

0342

Vera Institute of Justice



Portfolio
of
Demonstration Projects,
Research & Technical Assistance

Semi-Annual Report
December 1993

Vera Institute of Justice, Inc.
377 Broadway
New York, New York 10013
Phone 212-334-1300 • Fax 212-941-9407

Board of Trustees

Frederick A.O. Schwarz, Jr.
chairman of the board

Michael E. Smith
president

Christopher E. Stone
director
from February 22, 1994

R. Palmer Baker, Jr.
Norborne Berkeley, Jr.

W. Haywood Burns
Peggy C. Davis

Richard G. Dudley, Jr.
Daniel J. Freed

Joseph Goldstein

Migdalia de Jesus-Torres

Lowell Johnston

Eric Lane

Morris E. Lasker

Arthur L. Liman

Joseph F. McDonald

Barbara Margolis

Burke Marshall

Richard L. Menschel

Gail L. Neale

Robert P. Patterson, Jr.

S. Andrew Schaffer

M. Peter Schweitzer

John J. Stack

Benjamin Ward

Adam Yarmolinsky

Additional Officers

Michael J. Farrell
associate director

Michael V. Byrne
treasurer

Marjorie Singer
secretary to the corporation

Contents

Introduction	1
Program One: Community Policing	
The Model Precinct Project	3
The Electronic Beatbook	5
Performance Measurement for Community Policing	6
Problem-Solving Annual For Community Policing	7
Innovative Policing in Eight Cities	7
Program Two: The Adversary System & Court Administration	
The Neighborhood Defender Service	11
Modernization of the Assigned Counsel System	14
Computerization of the Midtown Community Court	15
Program Three: Sentencing & Alternatives to Incarceration	
Bail Bond Supervision Program	17
Analytic Tools for Jail Population Management	19
Juvenile Detention Alternatives Initiative	20
National Work on Day Fines	21
The Federal Sentencing Reporter	23
Program Four: Employment & Crime Prevention	
Employment for Parolees	25
Job Path	28
Program Five: Drug Enforcement, Education & Treatment	
The Delta Project	31
Legal Coercion in Drug Treatment	33
Evaluation of DTAP Replications	34
Program Six: Understanding Crime	
Atlas of Crime and Justice in New York City	37
Program Seven: Public Welfare	
Guardianship	39

Introduction

Innovation through Partnership

The Vera Institute of Justice has served as a center for innovation in criminal justice, public safety, and human services since 1961. Vera works in partnership with government to design, pilot, and evaluate projects that aim to improve and restructure—in large ways and small—systems of justice and other public services. When these projects succeed, Vera works with government to institutionalize the reforms.

The Institute is based in New York City, where it acts 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 in New York and helps ensure that Vera's ideas for reform remain intensely practical.

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

Demonstration Projects

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

streets, courts, schools, jails, and other institutions of the city. Vera's project planners identify problems that confront urban residents and reformulate them in ways that suggest novel but practical solutions. When such a solution has promise, Vera designs a demonstration through which the idea can be refined and tested. At the same time, Vera looks for potential partners in government who have an interest in solving the problem. When these elements are in place, Vera seeks private grants and public support to mount the demonstration, measure the results, and—if the innovation succeeds—help public officials implement it widely.

Vera works with its public partners throughout the design, operation, and evaluation of its demonstration projects. In this way, the officials responsible for the ultimate institutionalization of successful reforms participate, from the outset, in the learning that is integral to the process of innovation.

Action-Research

To assist this process, most Vera demonstration projects are accompanied by structured action-research. This research documents and analyzes the process of implementing the demonstration, measures the extent to which the demonstration is achieving its goals, and provides feedback to project directors so that they can adjust their operations during the course of the demonstration.

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

Vera's Legacy in New York

The value of Vera's approach to reform is evident in the range of innovative programs and enduring institutions that it has produced. The Victim Services Agency (VSA), Criminal Justice Agency (CJA), Center for Alternative Sentencing and Employment Services (CASES), Legal Action Center, Manhattan Bowery Corporation, Housing and Services, Inc. (HSI), and Wildcat Services Corporation all began as Vera demonstration projects. Dozens of programs have been institutionalized within criminal justice agencies following Vera demonstrations, including the Community Police Officer Program (CPOP) that brought community policing to every precinct in the city, the Early Case Assessment Bureaus (ECABs) operating in most district attorneys' offices, and the system of Desk Appearance Tickets (DATs) used to bring minor offenders before the courts without requiring them to spend a night in jail.

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

Technical Assistance and General Research

Successful projects created by Vera in New York City often provoke interest in other jurisdictions. When this happens, Vera's project managers are frequently asked to assist other cities, states, and even foreign countries to replicate their work. Similarly, Vera's researchers, having immersed themselves in a field in the course of their action-research, are often called upon to evaluate similar reforms in other places.

Because successful innovation is an intensely local process, Vera does not attempt to clone its projects for use outside New York. Rather, Vera planners provide technical assistance to colleagues in other jurisdictions engaged in the process of reform, and Vera researchers evaluate programs elsewhere when their expertise and experience are well-suited to the task. This may involve Vera posting a member of its staff in another jurisdiction for a limited time or conducting evaluations of programs similar to those pioneered by Vera.

Vera's Portfolio of Current Projects

This portfolio contains descriptions of the projects that Vera operated during the second half of 1993. The projects are divided between seven program areas, although some deal with issues that arise in more than one area.

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

Program One

Community Policing

The Model Precinct Project

—Michael Farrell, *Vera Associate Director*

The Model Precinct Project is providing 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 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 Model Precinct Project follows a decade of work between Vera and the New York City Police Department on community policing, beginning with the Community Officer Patrol Program in 1984. The idea for the Model Precinct emerged from discussions between Vera staff and the New York City Police Department in September 1990, as the department was completing its master plan for policing in the 1990s. That plan committed the entire department to community policing—not just the deployment of a discrete unit of foot beat officers in each precinct, but a community-oriented, problem-solving approach to police work involving every part of the department.

Three years into the project, many techniques have been tested and refined. As a new city administration begins to make community policing its own, the Police Department continues to need a place where new ideas can be tested and practice can be closely observed. The Model Precinct provides the department with just such a laboratory.

Program One Community Policing

Vera designs and tests new methods and procedures for urban police work. Over the last decade, Vera has focused its work in this area on development of techniques for community policing, working in partnership with the New York Police Department on the design, implementation, expansion, and evaluation of its Community Police Officer Program (CPOP). Vera's published research on this work includes Jerome McElroy, Colleen A. Cosgrove and Susan Sadd's book, *Community Policing: The CPOP in New York* (Sage Publications, 1993). Today Vera serves as the principal consultant to the NYPD as it further develops its community policing efforts in the Model Precinct and throughout the department.

For example, when the Model Precinct Project began, several specialty units were combined into a single Special Operations Unit responsible for foot patrol of small beats. In all precincts, community police officers took on warrant and fingerprint responsibilities, eliminating 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.

