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NARRATIVE REPORT:

**THE VERA INSTITUTE OF JUSTICE
TECHNICAL ASSISTANCE TO OTHER JURISDICTIONS
AND COMMUNICATIONS PROGRAM**

**FORD FOUNDATION GRANT #880-0763
July 1, 1987 - June 30, 1988**

Introduction

For most of the past twenty years, the Ford Foundation's grant support of the Vera Institute has been in the form of bi-annual general support grants. The last of the general support grants expired in June of 1988. It was expected that Vera's core expenses, previously covered principally by the unrestricted revenue from Ford's general support grants, would thereafter be covered by income from an Endowment Fund. Vera's Endowment Fund was launched with a \$5 million challenge grant from the Ford Foundation, to be matched by 1993.

The Ford Foundation recognized that, during the early stages of Vera's campaign for matching endowment grants, income from Vera's Endowment Fund would not be sufficient to meet all of the core expenses of an institution playing the national role Vera had come to play. While restricted grants and contracts for discrete Vera programs and research projects, together with Endowment income, could be expected to cover virtually all the roughly \$10 million annual expenses of Vera's basic work, it was recognized that the Endowment Fund would have to grow by several million dollars of match before it would generate enough additional unrestricted income to support Vera's provision of technical assistance to other jurisdictions, and the communications and publications program that fuels dissemination and wider application of the practical knowledge generated by Vera's program development work in New York City.

Thus, as the last general support grant was winding down, and as Vera's Endowment campaign was gearing up in 1987, the Ford Foundation made this separate, restricted grant in support of Vera's Technical Assistance to Other Jurisdictions and its Communications Program.

Because Vera's provision of technical assistance to other jurisdictions, its publications, and its other communications efforts are all extensions of the substantive work funded from sources other than this grant, this report begins with a description of Vera's basic approach to innovation and reform of the criminal justice system. The next section of the report is a straightforward account of the 1987-1988 activities supported directly from this grant, and the remaining sections of the report summarize the substantive areas of Vera's expertise that were the subject matter of the technical assistance provided during the grant period.

Vera's First Years -- Establishment of a New Basic Approach to Problem-Solving and Innovation, and the Use of Technical Assistance and Publications to Replicate Vera's First Project Throughout the Country.

The idea of a Vera Institute began one evening in 1960, during a conversation between Louis Schweitzer and an official of New York City's Department of Correction. Schweitzer learned the local jails were dangerously overcrowded. He was told that thousands were being detained for long periods, at high public expense, on minor charges for which they were not likely to be jailed even if they were eventually found guilty. He was told that many were not, in fact, convicted and that they were subjected to pretrial imprisonment not because a judge ordered it, but because they were unable to pay the fees of bail bondsmen or to put up the collateral bondsmen require.

Schweitzer was an immigrant chemical engineer who had prospered in this country and had become an active philanthropist. It shocked him to think that poverty had in effect become a punishable offense. The way he saw it, decisions about an individual's liberty should be made by judges not by insurance agents. He sensed that a man with no collateral might be as good a risk as many men with a great deal of it. And he thought it wasteful to build more jails if the real problem was the American system of bail.

Schweitzer quickly arranged to talk with guards and inmates in one of the City's jails. This confirmed his impression that the crisis was not in the supply of jail cells but in the money bail system that was filling them. Convinced that publicly-spirited private citizens could find a solution -- even to problems that would ordinarily be thought the exclusive province of lawyers, he engaged Herbert Sturz to help him find one.

Sturz's research quickly disclosed that all major studies of the American bail system since 1920 had exposed the same defects. His interviews with New York judges, prosecutors, defense lawyers, bondsmen and prisoners made it clear that a substantial proportion of those imprisoned for inability to post bail had strong family ties, stable residence, and current or recent jobs in the area and would be good bets to return to court voluntarily if released on their

own recognizance. Yet he found that, in 1960, the court's statutory power to release on recognizance (ROR) had been used in less than one percent of cases.

As neither forty years of academic research nor the informed opinions of practitioners had changed the system's reliance on money bail, Sturz and Schweitzer designed an action-research project that would both release defendants who could be relied upon to return to court voluntarily, and give judges the confidence to ROR such individuals in the future.

They at first thought they should create a bail fund, bail out a substantial number who had verifiable community ties but were too poor to pay bondsmen, and track the subsequent behavior of these defendants to prove that setting money bail had been unnecessary. But before they acted on this plan, they realized that judges' automatic reliance on bail was a practice too deeply rooted to be reformed by so indirect an approach. Using philanthropic cash to help the poor buy freedom, they reasoned, was more likely to encourage a belief that money bail can be made to "work."

They changed course and persuaded the City's administrative judges to cooperate in testing, directly, whether defendants would be released on their own recognizance, without bail, if judges were given verified information showing strong ties to the community, and whether defendants released this way were any less reliable than those who made bail.

To conduct the experiment, they created the Vera Foundation in October 1961. Schweitzer provided the financial support necessary to get the Manhattan Bail Project in motion, and Sturz recruited local law students to staff it. The law students administered a four-page questionnaire to everyone arrested in Manhattan (except those brought in on the most serious charges), prior to their appearing before arraignment judges. The questionnaire elicited details about criminal record, financial resources, residence, employment and dependents, and other indicators of the depth and quality of a defendant's community ties. A point scale was devised so that, after the community ties information was independently verified, project staff could make uniform, objective assessments of the strength of these ties. Defendants with scores at or above the threshold established for reliability were eligible for a recommendation, from the project to the judge, that they be granted release on their own recognizance (ROR).

But the project forwarded ROR recommendations and verified community ties information to arraignment judges in only half the eligible cases. The other half, randomly selected as "controls" after ROR eligibility had been determined, went before the judges in the customary way. By comparing judges' decisions in the experimental cases with their decisions in the control cases, Vera could know the extent to which providing verified community ties information made a difference in the willingness of

judges to ROR instead of setting bail; by comparing the subsequent behavior of the two groups, Vera could know whether defendants ROR'd on the basis of verified community ties are less reliable than those released because they can afford to make bail.

The Manhattan Bail Project was the first controlled experiment in a court setting. The decision to combine sophisticated research techniques with the innovative program techniques of the Manhattan Bail Project arose from the accurate observation that lasting reform of the bail system would require irrefutable evidence both that the project reduced judges' reliance on money bail and that no injury resulted to the interests of justice.

The experiment began in October, 1961, and ran for three years. The judges ROR'd 3,505 defendants on the project's recommendation. Only 56 (1.6%) willfully failed to return to court, and less than one percent were rearrested while free on ROR. As time passed and the judges saw that setting bail was not the only way to assure a defendant's presence for court hearings, the rate of ROR rose in the control group too, but over the entire three years, judges were four times as likely to ROR an eligible defendant when they had the project's recommendation and the verified community ties and prior record information to guide them. The 1.6% "skip rate" for ROR'd defendants who met the project's criteria remained less than half the skip rate for defendants released by posting bail. The results spoke for themselves: a conventional bail bond is often a less effective guarantee for the court than verified information about prior record and community ties.

In 1964, New York City's Mayor institutionalized the Manhattan Bail Project. Having calculated that the project, operating in only one of the City's five counties, had already saved over a million dollars in the Department of Correction's operating budget, he charged the Department of Probation with making the new ROR procedures standard city-wide. Meanwhile, press reports of the transformation in New York's bail system inspired a replication of the project in Des Moines, Iowa, and attracted the interest of Robert Kennedy, then Attorney General of the United States. He instructed all U.S. Attorneys to adopt the new ROR techniques to guide individual prosecutors at federal arraignments; over the next two years, the federal ROR rate rose from 6% to 39% without any increase in the "skip rate." To assist the country as a whole to take advantage of what had been learned in the Manhattan Bail Project, the Justice Department and Vera co-sponsored a National Conference on Bail and Criminal Justice, which brought more than 400 judges, prosecutors, defense lawyers and police and prison officials to Washington for three days in May, 1964. By the Spring of 1965, replication projects had sprung up in 44 counties and cities; starting with Des Moines, Vera staff provided technical assistance in as many of these jurisdictions as they could get to.

By October, 1965, sixty projects were underway in cities and counties around the country, 25,000 defendants had been ROR'd, and their "skip rate" was still lower than for defendants released on bail. The President signed the Bail Reform Act of 1966 the following June. The first reform of the federal bail system since 1789, it required that information about defendants' prior records and community ties be routinely provided at federal arraignments, and it directed judges to ROR or to fashion suitable, non-monetary conditions of release in appropriate cases.

