

COURT EMPLOYMENT PROJECT EVALUATION

Advisory Committee Materials  
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- I. HISTORY OF THE RESEARCH
- II. CHANGES IN CEP'S PROGRAM
  - A. Eligibility Criteria
  - B. Screening
  - C. Case Outcome
- III. THE CONTROLLED DESIGN
  - A. Consequences of CEP Program Changes
  - B. Intake into the Research Sample
    - i) detailed procedures
    - ii) numbers
    - iii) operational research
  - C. Assignment Procedures
    - i) assignment periods
    - ii) CEP participant quota
    - iii) summary
    - iv) problems
  - D. Intake Interview
    - i) procedures
    - ii) questionnaire
    - iii) confidentiality provisions
  - E. Verification of Data
  - F. Sample Follow-Up Procedures

APPENDICES

- A. Introduction and Study Description (for Respondents)
- B. Description of Questionnaire

## I. HISTORY OF THE RESEARCH

The Vera evaluation of the Court Employment Project (CEP), funded in early 1976 by the National Institute of Law Enforcement and Criminal Justice, has the following goals:

- (1) to determine whether CEP meets its goals of reducing recidivism, increasing the dismissal rate of criminal cases, and enhancing the educational and employment opportunities of its participants; to determine for what types of defendants (with respect to their age, sex, employment and educational background, prior criminal history, and current charge) the program meets these aims most successfully; and to determine whether the impact of the program continues after defendants have completed their participation.
- (2) to describe the operation of the program and determine which services produce results closest to the goals of the program and for what types of defendants different results can be seen; to provide continuous feedback to the CEP program staff and policymakers with regard to these issues;
- (3) to analyze the costs and benefits of the program to the taxpayers and citizens of New York;
- (4) to understand the role of diversion, particularly CEP, in the New York City criminal justice system (its relationship to the court, the prosecution, the defense, corrections, and other service programs) and to compare it with specific diversion approaches in other cities.

To achieve the first and third of these goals, a controlled research design has been undertaken. From a pool of eligible defendants, two groups are being selected for study: one group is diverted and given services by CEP; the second group is not diverted but subject to normal court processing. Both groups are interviewed by the Vera research staff and will be followed-up over a period of at least one year after their arrest and intake into the study. Comparisons between the two groups will provide information about the types of defendants being diverted and what would have happened to them if diversion was not an alternative to normal court processing.

Finally, following both groups over many months will enable the research to assess the impact of the diversion process on the employment experiences, educational history, official arrest records, and self-reported criminal behavior of diverted defendants.

To examine the role of diversion in New York City and elsewhere (the fourth goal), Vera research is carrying out extensive qualitative interviews with individuals involved in the diversion process and related parts of the criminal justice system in New York City and selected other communities. The primary goal of this research is to understand the structure of the Court Employment Project's diversion activities as they have evolved in relationship to a particular criminal justice system. The literature on diversion provides general factual descriptions of many diversion programs. It also raises important issues concerning the consequences for diversion of different types of sponsorship, the existence of court rules or legislation, the types of services provided, the use of professional or "para-professional" staff, etc. However, the literature rarely relates the detailed descriptive materials on specific programs to such larger issues. The Vera research, therefore, hopes to examine the Court Employment Project's structural relationships to the New York City criminal justice system and to understand the consequences of these relationships for the character of the program. This analysis will be given some comparative perspective by examining similar issues in several diversion efforts outside New York City.

The CEP evaluation will also develop a detailed description of the services offered by CEP and, using the controlled study attempt to assess what types of services have an impact on different types of defendants. Finally, in conjunction with a consulting economist, the evaluation will assess the costs and benefits of CEP's diversion

services to the community resulting from savings in court prosecution and corrections time, the reduction of criminal activity, and the increase in productive economic activity among defendants.

The CEP-Evaluation grant was activated by Vera April 1st, 1976; the project director had been hired by June 1st. Shortly thereafter, CEP was faced with the prospect of not being re-funded by the City on July 1st for FY 1976-1977. It began winding down its activities and on July 1st the program stopped taking in defendants. CEP maintained a skeleton staff over the summer which devoted its time to securing re-funding and to running a summer youth employment program for the city. During this period, the Vera research staff began the descriptive and comparative phases of the research (both in New York and elsewhere), carried out a series of small-scale operational analyses of CEP record data, designed the controlled research and prepared the interview schedules.

By December 1976, CEP had secured funding for FY 1976-1977 but at a substantially reduced budget level. It was ready to begin its altered program by January 1st, 1977. The Vera controlled research was also ready to be implemented. Both began selecting defendants in Manhattan on January 13, 1977, in Brooklyn on February 2nd and in the Bronx on February 23rd. By February 28th, 82 defendants had been pulled into the research design.

## II. CHANGES IN CEP'S PROGRAM

The Court Employment Project's FY 1976-1977 budget is less than one-third its previous year's budget. As a result, the Project has reorganized in order to continue delivering similar services to as many diverted defendants as possible.

