into the evening. The office is open and active seven days each week.

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

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

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

Although NDS attorneys are occasionally able to persuade the police or prosecutors not to press charges before an arrest is made, the primary aim of early intervention is to permit the attorneys to appear at the first court appearance with knowledge about the defendant and the

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

In its first month of operations, early intervention was possible because the city assigned NDS to represent Harlem residents who were arrested in Harlem while they were still at the police precincts. After one month, however, this assignment system was replaced with the two-track intake system described below.

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

On the other track, NDS represents defendants to whom it is assigned by the court at arraignment, but only to the extent that these *assigned cases* are necessary to supplement the numbers of retained cases. Even in these cases, NDS defense teams attempt to intervene early, often beginning

their investigations within minutes of receiving assignments. By the summer of 1992, requests for service before arraignment were so numerous that NDS reduced its assigned intake to a trickle, relying almost exclusively on intake of retained cases.

Team Defense. NDS provides representation through small teams of lawyers, community workers, and an administrative assistant, rather than assigning cases to individual attorneys to handle on their own. Each team is headed by a senior attorney.

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

The model requires team members to organize their work together effectively. Each team has experimented with its own ways of assigning work and ensuring coverage of court and office duties. The office as a whole will be introducing greater uniformity of team organization over the next year as team leaders identify the techniques that work best. Meanwhile, the last six months of 1992 brought many improvements in systems of accountability, as well as the quality of supervision, evaluation, and training provided to the community workers and the administrative assistants.

Team defense at NDS is heavily dependent on the NDS computer system. Every staff member works at a personal computer connected to the NDS local area network. Team members record their work on a variety of custom-designed screens, allowing their colleagues to keep up to date on all that is happening on their cases. Additional computers at a satellite office near the Manhattan courts allow team members engaged in hearings or trials to follow events in the office and developments in other cases, relaying advice and suggestions in what become overlapping electronic discussions of strategy.

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

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

During the second half of 1992, NDS reorganized its intake procedures for retained cases in response to their steady growth. Paralegal intake screeners were added to the staff in July, September, and then twice in November, bringing to four the number of staff handling new requests for service. These staff members respond to telephone requests and office visits 24 hours a day, seven days a week, visiting clients in the police precincts, determining eligibility, collecting information for use at arraignment, tracking the movement of these clients through police processing, and alerting attorneys when the cases are ready for arraignment.

The second half of 1992 also saw the maturing of the NDS caseload, as cases that had begun during the first year of NDS operations were finally coming to trial, and parallel litigation in the civil courts was finally moving beyond the early stages of discovery. In October, the first lawyers to join the office since its formation two years earlier arrived and formed a new training team, handling misdemeanor and delinquency cases.

Finally, in December, Vera released the results of the first round of its statistical research on NDS results. There will be a second and third round of research completed in 1993 and 1994 respectively, but this first set of results was most encouraging.

The Vera research found that the clients represented by NDS were more likely to be black, slightly more likely to be male, and far more likely to be arrested on a felony charge than other defendants arraigned in Manhattan. In all other respects (living arrangements, employment status, age, etc.) the NDS clients were no different, statistically, from other defendants.

To eliminate all extraneous variables, the Vera researchers created two samples of matched cases on which to base their comparisons, controlling for gender, race/ethnicity, prior convictions, open cases, severity of charges, type of case, and the number of charges. The result was two research samples of more than 400 cases each, one set receiving NDS representation, the other represented by traditional public defense services.

Despite the fact that the arrest charges, prior records, and personal characteristics of the defendants were similar, the NDS cases resulted in less pretrial detention, fewer convictions, fewer sentences of incarceration, and shorter sentences when incarceration was imposed.

The differences that are revealed in the comparison of these two samples are promising signs for the success of NDS. In every instance, the direction of the difference in the results of the NDS cases and the matched cases was consistent with the hypotheses on which NDS was designed. The demonstration phase of NDS will continue through the spring of 1995.

Modernization of the Assigned Counsel System

—Richard Zorza, *Director of Technology Projects*

New York City fulfills its constitutional obligation to provide legal counsel to indigent criminal defendants through the Legal Aid Society, the Neighborhood Defender Service, a handful of law school clinics, and individual attorneys in private practice working under the Assigned Counsel Plan. In the fall of 1991, the New York State Office of Court Administration (OCA) announced that it

would no longer administer the city's plan, forcing the Dinkins administration to create a new administrative structure to oversee the assignment, training, and compensation of the private practitioners known as 18-B lawyers.

In January 1992, the Office of the Deputy Mayor for Public Safety asked Vera to provide technical assistance in the creation of a computer system that would support the administration of the Assigned Counsel Plans, based on Vera's experience computerizing the Neighborhood Defender Service. Since then, Vera staff have worked closely with the Deputy Mayor's staff in the planning and establishment of a new position of Director of the Assigned Counsel System for the City who, among many other duties, will oversee the information system.

The computer system has been designed as an efficient, easy-to-use bill processing system that will also provide a sophisticated level of oversight and audit control. When the system is fully implemented, assigned attorneys will bill the city for their services on forms that will be scanned into the computer system. These forms will provide much more information of use to the attorneys and administrators than did the previous manual system, with dramatically reduced data entry costs. As a result, the administrators should find themselves with additional resources for their other functions, including attorney training and audit.

