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VERA INSTITUTE OF JUSTICE
VICTIM / WITNESS ASSISTANCE PROJECT

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QUARTERLY REPORT
FOURTH QUARTER, 1977
OCTOBER THROUGH DECEMBER

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The Victim/Witness Assistance Project is funded by a grant from the Law Enforcement Assistance Administration. It is a cooperative venture of the New York City Criminal Justice Coordinating Council, the New York State Division of Criminal Justice Services, the Kings County District Attorney's Office, the New York City Courts and the New York City Police Department. The Project is administered by the Vera Institute of Justice.

V/WAP is responsible for appearance management of police and civilian witnesses in Kings County Criminal Court, a jurisdiction processing upwards of 64,000 cases annually. The Project's responsibilities are divided into three major categories. These are: (1) Notifications or case management through which the Project seeks to reduce the number of unnecessary court appearances required of police and civilian witnesses, (2) Services through which the Project assists victims and witnesses with their participation in the court process and in obtaining assistance from other agencies; and (3) Mediation, through which the Project seeks to divert selected cases to a dispute center for resolution as an alternative to prosecution in Criminal Court.

This report summarizes the activities of each project component during the final quarter of 1977.

COMPLAINT ROOM/ARRAIGNMENT

The Victim/Witness Assistance Project is responsible for appearance management of police and civilian witnesses in the Kings County Criminal Court. In order to maintain an efficient means of gathering data on cases entering the system, Project staff are located in the complaint room during all hours of arraignment processing. Civilian witnesses who are present are seen by Project staff prior to their interview with an Assistant District Attorney. The Project interviewer orients the witness to the Criminal Court environment and procedures. In addition, the Project obtains contact information to insure proper notification of subsequent court appearances. For police officers, the Project obtains necessary information on a brief form which the officer completes. This is supplemented by a photocopy of the officer's arrest report.

Police and civilian contact information is assembled into a file which is carried by the arresting officer to the Assistant District Attorney (ADA) who drafts the accusatory instrument. V/WAP's file is then attached to the ADA's file and is carried by the Police Officer to the docket room for docketing along with official court papers. The V/WAP file is recovered by the Project's representative in arraignment who notes the outcome of the arraignment process, including hearing date and part if applicable. The Project representative personally notifies civilian witnesses who are present at arraignment, placing them on alert if possible.

V/WAP's files are then returned to the complaint room where the notification process begins. Cases are entered into the computer by data assistants while management specialists attempt phone contacts with those civilians not present at arraignment.

NOTIFICATIONS

The Notifications Unit of V/WAP is comprised of Project staff working in conjunction with Police Department personnel assigned to the Brooklyn Appearance Control Unit (ACU). The ACU staff uses Project information files in order to make their notifications and place officers on ~~Alert~~ alert status.

V/WAP's computerized data base maintains a complete and up-to-date information system on all cases arraigned since June 1976. The data base is comprised of three general types of information. These are (1) Case Information, (2) Court Information and (3) Witness Contact Information (feedback).

Case information in the data base includes, but is not limited to, witness name and address, defendant name, docket number, arrest and complaint numbers, case descriptions with charges, police officer information, lab report information, vouchered property data and ECAB track. All recorded information is immediately input on-line into the data base.

Court information consists primarily of continuances, adjourned dates and parts for each case. Timely and up-to-date recording of this calendar information is essential for accurate witness notification, both for police and civilians. Post-arraignment court information on continued cases is received from three primary resources: 1) Court Part Information Sheets, completed by the ADA for each case he handles, provides case outcome information as well as specific data on individual witnesses, i.e. presence or absence in court, recommended status for next date. 2) Completed court calendars, a record of the outcomes of yesterday's cases, are checked against the information received on the Court Part Information Sheets (CPIS). Corrections are

made and outcomes input for those cases in which no CPIS was returned.

3) Future calendars, a listing of cases scheduled per part for the following day, provides a final timely means of updating a case.

Contact information includes detailed feedback on attempts made by witness management specialists and ACU officers to notify prosecution witnesses of upcoming court appearances. Internal information flow is designed primarily to provide Project staff with the information they need in order to notify witnesses efficiently and to provide feedback on their contact attempts to the ADAs in the court parts.

NOTIFICATION LISTS

Once a case has survived arraignment, it begins a series of adjournment cycles which continue until the case is disposed. Each day the computer is asked to check all new adjournments input during the past twenty-four hours to generate a notification letter provided the civilian has not been excused, the appearance is scheduled at least five days in the future (to allow for mailing time), and the witness has at least one address which has not previously been designated "invalid".

Five days before the upcoming adjourned date, the computer prints contact lists for all witnesses who need to be notified. These lists form the basis of call-out attempts for both civilians and police. Results of contact are noted on the output reports for each witness. These sheets are then re-input by the data staff, instantly updating the computer's contact information.

In addition to the call-out attempts, the Victim/Witness data base is designed to handle civilian and police call-ins. The instant on-line inquiry

capability of the computer system allows for immediate response to any questions. Numerous calls are received from the ADAs, both requesting and supplying information. In addition, the DA's Office derives benefits from a computer terminal in the Bureau Chief's Office.

The following lists are also printed by the computer:

- a) Roll Call List: This bi-weekly list provides precinct commanding officers with information on scheduled court dates for their officers over the coming month. Prior knowledge of manpower shortages or changes in shift assignments due to court appearances permit better planning by commanding officers.
- b) Disposition List: This list contains dispositions on all criminal cases by precinct and arresting officer. It is distributed to each precinct on a weekly basis to keep the individual officers informed of dispositions on all cases in which they have an interest.

Examples of these lists can be found on pages 6 and 7.

In the final quarter of 1977, the Project began generating Management Information Lists for the Bureau Chief of the District Attorney's Office in Criminal Court. One table sets out the disposition activities of each ADA, and a second table indicates disposition rates in relation to various priority tracking decisions which are made by the DA's office at the time a case is initiated.

ROLL CALL LIST

ROUTE 701 ROLL CALL
CONRARDI 040

APPEARANCE CONTROL UNIT
VICTIM/WITNESS ASSISTANCE PROJECT
BROOKLYN

ROLL CALL LIST - FUTURE COURT APPEARANCES FOR 040 PCY, 040 PIU, 040 ANTI-CRIME

THIS LIST WAS PREPARED BY THE APPEARANCE CONTROL UNIT AND THE VICTIM/WITNESS ASSISTANCE PROJECT. IT REPRESENTS FUTURE APPEARANCES IN BROOKLYN CRIMINAL COURT FROM 0/15/77 TO 9/15/77 FOR OFFICERS IN 040 PCY, 040 PIU, 040 ANTI-CRIME.