In late 1992, the Police Department reviewed the effort to combine warrant execution and fingerprinting with beat police work citywide, and fingerprinting was dropped from the tasks of beat officers. In the 72nd Precinct, this review extended to the other unit functions that had been combined in the Special Operations Unit. The narcotics enforcement work was found to fit well with the work of the beat officers, so that organizational arrangement was continued. In contrast, the elimination of the plainclothes anti-crime unit caused problems, so a special unit was re-established, smaller than its predecessor, while beat officers continue to make use of plainclothes tactics themselves as necessary. This approach is widely regarded as working successfully.

Another organizational dilemma confronting the Police Department as it extends community policing is how to integrate its "sector cars"—those responding to 911 calls—into the problem-solving activities undertaken by the beat officers. At the start of the Model Precinct Project, Vera staff worked with police commanders

there to redraw the beat and sector lines creating 16 foot beats and eight sectors, all but one of the sectors co-terminus with a pair of beats. This should have allowed sector car officers to work with beat officers on common problems; but Vera's analysis of the calls for service handled by Model Precinct units during the first year disclosed that the sector cars spent more time answering calls outside of their assigned sectors than in them because of "cross-sector dispatching" by the Communications Division.

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

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

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 information, that they and their fellow officers have accumulated over months or years along with other information available centrally.

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

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 Electronic Beatbook also serves as a problem-solving "coach" that offers suggestions and requires responses to questions at critical points in the problem-solving process. For example, when an officer chooses a chronic problem as a priority for the coming month, the Electronic Beatbook requires the officer to respond to a series of questions related to the effectiveness of the actions and strategies previously applied to the problem. In addition, the Electronic Beatbook leads the officer through a detailed problem analysis whenever a new problem is identified.

The application gives officers new abilities to perform their own investigations and research. The system can answer questions by drawing upon information entered by anyone in the precinct, including the officer, other members of the beat team, or members of other units. In addition, the system gives officers access to 911 and complaint databases. 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? How many radio runs and complaints have occurred near the lot?
- What strategies have been applied to this problem over the last two years? What were the results? What were the supervisors comments during that time?

- When was the last meeting of the 49th Street Block Association? Were any officers present? What was said about the persistent disorderly conditions at 52nd and Greenwood Streets?

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

Reports can be tailored and formatted to reinforce the problem-solving 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 meaningful whole. For the convenience of the officers, and to reduce data entry time, information may be entered into the system in any order. Activities, observations, meeting notes, and results are later combined by the system to produce Electronic Beatbook reports: clear, logical histories of problems, locations and issues over time.

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

made with community members, and collaboration with outside agencies.

Based on feedback obtained from focus groups and interviews with the officers using the system, Vera has begun to revise the Electronic Beatbook in preparation for expanding the system to additional precincts. Vera is currently planning a second phase of testing and development for the first half of 1994 involving installation of the Electronic Beatbook in three more precincts. This second phase of testing will provide more feedback from officers, as well as an opportunity to prepare the application for expansion to the remaining precincts. The second phase will also be used to improve upon the existing training curriculum and user's manual.

At the same time, Vera is exploring the potential for creating similar applications on hand-held computers that officers can take into the field. Although not suitable for extensive documentation and planning, hand-held computers can offer all of the powerful information retrieval resource capabilities now available on the Electronic Beatbook. Hand-held computers are the logical next step for providing officers with information resources while they are in the community.

Performance Measurement for Community Policing

—Susan Sadd, *Project Director*

In March of 1993 Vera embarked on a two-year project, in partnership with the New York City Police Department, to develop and test a system that can measure the performance of community policing at a precinct level. When in place, this perfor-

mance measurement system should allow the NYPD to assess both its success in implementing community policing and community policing's success in achieving its goals.

The performance measurement system will be field tested in the 72nd Precinct. This is the NYPD's Model Precinct for community policing; it is there that community policing has been most fully implemented and staffing is at the level thought appropriate for community policing (see pp. 3 to 4).

The performance measurement system will integrate feedback from the community served by the police with perceptions of police officers and supervisors. The measures developed will address both the activities thought essential to effective problem-solving under community policing at the precinct level, and the outcomes expected from this approach to policing.

Once the system is developed, it will be implemented and tested in three additional precincts (to be selected by the NYPD in consultation with Vera staff). Vera and NYPD staff hope to develop a system that eventually will be used by the NYPD in all 75 precincts of the city. That system should allow the Department to assess both the extent to which it is transforming the NYPD to a community policing agency and the effectiveness of the NYPD in solving problems, reducing crime and fear, and maintaining order.

Problem-Solving Annual for Community Policing

—Michael Farrell, *Vera Associate Director*
—Doug Young, *Project Director*

Community police officers and their supervisors need training tools in problem-solving. This is as true within

community policing units as it will be throughout the department after community policing comes of age. To help meet this need, the Police Department asked Vera in 1991 to collect experiences of successful problem-solving from police officers and to make those available to others. The result is a series of stories about how individual police officers have solved neighborhood problems, to be published in a *Problem-Solving Annual*.

During the second half of 1992, Vera staff collected stories for two volumes: one focused on strategies for policing disorderly groups, the other focused on solving persistent drug problems. A third volume on burglary had been planned but was dropped from the pilot work because of the time constraints and the greater utility of the first two topics. Vera staff prepared drafts of the first two volumes and submitted them to the Department in the Spring of 1993. In October 1993, after review by a Police Department editorial review board, the Department printed and distributed the *Annuals* to all Department personnel.

Innovative Policing in Eight Cities

—Susan Sadd, *Project Director*

In November 1990, the federal Bureau of Justice Assistance (BJA) awarded funds to eight urban and suburban jurisdictions, including New York City, under the Innovative Neighborhood Oriented Policing (INOP) program. While these eight jurisdictions have used those funds in very different ways, they all shared the objective of reducing drug demand through community policing.

To assess this federal initiative the National Institute of Justice awarded a grant

to the Vera Institute of Justice to evaluate the eight INOP projects. From 1991 through 1992, Vera researchers observed program operations and interviewed police administrators and officers (both those involved in the INOP program and others who were not part of the program), community residents, merchants, government officials, and staff of private agencies involved in the programs. The researchers also measured changes in respondents' perceptions of drug activity, public safety, and the quality of life in the INOP target areas. Vera's report on the research was completed and submitted to NIJ in August 1993.

The INOP jurisdictions varied greatly in size. In addition to New York City, the jurisdictions were Hayward, California; Houston, Texas; Louisville, Kentucky; Norfolk, Virginia; Portland, Oregon; Prince Georges County, Maryland; and Tempe, Arizona. Hayward and Tempe have populations under 200,000, while New York has more than seven million. Similarly, the police departments range in size from under 200 officers in Hayward to over 25,000 in New York.

The experience of the jurisdictions with community policing also varied greatly. In Louisville, Prince Georges County, and Tempe, the INOP project was the first effort at community policing. In Hayward, Norfolk, and Portland, the INOP project was a small component of a new, much larger community policing initiative. In Houston and New York, the projects were small, new efforts in departments with established community policing programs.