The system will assist the audit function, as well, by checking attorney vouchers against data from the OCA computer system, adding a level of certainty that payments are not made for court appearances that did not take place.

Although controls will be tighter, attorneys who submit proper bills will

receive payment sooner than was possible without this system. With the ability to transfer the billing information almost instantly to the city agency that must pay the bill, the Deputy Mayor's staff and Vera planners are now designing ways to expedite the approval of payments by judges, as required by statute.

One of the principal benefits of the new system should be its timeliness. Until now, the Office of Management and Budget and the Comptroller's office have both had to forecast the cost and control the expenditure of funds through a system that was frequently months or even years behind events. It was not unusual for millions of dollars of attorney bills to hit the city's accounts months after the close of the fiscal year in which the services were delivered. The timeliness of the new system and its links to OCA data should assist city officials in budgeting the costs of assigned counsel in a timely fashion.

Finally, the Deputy Mayor for Public Safety will gain an important new source of data on the functioning of the criminal justice system. Quite apart from information about attorney costs, the new system will provide fresh insight into the ways in which cases move through the court system, increasing the ability of staff in that office to identify problems of delay and improve the overall system of justice.

During the last half of 1992, Vera staff helped to procure the computer hardware and software and helped to design an interim system to replicate on the computer the manual systems that the State had used in its administration of assigned counsel. Vera also helped to recruit the programmers who will take this work forward.

Throughout this process, Vera staff have worked closely with New York City's

Financial Services Information Agency (FISA) which must process the attorney vouchers. FISA is playing a major role in the implementation of the system, providing programming assistance as well as the scanning technology that will be used to speed the input and processing of the vouchers.

Computerization of the Midtown Community Court

—Richard Zorza, *Director of Technology Projects*

On West 54th Street in Manhattan, a new kind of criminal court is being established by a consortium of private interests in partnership with the City and State of New York. The Midtown Community Court will handle only misdemeanor charges, and will focus on providing rehabilitative community-based sentences rather than jail sentences to defendants who are convicted. The Vera Institute of Justice is not a sponsor of the court but Vera is assisting with the integration of computer technology in the design of the court at the request of the Office of the Deputy Mayor for Public Safety.

Vera staff are helping to guide leaders of the project in their approach to the use of computer technology, analyzing the specific relationship of each person who will work or appear in the court with the computer system. From this matrix of relationships, Vera staff are building recommendations for the specific hardware and software to be used as well as how to take best advantage of links to other computer systems, such as the statewide OCA system and the citywide CJA system.

Instead of building a computer system that merely conforms to the flow of paperwork that follows a defendant from charge to sentencing, Vera staff are designing a system that will help defendants, attorneys, police, prosecutors, and court officials find appropriate responses to minor crimes. At the same time, Vera staff are working with project leaders to prevent these streamlined systems from intruding too soon or too far into the lives of the people brought before this court. On one hand, the computer system must support the broad information sharing that is designed to make collaborative, community-based decision-making about case outcomes possible, giving everyone access to relevant criminal record data, charge information, prosecution documents, background information about the defendant, and information about community-based services that might be useful in the case. On the other, it must reinforce the protections embedded in the adversary system of justice, including the presumption of innocence and the right of defendants not to be compelled to incriminate themselves.

The result will be a court-based information system that is designed to assist decision-making in new ways as well as record the decisions made, but one that contains more reliable and speedy techniques for expunging information and restricting its flow.

In addition, the computer system should be a useful tool for those interested in studying the Community Court's process, measuring its effects, and adjusting its routines. Since the day-to-day process of handling cases will be captured on the computer—through electronic mail, records of interactions, and task scheduling systems—the computer could become a

powerful tool both to analyze how the professionals within the court actually do their work, and to change how that work gets done.

It is unlikely that the coincidence of private funds and public purpose that supports this experiment will be found in many other places, but there may be several

features of the Midtown Community Court that eventually are integrated into other criminal courts of limited jurisdiction. Because the computer systems that support that work will be fully integrated with the statewide computer system managed by OCA, replication of the Community Court's technological innovations should be possible throughout New York.

Program Three

Sentencing & Alternatives to Incarceration

Bail Bond Supervision Program

- Judith Greene, *Director of Court Programs*
- Ann Roberts, *Director of Pre-Trial Programs*
- Jayme Delano, Jackie Porter, Nestor Rios, *Project Directors*

Vera launched its first bail-bond supervision demonstration project in the summer of 1987. Five and a half years later, Vera now operates three of these demonstration projects: one in Nassau County, another in the Bronx, and a third in Essex County, New Jersey. The first of these will spin-off from Vera to its permanent home within a local not-for-profit agency in the spring of 1993.

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

posting the bond, the project charges no fees and asks no collateral.

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

Each of the three current projects follows a similar plan. Vera's project staff post commercial bail bonds for detainees

Program Three Sentencing & Alternatives to Incarceration

Vera develops and evaluates community-based supervision projects and other alternatives to incarceration. Vera assists city and state officials in the design and assessment of sentencing and pretrial supervision programs that aim to reduce over-reliance on incarceration (and the jail crowding that results), while preserving public safety and advancing the other purposes of sentencing.

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

Principals sign contracts governing their activities. All of these contracts include agreement to daily face-to-face

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

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

What is an ATI?