COURT DATES AND STATUSES REFLECT A.C.U. AND VICTIM/WITNESS RECORDS AS OF AUG 15, 1977

DATE	FD RANK	NAME	FIELD	CONTROL	CHART	SQUAD	YR	REG	FART	CASE OF	BUCKET	STATUS	REMARKS
0/15/77	FD.	WALSH, ROBERT	12566	040FC		053513H		APAKI		WALSH, EDWIN	K739748		JAIL
0/15/77	FD.	WALSH, ROBERT	12566	040FC		053513H		AP1		WALSH, HAR	K739364		TO APPEAR
0/15/77	DET.	WALSH, AL	51	040IU		025717H	Y2	JURVI		WALSH, JO WALSH, ANGEL	K719037 K719038		ON ALERT
0/15/77	FD.	WALSH, ROSS	24434	040FC		051114H		AP1		WALSH, ROBER	K737901		TO APPEAR
0/15/77	FD.	WALSH, PHILL	28910	040FC	A	041241H		AP2		WALSH, EDWIN WALSH, JOHN	K730001 K730002		ON ALERT
0/15/77	FD.	WALSH, ANGELO	25089	040FC	A	055013H		JURVI		WALSH, PAT	K602579		EXCUSED
0/15/77	FD.	WALSH, ROBER	17390	040FC	A	045915H		AP1		WALSH, HARV	K446102 K446103		ON ALERT
0/15/77	FD.	WALSH, FREDER	20692	040FC	A	040072H		F32		WALSH, ANI	K734015		EXCUSED
0/15/77	FD.	WALSH, PAUL	3914	040FC	A	059726H		F32		WALSH, SHAR	K724459 K724470		TO APPEAR
0/16/77	FD.	WALSH, RICHARD	19269	040FC	A	056095H		F3		WALSH, VINC WALSH, JOE WALSH, ANDRE	K730295 K730294 K730293		FUP
0/17/77	CPT.	WALSH, ARTHUR	13286	040FC	UNK	UNK		AP2		WALSH, ANTH	K730007		TO APPEAR
0/17/77	FD.	WALSH, FAYRICK	13286	040FC	A	052427H		F32		WALSH, ARTHUR WALSH, GUY WALSH, ARTH	K728004 K728006 K728003 K728005		TO APPEAR
0/17/77	FD.	WALSH, PETER	5417	040FC	A	055334H		AP1		WALSH, ANTH	K730124		ON ALERT
0/17/77	DET.	WALSH, THOMAS	1204	040FC	A	054977H		AP4		WALSH, JOSEPH	K736160		TO APPEAR
0/17/77	FD.	WALSH, RONALD	29087	040FC	A	061411H		F32		WALSH, RICHARD	K732632		ON ALERT
0/17/77	DET.	WALSH, GE	379	040IU	DET	052294H		AP4		WALSH, JAMES	K712506		TO APPEAR
0/17/77	DET.	WALSH, GE	379	040IU	DET	052294H		AP2		WALSH, ANTH	K730007		TO APPEAR

DISPOSITION LIST

ROUTE TO: ROLL CALL
COMMAND: 063

APPEARANCE CONTROL UNIT
DISTRICT/UNITED ASSISTANCE PROJECT
BROOKLYN

DISPOSITIONS FROM 7/17/77 TO 7/23/77

THIS LISTING PROVIDES DISPOSITIONS ON BROOKLYN CRIMINAL COURT CASES DURING THE PERIOD INDICATED ABOVE. DATA REFLECTS DISPOSITIONS AND ACD RECORDS AS OF 8/9/77 AND ARE PROVIDED AS A COURTESY TO TUPON POLICE OFFICERS OF DISPOSITIONS IN CASES WHERE THEY WERE ABSENT FROM COURT BECAUSE OF ALERT STATUSING.

SOURCE: COMPLETED CALENDARS - CRIMINAL CLERK
ABA INFORMATION PROVIDED ON THE COURT PARTY INFORMATION SHEET

PO BANK/NAME	SHIELD	COURT	DEFENDANT NAME	DOCKET	DISP	DISP DATE	FINAL CHARGE
P.O. WOODRUFF, DAVID	220	063PC	WALSH, JAMES H.	K735117	PO	7/10/77	
P.O. KAPLAN, BECHIA	20126	063PC	WALSH, JAMES H.	K735343	ACD	7/10/77	
P.O. WOODRUFF, DAVID	2	063PC	WALSH, JAMES H.	K735123	PO	7/10/77	
P.O. WOODRUFF, DAVID	2	063PC	WALSH, JAMES H.	K735123	PO	7/10/77	240.201E9
P.O. WOODRUFF, DAVID	1319	063PC	WALSH, JAMES H.	K734602	TRAM	7/10/77	
P.O. WOODRUFF, DAVID	1319	063PC	WALSH, JAMES H.	K734601	TRAM	7/10/77	
P.O. WOODRUFF, DAVID	1319	063PC	WALSH, JAMES H.	K734603	TRAM	7/10/77	
P.O. WOODRUFF, DAVID	25729	063PC	WALSH, JAMES H.	K735343	ACD	7/10/77	
P.O. WOODRUFF, DAVID	11210	063PC	WALSH, JAMES H.	K717070	PO	7/19/77	155.251A6, J
P.O. WOODRUFF, DAVID	14159	063PC	WALSH, JAMES H.	K734749	TRAM	7/19/77	
P.O. WOODRUFF, DAVID	25729	063PC	WALSH, JAMES H.	K735401	PO	7/19/77	240.201E9
P.O. WOODRUFF, DAVID	25729	063PC	WALSH, JAMES H.	K735402	PO	7/19/77	240.201E9
P.O. WOODRUFF, DAVID	24308	063PC	WALSH, JAMES H.	K735345	PO	7/19/77	240.201E9
P.O. WOODRUFF, DAVID	24308	063PC	WALSH, JAMES H.	K735346	PO	7/19/77	240.201E9
P.O. WOODRUFF, DAVID	26705	063PC	WALSH, JAMES H.	K717459	ACD	7/22/77	
P.O. WOODRUFF, DAVID	26705	063PC	WALSH, JAMES H.	K717457	ACD	7/22/77	
P.O. WOODRUFF, DAVID	26705	063PC	WALSH, JAMES H.	K717458	ACD	7/22/77	
P.O. WOODRUFF, DAVID	13049	063PC	WALSH, JAMES H.	K717459	ACD	7/22/77	
P.O. WOODRUFF, DAVID	13049	063PC	WALSH, JAMES H.	K717457	ACD	7/22/77	
P.O. WOODRUFF, DAVID	13049	063PC	WALSH, JAMES H.	K717458	ACD	7/22/77	
P.O. WOODRUFF, DAVID	24966	063PC	WALSH, JAMES H.	K735055	PO	7/23/77	
P.O. WOODRUFF, DAVID	2797	06310	WALSH, JAMES H.	K732293	PO	7/23/77	110-165.051A7

RESULTS OF NOTIFICATIONS - Civilians

During the fourth quarter of 1977, 17,613 civilian witnesses were processed by the Project, a 9% increase over the previous quarter and 15% over the same quarter last year. This is the largest number of civilian notifications handled by the Project in one quarter since commencement of operations.