In Houston and Norfolk, the primary emphasis was on enforcement, with secondary drug prevention activities. Other cities placed greater emphasis on provision of community-based services, such as education and treatment. Several of the cities

based their community efforts in satellite offices, while Hayward and New York used their grants to purchase motor homes. These facilities were made available for community organizations to hold meetings and for residents to obtain information about available services, but the police hoped, in addition, that their presence would itself deter drug trafficking.

It was apparent from the research that no single project was completely successful, nor was any one a "model" for community policing. More importantly, however, the data analyses revealed a set of common implementation problems that have important implications for other jurisdictions wishing to implement community policing, either as a special program or as a department-wide orientation.

Police administrators in the INOP sites were eager to implement community policing, feeling that more traditional approaches to policing had not been effective in curtailing ever-increasing crime and drug trafficking and that this new approach might be the answer. However, the results of the INOP research suggest that these forays into community policing produced only minimal effects on drug trafficking, drug-related crime and fear of crime. In addition, these eight sites experienced common implementation problems that hampered their ability to have the desired impacts.

In all eight sites, the police administrators were the initiators and formulators of the community policing programs, with minimal involvement of police officers, city agencies and community residents in program design. As a result, knowledge of the structure and goals of the program and of community policing in general was lacking in all of these groups. In part because of their lack of knowledge and input into the community policing efforts in these cities,

police officers involved in the programs were resistant to the substantial role changes being required of them. There was even less knowledge, greater skepticism, and stronger resentment on the part of officers who were not involved in the programs. Many officers were critical of the community outreach and "social work" role of community policing, describing it as not involving "real" police work.

Community residents were also generally unaware of the goals of the INOP projects. Although respondents in most of the INOP sites believed that community organization and involvement had increased since the start of the INOP program, this involvement was limited; for example, in many of the INOP sites "involvement" meant simply providing the police with information about crime. Although in some sites (most notably, Hayward) residents were somewhat more involved with community policing, the INOP projects were unable to solve the problem of how to get the community truly involved in community policing. Nor was it clear that the police knew what the community really wanted from their community policing programs.

Vera's report concludes that community policing is too often defined and implemented as a police initiative, without including other city agencies or the communities it hopes to serve. The education and training of community residents in their roles in community policing is almost nonexistent. Without meaningful involvement of patrol officers in the planning process, participation by all city agencies, and true community involvement, community policing is not likely to realize its potential. Among the difficult tasks for the future are educating and training police officers and administrators about the goals and techniques of community policing; obtaining the cooperation of other city agencies in the community policing effort; building trust between the police and residents of communities where there is a history of antagonistic relationships; and stimulating community involvement in the planning and implementation of community policing from the outset.

The full report will be available publicly as soon as Vera receives final approval of the report from NIJ.



Program Two

The Adversary System & Court Administration

The Neighborhood Defender Service

—Leonard Noisette, *Project Director*

—Robin Steinberg, *Deputy 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. To test the value of these innovations in a practical way, it was necessary to redesign a public defender service to put these features at the core of its work.

The Neighborhood Defender Service of Harlem 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 and reduce inappropriate imprisonment.

In December 1990, NDS began serving the residents of Harlem. The service is

closer in some ways to what a private lawyer might provide, but in other ways resembles a civil legal services office. In the thirty years that public defenders have been in existence, there has never been an office 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 con-

Program Two

The Adversary System & Court Administration

Vera designs and tests innovations to strengthen the adversary system of justice by improving the quality, efficiency, and responsiveness of institutional advocates: public defenders, prosecutors, and government counsel. Vera also works with judges, court administrators, and other public officials to reduce delay in the judicial process and increase public access to justice.

tinues 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. The community workers, who handle most of the investigations, are young college graduates rather than the retired police officers employed by many public defenders.

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

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

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

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

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

On one track, NDS 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. Assigned cases count for slightly less than one-quarter of the cases handled by NDS.

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 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, collegueship, and professional training to the team members.

The model requires team members to organize their work together effectively. Each team has experimented with its own ways of assigning work and ensuring coverage of court and office duties. 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.

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.

Education and Outreach Programs. As a neighborhood-based defender, NDS has developed closer relationships than traditional public defenders not only with its clients, but with the community it serves. NDS staff participate in a wide range of community events and meetings, and NDS organizes its own educational programs in Harlem schools. In winter of 92-93, NDS staff taught its fourth semester of a ten-unit high school curriculum helping teenagers handle conflict with police officers. During the summer of 1993, NDS supervised a dozen teenagers in a summer work program, training them as peer advisors on issues of criminal justice and taking them to talk with young residents at each of the public housing projects in Harlem. In the

fall of 1993, NDS continued its commitment to working with youth in Harlem by participating in a mentoring program with a seventh grade class from a local junior high school. The program involves both establishing individual mentoring relationships between the students and NDS staffing members, and weekly sessions at the NDS offices in which the students are taught about various aspects of the criminal justice system.

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

The rates of pretrial release shown by the research were disappointing. Although NDS clients were released slightly more often than defendants of the same race, age, gender, prior record and current charge, the difference was not large enough to be reliably attributed to NDS representation. In the winter of 1994, NDS teams will be adjusting its early intervention in an effort to increase rates of pretrial release.

In contrast, the incarceration imposed on NDS clients was significantly less than that imposed on similar clients represented by traditional defenders by a wide margin. The researchers found that the sample of 395 NDS clients were sentenced to substantially fewer days of incarceration (39,835)

than 395 matched defendants. These results suggest that the additional information that NDS teams are able to provide to judges and prosecutors by virtue of its model of representation has a meaningful impact. The third and final research sample, representing the mature practice of the NDS design, will be analyzed in the fall of 1994.

Modernization of the Assigned Counsel System

—Richard Zorza, *Counsel for Technology*

New York City fulfills its constitutional obligation to provide legal representation to indigent criminal defendants through the Legal Aid Society, the office of the Appellate Defender, the Neighborhood Defender Service, a handful of law school clinics, and individual attorneys in private practice working under the Assigned Counsel Plan. In 1992, responsibility for the administration of the Assigned Counsel Plan passed from the state government to the city government and, in planning for this new role, City officials asked Vera to provide technical assistance in the creation of a computer system that would support the administration of the Plan. Vera staff worked with City officials to create a new position of Director of the Assigned Counsel System to oversee this information system, among many other duties.

The computer system for the Plan has been designed as an efficient, easy-to-use bill processing system that will provide sophisticated oversight and audit control. 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 and checked against data from the OCA computer system. These

forms will provide more information of use to the attorneys and administrators than did the previous paper system, and should reduce data entry costs. As a result, the administrators should find themselves with more information about the quality of legal services being provided and with more time to use that information for training and oversight.

Although controls will be tighter, attorneys who submit proper bills will receive payment sooner than was possible without this system. Payment will be further speeded when the City and Vera are able to implement plans to expedite the statutorily required approval of payments by judges.