In less than five years, Vera had designed an innovative remedy for a pressing problem, proved its practicality and worth in a pilot project, measured its effects through sophisticated research, and saw its systematic use extended across the nation. The action-research techniques Vera developed and refined in this first project remain at the core of its work today. Chief Justice Warren seems to have been right when, addressing the National Conference on Bail and Criminal Justice in 1964, he foresaw that "possibilities for the application of these methods are many and the prospects of solution outside the traditional confines of the law are great."

This vision was shared by Ford Foundation officers, who in 1967 awarded Vera the first of the general support grants that made it possible for the Institute to pursue it over the next two decades.

Vera's Mission and Method: A Different Definition of the Problems Cities Face, and a Different View of How Non-profits Can Help.

Cities are complicated, exhilarating, stressed and very difficult to manage. Their vitality flows from the commercial, intellectual, social and cultural activity concentrated in them. But crime and the fear of crime make cities dangerous and inhospitable, welfare dependency drains the public purse, and self-sufficiency and self-respect are beyond the reach of far too many. These problems burden ordinary citizens and public officials alike, and inspire demands for innovation by the bureaucracies charged with policing the streets, administering justice, employing the "unemployable," caring for the disabled and elderly, and housing the homeless.

But public officials are much more likely to know that something is awry with their current policies and practices than to know precisely what is wrong and what can be done about it. Daily crisis is the norm in big city government, and the prospective failure of a new policy is often an unacceptable risk for those who are held publicly accountable; they need confidence that a plausible, tested solution is at hand before they can reasonably be expected to redefine a problem. An idea central to Vera's mission, and to the methods by which Vera has pursued it, is that public officials need pre-tested solutions from the private sector, not well-intentioned advice.

Vera's method has been to combine direct action with sustained research to provide government with just such practical assistance. The Ford Foundation's general support grants have permitted Vera to get new program ideas into operations without having to secure a commitment to them from the public officials and agencies whose adoption of them ultimately determines their worth. By making the initial program investments with these unrestricted funds from Ford, Vera itself has been able to take the risks that attend innovation and to pick up the financial and bureaucratic support of public agencies at later, more appropriate points along the program development process.

Over the past twenty-five years, through more than one hundred experiments and demonstration programs, Vera's track record has lent support to the view that animated the original Ford Foundation general support grant: Reform of urban systems and amelioration of urban problems can be much assisted by active collaboration between publicly accountable officials and a private action-research agency, like Vera, which is free from the constraints that crisis management imposes on public officials, which can take the time to probe the roots of problems before reaching for remedies, and which is skilled in breaking down complex policy conundrums into manageable problems.

By staying with a problem until the effort yields workable solutions, by taking responsibility for field-testing the new approaches, by accepting the risk of failure which makes innovation difficult in the public sector, and by insisting that disappointments along the way be analyzed and used to refine program design, Vera pioneered a new way of bringing about specific, practical changes in urban policies.

Vera's quarter century of action-research shows that, when innovative solutions are designed, tested and refined in partnership with government, they can be introduced for systematic use by existing public or private agencies, or by newly created non-profit enterprises. And Vera's application of these techniques in New York provoked adaptation of Vera's work to other urban settings, across this country and abroad.

Because the Ford Foundation's general support grants freed Vera's program development staff from dependency on the government agencies whose functions require reform, it has been possible for the Institute to maintain a broad definition of its mission. As a result, it has been possible for Vera to assist in a surprising variety of substantive areas, when the policy problems facing government are amenable to solution or amelioration through Vera's particular approach — practical action combined with sustained research. Thus, the substantive focus of the Institute's work has broadened considerably over the years of Ford's support. But Vera's projects have all been directed at devising and institutionalizing practices that reduce waste of public resources or

make more efficient use of scarce resources (police officers, prosecutors, judges, social workers), while at the same time helping to relieve injustice or hardship among the chronically out-of-work, the handicapped, the homeless, the infirm, or the victims and offenders enmeshed in the criminal justice system.

Over the years, each new project has flowed from the experience and data gathered in the projects that preceded it. Thus, this report moves through sections summarizing Vera's work with the police, the victims of crime, the courts and the corrections agencies, to sections that describe Vera's development of techniques for employing the "unemployable" and for providing mobility to the homebound and housing to the homeless. In each of these areas, Vera's initial work was financed with funds from the Ford Foundation's general support grants.

Because conventional wisdom so often constrains imaginative approaches, and because existing information systems tend to make proper problem definition difficult, Vera often applied the unrestricted income from Ford to research, for itself, the problems it proposed to tackle on behalf of the responsible public agencies.

The financial independence that has flowed from Ford general support grants made it possible for Vera not to settle into the conventional role of a consulting firm or "think tank." Over the years, the Institute has built intimate working relationships with both top officials and line workers in the agencies with which it collaborates. This has given the responsible public officials access to Vera's independent judgment on matters about which the Institute's staff are informed and experienced. And it frees Vera from the limitations of the conventional consultant's role — doing a quick study, offering advice and moving on. Vera has been able to form long-term partnerships with public agencies in order to institutionalize the reforms it devises.

Because Vera was created to inspire innovation and shepherd its adoption by systems badly in need of reform, it has been important to free Vera from direct management responsibility for programs that have served that purpose and matured into stable

providers of new services. In short, Vera's allegiance is meant to be to the future, not to its own past. By "spinning off" reforms when they reach this stage of maturity, Vera has freed its core staff from open-ended operational responsibilities so they can devote their energies to further innovation. Again, Ford's general support grants provided the core support that has made it possible for Vera to avoid too great a dependence on the revenue streams associated with the projects it develops.

Thus, most of the new approaches Vera has developed, field-tested and refined in its more than one hundred projects have been turned back to the responsible agency of government, or to existing private service-providers, to make standard operating procedures of them. Some innovations do not lend themselves to this form of institutionalization; they deal with problems for which no government agency has sole or direct responsibility, or they can more efficiently be carried out in the private non-profit sector. Vera has so far created thirteen independent non-profit agencies for sustained implementation of new approaches of this type.

Vera's National Role — Technical Assistance and Communications.

In adapting to their problems and circumstances the practical knowledge generated by Vera in New York, other jurisdictions have to some extent followed the pattern of program development established in New York. Several hundred jurisdictions have created independent non-profit agencies to replicate Vera projects. Countless others have amended the operating procedures of existing public and private agencies to take advantage of the approaches reported in Vera's publications.

The next section of this report describes what Vera did during the period of this grant (1987-1988), to enhance its capacity to serve the field beyond New York's borders. The sections that follow trace, in each substantive area of Vera's work in crime control and criminal justice, the spread of its innovations across the country.

Technical Assistance and Communications

Vera was always conscious, when attacking problems in New York City, that other jurisdictions are consumers of the practical knowledge and program techniques we develop here. And Vera's solutions to the practical problems and policy dilemmas confronting New York City have always had a wide, eager audience. This is because human nature — from which the problems flow and from which the solutions must arise — is pretty much the same, no matter what the administrative, legal and economic context. Cities everywhere, in this country and abroad, suffer similar burdens and face similar constraints in their efforts to maintain order and preserve and administer justice.

Vera was drawn into the larger arena as soon as the first research results of the Manhattan Bail Project were published. The elements of that story, sketched in the Introduction to this report, have been repeated at every stage of Vera's development: Vera's Manhattan Bowery Project (described in the "Courts" section of this report) inspired national reform in the handling of public drunkenness. The Court Employment Project (also described under "Courts") sparked pre-trial diversion programs across the country, and its redesign in the late 1970s has inspired efforts elsewhere to develop similar post-conviction sentencing alternatives. Another Vera spin-off, New York's Victim Service Agency (described in the "Courts" section), is the flagship of the victims' movement and the continuing source of research to move it forward. Vera's Community Service Sentencing Project (described under "Sentencing") is currently being emulated in almost a score of other jurisdictions. And many of the innovative procedures developed jointly by the New

York City Police Department and Vera (described in the next section) have become standard operating procedure in other major departments.

Vera has served its wider audience in various ways. Sometimes, officials and non-profit agency staff from other jurisdictions have come to New York to work alongside Vera staff; the purpose is for them to take back the analytic tools and practical lessons that characterize Vera's action-research approach to problem-solving and program development. Sometimes, Vera technical assistance staff have been sent to other cities for substantial periods, to serve temporarily as the nucleus of a program development team. Over the years, this practice helped create the Hartford Institute of Justice, the Cincinnati Institute of Justice and Vera's own London Office. Providing technical assistance this way has returned to the Vera staff operating in New York a steady stream of program ideas and research reports from jurisdictions where similar problems are being attacked differently.

Sometimes the demand for technical assistance in a particular field is strong enough for Vera to help set up a national agency to handle it. For technical assistance on bail, pre-trial diversion and jail overcrowding, Vera first helped establish the New York State Association of PreTrial Services Agencies; a few years later Vera joined others in creating a National PreTrial Services Resource Center in Washington, D.C.