As Figure 1 shows, saved appearances (excusals plus non-activated alerts) increased from 3,896 last quarter to 4,839 this quarter, a 24% increase. (This is a 12.5% increase in the rate of saved appearances.) Although alerts did increase somewhat, the primary source of the increase in saved appearances was from the increase in excusals. The excusal rate had stabilized at 14% of total notifications after the commencement of complaint room procedures for expediting the signing of Permission and Authority affidavits. However, in September of 1977, a system was initiated with the cooperation of the DA'S Office whereby non-complainants, classified as 'secondary' witnesses, are excused until trial. (The DA can overturn this status at any time during the life of the case.) It is this system which seems responsible for the excusal rate increasing past the 14% mark.

An appreciable reduction was made in unstatused witnesses from 5.1% last quarter to 3.9% this quarter. These unstatused cases primarily involve witnesses who are categorized as "other law enforcement agents" which includes fire marshals, sanitation department employees and Triborough Bridge and Tunnel Authority officers. These witnesses must be subpoenaed in order for a valid notification to be made. In those instances in which a case is adjourned for two days or less, proper notification is impossible and the witness remains unstatused.

FIGURE 1

BREAKDOWN BY STATUS FOR CIVILIAN WITNESSES

n-16,180		Saved Appearances		n-17,613	
14.4% Excused	n-2333	24% n-3896	27% n-4839	n-2965	16.8% Excused
11.4% On Alert	n-1847			n-2162	12.3% On Alert
Activated 1.8%	n- 284			n- 288	Activated 1.6%
25.3% Phone Contact With Feedback to ADA	n-4099			n-4531	25.7% Phone Contact With Feedback to ADA
		Must Appear			
		74% n-12,000	71% n-12,486		
33.5% No Feedback From Witness	n-5414			n-5812	33 % No Feedback From Witness
10.2% No Valid Contact Data	n-1655			n-1455	8.3% No Valid Contact Data
5.1% Unstated	n- 832			n- 688	5.9% Unstated

July-Sept 1977

Oct-Dec 1977

* Cases in the "no feedback" category include those witnesses notified solely by letter or by telephone message.

The majority of witnesses, 70.9%, were on a 'must appear'* status, the remaining 29.1% being on alert or excused. (The comparable 'must appear' statistic for the fourth quarter of 1976 was 77.2%.) Following is a breakdown by category of the 70.9% figure: 25.7% were 'must appears' either because the DA requested the witness be brought in or, after talking to the witness and determining ineligibility for alert, a 'must appear' status was decided upon by the witness management specialist. 33% of the witnesses were on a 'must appear' status because the Project was unable to reach them by phone and V/WAP did not receive a call in response to a notification letter sent to the witness. Without any direct contact between Project staff and the witness, there is no alternative to the 'must appear' status. 8.3% of the witnesses were 'must appears' because the Project had no valid contact data for the witness, making a notification impossible. The 3.9% 'unstatused' are included in the 'must appear' category since the witness was not excused and an alert was impossible because of lack of contact.

RESULTS OF NOTIFICATIONS - Police

Police appearances are managed by the cooperative efforts of the Brooklyn Appearance Control Unit and V/WAP. ACU handles the notifications of police officers who can be placed on alert. The teletype machine is used to forward to each command notification data for those officers who are unalertable due to peculiarities of their commands, final markings or jailed defendants. Teletype usage is not only costly and time consuming but also offers little in the way of feedback as to police availability. For this reason, V/WAP is currently working with the Police Department to set up a computer link with the Department's Field Administrative Telecommunications Network (FATN), a sub-system of their computer operation. This link-up would serve as a teletype replacement and as a communications flow for information now delivered manually (e.g. final

*Any witness not on alert or excused is on a 'must appear' status.

disposition list, roll call list, etc.)