One of the benefits of the new system should be its assistance in budgeting. Until now, both the Office of Management and Budget and the Comptroller's office have had to forecast the expenditure of funds through a system that was frequently far 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 speed of the new system and its links to OCA data should assist officials in budgeting the costs of assigned counsel in a timely fashion.

Finally, the City will gain an important new source of data 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.

Programming for the new system, originally the responsibility of the City, has taken longer than expected, so in the fall of

1993 Vera added its own programmer to the project full-time.

The programmer is now working together with staff of the Assigned Counsel Program and the Financial Services Information Agency (FISA) to complete the system. Vera's programmer has been focusing on the development of the user interface, including the integration of images of all bills so that they can be viewed at any stage of the audit process. Vera is simultaneously assisting on the development of an integrated audit system that makes full use of all the information available to improve the accuracy of payments.

Computerization of the Midtown Community Court

—Richard Zorza, *Counsel for Technology*

On October 11, 1993, the Midtown Community Court, located on West 54th Street in Manhattan, handled its first cases. At the request of the Office of the Deputy Mayor for Public Safety and the director of the court project, the Vera Institute of Justice had assumed responsibility for the integration of computer technology with the design of the Court approximately one year earlier. In response, Vera and its several partners have built a computer platform that is intended not only to serve the Court's current needs, but to allow the Court to support changes in procedure and future innovations.

The Court's computer system brings together information from a wide variety of electronic and non-electronic sources and displays it in a way that assists judge, counsel, and court staff in reaching a decision about the appropriate disposition in each case the comes before the Court. The

Court's computer system is used by all the participants—judges, clerks, defense lawyers, prosecutors, defendants, CJA staff, social service staff, court administrative personnel, and members of the public.

The system currently consists of the following modules:

Defendant Interview and Verification Module. This module allows the Criminal Justice Agency to use a set of hand-held, pen-based computers to record its individual interviews with defendants shortly after their arrest. The computer supports the standard interview about "community ties" which CJA conducts in all New York City courts and a new interview to assist this court to select an appropriate sentence. The computers recognize handwritten text, so that all data is input during the interview, and there is no need for subsequent data entry. The software also assists CJA staff in the verification of information collected in the defendant interview. It then calculates the "release score" and presents it electronically to the judge, along with CJA's recommendation as to release.

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

Judicial Desktop Module. This module, designed in consultation with the Judges of

the Criminal Court, shows judges and counsel the electronically collected information in a mode that makes it instantly accessible. Nineteen inch color screens have been programmed to show arrest information, the complaint, the defendant's rap sheet, and the assessment information. The screen includes tools to search the rap sheet, and to obtain further information about the defendant gathered from the above sources.

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

Public Access and Suggestion Modules. The Public Access Module allows anyone in the Court, including those in the holding area awaiting arraignment, to view displays of the Court's schedule and the results of its completed cases. The Suggestion Module which should be completed will allow visitors to suggest improvements in the working of any part of the Court. These modules reflect the commitment of the Court's designers to promote public participation in the administration of justice.

Currently being planned for the next phase of this project are expanded links to yet other computer systems, such as those of the parole, probation and of corrections departments. Also in design is an Analytic Judicial Desktop that would give judges information about the success of various forms of disposition, and predictions about particular dispositions. The system may also be able to support mapping software that will show users where a location sits in a community context.

Program Three

Sentencing & Alternatives to Incarceration

Bail Bond Supervision Program

—Vera Adler, *Project Director, Bronx*
—Nestor Rios, *Project Director, Essex County, New Jersey*

Vera launched its first bail-bond supervision demonstration project in the summer of 1987 in Nassau County, following it within a few years with additional demonstrations in the Bronx and in Essex County, New Jersey. These three projects have demonstrated that many defendants held on cash bail beyond their means can nevertheless be safely released under intensive supervision in their communities. With the demonstration largely complete, Vera has been institutionalizing these projects within local organizations in each county.

The Bail Bond project aims 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 if they fail to comply with the terms of their bond. 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. Vera's staff returns principals to jail if their behavior suggests that no modification of the supervision will ad-

equately contain the risk of offending or flight. The program assumes the financial risk of posting the bond; the defendants and their families pay nothing.

Because these projects focus so intensely on eliminating the risk of criminal offending and because the project staff are

Program Three Sentencing & Alternatives to Incarceration

Vera designs and tests new approaches to criminal sentencing and innovative penal sanctions. Over the past fifteen years, Vera has focused its work in this area on the principles of judicial sentencing and on the development and institutionalization of various alternatives to incarceration (ATIs). Vera's published research on this work includes Douglas McDonald's book, *Punishment Without Walls* (Rutgers University Press, 1986). Today, Vera is completing its own development of ATIs and is assisting New York City and its growing number of ATI providers develop the tools they need to monitor their own effectiveness and continue to relieve jail and prison crowding.

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.

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

tial 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. A substance abuse counselor also conducts on-site cognitive skills training groups and relapse prevention groups for project principals. All principals reside in a transitional facility after their release from jail until all such arrangements have been made.

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.

Among those who operate ATI programs in New York City, a distinction is sometimes made between ATIs and ATDs (alternative-to-detention programs). In some instances, the distinction is between ATIs that serve as an alternative to a sentence of incarceration and ATDs that serve as an alternative to *pretrial or presentence detention* in jail. In a different usage, both terms refer to programs that serve as an alternative to a sentence of incarceration, the distinction lying between ATI programs that handle offenders who are *already released* but face the prospect of incarceration when considered for the program, and ATD programs that handle offenders who are *in detention* until their admission to the program.

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

In the Spring of 1993, Vera transferred its Nassau County Bail Bond Project to the Educational Assistance Corporation. In December 1993, Vera transferred the Essex County project to V.O.A. Vera continues to operate the Bail Bond Project in the Bronx.

The Bronx project bailed out its first principal in November 1990, and to date it has bailed out 300 principals of whom 25 are currently under supervision. Over these four years, only seven principals have absconded (all but two have since been returned to jail by agency staff), and only 13 principals had ever been arrested for a new offense while under supervision. The rate of rearrest and non-appearance in court for the project is among the lowest ever recorded by pretrial supervision programs.

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, at the request of City officials, Vera delivered a set of four analytic tools with which the Coordinator of Criminal Justice, 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 likelihood that custodial savings were produced by each ATI program.

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

The first task was to transform the Predictive Models into prediction tests that program screeners could use to identify defendants who are likely to be incarcerated at sentencing but for whom incarceration is not mandatory under the law. Such tests can be valuable to programs as guides for participant selection, so that programs can maximize their potential to displace custodial sentences. Techniques were devised to identify such defendants, allowing for the

specification of identifying factors. A descriptive report describing the approach used in constructing the tests was presented to the city. Using this approach, the city and its contract agencies should be able to update tests on a regular basis.

The second task was to assist in the design of a uniform database of screening information compiled by all of the ATIs operating in New York City, containing information about defendants *rejected* by ATI programs, as well as those accepted. As programs attempt to increase their ability to displace custodial sentences, information about how and why they reject certain defendants from their program will help shape design of new programs and improve management of those that exist.