But most of the time, it has been Vera's publications and the books and articles published by its staff that carry the lessons learned in New York get into the nation's store of useful knowledge.

Enhancing Vera's Capacity to Play its National Role, 1987-1988

The discussions between Vera and the Ford Foundation that resulted in Ford's \$5 million endowment challenge grant were also an occasion to consider how Vera might better organize itself to reach its national audience, to reach it sooner, and to reach it more directly.

Reaching it more directly was thought, at first, to pose two special problems for Vera: First, to a substantial extent, Vera's efficacy seemed to flow from the intimate knowledge Vera's core staff have accumulated in this jurisdiction and from the trust Vera has built up with the government agencies whose policies and practices it undertake to revise. Second, the underlying lesson in virtually all Vera projects and

research is that every jurisdiction (including each borough of the City of New York) is different, and that cookie-cutter replications of anyone's program design is not likely to achieve results comparable to those achieved by a well-designed original. That is because, as Vera's program development work illustrates very well, a well-designed project is much less likely to be a particular set of procedures than it is to be an application of some relatively powerful concept to a set of locally perceived needs and interests.

The need to apply to the peculiar circumstances of a locality the practical lessons learned in program development efforts like Vera's, is not easily conveyed to those in other jurisdictions who express themselves eager to establish links with Vera, but who assume that simple copying of Vera projects is a sound approach.

In response to these observations about Vera's provision of technical assistance to other jurisdictions, in 1987-88 Vera pursued a fourfold strategy with the Ford Foundation's \$200,000 grant.

First, we looked for opportunities to apply our program planning and research strategies to the same problem in at least two different jurisdictions at the same time. Grants were secured from the National Institute of Justice and State Justice Institute, in support of Vera day-fines demonstration projects (coupled with research inquiries) in Staten Island and Phoenix. The rationale for these day-fine experiments is set forth in the "Sentencing" sections of this report. Vera staff prepared and delivered presentations about the concept at national gatherings; these presentations, and several published articles by Vera staff and by other criminal justice experts excited by the prospect, generated an unusual amount of interest in the work even before pilot project operations got underway in Staten Island, the first site. Carrying out multi-jurisdictional work of this complexity will tax Vera's program planning staff, but if the day-fines projects work out well, the immediate usefulness of the products will be substantially greater than we could expect from single or sequential tests.

Second, Vera began working seriously with jurisdictions that expressed interest in having an organization like Vera present, over a substantial period rather than for a one-shot technical assistance visit, to pursue program development efforts over time. The experience with technical assistance described above suggests that jurisdictions such as these are much more likely to benefit from Vera's participation in their affairs than jurisdictions that want programmatic answers, now, to some pressing problem. (The rationale for this part of Vera's strategy to extend its national role includes the expectation that, if Vera can succeed in establishing in one or more additional jurisdictions the kind of long-term working relationships we enjoy in New York City, we ought to be able to enrich the work we do here even as we take advantage of the different opportunities presented elsewhere to generate practical knowledge for the national audience.) The two jurisdictions with which we Vera engaged in this way in 1987-1988 were the State of Connecticut and the city of San Francisco.

Connecticut. A Criminal Sanctions Task Force, appointed by the Chief Justice of the State of Connecticut, sought Vera's help during its deliberations. Some of the Task Force members, having read the book by Douglas McDonald (of Vera's research department) about the strategy Vera pursued to develop alternative sentencing in New York City, the group asked Vera to help define a program development strategy that might actually make new criminal sanctions available to Connecticut's sentencing judges. Our approach to such matters was sufficiently attractive to the Task Force that one of its three final recommendations was that the State of Connecticut contract with Vera to establish a state-wide presence in the courts there, to pursue the three general sentencing alternatives we have developed in New York -- community service sentences for petty recidivists, very intensive supervision for first-time felony convictions, and day-fines for a lot of the rest.

The Connecticut Task Force expressly recognized that an attempt simply to copy the New York City projects would not serve its purposes well. State officials, together with some individual members of the Task Force, negotiated with Vera (and with state budget officials and national funding sources), to implement the Task Force's recommendations. The outcome of these negotiations were uncertain at the end of this grant period, but if they are successful, Vera will establish a state-wide program capability in Connecticut and will be undertaking a technical assistance effort substantially more elaborate, and probably more productive, than our past efforts in the technical assistance mode.

San Francisco. In the Fall of 1987, Vera hosted a delegation from San Francisco which was led by Nancy Walker (President of the Board of Supervisors) and which included Michael Hennessey (the Sheriff), Lillian Sing (the new Administrative Judge), and several others. The group was at that time interested in how Vera has helped New York City and State with jail and prison overcrowding and with other criminal justice system management and program development issues. The week's visit ended with an approach to Vera to open a San Francisco office and a commitment, from several of the West Coast political figures involved, to help secure public and private financing to make that possible. Several Vera staff then spent a week in San Francisco in February, to meet with an expanded group of officials (including the Mayor, the District Attorney, the Police Chief and the Budget Director) and with leaders of some of the key voluntary agencies active in the criminal justice field. It must be said that, at almost the same moment, San Francisco discovered its \$200 million budget deficit for Fiscal Year 1989. Nevertheless, the visit ended with a general agreement to pursue the establishment of a Vera presence in San

Francisco, and an undertaking on our part to assist in the current period with certain program and management problems to which our attention was drawn during our stay. Over the remainder of the grant period, Vera staff made several technical assistance trips to San Francisco, and San Francisco judicial, corrections and police officials visited Vera programs and the Vera research department in New York. Several joint proposals, any of which might in time serve as an initial scope of work for a Vera presence in San Francisco, were under development at the end of the grant period.

Third, Vera created a national organization, the Prosecuting Attorney's Research Council (PARC), with which to organize into a force for reform the progressive, elected urban prosecutors who are scattered about the country. They are a group of criminal justice officials, not previously much involved in efforts to improve the system, who have at least as much power to shape policy and practice as other officials -- and a lot more than any private individuals. The mid-term objective for this effort was to create an organization roughly modelled on PERF; over the period of this grant, PARC has remained dependent on Vera program and research staff to give the gathering PARC members the substance and technical assistance that makes their participation in PARC worth their while. The first stage of our PARC effort culminated in January 1988, with a national meeting, at Vera, of the dozen prosecutors most involved in the previous twelve months' activity. They formed themselves into the Board of Directors of PARC, and during the remainder of the grant period PARC sought and secured grant support of its own for some of the projects designed by Vera staff acting in a technical assistance capacity, and agreed to by the PARC Board. For the foreseeable future, Vera technical assistance staff will play a crucial role in its affairs.

Fourth, Vera entered the federal jurisdiction in the Spring of 1988, launching a Federal Sentencing Reporter to provide federal District Court judges around the country with a mechanism through which to develop common law principles of sentencing. The opportunity arises with the implementation of the new federal Sentencing Guidelines. The guidelines themselves are retro-grade. But they do provide a unique framework for judges to reason -- and they require rather full statements of that reasoning in quite a substantial number of cases. Judges, many of them extremely unhappy with the guidelines, are eager to express themselves. For the first time, there is a real prospect that the judicial branch can evolve a law of sentencing. However, nobody thought to provide a mechanism for judges to have sight of each others' opinions. We wrote to all federal judges, informing them that the Federal Sentencing Reporter will publish their sentencing opinions monthly and within days began receiving their opinions by FAX, for inclusion in the Reporter. At the end of this grant period, subscription revenue was beginning to mount, as practitioners began to perceive value in the Reporter, and we expect to know by the

middle of 1990 whether the Reporter will ultimately be able to survive as a self-sufficient publication. It is now quite apparent that the federal jurisdiction will benefit greatly from this new Vera effort, even if it survives only the first few years of the new Guidelines system, but the project is also intended to place Vera more visibly and regularly in the national consciousness. Articles about Vera's Reporter in periodicals to which lawyers around the country subscribe, and citations to the Reporter in judicial opinions from all federal Circuits, suggest that the publication is achieving that goal too.

* * *

The following sections of this report summarize the work, and the store of practical knowledge, that formed the basis of Vera's general provision of technical assistance to other jurisdictions during this grant period.

Police

Police Officer Bob Orazem, like most patrolmen, spent frustrating years racing around unfamiliar neighborhoods, responding to radio calls from the 911 operator. Radio motor patrol, the conventional method for policing urban America since the advent of cars and radios, permitted him to respond swiftly to crime scenes -- but usually after the suspects had fled. In June, 1984, he and nine other officers of the 72nd Precinct in Brooklyn were taken out of their cars and given a radically different assignment. Under the supervision of a Vera-trained sergeant, they became the pilot for New York's Community Patrol Officer Program (CPOP), an experiment designed by the Vera Institute, in which police officers were put back on foot and in touch with the neighborhoods they are charged with protecting.