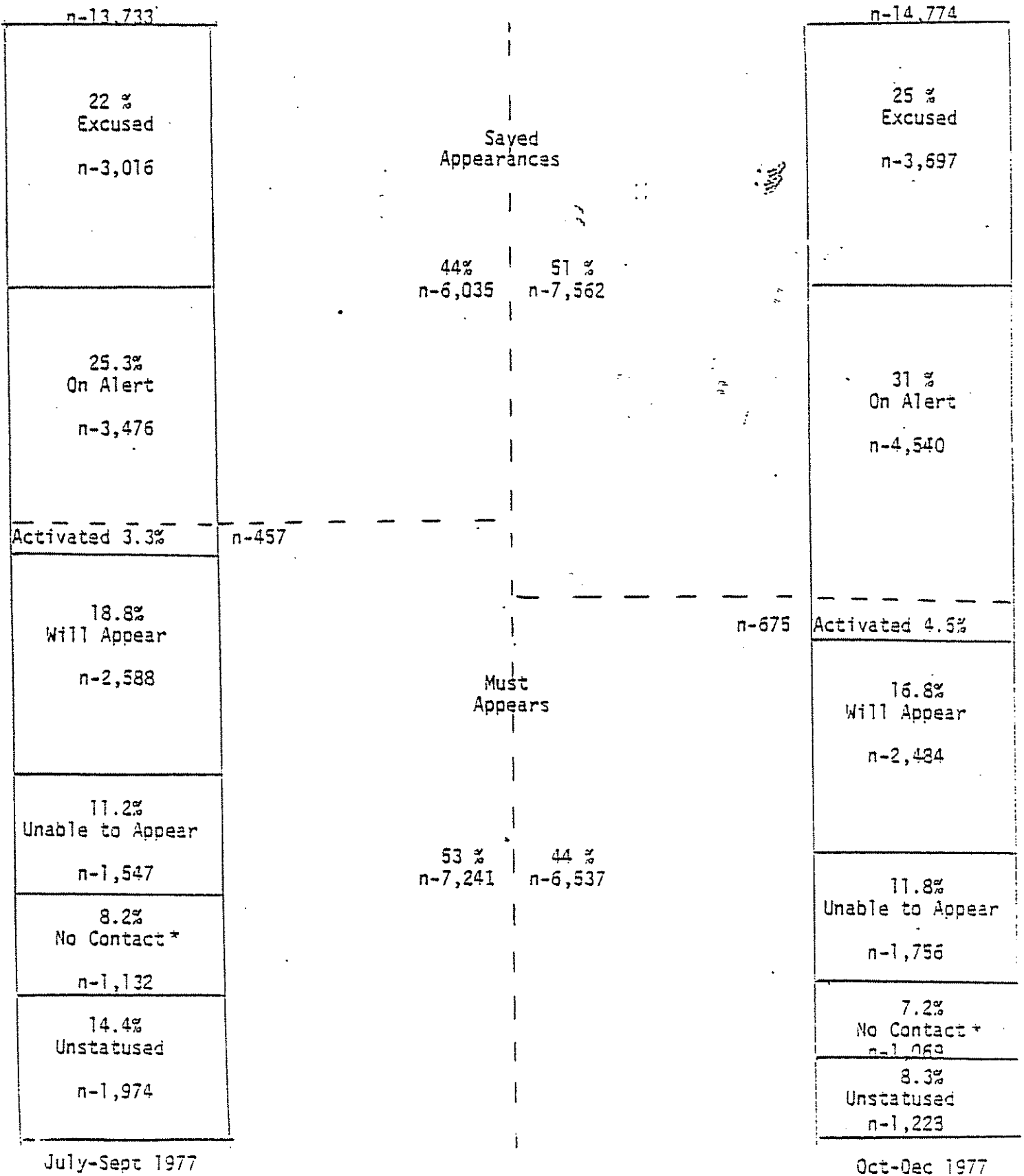
With the cooperation of the Police Department, an efficient means of transmitting information on police officers' preferred dates (those dates an officer is scheduled to work an 8 x 4 shift) and RDO dates (those dates an officer is scheduled for a regular day off) has been achieved by inclusion of duty chart information in the V/WAP data base for each officer who operates under a standard chart. A list of 12 to 16 preferred and RDO dates are printed on the Court Part Information Sheet for each officer involved in a case. This information is provided to the court and the ADA, and serves as a guideline for the setting of adjourned dates, resulting in a decrease in adjournments to RDOs. (A study has shown a 28% reduction in adjournments to RDOs, in cases not involving a detained defendant, with provision of duty chart information. In cases involving a detained defendant, the reduction is 10%. The difference is due to the necessity of holding a hearing within 72 hours on detention cases thereby reducing the court's discretion in the selection of adjournment dates.) This reduction contributes to fewer adjournments which results in cost savings to the Police Department by reducing overtime payments.

A total of 14,774 police notifications were processed by ACU and V/WAP during the fourth quarter, an increase of more than 1,000 over the previous quarter. As with civilians, this is the largest number of notifications ever handled by ACU/VWAP in one quarter. Figure 2 compares the appearance status of police officers for the last two quarters; the alert rate increased by 22.5% and the excusal rate by 14%. Saved appearances thus rose from 43.9% of total notifications last quarter to 51.2% this quarter. There was also an appreciable reduction in unstatused cases from 14.4% to 3.3% of total notifications.

*Unstatused police cases arise from faulty dates being corrected after the court date has passed. As the officer was not notified for that date, he remains unstatused. Some unstatused cases result from short adjournments from arraignment where the officer is present and responsible for his own appearance.

FIGURE 2

BREAKDOWN BY STATUS FOR POLICE WITNESSES



* The 'No Contact' category includes those officers who are notified via the pre-arraignment process, officers for whom there is no reliable contact information and officers present in court on cases adjourned to the next day.

This decrease was accomplished by locating the source of unstatused cases and making procedural changes to eliminate them wherever possible.

COURT EFFICIENCY

Figure 3 presents reasons for adjournment. There were two significant shifts this quarter from last quarter; 1) a 55% reduction (from 17% to 11%) in police absence as a reason for adjournment and 2) a 20% increase (from 23% to 28%) in defense reasons for adjournment.

In the third quarter of 1977, adjournments accounted for 63% of the total number of cases and final dispositions comprised 37%. For the fourth quarter, adjournments decreased to 58% and final dispositions increased to 42%.

In Figure 4 dismissals are broken down by reasons for dismissal which showed only a slight variance this quarter from last quarter. Complainant absence did show more than a 2% increase but civilian withdrawal of charges equalized that with a 2% decrease. For both quarters, civilian absence and civilian desire to drop charges accounted for 67% of the dismissed cases.

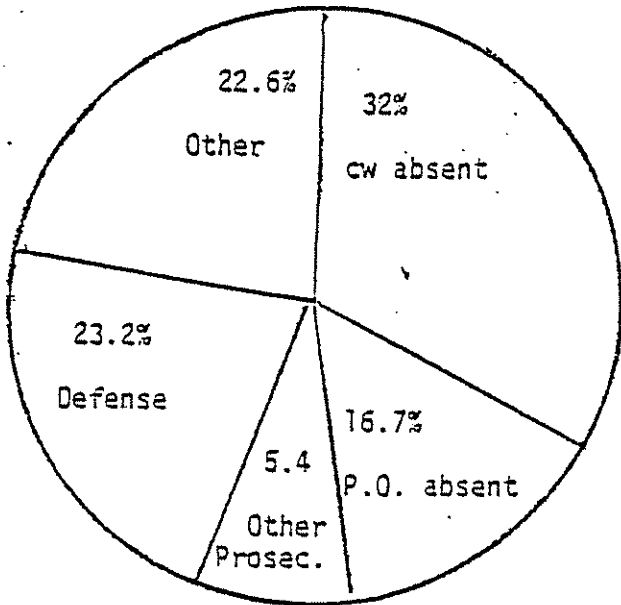
The breakdown in final dispositions in Figure 5 shows an increase in dismissals and a decrease in guilty pleas and transfers from the third quarter to the fourth quarter of 1977. However, the July to September quarter was atypical due to the saturation of the system by "blackout" cases. Many of these cases were immediately sent to the Grand Jury and the majority of those left in Criminal Court resulted in guilty pleas. In addition, successfully mediated cases which have not previously been ACD are dismissed.* As the number of such cases increases, a concomitant increase in dismissals is anticipated. ACDs increased 39% this quarter from the third quarter. This in-

* When a complainant is present at arraignment and consents to diversion of the case to mediation, the case will be ACD. If complainant consent is not given prior to arraignment, the case is adjourned.