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

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

For more than fifteen years, Vera has been working with partners in city and state government to create an array of ATIs, each designed to fit a particular niche in the sentencing environment of New York City. That work culminated in the establishment of CASES in 1989, New York City’s Center for Alternative Sentencing and Employment Services, which continues to operate two former Vera demonstration projects, the Court Employment Project and the Community Service Sentencing Project, as well as growing number of its own projects.

In the last several years, Vera’s efforts in this area have included a return to programs of pretrial supervision (Bail Bond), ATIs that include drug treatment (Delta), development of monetary sanctions (Day Fines), development of tools for government officials overseeing and planning investment in this area, and intellectual development of the sentencing process in the federal courts (FSR). These are the projects described here.

principals who successfully complete the program can persuade judges to impose non-custodial sentences where they otherwise would have sentenced offenders to jail.

The Nassau County project was the first to be launched and will become the first to find a permanent home when it moves from Vera to the Education Assistance Corporation (EAC), which provides other ATI services in Nassau County. In its five and a half years of operation through December 1992, the project has supervised 326 principals, of whom 276 successfully completed (remained under the supervision of the Agency until their cases were finally disposed of or they were remanded to another form of supervision). Only 15 principals have ever been arrested for a new offense while under supervision, and only seven principals have ever absconded. Eighty-six principals have been surrendered to the sheriff before final disposition of their cases, nearly all because they failed to abide by the provisions of their release agreements, rather than because of any illegal conduct.

The Bronx project bailed out its first principal in November 1990, and by the end of 1992, it had bailed out 153 more, of whom 46 were still under supervision. Fourteen principals have been arrested while under supervision and five have absconded (two were returned to jail by agency staff, two by police, and one is at large).

The Essex County project (funded entirely by Essex County, New Jersey, as part of its court-ordered program to relieve jail overcrowding) posted bonds for its first principals in April of 1991. By the end of December 1992, 158 detainees had been bonded out, of whom 43 were still under supervision at the end of the period. Thirteen principals were arrested while out

on bail and one failed to appear when required in court. Seventy-three principals successfully completed their terms of supervision.

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

The Essex County project is the only one in which Vera has established an in-house program of treatment for substance abuse. The program operates under a specialist clinical director, and is based upon the principles of relapse prevention. By the end of December, 62 principals had successfully completed the 20 instructional units of the program and were participating in twice-weekly evening sessions aimed at maintaining and reinforcing the lessons learned in the instructional phase.

**The Delta Project:
Drug Treatment for Offenders**
—Judith Greene, *Director of Court Programs*
—Lou Torres, *Project Director*

Delta is a Vera demonstration project designed to provide an effective form of drug treatment as a criminal sentence for addicted offenders who would ordinarily be sent to jail or prison. The project takes its name from the Greek letter Δ (delta), a symbol for both "defendant" and "change."

There is nothing new in the idea of providing drug treatment to addicted offenders instead of sending them to prison, but the drug treatment available most widely is badly suited to the requirements of the criminal justice system. Existing drug treatment programs cluster around two extreme regimens. At one extreme are the

"therapeutic communities," 18-to-24-month residential programs, considered effective for those who stick them out. TCs suffer from high drop-out rates and their duration and residential design make them expensive. At the other extreme are outpatient programs that require only a few hours each week. These are cheap, but generally less effective than TCs. Adding to the difficulties for courts that want to use any drug treatment is the fact that programs of both types have lengthy admission routines, while judges are under pressure to dispose of cases quickly.

TCs are sufficiently tough to meet the political demand that an alternative to prison feel a little like punishment, but they are too expensive to be widely used. Outpatient programs are too lax to serve as a criminal sentence. What the criminal courts seems to need, Vera planners believe, is an effective form of drug treatment that is as rigorous as a TC, but is shorter, does not have to pay for so much housing, and is available to accept an offender at court on short notice.

The Delta project is designed to fit this niche. In its demonstration phase, Delta targets the offenders whose cases are completed quickly in special court parts that handle nothing but drug offenses—offenders for whom there are currently few alternatives to incarceration of any kind. Delta's court staff screen all cases in these courts to find those where the statistical probability of a jail or prison sentence is high. The project staff then work with the Assistant District Attorney, the defense lawyer, and the judge to arrange a sentence to Delta instead of incarceration.

The treatment engages participants all day for six months. It does not include any residential component, although a short-term residential stay may be

incorporated in the future to assist addicts in withdrawal or to increase the project's control over participants in the face of minor program violations.

The treatment itself is grounded in the view of addiction and criminality as consequences of social, economic, situational, cognitive, and behavioral conditions, in contrast to a view of addiction as disease. The clinical staff try to modify aspects of each offender's thought habits and behavior that are believed to be causally related to their criminality—a technique known as cognitive-behavioral treatment. Most simply put, the treatment will teach offenders new ways of thinking and behaving.

Delta received its first sentenced offender in December 1992. In the six months before that, Delta completed the renovations to its offices, completed its hiring, trained the staff, and completed design of the screening process.

The training took place over four weeks in October and November 1992. Among those providing training for the clinical staff were Dr. Raymond DiGiuseppe, Training Director of the Institute for Rational Emotive Therapy and Associate Professor at St. John's University; Dennis Daley, MSW, director of a large hospital-based addictions treatment program in Pittsburgh and a nationally known trainer and author in *Relapse Prevention*; Dr. Tom Bien, a psychologist at the University of New Mexico and expert in motivational interviewing, the newest innovation in the field of cognitive-behavioral treatments of the addictions; and Dr. Benjamin Reese, who helped Vera adapt Dr. Robert Ross's *Cognitive Skills Training* curriculum to the Delta context.