In the seventeen square blocks that became his steady beat, Orazem was required to get to know the residents and merchants and to work with them to identify, attack and eliminate the conditions that bred crime and the fear of crime in what was to become his neighborhood.

This approach to policing at first stunned the people of the 72nd Precinct. Seven called the station house in the first week of the CPOP pilot to report that someone impersonating a police officer was introducing himself around. Orazem soon established his credibility with the law-abiding and the delinquent on his beat and, able for the first time to follow through on citizens' complaints, he experienced professional satisfactions that are denied to officers responding by car to an endless string of 911 calls.

Orazem made more than 100 arrests over the next 15 months. But something more was required to get rid of the drug pushers who hung out in an abandoned lot at the heart of his neighborhood. His new assignment made him accountable, both to the community and to his sergeant, for eliminating what he and they had identified as the priority problem on his beat. He tried the conventional tactic: he arrested junkies as they bought and sold dope in the open-air drug market. But the next day others would take their place. So he and the local block association president organized neighbors to clean the debris from the lot. Then Orazem negotiated the maze of bureaucracy to get two separate city agencies to cooperate in hauling away the trash and building a fence. Finally, with the help of more local volunteers, Orazem landscaped the lot, built some benches and erected a swing set. The addicts disappeared, some of them to the drug-rehabilitation centers to which Orazem had referred them. They left behind the fruits of a new form of urban policing -- a place where children are safe at play.

The Background of Vera's Work in the Police Field.

Since 1964, the New York City Police Department and the Vera Institute have been developing programs, like CPOP, that permit more efficient and effective deployment of police resources. The first joint effort was the Manhattan Summons Project, launched in 1964. Until that time, the thousands of suspects brought into precincts on minor misdemeanor charges were routinely held in police custody until arraignments where most were routinely fined, given some other non-custodial sentence or released on their own recognizance. And the police? Arresting officers were kept on duty -- off patrol -- throughout the many hours of processing. Vera staff discovered that state law gave the courts authority to allow the police to issue summonses in these cases. The Department wasn't prepared to ask the court for that power until it had some objective way to know which suspects could be relied upon to show up for arraignment on their own. Vera agreed to try adapting to the police setting the decision-making tools it had developed for arraignment judges in the Manhattan Bail Project.

Court approval was secured for the experiment and, starting in one pilot precinct, Vera staff gathered and verified information about the community ties of misdemeanor suspects as arresting officers brought them in. When the weight of a suspect's community ties met pre-determined eligibility criteria, and his prior record did not exclude him from further consideration, project staff recommended to the precinct desk officer that the suspect simply be issued a summons to appear at court on a fixed date.

The pilot project so quickly and substantially cut into the waste of police patrol resources that, after 5 months, the Department began expanding it to other precincts. By July, 1967, the new procedures were in place city-wide. An audit showed that, over the next four years, each of the 32,000 summonses issued freed up an average of 10 hours of police time -- a savings valued at \$6.7 million, most of which was invested in more patrol by the police officers. Thousands of citizens, charged with minor violations of the penal law, were enabled to keep their jobs, remain with their families, and prepare their defenses before going to court. Ninety-five percent appeared voluntarily for arraignment.

The procedures developed in the Manhattan Summons Project soon became standard operating procedure in the New York City Police Department,

and police departments across the country followed suit. In 1971, the Vera guidelines and the court orders that made the Manhattan Summons Project possible were codified in New York Law.

The Manhattan Summons Project gave the Police Department both confidence in Vera as a partner and an appetite for further innovation. In 1967, the Department formalized the partnership with the first of the string of technical assistance contracts that has governed the relationship ever since. In the previous year, the Department had stationed two lieutenants to work at the Institute in a Police Liaison Office. Establishing this office at Vera signalled to the rest of the law enforcement community the seriousness of the Department's commitment to reform, and the police personnel who have rotated through the office over the past twenty-two years have helped shape and sharpen the Institute's work. There has been plenty of work to do:

- o Hispanic prisoners held in precinct lock-ups could not communicate with the cops on duty because of language barriers. In 1966, when suicide attempts were rising, Vera developed a system for the quick transfer of Spanish-speaking defendants from the precincts to the Correction Department, which employed more bi-lingual personnel. Suicide attempts subsided.

- o New York, like other cities in the 1960s, experienced an increase of incidents in which white police officers shot and killed black youngsters. In 1967, Vera helped the Department draft stricter rules on deadly force. Vera's explanatory Guidelines On the Use of Deadly Force were distributed to every officer, together with the Department's new and more restrictive rules. Then, in 1969 Vera designed and published detailed procedures for all agencies that would be involved in the Administration of Justice Under Emergency Conditions. Put into practice in New York City several times over the following years, these plans helped minimize violence to and by police officers; other cities used the book as a blueprint for constructing their own procedures.

- o In 1969, Vera and the Police Liaison office launched a pilot project to speed up and modernize the process of getting defendants arraigned, once they reached the courthouse. This permitted arresting officers to be released – to go back on patrol, or to go off duty if their tours were over – except in cases where their testimony would be required at arraignment. A recent audit showed that this Pre-Arraignment Project (now institutionalized city-wide) saved the Department \$27,150,000 in police time in 1985.

- o Even after arraignment, criminal cases waste patrol resources. Police officers spent thousands of hours each year waiting in court to testify on days when cases were adjourned or dismissed. Starting in 1967, Vera persuaded prosecutors and

judges to cooperate with the police in a series of pilot projects aimed at keeping cops on patrol. Vera developed a city-wide "alert" system by which police stayed on the street but could be called in to the courthouse on short notice. A 1977 audit showed that, in Brooklyn, the Appearance Control Project was avoiding an average of 70 police court appearances each day, an annual savings of \$2 million in that borough alone.

By the mid-1970s, as these and half a dozen other police-Vera programs became permanent fixtures, the Department was hit by the City's fiscal crisis. Between 1974 and 1982, the City lost over 9,000 police officers, at precisely the same time that reports of crime and demand for police services were growing. The question every police manager wanted answered was how to get more results from fewer troops. One answer came from Vera's Felony Arrests: Their Prosecution and Disposition in New York City's Courts. That seminal book documented why some felony arrests, but not others, lead to convictions, and it led to the identification of things police can do to prevent the collapse of stranger-to-stranger felony cases. The first and most important: Work harder on preparing the felony arrests that the officers were already bringing into the system.

Vera designed a Felony Case Preparation Project and tested it in the 43rd Precinct in the Bronx. The basic idea was to have precinct detectives conduct a thorough follow-up investigation immediately after a felony arrest, before the case goes to the prosecutors in the Complaint Room. The Vera-trained detectives searched for additional evidence, recorded witnesses' statements, searched out additional witnesses to beef up the case and, after proper warnings, took formal statements from the suspect. As Vera expected, detectives following these "case enhancement" steps in the pilot precinct were able, in almost all felony arrests, to present Prosecutors with a full written report of the evidence before the suspect reached the District Attorney's Office.

The results were impressive. In the test precinct, the percentage of felony arrests indicted by the District Attorney increased by 53 percent. Sentences to "felony time" – more than a year in prison – increased by more than 45 percent, and prison terms of 5 years or more doubled. Dispositions were reached earlier too, but the greatest saving of the system's resources was achieved through the much earlier dismissal of cases that, without the early police preparation, would have languished for months before ultimate dismissal for evidentiary weaknesses. In September, 1981, after Vera helped test the new case preparation procedures in several other precincts, the Department began expanding the program to every precinct in the city.

By the mid-1980s, the police agenda for Vera had evolved further. Most of the Department's patrol resources were committed to Radio Motor Patrol. And most of that patrol time was spent driving around, waiting for 911 calls or responding to them.

Working under its technical assistance contract with the Department, Vera first surveyed the results of a decade of research into patrol, which made it difficult to believe that so much random preventive patrol was worth the effort: Many 911 calls were not emergencies, and random patrolling between 911 calls was not deterring much crime. Most important, radio-car cops had become strangers to the law-abiding as well as to the delinquent. Their lack of local knowledge and their constant movement had led to neglect of the traditional "order maintenance" function of police — keeping the streets fit for decent people to walk without fear.

In response to the City's growing need for a new style of policing, and guided by the research survey, Vera worked with the Department in 1983-84 to design the pilot Community Patrol Officer Program. It combines, in a single officer, the law enforcement duty to arrest, the deterrence functions of the old-style foot cop, the outreach and community organization responsibilities of community relations officers, and the crime analysis and strategic activities of police planners.