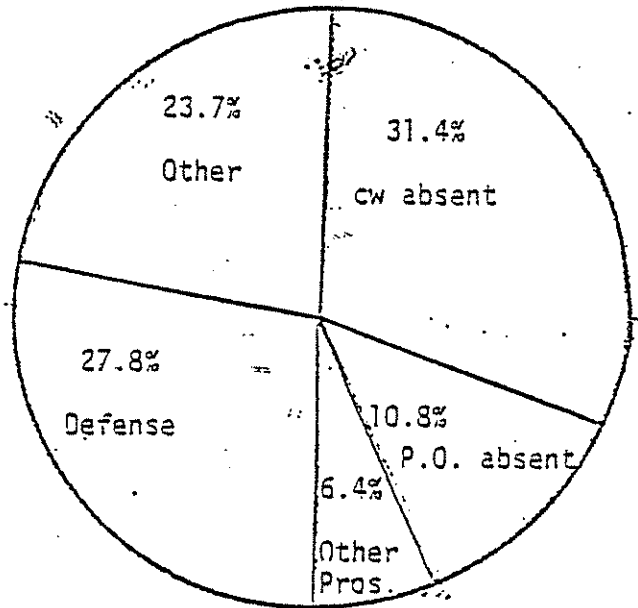
FIGURE 3

REASONS FOR ADJOURNMENT

(As a Percentage of Adjourned Cases with Known Reasons*)



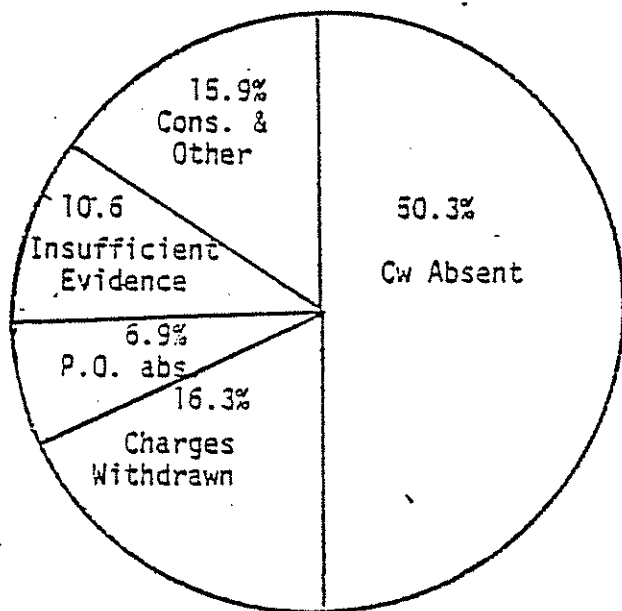
July - Sept 1977



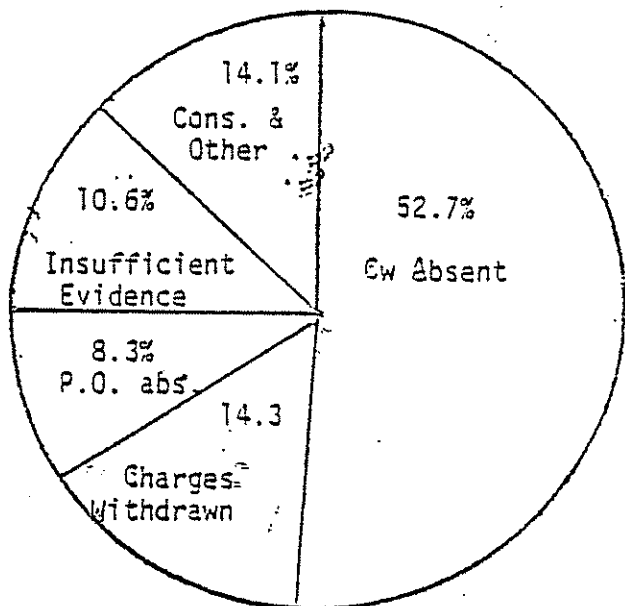
Oct - Dec 1977

*— In the third quarter, reason for adjournment was known in 47.6% of the total number of adjourned cases. In the fourth quarter it was 62.1%.

FIGURE 4
REASONS FOR DISMISSAL



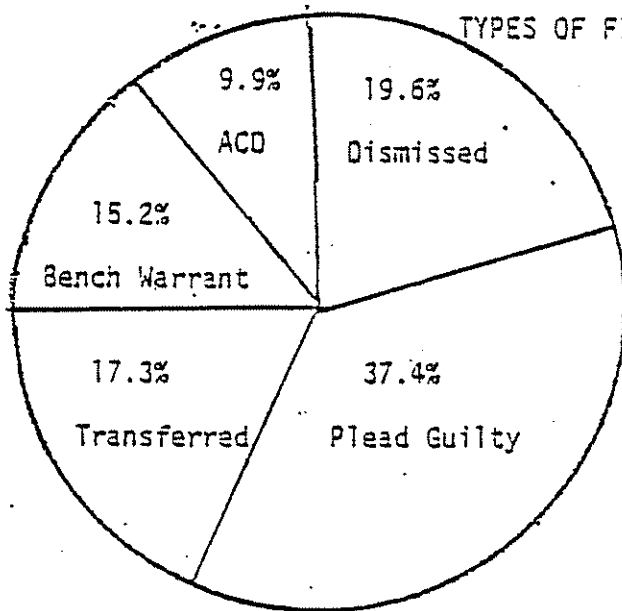
July - Sept 1977



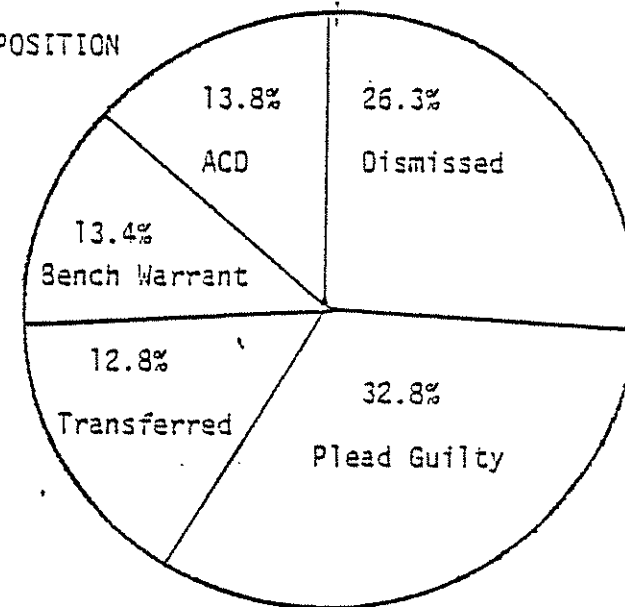
Oct - Dec 1977

FIGURE 5

TYPES OF FINAL DISPOSITION



July - Sept 1977



Oct - Dec 1977

crease may also be due in part to mediation since a percentage of cases referred to mediation are ACDD at arraignment.