The third task was to develop predictive instruments that estimate the length of the jail or prison terms that specific offenders were likely to serve if not sentenced to an ATI. In combination with the existing predictive models which provided estimates of whether displacement *occurred at all*, such models might have estimated the *amount* of displacement expected, but this work—conducted jointly by researchers at Vera and at the Criminal Justice Agency—was only marginally successful. In part because of the narrow variation of sentence lengths in criminal court and in part because of the lack of data about the strength of evidence in individual cases, Vera researchers were unable to build meaningful predictors of sentence length for Criminal Court sentences.

For the Supreme Court sentences, where data on the strength of the case was available from the prosecutors, the predictors were somewhat more useful, explaining about half of the variance in sentencing.

The fourth task was to apply the existing jailbound predictive models to the

individual program participant databases. The analyses revealed that most of the participants would have otherwise received a custodial sentence, although these models did not provide estimates of the length of that sentence. For the four programs with the necessary data, when those participants charged with either A or B felonies are examined, 100% of the participants were predicted to receive custodial sentences. And, for those defendants charged with C, D, or E felonies, approximately 80% were predicted to receive custodial sentences. Thus, it is likely that many program participants would have received custodial sentences of some length, in the absence of the alternative programs.

These four tasks were completed in June 1993, but the results led to still more questions. Could the initial predictive models be updated? How would the pool of eligible defendants look if examined on court data rather than jail data? What steps should City agencies follow to use the models monitoring programs? In May 1993, CJA proposed that it should answer these questions, with assistance from Vera's researcher. The City agreed, and this work is now underway.

Juvenile Detention Alternatives Initiative —Laura Winterfield, *Project Director*

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

detention for youth and to plan alternatives. The City's Department of Juvenile Justice asked a Vera researcher to join the planning process and assist in analyses of the problem.

During the summer of 1993, this interagency group developed a plan which identified specific mechanisms to reduce inappropriate use of secure detention and provide appropriate interventions for court-involved youth, and delineated techniques and processes for implementation. In the fall of 1993 the City's plan was one of two accepted by the Casey Foundation for implementation funding.

During the planning process, Vera staff guided the development of the principal database used for the effort, specifying the appropriate units of analysis, the method by which an analytic case would be created, and the crucial variables. At the end of the planning process, Vera staff provided technical assistance in the specifications of a risk assessment instrument for probation staff in Family Court. Vera staff also provided research expertise in the preparation of the City plan, and in structuring the presentation of data in support of various City initiatives.

National Work on Day Fines

—Julie Eigler, *Coordinator*

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

In European courts, where the monetary fine is the sentence of choice, many 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

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.

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.

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

In 1992, based on the success of these pilots, the Bureau of Justice Assistance within the U.S. Department of Justice has been funding broader demonstrations of the concept. BJA supports efforts in three states—Connecticut, Iowa, and Oregon—to introduce day fines 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. State legislation has been approved that directs the Criminal Justice Council to study and make recommendations concerning the imposition and collection of fines and for the Sentencing Guidelines Board to adopt rules for the use of structured fines statewide.

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

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 Judicial Department's Office of Alternative Sanctions and is being overseen 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.

Vera's technical assistance has included visits to all of the demonstration sites and production of periodic monitoring reports analyzing data on the use and collection of day fines at these sites. During 1994, Vera staff members will be working with the Justice Management Institute in Denver to develop a Program Brief and Program Planning Guide, for use by jurisdictions interested in initiating the use of day fines.

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 individual practitioners and institutions can and do subscribe to FSR, each issue is prospecialist 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 1993, FSR began its sixth year by publishing three issues, addressing "Independent Research on Federal Sentencing," "The Chasm Between the Judiciary

and Congress over Mandatory Minimum Penalties," and "State Sentencing Reforms." FSR appears on the legal electronic databases Lexis and Westlaw.



Program Four

Employment & Crime Prevention

Employment for Parolees

—Kevin Curran, *Project Director, NWP*

—Tani Mills, *Project Director, VDP*

Boot camp programs for offenders have become popular alternatives to traditional jail and prison regimens over the last several years, especially for young adult offenders. Slightly more than half of the states now operate such programs, putting young people convicted of crimes through a rigorous, two-to-six month program of military drill, physical labor, group discipline, and classroom work. The largest of these by far is New York State's six-month Shock Incarceration Program, which graduates about 2,000 offenders each year.

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

In New York City, the Vera Institute of Justice and the State Division of Parole have worked together to design, implement, and operate a pair of projects that try to solve this problem. Basically, the Neighborhood Work Project (NWP) operates as a day labor employer, providing shock parolees with a source of paid work experience immediately upon release, while they are

looking for full-time, unsubsidized employment. The Vocational Development Project (VDP) provides employment skills training and job development services for the shock parolees, helping the participants to use the experience they gain in NWP and the recommendations of their NWP supervisors to obtain regular employment.

Together, NWP and VDP are extraordinarily successful. For several years running, they have been placing about two-thirds of their participants into full-time unsubsidized employment within 90 days of their release from boot camp. Perhaps in part because of NWP and VDP, shock

Program Four Employment & Crime Prevention

Vera designs and tests new ways to help ex-offenders and other people considered "hard to employ" find and maintain worthwhile employment. Vera developed several successful demonstration projects in this area in the 1970s including the Pioneer Messenger Service, Wildcat Services, and the Legal Action Center. Vera's published research in this field includes Mercer Sullivan's book *Getting Paid* (Cornell University Press, 1991).

parolees show less than half the rate of return to prison within a year of parole than do similar parolees not in the "aftershock" program (11% for Shock parolees; 23% for "Shock-Similar" parolees).

How the Projects Work

The platoons that train together in boot camp graduate together six months after the start of their sentences. Technically, they are paroled earlier than they would have been if they had not been in the Shock Incarceration Program. Every Thursday another platoon graduates from one or another of New York State's boot camps, and all of the New York City residents in each platoon (about 64% of the shock graduates are from New York City) are directed to report the next day to the NWP/VDP offices. The requirement to report as a group the day after release is crucial to maintaining the discipline learned in boot camp and is a condition of parole.

At NWP/VDP, the platoon members are introduced to the projects and to the expectations for participation: "We ensure you a job if you remain focused and motivated. We expect you to show up for appointments on time and dressed for an interview. We expect you to demonstrate your job readiness four days a week on an NWP site."

For the next week, the new platoon undergoes intensive classroom education provided by VDP staff certified in the Adkins Life Skills curriculum. VDP staff also helps participants determine accurate work histories and identify special interests or abilities that can enhance their opportunities for job placement. VDP aims in these sessions to improve interviewing skills while developing and encouraging independent job search strategies. VDP then assigns each participant to a Job Developer for

assessment, and together they draw up an individual employment plan.

At the end of the first week, the participants become employed by NWP, which operates as a contractor providing state agencies with minor maintenance and repair services. The parolees are expected to work four days each week for NWP at one of its several worksites around the city. On the fifth day, the participants work with their VDP Job Developer and attend job interviews with potential employers.