Delta's screening criteria for accepting offenders into the program had been created earlier in the year using data available from the Criminal Justice Agency. In August and September 1992, Vera staff observed court practice in the relevant courtrooms to verify the continued reliability of these criteria and to specify the process throughout which Delta's staff could intervene in the dispositional process. In December, Delta staff began to perform the screening and the process was further refined.

To be accepted into Delta, offenders must: (a) be permitted to plead guilty to a probation eligible charge; (b) have a verifiable history of substance abuse; (c) agree to abide by all of the specific conditions of their treatment, including home visits by program staff and random urinalysis testing on demand; (d) not be held on a warrant from any other court; (e) have sufficient ties to the community so that they will have a reliable place to stay for the duration of the treatment; and (f) be likely to receive a sentence in the absence of Delta of at least six months in jail. This final criteria is determined by Delta staff by applying a simple test created through statistical modeling of the disposition of similar cases in the Bronx courts.

In December, Delta staff interviewed 15 defendants who appeared from their case files to be eligible for the program. Seven of these were taken into the program. The other eight were rejected for a variety of reasons: some lacked sufficient community ties; others did not appear genuinely interested in treatment; and still others were arrested near schools and were therefore barred from alternatives-to-incarceration under policies of the Bronx District Attorney (although some exceptions to this policy have been made).

Analytic Tools for Jail Population Management

—Laura Winterfield, *Project Director*

Since the mid-1980s, the City and State of New York have come to rely on a diverse array of alternatives-to-incarceration (ATIs) to provide appropriate sentences for criminal offenders while relieving the pressure of numbers on the city jails and state prisons. As these programs expand, city officials need tools that allow them to assess how effectively they are displacing offenders from jail and where new resources for such programs could be most efficiently targeted.

Early in 1992, Vera delivered a set of four analytic tools with which the Office of the Deputy Mayor for Public Safety, the Office of Management and Budget, and the Department of Correction can monitor these ATIs and plan new investments in such programs. These were: (1) a Jail Use Analysis, profiling the defendants and sentenced offenders who occupy the largest portions of jail/bed/days on an annual basis; (2) an Eligible Pool Analysis, for use in determining the number of inmates eligible for, but not sentenced to, each of the city's existing ATI programs; (3) an Ineligible Pool Analysis, profiling the groups of inmates who are ineligible for all existing ATIs, so that new program models can be designed for them; and (4) Predictive Models, to help those with oversight responsibility determine the likely jail savings produced by each ATI program.

When these tools were completed, the Office of the Deputy Mayor for Public Safety and the Office of Management and Budget asked Vera to undertake some additional tasks to make these tools more useful to their own agencies, as well as to the ATI programs themselves. In addition, a flaw in the Predictive Models needed

correction. The correction was made quickly, and the additional tasks are scheduled to be completed in the spring of 1993.

The first of these tasks is to transform the Predictive Models into prediction tests that program screeners can apply to identify defendants who are likely to be incarcerated at sentencing but for whom incarceration is not mandatory under the law. These prediction tests have been completed for defendants charged with A and B felonies, but creating a predictive scoring system for discretionary incarceration of defendants charged with C, D, and E felonies has proved more difficult because of the number of variables required for a reliable prediction. Vera staff have broken defendants in this category down into subgroups based on borough, detention status, and ethnicity, thus removing some of the complexity, but a practical scoring system for this group had not yet been constructed by the end of 1992.

The second task is to assist in the creation of a uniform database of screening information compiled by all of the ATIs operating in New York City. The database is to show the reasons that programs reject defendants, when in the screening process they do so, and at what level of the program management the rejection decision is made. City officials hope that this information will help them to work with programs to improve the efficiency of the screening process.

Vera staff have now interviewed representatives of all of the existing programs, finding that the necessary data are readily available from all but one of the programs. The one exception—a program helping to place addicted defendants into existing drug treatment programs—could provide the information with some basic

assistance in the design of a screening record.

The third task is to develop predictive instruments that can estimate the length of the jail or prison terms that specific offenders are likely to serve if not sentenced to an ATI. Such instruments would be enormously useful in projecting jail and prison needs in light of varying assumptions about the capacity of ATIs. This work is being conducted jointly by researchers at Vera and at the Criminal Justice Agency, with Vera focused on Criminal Court sentences and CJA focused on Supreme Court sentences.

Vera will create the Criminal Court predictors based on 1989 data drawn from the CJA database. Theoretical work done in the last six months of 1992 led Vera and CJA researchers to conclude that separate predictors should be created for each borough other than Staten Island, where case numbers are too small for reliable analysis, and that the principal variables used should be the arraignment charge severity level and the defendant's detention status leaving arraignment.

The fifth task is to apply the Predictive Models to the individual program databases. The databases for 1991 were collected and prepared, but data still missing at the end of 1992 made analysis of two of them impossible. For the others, the analysis was nearing completion at the end of the year.

A sixth and final task, the design of a policy-analysis database, will be undertaken early in 1993.

National Work on Day Fines

—Judith Greene, *Director of Court Programs*

For the last year, Vera staff have been providing technical assistance to jurisdictions participating in a nationwide set of demonstrations of the day fine concept. Grounded in the knowledge gained in Vera pilot experiments in Staten Island, New York, and Phoenix, Arizona, this is a federally funded effort to refine this sentencing tool for wider use throughout the United States.