PROJECT EFFECTIVENESS

Upon review of the statistic previously used as measure of the Project's impact on attendance - the overall appearance rate - it was determined that its use misrepresents Project impact. As the Project became more successful in increasing alerts and excusals, the overall appearance rate either remained the same or decreased to some extent. The reason for this is that the appearance rate has been based on the witnesses statused as 'must appear' and has excluded alerts and excusals. With the increase in alerts and excusals, the more reliable witnesses were removed from the 'must appear' category leaving a greater proportion of less reliable witnesses.

Therefore, a new barometer of Project effectiveness has been developed. Rather than calculating an appearance rate, a non-appearance rate will be calculated. This non-appearance rate will reflect the percentage of witnesses whose presence was required in court and who failed to appear, using the total* of notifications handled as the base. Thus, the base figure includes alerts, excusals and must appears. The number of failed alert activations and the number of civilians on a 'must appear' status who failed to appear (this includes those witnesses who report to the Project that they are unable to appear) is calculated as a percentage of the total. During the fourth quarter of 1977, 40.8% of those witnesses whose presence was required failed to appear. This figure includes .3% activation failures and 40.5% statused as 'must appear' who failed to do so. The non-attendance rate for the third quarter was 46.8% and for the comparable quarter in 1976, the non attendance rate was 45.2%.

* "TOTAL" in this sense means all notifications except those 'must appears' for whom attendance data, presence or absence, is unknown by the Project. In the fourth quarter this amounted to 32% of the 'must appears'.

Therefore, contrary to earlier reports, V/WAP apparently is making progress in reducing the rate at which witnesses fail to appear.

SERVICES

V/WAP operates six services designed to ease the problems most frequently encountered by victims and witnesses. Four are based in court, addressing themselves specifically to problems confronted as a result of participation in the criminal justice system. These are: the Reception Center, Services Counselor, Children's Center and the Transportation Service. One service, the Crime Victim Hotline, is designed to provide counseling information and referrals to victims of crime in which the criminal has not yet been apprehended. The Emergency Repair Service is available to make late night repairs to secure the homes and businesses of burglary victims.

The activities of each of these services is summarized below and set out in Figure 6.

RECEPTION CENTER

In the last quarter of 1977 the Reception Center was used by 1,966 witnesses. This represents an increase of 461 witnesses over the previous quarter, an average increase of 8 witnesses per court day. In comparison, during the fourth quarter of 1976, 2,032 witnesses used the Reception Center.

SERVICES COUNSELOR

In the final quarter of 1977, 363 new cases were opened by the Services Counselor. This compares with 374 new cases during the third quarter of 1977 and approximately 300 cases opened during the same period in 1976. (Record keeping in 1976 was slightly different necessitating an approximation.)

CHILDREN'S CENTER

During the final quarter of 1977, 579 children were handled by the Children's Center. Of these, 389 or 65% were defense related and 210 or 35% were prosecution related. About 40% had been to the Center at least once in the past.

This level of utilization represents a slight decrease (88 children) over the previous quarter. This may be accounted for by the fact that school is in session during the fourth quarter, diminishing the need for the Center, while the third quarter, July to September, is during the summer months. In comparison to the fourth quarter of 1976, this quarter represents a 38% increase, since 433 children utilized the Center during the fourth quarter of 1976.

HOTLINE

Hotline hours for the fourth quarter of 1977 were 1PM - 5PM and 6PM - 11PM Monday through Friday and 6PM - 11PM on Sundays. Reduced hours were necessitated by budget cutbacks. The volume of calls received by the Hotline averaged 300 per month during this quarter of 1977, a significant reduction from the previous quarter. Two factors are responsible for this reduction. One, the decrease in the number of operating hours, and, two, the after effects of a massive outreach program conducted in June 1977 which meant that usage was atypically high in the month previous to the last quarter. The outreach program had a strong initial impact that subsided as time passed and disappeared by the fourth quarter.

As a result of a continuing effort to reach those in need of victim

assistance, V/WAP sought and gained Police Department cooperation in a distribution program. Police officers will provide a Hotline business card to each witness with whom they come into contact.

EMERGENCY REPAIR SERVICE

During the final quarter of 1977, 66 repairs were completed. The repair van was not operating due to mechanical difficulty for three weeks during this period. This compares to 144 repairs completed during the same period in 1976.