The NWP work is crucial to the success of the program. The work assignments tend to be physically demanding and low skilled—debris clearing in state parks and on state highways, wall preparation, and painting. Although not complicated, these jobs do require discipline and provide the participants with an accurate sense of the demands he or she can expect from a real employer. The feel of a real job is enhanced because the state agencies receiving the services expect professional work. NWP receives work requests from city college campuses, state agencies that operate residential centers, and other government departments that require regular maintenance work. Funds that the agencies would have used to buy these services are used to support NWP, and NWP pays the parolees for their labor at minimum wage. Payment is made each day, at the end of the day, providing the parolees with cash that they can use to help support themselves while they look for regular employment.

The NWP supervisors conduct the work sites as employment labs. They work closely with VDP job developers and swap helpful information regarding each participant's strengths and weaknesses in daily phone calls from the work sites. They focus particular attention on the participant's acquisition of basic but essential skills

for employment—getting to the job on time, listening to a boss, working a full day, wearing the right clothes, and bearing up under criticism from a supervisor.

As long as the participant sticks with the program, the Job Developer is responsible for marshaling appropriate resources that can improve the parolee's employability. An individualized case management approach allows the Job Developer to point out special problems or goals to the NWP Supervisor charged with oversight of the transitional work experience.

In addition to job placement, VDP staff provide parolees with special assistance: locating children in foster care and helping establish visitation, retrieving property from jail or prison, finding housing, and obtaining documents from the Immigration and Naturalization Service necessary for employment. Once placed, the participant's performance is monitored for several weeks by VDP through regular visits to the work place. VDP staff monitor the employee's performance, help maintain motivation and try to resolve problems that arise.

Not everyone makes it through this program. Some parolee's relapse into drug use. A very few are arrested for new offenses. But most stick to it and find jobs. From July to December 1993, VDP worked with 557 parolees, made 393 placements with an average hourly wage of \$6.00. The follow-up figures for the period April 1 through December 31, 1993, show a retention rate of 60 percent for those on the job 45 days and 85 percent for those still working after 60 days. Placements continued strongest in the manufacturing, general service and retail/wholesale industries with the food services sector still providing a sizable number of openings. 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 deemed hard-to-employ.

Early Foundation of NWP and VDP

Vera created NWP and VDP long before the advent of shock incarceration. The projects began in 1978 and '79 to assist recently released inmates make the transition to legitimate employment. Throughout these 15 years, Vera managers have had to maintain a steady stream of paying work for the NWP 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 in 1981, 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 apartment 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.

In 1991, just as the Shock Incarceration program was becoming dependent on NWP and VDP, HPD abruptly ended the housing rehabilitation program on which NWP depended. To preserve this pair of projects, Vera worked with city and state officials to replace the HPD jobs with minor maintenance work for government agencies in their own facilities. At the close of 1993

NWP was able to field 31 crews each day. This is about two thirds of its strength in the late 1980's, but the highest level achieved since June 1991. The majority of the current assignments came from the City University of New York, the Office of Mental Health, the Office of Mental Retardation and Developmental Disability and the Department of Transportation. CUNY utilizes about ten daily crews while OMH, OMR and DOT each support about five crews. Vera and the State Division of Parole hope to build demand for NWP labor up to 40 crews daily in 1994.

Job Path

—Fredda Rosen, *Project Director*

—Emily Ellis, *Deputy Project Director*

Job Path is a long-standing Vera demonstration program developing and testing ways of allowing people with developmental disabilities to work and live in integrated non-institutional environments. Job Path works in partnership with city, state and federal governments and with a wide range of private businesses and foundations. Vera created Job Path fifteen years ago to test the hypothesis that techniques of "supported work"—developed by Vera in work with ex-offenders, ex-addicts, and others—could help people with developmental disabilities move into the mainstream work force and gain greater independence. Within a few years, those techniques proved successful and supported work has now become the standard strategy across the country to assist persons with mild to moderate disabilities hold employment. Job Path has continued to experiment over these years, first by extending its employment to severely and multiply disabled people and recently expanding its

scope to help participants achieve satisfaction and self-sufficiency in their personal lives as well as through work. Today, Job Path is testing ways to help people with severe disabilities live outside of segregated settings, in their own homes, developing social relationships and becoming full participants in mainstream community life.

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 demonstrate that people with developmental disabilities could work in ordinary settings. The program has been a great success as over 1000 Job Path trainees have become employees of banks, law firms, department stores, restaurants, and other large and small businesses in New York City. Job Path continues this work today, with fifty of its trainees moving into mainstream jobs in the first six months of 1993.

In the mid-1980s, Vera staff began to adapt Job Path's techniques to two populations for whom the program as originally designed seemed inadequate: those with disabilities so severe that their school or workshop counselors thought that they could never work, and those who entered Job Path but had difficulty holding their jobs when counseling support

was diminished. These 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.

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

As they began to work with day treatment participants, Job Path staff found

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

As a result, Job Path staff designed a demonstration to help participants achieve satisfaction and self-sufficiency in their personal lives as well as through work. The demonstration uses five Job Path staff who work as a team outside their usual roles as counselors or job developers. The team has targeted a small number of day treatment participants and other Job Path trainees, focusing on those with the most severe disabilities.

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

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

The approach is beginning to help participants extend their lives beyond the day treatment center. One young man, for example, now has a part-time job at a fast food restaurant and has become involved in

activities at El Museo Del Barrio in his community. A woman who works at an advertising agency went to the company's Christmas party at the Copacabana. She asked her group home counselor not to pick her up after the party, and instead arranged a ride home with a friend from the office.

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

In addition, a partnership with the New York City Board of Education will extend the demonstration's services to a few individuals with severe disabilities who are aging out of special education. The notion is to see if the demonstration's strategies can avert day treatment placements.

Operating parallel to the redesigned day treatment initiative but sharing its approach and values, is Job Path's new "supported living" demonstration. The demonstration aims to help eight people establish their own homes and live independently in the community. Job Path staff are working with participants to find safe, affordable housing and locate durable support services. The project's focus is on arranging "natural" supports from family, friends or neighbors. Two men are now living in their own apartments, and we expect several more participants to move after the first of the year.

Job Path is using both demonstrations to try out ways of providing people with disabilities with the tools and the power to make to make broad changes in their lives. The demonstrations are also piloting a new way for staff to work. If they are successful, their findings will provide the foundation of a restructured Job Path.

Program Five

Drug Enforcement, Education, & Treatment

The Delta Project: Drug Treatment for Offenders

—Vera Adler, *Project Director*

—Sofia Quintero, *Deputy Director for Administration*

—Bob Lonergan, *Deputy Director for Enforcement*

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."