Six months into the pilot Community Patrol Officer Program, successes like Patrolman Orazem's led the Police Department to expand it. By September, 1986, 367 Vera-trained officers were working in CPOP units out of 37 precincts, and all of the City's 72 precincts were slated to get CPOP units over the next year. What is happening on the streets of New York City is more than police walking beats again. CPOP cops are responsible for developing and implementing strategic plans to return neighborhood streets to their residents. They are as likely to organize a community group to prevent crime as to arrest a felon after a crime has occurred.

CPOP officers have proved to be unusually effective cops. They make more arrests per officer than almost any other unit in the Department, while still meeting with tens of thousands of the citizens who live and work on their beats. They participate in community meetings, organize block associations, recruit civilian block watchers, and do whatever else is necessary to identify and eliminate the "quality of

life" conditions that breed crime and fear in their neighborhoods. Despite their almost daily contact with all elements of the community, they have been less likely than regular patrol officers to be complained about to the Civilian Complaint Review Board. Most important, the arrests that CPOP officers make are not the random result of radio motor patrol: most are made in pursuit of strategic plans tailored to neighborhood conditions, and many are the result of tips from local residents who have learned again to trust their cop.

When, in 1985, the City moved to extend CPOP to cover all of the City's precincts, Vera continued to train the new CPOs and their sergeants, to monitor implementation, and to help the Department use the results of Vera's monitoring to amend the program's design and the supervisory structure that supports it. Meanwhile, under contracts with the federal, state and city governments, Vera mounted a major research project to mine CPOP for answers to questions such as: What specific patrol tactics work, against what kinds of crime conditions or order maintenance problems, under what local circumstances? What kinds of officers and sergeants do best in this kind of policing? What relationships, if any, exist between the elimination of local crime conditions or order maintenance problems and crime rates? Practical answers are needed if community policing is to be done well in New York, and in the many other cities that are moving in this direction.

By 1987-1988, it became increasingly common for Vera to host, in New York, delegations of police officials from other major departments who wanted direct exposure to CPOP operations. Technical assistance visits by Vera's police planning staff were mounted, to help managers in the most interested departments (e.g., Houston and San Francisco) start the process of adapting CPOP lessons to their own circumstances.

In due course, the CPOP training materials developed by Vera in New York will be published and disseminated nationally, as will the reports that emerge from Vera's on-going CPOP research.

Courts

The criminal court systems of American cities have been under almost intolerable stress for some time. Each year now, over 325,000 arrests are made in New York City. A hundred thousand more cases enter the criminal justice system by summons, not counting traffic summonses. To process these cases to disposition, court calendars are burdened by almost 1.5 million scheduled hearings. For judges to do justice and preserve the appearance of justice, for prosecutors to balance their desire for convictions with their responsibility to see that victims are humanely dealt with and that justice is done – for courts to be courts of law – the daily press of business must be managed. It's Vera's job to help judges and prosecutors do that.

Court Process and Diversion from It.

Vera's work in this area began almost by accident, on the Bowery. In that district of New York City, the streets were filled by day with a vigorous wholesale trade in lamps and fixtures; at night they were littered with down-and-out drunks. Derelict drunks do not have "community ties," so Vera and the Police Department were not able to make the Manhattan Summons Project work in that precinct.

In 1964, New York's Bowery, like skid rows everywhere, presented a different kind of challenge to the criminal justice system: Police would round up derelicts lying in doorways or sprawled unconscious across the sidewalk, charge them with public drunkenness, vagrancy or disorderly conduct, toss them into precinct "drunk tanks," and transport them to court. The judges, of course, had no plausible solution; they were forced each year to process thousands of sick and disoriented alcoholics through the court and, in short order, back to the Bowery where they resumed drinking and drifting. Some died during the court process.

In 1967, after several years searching for a way to break the cycle of despair on the Bowery and end the parade of derelicts that clogged court calendars, Vera and the Police Department pioneered a new response to the disorder caused by street alcoholics. Vera opened a 50-bed detoxification center on the Bowery. Two-man "rescue teams" – a plainclothes police officer and a recovered Bowery alcoholic – patrolled the area in unmarked cars and coaxed the most deteriorated drunks off the streets to spend five days drying out. Vera had medical personnel on hand to help them through detox and to deal with the illnesses and broken bones from which they suffered. None of the relevant agencies – Police, Corrections and Health – had felt confident enough that this

would work better than arrests and "drunk tanks," but by the time Vera had run the pilot project, New York had a medical response to a medical problem, and the court was freed from an inappropriate burden. Arrests for public drunkenness on the Bowery went from 4,000 in 1967 to 29 in 1968. In due course, jurisdictions across the country moved their primary response to public drunkenness from "drunk tanks" and arraignment courts to detox centers and after-care referral.

The Manhattan Bowery Project moved quickly to expand its services, to include after-care and outpatient treatment aimed at extending the periods of sobriety for the Bowery drunks who went through detox. Some escaped their addiction entirely, and a few of these became rescue aides and counselors in the program. Today, as an independent non-profit agency spun off from Vera, the Manhattan Bowery Corporation (MBC) sends rescue teams into other areas of the City as well, to bring street alcoholics into detox and to provide psychiatric treatment to the homeless. It also operates residential centers where recovered alcoholics can live in an atmosphere of sobriety and work in MBC business ventures until they graduate to regular labor market. It also provides mobile medical services to the homeless populations in Central Manhattan, and it has established residences for the homeless mentally ill.

Even before the Manhattan Bowery Project was a year old, Vera launched a second project aimed at diverting defendants out of the criminal courts. It was an article of faith in the 1960s – in the Justice Department, in academe, and in the New York City courts – that too many youngsters were brought to court, stigmatized by formal prosecution, and subject to penal measures when something different and more affirmative would work better. The 1967 Presidential Commission on Law Enforcement and the Administration of Justice called for development of programs to divert selected young adult offenders from court processing and jail cells to counseling, training and job placement. Vera responded by launching the Court Employment Project (CEP), the first pre-trial diversion project in the country. By 1970, three years after Vera set it up, CEP had been spun off as a free-standing non-profit corporation and a model followed by over two hundred other jurisdictions that wanted to divert the salvageable youth and to reserve full prosecution and sentencing for more serious cases.

But, as CEP's influence spread, through replications of its program design around the country, crucial questions remained unanswered: Were these pretrial diversion programs in fact diverting their

clients from full prosecution and punishment, or were they merely imposing on youth -- without taking the time to convict them -- a new form of punishment when their cases would have been dismissed or discharged anyway? Was the "treatment" these programs administered less criminogenic than prosecution and punishment? In short, was the rationale for pretrial diversion sound? It was not until the mid-1970s that the Justice Department provided funds for rigorous, controlled research of the kind that can answer questions like these. Vera, which had pioneered this kind of research in the Manhattan Bail Project, was chosen to conduct the study. CEP was the logical place to look.

Vera came up with a disappointing answer. Pretrial diversion did not result in more lenient treatment from the courts, because the cases diverted would have been dismissed or the offenders would have been given non-custodial sentences anyway. Nor did pretrial diversion lead to long-term measurable changes in the behavior of the diverted youth.

Pretrial diversion programs may have accomplished something valuable in the court context of the late 1960s, but by the late 1970s CEP was being used as a dumping ground for the "light" and unprosecutable portion of the court's felony caseload.

Vera's action-research approach to problem-solving can lead to wrenching adjustments over the course of program development. The CEP research had a dramatic effect of this kind all across the country. In New York, under the guidance of Vera's core staff, CEP re-emerged as an agency to which judges could sentence convicted young adults who would otherwise spend substantial time behind bars because probation could not adequately control them. By employing them in CEP's own work crews, by requiring them to attend remedial classes at its on-site school, by surrounding them with required and productive activity throughout the day, and by bringing absconders back to the sentencing judges for imprisonment, CEP was able to assure the courts that the high-risk youth sentenced to its program would not go unsupervised.

Judges used this new pilot program in disposing of even quite serious cases because judges know that sentencing these youths to prison will make them tougher when they emerge in their early twenties but that, without supervision as tight as the restructured CEP delivers, there is no place but prison to send them. The intensity of CEP's new program and its enforceable threat of immediate imprisonment for failure to comply with supervision conditions hold much greater promise for turning young offenders away from crime than did the rather thin and casual contact typical of pretrial diversion programs.