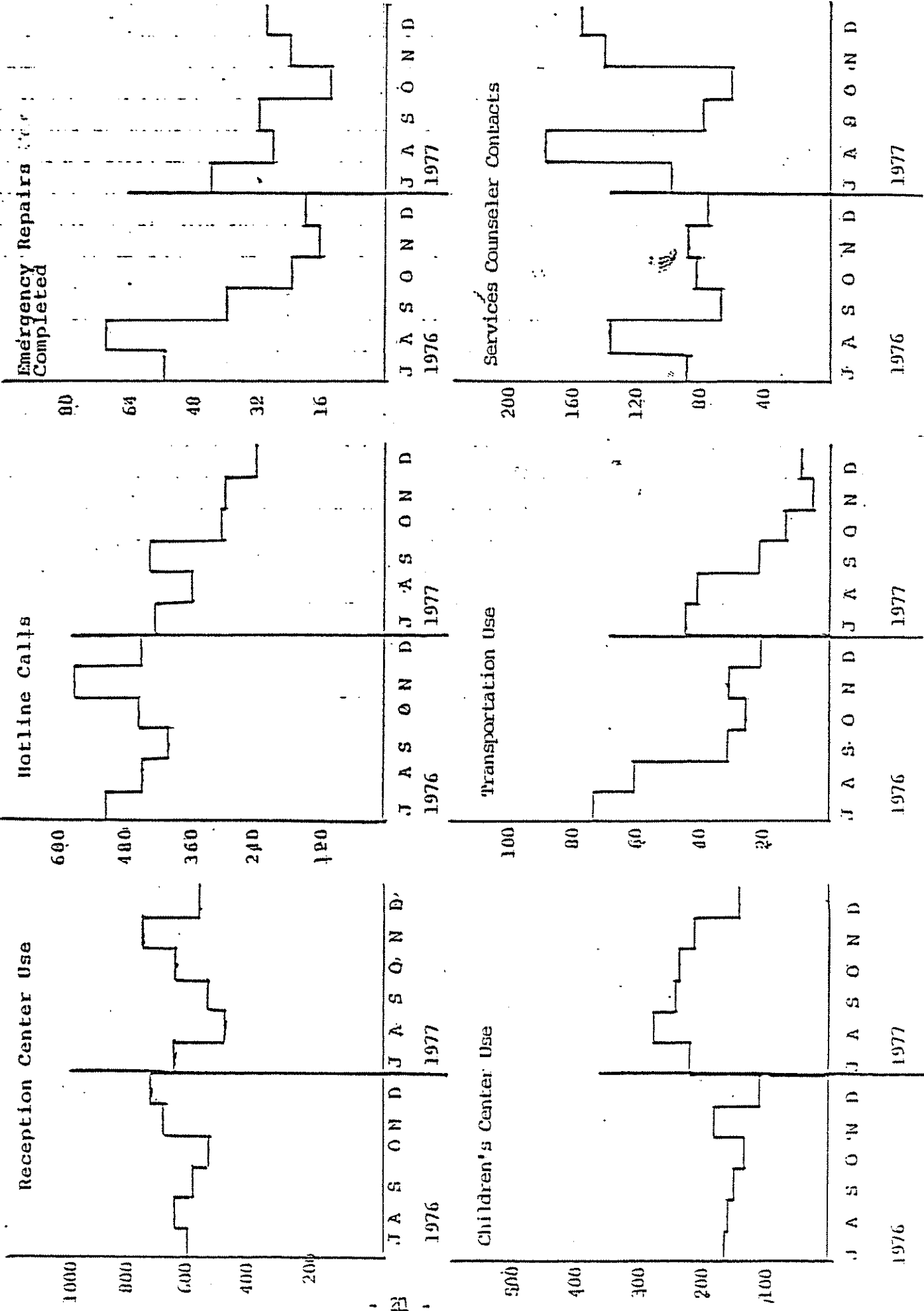
Project staff has developed a preventive repair program designed to assist senior citizens. The program, developed in conjunction with the Senior Citizen Anti-Crime Network (SCAN), LEAA and the Office of the Aging, will begin in March 1978. On a pilot basis, operating in three precincts in the Flatbush area, the V/WAP repair team will make repairs and install hardware in the apartments of selected senior citizens which have been identified by SCAN and surveyed by the police department unit. This program will be discussed in greater detail in the future operation reports.

TRANSPORTATION

The Notifications unit offers private transportation via taxi to persons who would otherwise experience physical difficulty getting to Criminal Court. Those with financial difficulties are reimbursed at the Reception Center for public transportation costs.

During the October to December 1977 quarter, V/WAP transported 57 witnesses to and from court. Tokens were distributed to an additional 82 witnesses.

FIGURE 6 - SERVICES UTILIZATION
 Second half of 1976 and 1977



Notifications staff place on alert many eligible witnesses who qualify for transportation. Since most alerts are not activated, the Project has cut back the cost of providing this service while still being able to extend it to all those in need.

MEDIATION

The Project in conjunction with the Institute for Mediation and Conflict Resolution (IMCR) has designed and implemented an experimental program which offers mediation as an alternative to formal prosecution for certain "prior relationship" cases. In such cases, the complainants often become reluctant to pursue the matter past the arrest stage as the immediate goal of punishment, revenge or escape has been achieved. This alternative to the court process is seen as a potentially successful way to handle these cases.

The Dispute Center has been operating in Brooklyn since July 1977. New arrest cases are screened by Project staff in the complaint room. Where it is determined that a prior relationship exists between the disputants and the crime meets certain criteria, Project staff explain the mediation alternative to the disputants. If they are agreeable, the Project requests District Attorney and Court approval to refer the case to mediation.

The Dispute Center mediators are community volunteers trained in the techniques of mediation and conflict resolution. The mediators are empowered to arbitrate cases, but disputants are strongly encouraged to reach their own solution. All mediated settlements are written up as arbitration awards which are civilly enforceable. Cases which are successfully mediated are not returned to the Criminal Court; follow-up is provided when violation of an agreement

occurs. Project staff attempts to rectify the violation and should, this fail, assists in the filing of a civil enforcement claim.

An evaluation project, employing controlled research, is assessing: the impact of the mediation project on the court process; relevant cost factors associated with implementation of a full-scale mediation project; and the results of mediation in comparison to the court process as experienced by the participants.

During the final quarter of 1977, 924 cases were identified as potentially eligible for mediation by V/WAP staff. Of these, 51% (n=483) were approved for mediation by the District Attorney's Office, and 41% of these approved cases were randomly assigned to a control group in accordance with the evaluation research design. The remainder of the approved cases (n=281) were referred to the Dispute Center.

During the fourth quarter, 24% (n=66) of the cases referred to mediation involved witnesses who were present in the complaint room and who gave prior consent to mediation. The remaining 76% (n=215) were referred to mediation without prior witness approval due to witness absence from the complaint room. The Dispute Center completed processing 331 cases during the final quarter of 1977. Of these cases, there was a civilian or defendant refusal to accept mediation prior to appearance at the Dispute Center 17% of the time, 16.5% witness refusal and .5% defendant refusal. These cases were referred back to Criminal Court. Of the remaining 294 cases 65% (n=191) were successfully mediated, 2% (n=5) had to be arbitrated and 33% (n=98) were referred back to the District Attorney's Office. The Dispute Center

FIGURE 7: MEDIATION INTAKE SUMMARY OCT. - DEC. 1977

CASES IDENTIFIED AS ELIGIBLE FOR MEDIATION BY VWAP: 100% (n=924)

Rejected Other 3% (n=27)
Rejected by Courts 2% (n=17)
Rejected by Defendant- 1% (n=7)
Rejected for Mediation by Complainant- 7% (n= 69)
Rejected for Mediation by District Attorney 35% (n= 321)

Approved for
Mediation - 51%
(n= 483)

CASES APPROVED FOR MEDIATION BY
100% (n=483)

Research Control
Sample - 41%
(n= 202)

Referred to
Mediation - 59%
(n= 281)

DISPUTE CENTER DISPOSITIONS: 100% (n=294)

Referred to DA-33%
(n= 98)

Arbitrated - 2%
(n=3)