Providing drug treatment to addicted offenders instead of sending them to prison is no new idea, but the kinds of drug treatment most widely available are poorly suited to the requirements of the criminal justice system. Existing drug treatment programs cluster around two extreme regimens. At one extreme are the "therapeutic communities," 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 out-patient 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 like punishment, but they are too expensive to be widely used. Outpatient programs are often too lax to serve as a criminal sentence. What the criminal courts seem to need, Vera planners believe, is an effective form of drug treatment that is as rigorous as a TC, but is shorter, pays less for

Program Five Drug Enforcement, Education, & Treatment

Vera designs and tests innovative approaches to reducing the harms caused by drug use, drug addiction, and the illegal drug trade. In the 1960s, Vera helped to establish the Addiction Research and Treatment Corporation that carried out some of the first experiments in the use of methadone to permit the treatment of heroin addiction. Vera returned to this field in the mid-1980s, and the array of projects here continues to grow. Some of Vera's recent research in this area is described in Michele Sviridoff, Susan Sadd, Richard Curtis and Randolph Grinc's report, *The Neighborhood Effects of Street-Level Drug Enforcement: Tactical Narcotics Teams in New York* (Vera Institute, 1992).

housing, and is available to accept an offender at court on short notice.

The Delta project is designed to fit this niche. Delta operates in the Bronx, targeting offenders whose cases are disposed of quickly in special court parts which exclusively handle drug offenses. Delta's court staff screen all cases in these courts to find those where Vera's research shows that the statistical probability of a jail or prison sentence is high. The project staff then talk with the defendant, the Assistant District Attorney, the defense lawyer, and the judge to arrange a sentence to Delta instead of incarceration. To be accepted into Delta, offenders must: (a) be permitted to plead guilty to a probation eligible charge; (b) have a significant 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 community ties 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 nine months in jail. This final criterion is determined by Delta staff by applying a simple test created through statistical modeling of the disposition of similar cases in the Bronx courts.

Delta provides day treatment, engaging participants for most of each week day. 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 and substance use—a technique known as cognitive-behavioral treatment. Most simply put, the treatment aims to teach offenders new ways of thinking and behaving.

Delta received its first participant in December 1992. By the end of December

1993, Delta had accepted 59 substance abusing defendants into its program from the Bronx courts. In addition, Delta provided treatment to ten defendants released on bail through Vera's Bail Bond project (see pages 17 to 19).

The first six months of operation revealed practical difficulties and design weaknesses which limited admissions to the program and made it difficult to retain participants in the program. Most participants remained in Delta, but approximately 40 percent were terminated early.

In light of this early experience, Vera's planners reexamined several aspects of the program. Staff were interviewed, intake procedures reviewed and judges, prosecutors, defense counsel, other ATI providers, as well as experts in the treatment field were consulted. The review revealed screening difficulties at intake, lack of adequate social support services assessment and referral, and the need to extend supervision and crisis intervention beyond program hours when participants are most vulnerable to relapse and criminal activity.

Intake was suspended from September through November 1993 while Delta was restructured under a new project director. The project resumed intake in December, operating under a tighter, team-based case management system, with greater use of drug testing, better record keeping, and more efficient intake screening and court advocacy. Most important, each participant's treatment team now includes an enforcement monitor who extends the reach of the treatment team into the participant's home community. The enforcement monitors work late hours and weekends, conducting unannounced home visits and locating participants who fail to attend treatment. As they encounter participants outside of the formal treatment setting, the

monitors reinforce the lessons learned in treatment, helping participants to navigate the dangers and temptations rife in their own neighborhoods.

Legal Coercion in Drug Treatment

—Doug Young, *Project Director*

For some time, Vera researchers have been examining how criminal justice agencies—such as prosecutors, probation or parole agencies—can improve the success of mandatory treatment programs. With support from the Daniel and Florence Guggenheim Foundation and the Edna McConnell Clark Foundation, Vera's most recent work in this area began in early 1992, with a focus on mandated treatment clients' perceptions of legal pressures, and how these may operate to enhance treatment retention. Vera's exploratory research on the role of legal coercion in drug treatment retention advanced substantially during the latter months of 1993 with the awarding to the Institute of a two-year grant from the National Institute of Justice.

The Brooklyn District Attorney's Drug Treatment Alternative to Prison (DTAP) program has served as a laboratory for much of this recent work. This program (discussed further in the following section) has gained considerable local and national attention for its success at keeping drug offenders in treatment. With one-year completion rates of around 60%, DTAP's rates are two or three times higher than those typically shown for residential drug programs. And one of the few points of consensus in the drug field is that retention is a strong predictor of long-term success.

During much of 1992 and 1993, Vera researchers have been developing and testing a perception of legal coercion (PLC) scale with

DTAP and other criminal justice-involved treatment clients, as a way of assessing both the overall role of PLC in retention and other outcomes, and the relative influence of different elements of coercion, such as the certainty and severity of different sanctions for failing treatment, which are reflected in agency monitoring, supervision and enforcement practices. These early efforts laid the groundwork for the more formal investigation that began with the infusion of federal support in November.

The new study will track program retention of two groups—Brooklyn DTAP participants and a matched comparison group of clients attending the same treatment sites under some other criminal justice mandate (e.g., probation, parole, a court referral). With this design, the research represents the first rigorous test of DTAP retention. Extensive interview data, obtained by Vera researchers at two points in time, will be analyzed further to examine the factors associated with length of stay in either group. Included here are standard history/assessment instruments as well as program measures and those tapping client "motivation," including the PLC.

If, as hypothesized, the DTAP group shows higher retention, it will be valuable to know if the two groups also differ on the PLC (or other factors), and further, what aspects of DTAP appear responsible for those differences. Is it DTAP's unique enforcement capacities? The severity of the consequence for DTAP failure? The program's close association with the treatment sites? Differences within the comparison sample (i.e., between non-DTAP criminal justice referral sources) on retention and the program practices affecting retention in this group will also be of interest.

Future portfolio reports will detail the implementation of this new research project.

Evaluation of DTAP Expansion

—Doug Young, *Project Director*

During the second half of 1993, Vera researchers completed *Diverting Drug Offenders to Treatment: A First Year Report on DTAP Expansion*, and began, along with State criminal justice officials, to disseminate the report both locally and nationally. The report is the product of work started by Vera in the summer of 1992, when New York State initiated its support for expanding Drug Treatment Alternative to Prison (DTAP) programs in New York City, following the early success of the Kings County District Attorney's DTAP program, which has been operational since 1991. The intent of the new programs operated by the Manhattan and Queens District Attorneys, and the City's Special Narcotics Prosecutor (SNP), mirror Kings County's—to divert defendants charged with a second felony offense (and thus bound for prison under the State's mandatory sentencing laws) to 15-24 month residential drug treatment programs. Participants who drop out or are expelled by the program are threatened with the legally-mandated prison term (typically 2-4 or 3-6 years); charges are dismissed if the person completes treatment.

Vera's report, which was released in December, provides detailed descriptions of the four programs, summarizes the early progress of the three new programs, and presents preliminary findings from Vera's research involving program participants. Included in the program descriptions is an accounting of the different DTAP's commonalities and differences; Brooklyn's unique screening practices and their use of deferred prosecution, for example, is contrasted with the new programs' more traditional, defense-initiated application procedures and their use of deferred sentencing with participants who have pled guilty prior to program admission.