This use of CEP as a venue for pilot testing of a non-custodial sentence was part of Vera's extensive work in the sentencing field in the mid-1980s, which is covered in the next section of this report. But CEP was not the only Vera project that required mid-

course correction. The innovative techniques developed in the Institute's first program, the Manhattan Bail Project, had been institutionalized within the City's Department of Probation in 1967. It was not a good marriage: Probation's overworked staff had other statutory priorities and could not keep up with the Bail Project workload. More and more defendants arrived at arraignment without anyone having gathered the required community ties information. Too often, the information was not verified before it was presented to arraignment judges. In 1973, the City asked Vera to take back the functions of interviewing all defendants before arraignment and recommending release on recognition when verified community ties were sufficiently strong. Vera created a pilot PreTrial Services Agency (PTSA) in Brooklyn. Much more sophisticated techniques were developed, including an on-line computer data base to track current cases and retrieve prior court appearance history. The systems developed in the Brooklyn PTSA pilot were then extended to the entire City and, in 1977, Vera spun PTSA off into a free-standing non-profit corporation, the New York City Criminal Justice Agency. Under its annual contract with the city, CJA handles bail interviewing for every arrest coming into criminal court. Its computerized records have become the principal source of reliable data for management of the criminal justice system by the City's Coordinator of Criminal Justice and for research into the operations of the system and the effects of new policies.

Court Administration.

The courts are not simple and, although conventional wisdom and convenient prescriptions abound, few of the problems courts face can be successfully attacked without a lot of preliminary gathering and analysis of data. In 1978, Vera published a landmark monograph entitled Felony Arrests: Their Prosecution and Disposition in New York City's Courts. This book was the first systematic look, across a large and representative sample of the serious crime cases that are presented to urban courts, at the circumstances lying behind the cases and at what actually happens to them as they proceed through the court to conviction or, almost as often, to dismissal. Two of its most telling findings: Strong cases involving serious crimes lead to conviction and imprisonment more often than even criminal justice professionals believe; and in half the felony arrests involving victims there are prior relationships between victim and defendant -- a previously overlooked factor that explains a great deal of the dismissal rate.

The findings from Felony Arrests helped pinpoint ways to dispose earlier of weak cases that clog court calendars and to strengthen and accelerate the prosecution of strong cases. The Early Case Assessment Bureaus created with Vera's help by New York City's District Attorneys have been widely replicated elsewhere, as have the improved case

preparation techniques developed jointly by Vera, the Police Department and the Bronx District Attorney.

In 1978, as Vera's study of the facts and dispositional process in adult felony arrests was beginning to pay off, another Vera team applied the research techniques developed for Felony Arrests to study the history of Family Court cases. The results of this work proved equally provocative -- maybe more so, as the prosecution of juveniles is shielded from public and even professional view by the confidentiality of Family Court proceedings. For example, despite popular myth, the study showed that the vast majority of criminal cases against children do not involve violent behavior of any kind. The bad news was that the Family Court's dispositions were usually inappropriate -- both when a case did arise from serious crime and when the level of criminality was more modest but the underlying problems of the juvenile and his or her family were very serious indeed. In the 1980s, the City and State agencies responsible for restoring integrity to the Family Court relied on Vera's Family Court Disposition Study for a map of the Court's caseload, process and problems.

Cities are desperate to find ways to relieve the fiscal burdens of the national jail overcrowding crisis and the violence overcrowding spawns. In New York, the crisis has been, surprisingly, more a product of delay in the disposition of criminal cases than the consequence of more arrests or more jail sentences. In 1984, after Vera researchers helped the city identify court delay as the major cause of local overcrowding, the Institute was called upon to set up data systems for keeping track of backlog in the courts and to assist prosecutors and judges in the development and testing of new administrative techniques to dispose of cases more quickly. The resulting Speedy Disposition Program produced successes in some boroughs of the City, but met with frustration in others. Vera's research reports on this effort have, however, guided subsequent efforts by the judiciary as well as the prosecutors and the Office of Management and Budget, to reduce delay and pretrial jail overcrowding.

Victims in the Courts -- and in the Community.

An important challenge for any criminal justice system is: How does it treat victims? There's a larger challenge too: What is done about victims when there's no defendant caught to put through the criminal justice system?

Twenty years ago, the short answer to how victims fared in the system was -- badly. The larger question was not even asked. No one was opposed to helping victims, but no one had a mandate -- or a budget -- to try. In New York, Vera helped change that radically. And the work Vera did on this problem in New York has had profound effects throughout the country. Now, over 150,000 victims

get help each year from the Victim Services Agency, a Vera "spin-off" that grew out of a typical action-research project. Each year, VSA's counselors help roughly 25,000 victims and its 24-hour-a-day Crime Victim Hot Line is used by nearly 50,000. VSA finds emergency beds, food and financial aid for almost 10,000 victims every year, and it makes emergency repairs of thousands of commercial and residential premises left vulnerable after burglaries. The agency intercedes annually on behalf of more than 10,000 battered women and it collects about \$1 million in restitution payments.

Less dramatically, VSA eliminates some of the hassle victims endure when the criminal justice system uses them as witnesses: Each year the agency prevents almost 100,000 needless courtroom appearances, using the "alert" procedures Vera developed in the early 1970s to keep police officers on patrol. VSA also transports 10,000 victims to court and assisted 20,000 by expediting their recovery stolen property when it is being held as evidence of the crime.

The history of VSA began with the surfacing of a problem. In the mid-1960s, when rising crime rates focused national attention on criminal justice, researchers noticed that a surprising number of crime victims were refusing to cooperate with police and prosecutors. This worried prosecutors and policy analysts who believed that the failure of victims to appear in court to testify was the leading reason for persistently high dismissal rates in criminal prosecutions. Why were victims opting out? The principal reason, further research suggested, was that the system treated all witnesses in far too cavalier a fashion.

By 1974, enough evidence was available on the extent of victim-witness non-cooperation, its consequences and its apparent causes, for the Law Enforcement Assistance Administration to intervene. LEAA awarded grants to 19 jurisdictions to fund programs that would test the hypothesis that better treatment of victims would keep them involved in their cases and that their involvement would reduce the dismissal rate. The first and most comprehensive attempt to eliminate victim "disaffection" with the criminal justice system was Vera's Victim/Witness Assistance Project in New York. Working out of offices on the second floor of the Brooklyn Criminal Court, the V/WAP pilot project staff provided victims with the full range of services called for by the "disaffection" hypothesis. The project took a risk by inserting itself between conviction-hungry prosecutors and the victims who are the source of precious testimonial evidence. But the staff gained credibility, and a measure of gratitude, by helping the prosecutors too -- Vera designed and maintained a computerized data base through which the District Attorney's office could inform itself daily about the availability of witnesses to testify the next day.

Charged with eliminating the mundane obstacles that defeat even the most devoted witnesses, Vera's

staff began attending to victims' basic needs. They kept in touch with them between court dates and put them on "alert" whenever possible, so they wouldn't waste time coming to testify on days when no action would be taken. They opened and staffed a day-care center where victims' children could be safely deposited when their parents were needed in court. They provided free round-trip transportation to the courthouse for those who wanted it. They replaced locks and repaired the doors for the victims of nighttime burglaries, so they would not be burgled again that night. And they ran a victims' hot line to provide something the rest of the system too often overlooked: an understanding listener and knowledgeable guide.

The results of all this effort were mixed. The project saved thousands of wasted hours and provided services that victims consistently told Vera researchers they wanted. But about half of the victims continued to drop out, deserting the prosecution of their cases. Why? The main reason, further research disclosed, was that many victims sought solutions to their complaints which they did not believe would be provided by the criminal justice system — and they were often right. For example, as Vera's *Felony Arrests* monograph had shown, a surprisingly large proportion of crime victims already knew, or were directly related to, the defendants who had assaulted them or stolen from them. While these victims wanted and needed help, Vera's V/WAP research showed that the help they needed was not forthcoming from a court process designed to establish guilt or innocence and to apply penal sanctions. What this group of victims wanted, the surveys showed, was mediated resolution of long-standing conflicts, or a court-ordered end to harassment, or a quick return of stolen property, or a round of therapeutic counseling for themselves or for the former friend or family member who the system saw only as a defendant.

At that point, Vera faced a dilemma. The Institute's research showed that V/WAP's founding hypothesis — an accepted truth in the field — was flawed: improving the lot of victims did not end the problem of non-cooperating witnesses. It did not reduce the dismissal rate that haunted prosecutors. But V/WAP did meet the pressing needs of an under-served and often ignored group of citizens who have a special claim on just treatment from society.

In pursuit of justice rather than prosecutorial efficiency, Vera expanded the range of services to

victims: V/WAP added a unit to mediate cases — even felony cases — where the victims knew the defendants and wanted a mediated settlement. It added a unit to collect restitution payments. It added staff to help victims communicate with prosecutors, because the research showed that the prosecutors' tight focus on the evidence, rather than on the person who could give it, was a primary source of victim disaffection. And it started individual and group counseling for victims suffering special trauma. Perhaps the most needy of these were not victims at all, as the system defines victim. In a homicide case, it is too late to help the victim, and grieving family members usually play no formal role in the criminal justice system except to identify the body and, perhaps, to serve as initial suspects. Through V/WAP, the families of homicide victims were able to support each other to deal with their grief and to begin rebuilding their lives.