In European courts, where the monetary fine is the sentence of choice, most judges utilize some version of a day fine, a unit-penalty which allows a judge to vary the penalty with the severity of the offense without overburdening offenders in poor economic circumstances. The amount of the fine is determined through a two-step technique that embraces principles of proportionality and equity common to both European and American sentencing jurisprudence.

The Staten Island Pilot Project

In 1988, after several years of research in Europe and in the U.S., Vera launched a pilot test of the day fine concept in the Richmond County (Staten Island) Criminal Court. The reform was introduced to replace the traditional "tariff" system of setting fines. Vera's objectives were to discover if Criminal Court judges would be willing to use the day fine as the primary sanction for a broad range of penal law offenses, and to examine the effects of their doing so. Vera staff provided Staten Island judges with a fully elaborated day fine plan, developed in working sessions with the judges, prosecutors, and local defense attorneys. Vera simultaneously introduced some new techniques for collection and enforcement of day fines, hoping to increase

the court's confidence in the reliability and effectiveness of the fine as an intermediate sanction.

Vera researchers followed the experiment closely. At the end of the one-year demonstration, the researchers concluded that the use of fines as sentences had remained at about the same frequency before and during the demonstration; but there had been an 18 percent increase in the total dollar amount of fines imposed. The dollar amount increased despite statutory maxima that limited day fines below the monetary value that would have resulted from straightforward application of the day fine principles. Had the statutory caps been lifted, the fines imposed would have been 79 percent greater than in the period before the demonstration.

What is a Day Fine?

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

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

The Phoenix FARE Probation Model

As the Staten Island project was nearing completion, Vera provided technical assistance to a second pilot effort, this time in Phoenix, with support from the State Justice Institute and the National Institute of Corrections. Here a sentence called FARE Probation was created as an alternative to ordinary probation. In this version, day fine techniques were used to determine the total amount of each monetary sanction “package,” which typically included a range of financial orders such as a fine, a probation service fee, a victim compensation fund assessment, and restitution. Data from the first ten months of practice show that two thirds of the offenders sentenced to FARE probation were convicted of felonies, almost all of which involved theft, fraud, or drugs. Two-thirds were first offenders; almost three-quarters were employed but only 1 percent had a net weekly income of more than \$250. Eighty-two percent had fully paid their fines or were up-to-date in their payments on fines that averaged about \$1,000.

The National Demonstration

With the practicality of day fines established through these pilots, the Bureau of Justice Assistance is now funding a broader demonstration of the concept. BJA selected three states—Connecticut, Iowa, and Oregon—in which day fines would be

introduced in selected courts with Vera providing technical assistance to each.

In Oregon, sentencing practice is regulated through felony sentencing guidelines set by a Criminal Justice Council. The guidelines include community-based penalties as well as incarceration, and the Council has adapted the guidelines to include day fines, both as a sentence in its own right and as part of a larger probation order. A subcommittee of the Council selected four counties for the demonstration, one of which includes the state capital. The courts in two of these counties are using day fines exclusively in misdemeanor cases, while the courts in the other two are using day fines in felony cases as well.

In Iowa, the Polk County Attorney’s Office in Des Moines is sponsoring the project, and the interagency planning group is devising a system that will replace all tariff fines with structured day fines for low-level felonies and misdemeanors.

In Connecticut, the demonstration is based in Bridgeport’s G.A. 2 Court, a mixed-jurisdiction court handling low-level felonies and misdemeanors. The demonstration is sponsored by the Connecticut Office of Alternative Sanctions and is being designed by a committee of state and local court officials. The committee has developed a grid capping the number of units that can be imposed for each level of offense. In addition, the demonstration has incorporated the use of installment payments for fines. This ends the requirement that all offenders pay their fines in full at sentencing, a practice that had rendered monetary sanctions unavailable in sentencing less affluent offenders.

The Federal Sentencing Reporter

—Daniel Freed & Marc Miller, *Editors*

—Sarah Lyon, *Publication Manager*

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

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

developments in the states and other countries.

In its brief life, however, it has already formed an intellectual bridge between judges in courts across the country who find an intellectual discussion of individual sentencing decisions useful in their own roles. This is neither a journal published for scholars, nor does it aim—as many legal reporters do—to provide practitioners with fast answers to routine problems. The participation of sentencing judges in the FSR—through the submission of commentary or simply through the reproduction of their sentencing opinions—lies at the heart of this effort to reform sentencing theory and practice at the level of the individual case.

Each issue focuses on one major topic, combining short articles and cases. In the second half of 1992, FSR published three issues, addressing “Developments in the Use of Departures,” “Evidentiary Rules at Sentencing,” and “The Four Year USSC and GAO Impact Reports.” FSR appears on the legal electronic databases Lexis and Westlaw.

Program Four

Employment & Crime Prevention

Employment for Parolees

- Mark Usdane, *Vera Associate Director*
- Kevin Curran, *Project Director, NWP*
- Mike Cafarelli, *Project Director, VDP*

For more than ten years, Vera has operated a pair of projects that provide employment training, temporary work, and permanent job placement for people recently released on parole. Vera is now beginning an effort, in collaboration with the State Division of Parole and the Office of the Deputy Mayor for Public Safety, to transform these projects into an independent agency.