Mediated - 65%
(n=191)

DISPOSITIONAL ACTIVITIES OF THE DISPUTE CENTER
OCT. 1, 1977 THROUGH DEC. 31, 1977

I.	TOTAL DISPOSITIONS		294	
	MEDIATED		191	65%
	ARBITRATED		5	2%
	RETURNED TO DA		98	33%
II.	REASONS FOR RETURNING CASES TO DA: (n=98)			
	COMPLAINANT FAILED TO APPEAR		62	63%
	DEFENDANT FAILED TO APPEAR.		12	12%
	BOTH PARTIES FAILED TO APPEAR.		19	19%
	OTHER.		5	5%

was unable to mediate the cases it referred back to the DA's office for the following reasons: the complaining witness failed to appear at scheduled mediation sessions two or more times, 63% (n=62); defendant failed to appear at scheduled mediation sessions two or more times, 12% (n=12); and both parties failed to appear at scheduled mediation sessions two or more times, 19% (n=19). Another 5% of the cases could not be mediated because of intoxication or abusive behavior on the part of a disputant.

Pending the outcome of the evaluation research, the Project has made the assumption that complainants who fail to appear for mediation would similarly fail to appear for required court appearances, and that dismissal is the likely outcome for these cases, particularly those in which the defendant did cooperate. The 63% of the cases which were returned to the District Attorney because the complainant did not appear for mediation were dismissed without requiring any further action by the court. The 19% of cases returned to the District Attorney because both parties failed to appear for mediation, may have been settled informally by the disputants themselves, and therefore, also require no further action on the part of the courts. For the 12% of cases returned to the District Attorney because the defendant failed to cooperate, a full prosecution is anticipated.

A follow-up study is planned during the next quarter which will review the activities of the District Attorney's Office with respect to mediation cases which are returned to it.

NEW PROCEDURES

Witness disaffection presents a serious impediment to effective prosecution in large urban jurisdictions. Neither mediation nor improvements

in witness treatment afforded by V/WAP can be expected to resolve the entire dilemma. Witnesses will drop out of the process if they are inconvenienced by having to return repeatedly and wait long hours in court. Preliminary results of a Vera research study which has been undertaken to determine the reasons witnesses fail to come to court and what steps can be taken to address this problem, strongly indicate that the crux of the problem is disaffection with the court system itself because it is simply not oriented toward satisfaction of the needs of complainants. This attitude is manifested by the imposition of long hours of waiting on the civilian during pre-arraignment processing and by subsequent adjournments, by the long delays in getting property returned, and by plea bargaining and sentencing practices that seldom result in either incarceration or restitution.

RECOMMENDED IMMEDIATE ACTION LIST

In response to this thinking, the Project undertook two additional efforts in the fourth quarter of 1977. First, a major new emphasis has been incorporated into the Project's witness management efforts which attempts to isolate and identify at the earliest possible stage those cases for which successful prosecution is not probable due to witness attitude. The Recommended Immediate Action List includes those cases in which a witness has refused to appear, has been unlocatable by phone or address or who has not responded to more than one subpoena. A cross-check will then be made with the DA's files to verify information or to gather new information. If the DA's file provides no new or different data on the witness, it will be recommended that some final action be taken.

RESTITUTION PROGRAM

Second, to make court participation more directly relevant to the goals of witnesses, the Project has implemented a Restitution Project. Starting in December 1977, V/WAP has been administering restitution payments ordered by the court in conjunction with adjournments in contemplation of dismissal (ACDs) or conditional discharge sentences. While provisions in the law have long been adequate to support such a program, prior to V/WAP's initiative there was no agency of record which was willing to administer payments. Thus, in the rare instance when restitution was ordered there was no way of knowing whether payments were made. Nor were the procedures adequate for the court to exercise jurisdiction over delinquent defendants.

The new V/WAP procedure works in the following manner: When restitution is ordered, both parties are instructed by the court to appear at the Victim/Witness Reception Center. Papers from the court are sent down specifying the parties involved, the nature and amount of restitution, and the return date by which restitution must be made. Defendants make payment directly to a bonded V/WAP staff member in the Reception Center and are given a receipt for all payments. Payments are deposited in an account maintained by Vera and disbursement checks are issued by the Vera Institute. The Reception Center staff report back to the court when the terms of restitution are not complied with.

The new program has received wide acceptance. In its first month of operation, 32 restitution cases have received the attention of the Project, and these are in various states of completion.

FAMILY COURT NOTIFICATIONS

In September 1977, the Kings County District Attorney assumed responsibility for prosecuting designated felony* cases in the Family Court, and in accordance with this effort, V/WAP was requested to provide notification services for witnesses on these cases. V/WAP has been notifying Family Court witnesses on all designated felonies since that date.

INFORMATION PROVIDED TO INDICTMENT BUREAU

In December 1977, once again in response to a DA request, V/WAP began providing to the Indictment Bureau of the DA's office appearance history and contact information on all cases sent to the Grand Jury which originated in Criminal Court. The Project is providing information on approximately 15 such cases per day.

PROPERTY RELEASE

V/WAP processes Police Department papers at the Complaint Room stage and continues such processing at arraignment via arraignment representatives. Consequently it was proposed that V/WAP attempt to facilitate the return of property in cases disposed at arraignment. The existing procedure had been for two police officers to look through each disposed case file to see if any property was involved. If there was, he would find and pull the green voucher sheet. This would be forwarded to the Property Clerk who would then notify the appropriate parties. As an indication of the magnitude of this task, it is worth noting that in the past several months, an average of 136 cases per day were disposed of at weekday arraignments and 50 per day on week-ends.

*Designated felonies involve 14-15 year old youths who are charged with specific felonies such as murder, robbery, rape, kidnapping, arson, etc.

The new V/WAP procedure put into effect during the third quarter and continuing into the fourth quarter, provides for the arraignment representative to pull the green voucher slips from each case and to mark the docket number and disposition on the back. The arraignment representative initials the voucher to verify the final outcome of the case. He then stamps the front of the DA's file either, "All property released" or "No property involved", or when the voucher slip is missing, "No green". The voucher slips are then brought to the two officers. All that remains for the officers to do is to pull the "No greens" and to make notations on those cases in which a bench warrant has been issued. The vouchers are then handled as previously.

Before these procedures were implemented, the two officers would assist in the Grand Jury one half day per week and would not assist the Manhattan DA's Office at all. Since the new system began, one officer spends 2-2½ days per week in the Grand Jury and one full day in Manhattan. The introduction of this procedure has thus saved the Police Department three working days per week.