In 1979, the Mayor and New York City's other political leaders embraced V/WAP and funded it handsomely as a city-wide, non-profit corporation known as the Victim Services Agency. What has become known as the "victims' movement" had been launched; the shape it took has been much influenced by the stream of research reports about the effects of V/WAP and VSA services.

As a Vera spin-off, VSA continues to maintain close ties to prosecutors' offices and continues to encourage and assist witnesses to testify. But cooperation with the authorities is often irrelevant: When a victim returns to find a home or store burglarized, or when a citizen is mugged by someone coming from behind, at night, there is usually no arrest that can be made. The majority of victims are not witnesses — there's no one to testify against. So VSA emphasizes practical assistance such as food, shelter, and counseling and has opened field offices throughout the City, in high-crime areas. In the mid-1980s, VSA broadened its work even further, trying to reach certain classes of victims before they are victimized further. VSA staffers now patrol the nasty underworld of Times Square, trying to spot and divert teenagers who are ripe to be victimized. VSA's hot line has a separate number for runaways, another set of troubled teens who are easy pickings for pimps and scam artists. And VSA keeps open a string of safe houses where battered spouses and their children can retreat before they are attacked again. These efforts are a logical extension for an agency that has learned that humanizing the prosecution process is necessary, but is not a sufficient social response to victims' bitter experiences of crime.

Sentencing

Most of the small-time thieves, hustlers, reefer-peddlers and prostitutes paraded by big-city judges have been there before. Many have been jailed before, and the majority will be back. They present only one of the sentencing dilemmas confronting the typical urban criminal justice system. What are judges to do? In practice, after a guilty plea is taken, the dozens of sentences listed in the statutes reduce to two: maximum security confinement, which severely strains the public purse even at current levels of imprisonment, or doing nothing at all, which mocks justice and risks public safety. "Nothing at all" is how most judges see, and most offenders experience "probation," "conditional discharge", and the standard array of non-jail sentences which have been rendered unenforceable by huge, undifferentiated caseloads.

No society can rest easy when some of those it imprisons are locked up only because no reliable provision has been made to punish or control them in a more appropriate way. Nor is it comforting that many who walk from the courtroom will be neither punished nor controlled by the sentences imposed on them. Public safety, economy and justice require that judges be provided with a full spectrum of enforceable sentences. Vera's work in the sentencing field aims to restore integrity to the process by creating particular sentences that fill in parts of that spectrum, and by disseminating information about the program development techniques that others can follow to add yet more enforceable non-jail sanctions to the array.

Vera's efforts to restore the powers of the sentencing judge began in 1968, with the development of techniques for more effective probation practice in misdemeanor cases — the Bronx Sentencing Project. By the mid-1980s, Vera's work in this field spanned a half dozen active projects, as well as the re-tooling of CEP described under the "Courts" heading above. One member of Vera's staff secured a bail bondsman's license, to test a form of intensive supervision in which the most promising offerings of the "alternatives" field were combined with the unique, but previously unexplored powers of commercial bondsmen to restrict high-risk client's movements and to return them to jail if conditions of supervision are not complied with. Another member of Vera's staff, after tracking into adulthood the careers of the juvenile delinquents sampled for Vera's Family Court Disposition Study, published a critical examination of the popular idea that sentencing can and should be based on predictions of which adolescent offenders will, if not incapacitated, become "career criminals."

Over the years Vera developed and tested a variety of new sentences, and some administrative systems that help make the old ones more enforceable. The most prominent of these efforts in the 1980s was Vera's Community Service Sentencing Project which, in every year since 1985, has supervised more than 1,250 petty recidivists in the performance of court-ordered, unpaid labor for the benefit of community groups. About 60 percent would have drawn short jail terms, if not sentenced to community service; the rest would have "walked," despite their prior convictions. Those who complete their sentences get help from project staff to find jobs or drug treatment and other services; those who do not take the sentence seriously are tracked down by project staff, taken back to court and re-sentenced directly to jail.

Vera's pilot community service sentencing project was launched at the end of the 1970s, to demonstrate that it is possible to enforce a non-jail punishment, for at least some of the roughly 8,000 offenders who were even then drawing jail sentences of 90 days or less in New York City each year, and for an equal number who "walked" because there were not enough jail cells. There is some variety in the criminal records of the offenders in this group, but the bulk are petty thieves — they have long records for stealing a \$20 pair of pants from Macy's, copper pipes from an abandoned building, disco tapes from Crazy Eddie's or sneakers from Bloomingdale's. It is their persistence in thievery that provokes periodic 30-day jail sentences, not the value of what any one of them steals and not a risk of future violence. While short jail terms are only marginally effective at deterring the future thefts of offenders of this type, long prison terms for all of them would be prohibitively expensive while doing nothing at all offends everyone's gut instinct that theft should be punished.

Beginning in 1979, the staff of Vera's pilot Community Service Sentencing project gradually proved to grateful judges that there is a way to exact punishment in some jail-bound cases, without jailing. They did it by directly supervising every hour of each offender's court-ordered community service, by seeing to it that those who failed to perform were re-sentenced to jail, and by accepting for supervision only the petty offenders whose prior convictions made them "jail-bound." And exacting punishment this way paid a larger dividend: Working 7 hours a day under Vera's supervisors, the sentenced offenders helped clean out senior citizens' centers, repaired neighborhood playgrounds and parks, staff recreation programs for mentally retarded children, and installed smoke alarms in apartments of the elderly.

The pilot project had proved itself by 1980-81, when over-crowding in New York City's jails reached crisis levels. Vera was asked to begin expanding it and, by 1984 community service sentencing was available to judges city-wide. By September, 1986, over 5,000 had been sentenced to it.

Vera's development of community service sentencing required a mix of practical knowledge and research sophistication. The research design, employing powerful but complicated statistical models, defies brief description in ordinary language. But it worked. Early on, when the data showed that only about 40 percent of those given this alternative sentence would have drawn jail terms, the researchers were able to identify adjustments to the screening criteria that would ensure at least half the community service sentences would displace jail sentences. Since then, the "displacement rate" has been on target, at 55 to 60 percent. This research also permitted Vera and the City to see whether or not sentencing these offenders to community service had less deterrent impact than sentencing them to jail (it did not), and whether the number of jail cells freed up for occupancy by more serious offenders justifies the program's costs. (It did.) Thus, by 1985, sentencing judges in New York City had confidence in at least one non-custodial form of punishment, for one category of offenders.

Nationally, the jail over-crowding crisis sparked local expenditures on "alternatives to incarceration" of every description. But it proved very hard to prevent the new "alternatives" from being used exclusively for first (or minor) offenders who wouldn't be jailed in any event. When a new sentence is used this way-- as an alternative to "nothing at all" -- it gets watered down, becomes unenforceable, and increases the cost of the criminal justice system without remedying its most pressing deficits. In this context, it was encouraging that jurisdictions throughout the country began incorporating, into their own development of alternative sentences, elements of Vera's Community Service Sentencing Project and the action-research approach Vera took in developing it. In New York State, during this same period, Vera assisted the agencies charged with overseeing probation in to develop techniques to avoid investing public funds in alternatives that are poorly designed or cannot be usefully researched.

During these years, Vera opened still other avenues to reform of the sentencing function. In 1981, Vera embarked on a series of studies on the use of fines. By 1986, the Institute had published a survey of how fines are levied and collected in 126 American trial courts, a detailed study of how and how well those judicial and administrative functions are executed in New York City, and an examination of certain unique features of fining in West Germany, Scandinavia and England. This work shaped amendments to the federal sentencing statutes, and excited interest around the country in testing features of the European "day-fine" techniques in an American setting. In due course, the National

Institute of Justice responded favorably to a proposal, developed under a Ford Foundation general support grant, for Vera to pilot-test European day-fine techniques in New York City.

During the period of this \$200,000 technical assistance grant from the Ford Foundation, the National Institute of Justice, the State Justice Institute, and the National Institute of Corrections collaborated with Vera to assemble the funding necessary to operate a similar pilot project in Phoenix, Arizona. These federal grants, and the plan for Vera's Staten Island pilot project were rather widely publicized by the justice department and by prominent researchers elsewhere in the country, which focused national attention on them. There appeared to be wide-spread interest in discovering whether better fining and fine enforcement can increase revenues to the public purse (and decrease expenditure on new jail construction), while making punishment more equitable. Indeed Vera received telephone requests from over a dozen other jurisdictions, requesting help along the lines of the assistance to be provided to Phoenix. The principals of orderly program development required at least postponing technical assistance to these other jurisdictions until the results of the Staten Island and Phoenix efforts were in hand.