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

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

In order to make these projects work, Vera has had to find a steady stream of paying work for the NWP work crews to perform. Originally, the federal

government's community development program funded NWP crews to work for neighborhood-based organizations that could not afford to hire unsubsidized labor. When that program was cut back, Vera contracted with New York City's Department of Housing Preservation and Development to rehabilitate apartments in hundreds of abandoned buildings that HPD had seized. Over a ten year period, NWP crews helped to renovate over 10,000 apartments for occupancy by homeless families, and it expanded to provide similar labor to the Port Authority, the Public Development Corporation, and the City Department of General Services. At the height of this effort, NWP deployed as many as 50 crews a day (each composed of five parolees) on as little as 12 hours notice.

In 1991, NWP and VDP faced a double challenge. HPD ended its rehabilitation program using NWP crews just as New York State's shock incarceration program—with its assumption that prisoners could be paroled into jobs at the end of their rigorous, six-month regimen—had become dependent on NWP and VDP

Program Four Employment & Crime Prevention

Vera designs and operates projects that provide employment and job-training services for ex-offenders and other disadvantaged people.

to maintain their 100 percent release rate. In response, Vera has been working closely over the last two years with city and state officials to replace the job base by contracting to perform maintenance work for other government agencies.

Through the summer and fall of 1992, the demand for NWP crews grew steadily, with most assignments from the City University of New York and from the State Office of Mental Health. CUNY officials report that they are pleased with NWP's work and want to make the relationship permanent. Officials at OMH, although using fewer crews than CUNY, are also seeking to expand NWP's work from the original site at Manhattan Psychiatric Center on Ward's Island to facilities at Rockland Psychiatric Center and Creedmoor.

Not all of NWP's efforts have borne as much fruit as these. In the summer of 1992, NWP completed two pilot projects with the State Parks and Recreation Department in which the crews surpassed the agency's expectations, but funds which the agency wanted to use to secure NWP crews for a long-term project were eliminated from its budget.

Marketing is crucial to NWP's future, so Vera staff are continuing efforts to provide crews to the State Office of Mental Retardation and Developmental Disabilities, the Port Authority, and the State Division for Youth Services.

NWP's survival is crucial to VDP's continued capacity to find regular jobs for parolees. In the six months from July through December 1992, VDP registered 552 individuals, made 408 job placements with an average wage one-third above minimum, and achieved a 78 percent retention rate for those still working after 45 days. Placements were strongest in the manufacturing,

general service and retail/wholesale industries. That placement record—achieved through the combined effect of NWP's work experience and VDP's jobs program—distinguished Vera's employment service for parolees as the strongest performer in the City Department of Employment's portfolio of programs for people deemed hard-to-employ.

Customizing a program response to the particular needs of the parolee has been the hallmark of VDP since its inception. The duties of the Support Services Unit make this four member staff pivotal in establishing a rapport which begins at registration and continues after placement. The parolee registers with VDP the day following release from boot camp, and then attends a four day life skills workshop taught by a Support Services instructor, at the end of which the parolee is interviewed to determine individual social service needs. At this stage, the job developer, one of nine on staff, begins the job search with a careful assessment of the individual parolee's interests, skills and experience. VDP expects the job developer, working in partnership with the parolee, to obtain unsubsidized job placement within 30 days in most cases.

Unusual help is also provided: locating foster children and helping establish visitation, retrieving property from Rikers, tackling housing by uncovering new resources and, recently, establishing contacts with Immigration to facilitate the reissuance of documents necessary for employment. Once placed, the new worker is visited by a member of the Support Services staff to check progress, maintain motivation and resolve snags as well as insure that the employer is satisfied with performance.

Job Path

—Mark Usdane, *Vera Associate Director*

—Fredda Rosen, *Project Director*

Job Path is Vera's employment program for people with developmental disabilities. In October 1992, Job Path began its fifteenth year of operation, but in some ways the program remains experimental. Job Path continues to serve as a bridge into the mainstream workforce for people with mild and moderate disabilities while pressing to extend supported work techniques to people with severe disabilities who previously had been considered unemployable. In addition, Job Path is planning a new venture that will enable people with developmental disabilities to live independently in their own homes.

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

In practice, however, even after leaving the large institutions, many of these people spent their days in segregated sheltered workshops. Vera established Job Path in partnership with New York State to test the hypothesis that techniques of "supported work"—developed by Vera in its work with ex-offenders, ex-addicts, and other populations—could help people with developmental disabilities move into the mainstream work force and gain greater independence. The program has been a great success as nearly 1000 Job Path trainees

have become employees of banks, law firms, department stores, restaurants, and other large and small businesses in New York City. Fifty trainees made that move in the last six months of 1992.

In the mid-1980s, Vera staff began efforts to adapt Job Path's techniques to two populations for whom the program as originally designed seemed inadequate: those with disabilities so severe that their school or workshop counselors thought that they could never work, and those who entered Job Path but had difficulty holding their jobs when counseling support was diminished. These were people who were likely to need long-term, even life-long support in order to work.

To meet the needs of these populations, Job Path now offers two program tracks. The transitional employment track is for people who, given a structured work experience and intensive but time-limited support, can learn to work independently. The supported employment track is designed for those who need on-going support in order to work.

Recently, Vera and its state partners have used Job Path to test the limits of supported work in this area. One group of current trainees, for example, is multiply-disabled; these participants are blind, have a developmental disability and a secondary psychiatric diagnosis. Job Path is also testing whether supported employment techniques can help people with traumatic brain injuries. Yet another experiment targets people living in the state's most intensive and restrictive setting, Medicaid-funded day treatment programs.