The programs also differ in their targeted operating capacities (Brooklyn and Manhattan programs were slated for 95 slots each, while Queens had 60 and Special Narcotics 50), and, as documented in the report's chapter on new program implementation, progressed at different rates toward these capacity goals. SNP was the first new program to admit participants (in November, '92), and had 59 admissions by the end of June. Queens began in February of '93 and Manhattan began in March; by June 30, these programs had 40 and 14 admissions, respectively. DTAP participants in these programs were dispersed to a dozen different community-based therapeutic community (TC) treatment sites who are cooperating in the state-sponsored initiative; Daytop Village accounted for about 40% of all the DTAP admissions.

In addition to presenting extensive descriptive information on participants of the new programs gathered from Vera research interviews, the report focuses on preliminary retention results. While it is too early to tell how representative these first results will be of the new programs' ultimate performance, they are promising—and consistent with the impressive figures shown over the years in Brooklyn. Of the 125 persons admitted to the new sites through late July, 72% (90) were still attending treatment (notably, Queens' rate of retention remained over 90% throughout the study period). More detailed analyses of the retention data revealed other notable, if expected, early findings — that those most at risk of early termination were male clients, Hispanics and persons with medical disorders and recent psychological or emotional problems. The report closes with a chapter discussing an agenda for future DTAP research.

While drafting the report and discussing its findings with the many DA and

other agency representatives involved in this complex initiative over the fall and early winter, Vera researchers also continued to monitor the programs and conduct interviews with newly-admitted participants. Perennial problems with access to TC treatment beds and an appellate court decision in November which called into question the deferred sentencing

practices employed by the new programs (and indeed, all court-ordered "TASC" pleas), combined to cause a brief hiatus in the flow of DTAP admissions during the final weeks of 1993. After implementing procedural changes, the programs tentatively resumed admissions around the first of the year, while still expecting further developments from the courts on this matter.





Program Six

Understanding Crime

Atlas of Crime and Justice

—Lola Odubekun, *Project Director*

In October 1993, Vera published the first *Atlas of Crime and Justice in New York City*—a slim collection of data from a wide range of city, state and private criminal justice agencies presented in a non-traditional format. Thirty maps show the distribution of crime, levels of census data and locations of social service agencies by precinct, community district, census tract, and zip code and 31 charts present crime data over time; all this is accompanied by descriptive, non-technical text. The *Atlas* is designed to provide a common framework for inter-agency discussion about the relations between New York's communities, crime and criminal justice agencies, while enhancing our understanding of crime in the city by placing the data in social context.

The *Atlas* presents a picture of crime and justice that is a vivid portrayal of New Yorkers' understandings about crime in the city: crime levels show clusters where the incidence of violent crime is much higher in some neighborhoods (particularly in parts of Brooklyn, the Bronx, and Upper Manhattan) than in others. This uneven distribution of crime around the city is in keeping with the experience of some New Yorkers for whom daily violence in their surroundings belies the reality of statistical declines for crime in the city as a whole. In addition, the high level of property crime in midtown Manhattan, despite the area's fairly low residential population, underscores its

unique position as a center of business activity during the day and entertainment at night.

Borough maps on police deployment by beat for one week in May 1993, depict the results of the first local census of community policing activity, conducted by the Vera Institute in collaboration with the New York City Police Department. The data collected during this survey provide a baseline against which continued progress in the expansion of community policing can be measured. Precinct level crime maps overlaid with census data by census tract and maps showing the locations of social service agencies indicate, respectively, the need for measures of related crime and social data at

Program Six Understanding Crime

Vera conducts exploratory research and analyzes data on crime and the criminal justice system. Vera also assists public officials to use the results of this research in the reform of public services and systems of justice. Vera's published work of this kind includes *Felony Arrests: Their Prosecution and Disposition in New York City's Courts*, Revised Edition (Longman, 1981).

comparable units of measurement and the differing availability of relevant social services.

The *Atlas* should permit readers to tease out their own hypotheses about crime and justice in the city, just as it should assist community groups and criminal justice agencies to raise the level of dialogue about crime in New York, while developing and refining programs to combat it. City residents can provide system professionals and researchers with a wealth of qualitative information to reduce the gaps in knowledge about how crime and the justice system impact their daily lives. Whether such discussions take place between the community beat officer and neighborhood residents, between probation officers and probationers and their family members, or between researchers and program developers, we hope the *Atlas* serves as a useful stimulus to dialogue and a resource during the development of programs that reflect the multi-faceted, human dimensions of crime in the city.

New York City Crime Victimization Survey

Vera produced the *Atlas* as part of a larger effort to provide city agencies and residents with criminal justice information useful for planning and analysis. That effort has continued since the fall of 1993 with the design of a local crime victimization survey. The need for such local data on victimization was one of the first lessons of compiling available data for the *Atlas*.

The citywide survey will serve as a source of original data on the nature and frequency of both reported and unreported crimes as well as of respondents' perceptions of safety, their use of local victim services, experiences with the criminal justice system, and impressions of neighborhood stability or disorder. In addition to the citywide survey, in-depth interviews in one community district in the city will allow us to examine areas of interest in greater detail. Results of the survey will be published as a supplement to the *Atlas of Crime and Justice* in the summer of 1994.

Program Seven

Public Welfare

Guardianship Project

—Meryl Schwartz, *Project Director*

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

In June 1993, Vera published an analysis of the value of guardianship for children in foster care who can neither be reunited with their parents nor adopted. That paper, *Reinventing Guardianship: Subsidized Guardianship, Co-guardians and Child Welfare*, also described how the use of co-guardianship might prevent children at risk from entering the foster care system in the first place.

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

cannot be adopted however, there is no other hope at permanency.

There are many reasons why children cannot be adopted. In some cases the child welfare agency cannot find potential adoptive parents, especially for sibling groups, children with severe psychological or medical conditions, and the growing number of

Program Seven Public Welfare

Vera designs and implements projects and conducts research in the areas of child welfare, public assistance, education, and other human services. Over the last fifteen years, this work has focused on the development of public transportation services for the elderly and disabled, housing for the homeless, and improving services to children and teen parents. Vera's published research in this field includes Mercer Sullivan's chapter, "Young Fathers and Child Support" in Kastner, et al. (eds.) *Child Support Services for Young Families: Current Issues and Future Directions* (Center for the Support of Children with Children's Defense Fund, 1987). Today, Vera continues to explore issues of child welfare and family preservation.

infants born addicted to drugs or with AIDS. In other cases however, children remain in foster care because of the nature of adoption itself rather than the unwillingness of families to provide them a permanent home.

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

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

At least ten states are already operating small subsidized guardianship programs as a permanent plan for children who cannot return home or be adopted. The programs benefit both older children who resist adoption and adoptive parents who find termination of parental rights inconsistent with deeply held cultural values — as demonstrated by the prevalence of subsidi-

dized guardianship programs in states with significant Native American populations. The programs have been a success at achieving permanence for children whose only other option was long-term foster care.

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

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

States have always had the option of appointing guardians to care for dependent children, but have rarely chosen to do so. It

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

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

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