During the term of this technical assistance grant from the Ford Foundation, Vera planning staff began working with personnel in the Superior Court system of Maricopa County (Phoenix), Arizona, to develop a means-based system for imposition of monetary penalties. Following the European day-fine concept, and building on Vera's application of that concept in planning the Staten Island pilot, the work in Phoenix is intended to produce a simple method to allow for equitable consideration of an offender's means -- as well as the seriousness of his or her offense -- in determining the total amount of the fine to be imposed. If this can be done successfully, it will solve the central problem of fining in the American criminal courts: In America, fines are almost always a kind of tariff, on which fine amounts are relatively low but are the same regardless of an offender's means. Middle class offenders can pay American fines without feeling much, if any, of their potential punitive weight, while the poor and indigent are unable to pay fines at the general tariff and are, ironically, subjected to more onerous penal consequences than offenders who are economically better-off.

European day-fines, by contrast, require a preliminary calculation of any offender's discretionary daily income; then, by simple arithmetic, fines are imposed that work the same degree of punishment on offenders who commit similar crimes -- regardless of their dramatically different economic circumstances. Not only does the European day-fine help make punishment more equivalent across offenders of differing income levels (thereby permitting more frequent and appropriate use of this non-custodial sanction), it also ensures that the resulting

monetary penalty can be collected (because it can in fact be paid by everyone on whom it is imposed). In concept, American adaptation of the European day-fine techniques could help enormously to increase the fairness of sentencing, to avoid unnecessary short jail terms, and to improve the revenues generated by fines. In practice, the concepts need to be demonstrated both in lower courts (Staten Island) and in courts of general jurisdiction (Phoenix).

Incorporating the Phoenix site within Vera's development of day-fines for American courts will require an unusual intensity and duration of technical assistance. Vera personnel, out stationed from

New York, have identified and will now have to staff a planning work group, comprised of Phoenix judges, court administrators, and probation officials. The work group must be led through a review of the existing pattern of fines in the local court, and through a policy-making process that yields sentencing benchmarks that will support a graded scale of weights for particular crimes, by which offenders' discretionary income can later be multiplied. Vera staff will also have to work with local court personnel to design systems by which offender's daily income can be determined, and to redesign the local fine collection and enforcement process.

Corrections

Every year, America sends more criminals to prison than the year before. As a consequence, every year we release more former inmates to the streets. They return in different emotional states -- some seared and others bored, some bent on destruction and some not -- but nearly all come back lacking any source of legitimate income. Released from a New York prison, for example, they have \$40 in their pocket, less than the price of a bus ticket to Times Square; released from the city jail on Riker's Island, they get only two dollars subway fare, before being bused to the high-crime neighborhoods in which they were arrested when last at liberty. Before the first day is out, they have no cash, no job, no prospects, and only a prison record with which to try to gain entry to the labor force.

With public expenditures for imprisonment soaring, it is surprising how little attention has been paid to the public safety threat that arises from the conditions into which ex-offenders are released. Perhaps this neglect results from the conventional wisdom which holds that, even after long stretches in prison, the criminal life irresistibly beckons ex-offenders with an alluring mix of hustles and easy marks. But, since the early 1980s, a quarter of those released from State prison to the streets of New York City -- over 2,000 inmates each year -- have challenged this stereotype by seeking work at Vera's Neighborhood Work Project. NWP has enough business to hire only half of them. It offers a low wage, paid at the end of each working day, for four months of hard labor. A fifty-fifty chance of getting a very demanding, short-term job may not sound like much of a draw, but the inmate grapevine continues to bring twice as many ex-cons to NWP's door as can get inside.

Like many of Vera's demonstration projects, NWP has its roots in research. In 1978, Vera staffers interviewed prisoners on Rikers Island as the first step in a long research effort to uncover the policy-relevant links between crime and employment. Several prisoners independently reported that, upon release, they were heading for New Jersey where they could get paid, day by day, for unloading freight cars. They wanted work and were prepared to seek it out, but they couldn't survive weeks of waiting for the first paycheck from a conventional employer -- even if one were to offer a job. Job programs for ex-offenders had not, until that time, taken any account of behavior of that kind -- rational though it was, once it was described. With the serendipitous research finding in hand, Vera created NWP to provide short-term, low-skilled "secondary labor market" jobs for any newly released prisoner who wanted one.

There were no funds to subsidize such an apparently quixotic venture, but a market niche quickly appeared: New York City, having seized hundreds of buildings abandoned by landlords, needed a low-cost, reliable work force to rehabilitate apartments scattered all over the city. Vera used its computers to develop an efficient way to schedule and track this kind of work, and the City contracted with NWP to do it. Over years, as NWP has grown, it has renovated over 15,000 apartments, for occupancy by homeless families, and it has expanded to provide labor to the Port Authority, the Public Development Corporation and the City's Department of General Services. But each time Vera has succeeded in getting more business for NWP's work crews, the number of parolees seeking these jobs increases too. The good news for crime control is that more than 1,000 find work at NWP each year; the bad news is that more than 1,000 are turned away.

If an ex-con applies when an NWP opening exists, he or she is hired -- no questions asked -- and is assigned to one of the four-day shifts. The fifth day of each working week is left open to look for a permanent job. NWP work can be hard -- draining heating oil from the basement in an abandoned building in the middle of July or rebuilding walls in a crumbling tenement in the cold of January. The rules are strict -- no drink, drugs, fighting, or unexcused absences. But the pay is immediate. At the end of each shift, workers receive checks for the day's work, which Vera arranges for them to cash at neighborhood stores.

NWP offers legitimate income for only a short time -- 75 days, beginning no more than 30 days after release from prison or jail. But any laborer who can abide this regimen shows signs of the motivation and discipline needed to enter the straight world and stay there. From the beginning, many NWP workers went on to find their own permanent, full-time jobs, but some sought Vera's help in making the transition. In 1979, Vera set up a related project for NWP workers eager to move on. This Vocational Development Project offers a mix of job training, basic education and help in job placement. The secret of VDP's success -- a job placement rate of about 70 percent -- lies in its willingness to tailor programs to each ex-offender's strengths and weaknesses. VDP has been able to place over 400 ex-cons in good jobs each year.

Vera's development of programs to ease the transition of prisoners back into society has led to a natural alliance with the State Division of Parole. Continually understaffed and oversubscribed, Parole has been making more and more use of NWP and VDP. In the spring of 1986, Vera and Parole formed

a partnership to work together to expand the business base of NWP – and the number of parolees employed by it – and to re-structure Parole's own system of employment services.

While both NWP and VDP provide jobs and legitimate income to people who need them, it remains to be determined what crime-control benefits flow from finding labor market slots for recently released ex-cons – or for any other crime-prone group – and how most efficiently these crime-control benefits can be gained. Vera's research department has been pursuing these issues ever since it conducted the interviews at the Rikers Island jail that led to the creation of NWP. In a series of articles, monographs and books – some published by the National Institute of Justice, and one by Cornell University Press – Vera's economists, anthropologists and sociologists have dissected the complex interactions of crime opportunities, labor market opportunities, the criminal justice system and the myriad other influences on adolescents growing up in high-crime neighborhoods. The Institute's work in this field has become central to the recent flood of analyses and prescriptions from the right and from the left in the crime control debate. This, too, is good news, because crime control strategies that do not take advantage of labor market forces, to help shape behavior, demand more of police and correctional agencies than they can deliver unaided – and more than the public purse can bear.

Most of Vera's work in the corrections field can be labeled after-care, but the Institute has worked inside the prisons as well. In the mid-1970's, Vera staff helped draft and test the New York State system's first inmate rule book. The ambitious effort,

aimed at reducing arbitrariness in prison discipline (and the violence it can provoke), was grounded in the work of Vera-led task forces of wardens, guards, and inmates. Vera also designed an empirically sound, rational method for choosing which prisoners were to be sent to half-way houses and work release programs. This project transferred to the corrections field the techniques Vera had used to equip the PreTrial Services Agency to make objective bail recommendations – using computers and statistical models to help identify the best bets for release.

Meanwhile, Vera turned its program development attention to the problems presented by offenders whose serious alcohol and substance-abuse problems are related to their criminal activity. Statistics suggest the criminogenic properties of liquor and drugs: for example, more than half of New York State inmates are alcohol abusers and more than half of the most feared violent crimes are committed under the influence of alcohol; the statistics for drug abuse are similarly depressing.

In 1986, Vera began working with city and state officials to define and respond to the treatment needs of alcohol- and drug-abusing offenders. As several state prisons were already running programs for alcoholic and substance-abusing prisoners, Vera undertook to help state, city and voluntary agencies design and operate program "bridges" to carry inmates from institutional treatment, to community-based treatment affording some continuity of care, and (it was hoped) into stable, sober lives on the outside. In conjunction with this state initiative, Vera designed and launched a research inquiry in search of better knowledge about what treatments work, with whom.