This last experiment with those in the Medicaid-funded program is a good example of how this longstanding project continues to produce innovation. The

obstacles to reform in the day treatment system are daunting: service providers are reluctant to exchange stable Medicaid funding for less-familiar supported employment grants; parents have genuine concerns about their severely disabled sons and daughters leaving the safety of day treatment for the vagaries of the work world; potential participants, though eager to work, have had little exposure to the world beyond the day treatment center and are comfortable with the structure and social network they've found there.

Vera staff, with support from the U.S. Department of Education's Rehabilitation Services Administration, are trying to overcome these obstacles. As they began to work with day treatment participants, Job Path staff found that they needed more powerful tools than existed in the existing Job Path program. They are now working with two day-treatment providers in piloting some new training techniques with a handful of participants and their families.

In recent years, Vera's Job Path staff have become acutely aware that many

participants, while developing self-sufficiency through their jobs, have not had the same opportunity in their home lives. The residential service system for people with developmental disabilities, like the vocational system in Job Path's early days, emphasizes the use of segregated, facility-based services. For the past eighteen months, Job Path has been engaged in an effort to develop an alternative.

In 1993, with funding from the New York State Office of Mental Retardation and Developmental Disabilities, Vera will launch a pilot project within Job Path that will help ten people with developmental disabilities establish their own homes and live independently in the community. Job Path staff will help participants find safe, affordable housing and locate durable support services. Wherever possible, the project will help individuals arrange for "natural" supports from family, friends or neighbors or use community resources, relying on services based in the developmental disabilities system only as a last resort.

Program Five

Drug Enforcement, Education, & Treatment

Legal Coercion in Drug Treatment

—Doug Young, *Project Director*

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

The importance of keeping clients in treatment has led to renewed interest in using the coercion available within the criminal justice process to keep offenders who need treatment in treatment. If courts, prosecutors, probation or parole agents can pressure offenders to remain longer in treatment, then use of their coercive powers in the design of drug treatment programs could usefully be expanded.

While a growing number of government officials argue that the powers of the criminal justice system can effectively compel offenders to succeed in drug treatment, empirical support for this notion is thin. In part, this is because previous studies have not delineated the factors that comprise perceived legal coercion (e.g., severity, certainty or swiftness of consequences for drop out), or examined their relative importance in treatment outcomes.

Hoping to meet the need for basic measurement tools in this area, Vera

researchers began working with the King's County District Attorney's office in 1991 to evaluate the role that legal coercion is playing in that office's successful Drug Treatment Alternative to Prison (DTAP) program.

This is the first step in a long-term effort to analyze how coercion is perceived among offenders who are officially referred to drug treatment from the criminal justice system, and whose participation is subject to continuing supervision by a legal agent, such as a prosecutor, judge, or probation or parole officer. The objective is to isolate and understand the role played by perceived coercion, in treatment retention and outcome.

DTAP presents an extraordinary opportunity for examining this issue, because (1) legal coercion is present in this program in an unusually strong way, and (2) after more than two years of operation, treatment retention in DTAP remains at about 70 percent, an exceptionally high level.

Program Five Drug Enforcement, Education, & Treatment

Vera designs and evaluates efforts to eliminate drug markets, prevent substance abuse, and enlarge the provision of effective substance-abuse treatment services.

During the second half of 1992, Vera staff administered a pilot version of a Perception of Legal Coercion (PLC) scale to all new participants of the DTAP program. Application of this first version of the PLC scale will continue through April 1993. After that, Vera researchers will analyze the quality of the instrument and its ability to predict length of stay in treatment, when compared to such factors as program satisfaction, internal motivation, and drug history and severity.

Throughout the last six months of 1992, Vera researchers and Brooklyn prosecutors worked on plans to conduct a comparative study of retention and perceived coercion among non-DTAP clients of the same TC programs used by the Brooklyn program.

Evaluation of DTAP Replications

—Doug Young, *Project Director*

In the spring of 1992, with Brooklyn's DTAP program showing great promise, Governor Cuomo supported the expansion of the DTAP model to three other New York City prosecutor's offices and asked Vera to evaluate these new programs.

The new programs will be administered by the Office of the Special Narcotics Prosecutor, the New York County District Attorney, and the Queens County District Attorney. Vera staff worked with these offices in planning and pilot-testing procedures throughout the fall. The first participants were admitted to the DTAP program operated by the Office of the Special Narcotics Prosecutor in mid-December, and the programs in the Manhattan and Queens D.A.'s offices

should begin early in 1993.

Vera's researchers will collect descriptive data about participants, monitor the admission and retention performance of each program, examine the role of PLC and other factors in retention, and establish a research database sufficient for future outcome research.

After lengthy negotiations, the seven separate drug treatment agencies involved in the DTAP programs agreed to a set of research protocols that will give Vera researchers access to agency data and will make agency clients available for interviews. The participating agencies are Samaritan Village, Daytop Village, Odyssey House, Damon House, Promesa, Project Return, and Inward House.

As the planning process drew to a close at the end of the year, several features of the replications appeared to distinguish them from the Brooklyn model. Perhaps most significant, the three new sites are requiring that defendants plead guilty to a felony charge prior to entering treatment, while the Brooklyn prosecutors defer prosecution on all DTAP defendants. In addition, the replications will require that defendants receive longer sentences than Brooklyn defendants if they leave treatment early. These and other program differences may be of particular interest when analyzing retention performance of the programs, and in interpreting any observed differences in participants' perception of legal coercion.

The first formal interview of a DTAP participant from one of the new sites was conducted on December 16 at Odyssey House. Interviews with five additional participants were conducted over the balance of the month; two of these were at Promesa, two at Damon House, and one at

Inward House. The research protocols and the interviews themselves worked well in these first few cases.

TNT Evaluation

—Susan Sadd & Michele Sviridoff,
Project Directors

In the August 1992, Vera published its two-year study of the effects of the New York City Police Department's Tactical Narcotics Teams (TNT) and their efforts at street-level narcotics enforcement.

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

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

The researchers found that TNT generated a large number of highly

prosecutable arrests, seized a lot of cocaine and a lot of money, and disrupted the drug markets at most locations where buy-and-bust operations were mounted. But these effects were short lived, and the communities were neither sufficiently involved in nor knowledgeable about the crackdown for the effects to endure when TNT moved on to the next target area.

Vera recommended at the end of the report that TNT tactics become one of the methods of policing available to commanders of community police operations rather than remaining the province of dedicated special units.

Program Six

Understanding Crime

Atlas of Crime and Justice in New York City

—Lola Odubekun, *Project Director*

Vera's Atlas of Crime and Justice in New York City, to be published in the summer of 1993, is intended to assist city officials to advance the perennial debates over crime control and criminal justice priorities, policies, programs, and operations within New York City. It will do this by presenting key indicators about crime and about the functioning of the criminal justice system to a very wide audience in a simple, graphic, attractive form that could be understood and interpreted by professionals, elected officials, the media, and the public.

A huge volume of data is routinely recorded, and reams of statistical reports are produced, by scores of state and city agencies responsible for one or another criminal justice function. They provide fodder for argument and advocacy, but they are nowhere distilled into usable knowledge. There exists no mechanism for winnowing out the reliable and illuminating data, or for presenting a comprehensive, coherent picture of the whole. It is often difficult even to get a coherent picture of a particular topic, from the diverse statistical reports bearing on it. As a result, separate agencies of the city and of the state carry (and try to address) markedly different conceptions of the same problems, while elected officials who want action in a particular area often

lack the kind of simple and useful data that ought to inform the action—or shape debate about what action to take.

The atlas will treat crime as a social indicator of the quality of life in New York City, an approach consistent with the city government's *Safe Streets, Safe City* programs which, in the words of its authors, aim "at not only providing an effective short and long-term solution to our City's crime problem but also upon improving the quality of life for our City's residents."

The atlas, as its name implies, will present most of its data through maps of the city that show the impact of certain problems and the responses of criminal justice agencies neighborhood by neighborhood, along with other social indicators. The document will contain facts about crime and victimization, policing, defense, prosecution, court process, jails, probation, and parole.

Program Six Understanding Crime

Vera conducts basic research and assists criminal justice agencies to understand the problems of crime with which they deal in a broader context.

The project was begun in the last three months of 1992. Work during this period included committing the theoretical framework for the project to writing, conducting a literature survey, and meeting with senior officials at each of the New York City criminal justice agencies whose cooperation the project requires and who, we hope, will make most use of the finished product.

The literature search uncovered more than 300 citations to recent research conducted on the New York City criminal justice system. Among the most bountiful sources of available research was the state's Checklist of Official Publications of the State of New York 1989-1992, which contains 178 citations relevant to the atlas. Most of these research reports were the products of State legislative commissions, task forces, and the Division of Criminal Justice Services; but the list included publications by New York City agencies, most from the Department of Correction. Other sources of citations included the criminal justice collection of Rutgers University/National Council on Crime and Delinquency, the on-line catalogue of the research libraries of the New York Public Library, and the Inter-University Consortium for Social and Political Research at the University of Michigan.

In addition to examining government-sponsored research and published academic work, project staff have sought to cull relevant research findings from unpublished doctoral dissertations in criminal justice and related fields. A search of the DIALOG database, which contains abstracts of all U.S. doctoral dissertations written

from 1861 to 1993, located 139 dissertations examining the New York City criminal justice system. These works included studies of the effects of formal and informal social support on families reporting domestic violence to police precincts, bail processing, juvenile diversion, cameras in the courtroom, volunteerism in jail, prostitution, homelessness, and drug treatment.

The meetings with senior officials at various criminal justice agencies introduced the project to the agencies and allowed project staff to identify the information needs of these officials. On the basis of these meetings, project staff decided to combine broad coverage of many crime and justice issues with more detailed examination of issues of violence—particularly violence relating to guns and domestic violence. Among the local agencies participating in these meetings through December 1992 were the Office of the Deputy Mayor for Public Safety, the New York City Police Department, the New York City Department of Correction, the Mayor's Office of Management and Budget, the New York City Board of Correction, the Correctional Association of New York, the New York City Department of Probation, the New York State Office of Court Administration, the Victim Services Agency, and the New York City Planning Department. Vera staff have also received assistance from researchers at the Roper Institute (Connecticut), the Social Science Research Council (New York City), the Institute for Political and Social Research (Michigan), the National Institute of Justice (Washington, D.C.), the Centers for Disease Control (Georgia), and the National Center for State Courts (Virginia).