### A. Eligibility

The most significant change in CEP's structure has been its decision to divert only defendants charged with felonies. In the past, CEP diverted those facing either misdemeanor or felony charges. While each year CEP had been taking an increased proportion of felony cases, it is now strictly a felony diversion program. There are two reasons for this change: first, CEP's growing commitment to diverting defendants with more extensive criminal histories; second, pressure from the City for CEP to be more cost-effective, i.e., to focus on cases costly in terms of court, prosecutor, and corrections resources.

In other ways, CEP's selection criteria remain the same; it excludes defendants with serious drug or alcohol involvement, with outstanding warrants, or living outside the jurisdiction.

## CEP ELIGIBILITY CRITERIA

1. Charges: C,D, or E felony, not drug related;
2. No outstanding criminal warrants;
3. No pending felony charge, or not more than one pending misdemeanor charge;\*
4. Residence in Manhattan, Brooklyn, Bronx or Queens;
5. No addiction to drugs or alcohol;
6. Prior criminal record is not an ineligibility factor.\*\*

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\* Felony cases which are more than eighteen months old and misdemeanors more than one year old are presumed.

\*\* CEP anticipates that ADA's will not approve many cases with more than two prior convictions.

### B .Screening

To maximize the number of felony cases diverted (as well as to streamline operations), CEP has reorganized its screening activities. CEP has always had an active presence in the courts and functioned as an advocate for defendants rather than relying on referrals from prosecutors or defense attorneys. This approach, however, is costly and CEP has developed a new, less expensive strategy in which the initial screening of cases is done by the Pretrial Services Agency (PTSA). PTSA (New York City's Release Agency) regularly interviews all defendants detained before arraignment in New York, including the felony cases CEP is attempting to divert. Using the formal criteria established by CEP, PTSA staff is identifying eligible defendants awaiting arraignment. PTSA provides CEP with information on each eligible defendant (current charges, prior criminal history, outstanding warrants, and verified address, family and employment data.) CEP screeners then interview each eligible defendant in the detention

pens. If the defendant is interested in the program, they attempt to secure agreement from the prosecutor and the legal aid attorney to divert the defendant at arraignment. (Previously, CEP had done all its own screening and obtained a final diversion decision two weeks after arraignment rather than at arraignment.)

#### C . Services

CEP is attempting to deliver the same services to clients as it has in the past. However, the system of service delivery has been re-organized. Rather than four separate service centers, one in each borough, CEP now provides services in one central Manhattan location, although, as previously, it screens cases in all four borough's criminal courts. CEP hopes the centralization of its services will reduce operating costs by creating a more effective use of personnel and improving the coordination of services. On the other hand, it may also lessen the program's capacity to "hold" some clients, since for many young people who live in the Bronx, Brooklyn or Queens, Manhattan is far from home.

The services provided by the program remain as before; personal counseling with a vocational emphasis and referral to educational, training, and employment opportunities. Additional assistance in the areas of housing, welfare, and health are also provided. Counseling staff is assigned clients from a particular geographical area so they can become familiar with that community and help clients draw on its local services.

#### D . Case Outcomes

As in the past, diversion from the normal criminal process means a dismissal of the criminal charges for defendants who successfully complete the program. In Manhattan and Brooklyn CEP obtains

an initial four-month adjournment for cases it diverts. However, depending on the seriousness of the case, some defendants may be required by the prosecutor or the court to stay in the program longer than four months. Prior to this year, CEP obtained an initial two-week adjournment (at arraignment) to review the case and then a three-month adjournment during which the defendant participated in the program. After this period, the case was either dismissed, ACD'd (Adjourned in Contemplation of Dismissal\*), or adjourned for the defendant to continue participating in CEP. The new four-month adjournment is an attempt by CEP to cut the number of adjournment requests (thus to reduce court costs) and still maintain a sufficient period of service to warrant a dismissal of the charges.

### III. THE CONTROLLED DESIGN

#### A. Consequences of CEP Program Changes

CEP's changes have had two important implications for the controlled part of the research as originally proposed.

First, the original proposal called for two separate controlled studies: one involving CEP's "normally" diverted population and the other an "expanded criteria" group composed of more serious felony cases and defendants with longer prior criminal histories. CEP's decision to operate an entirely felony program eliminates the need for a separate experimental study of "more serious" cases. In effect, CEP has "expanded" its own criteria. Therefore, using a single controlled study, the Vera research will examine the consequences of diversion for those charged with more and less

\* Pursuant to New York Criminal Procedure Law §170.55, the District Attorney is authorized to restore to the calendar any case which has been Adjourned in Contemplation of Dismissal (ACD) within six months if the defendant does not live up to certain conditions, usually not being rearrested.



serious felonies as well as those with shorter and longer prior criminal histories.

Second, the original research proposal called for 600 cases in the two controlled studies combined, 300 experimentals and 300 controls. There was a further agreement to increase the total sample size to 900 if possible. The research is working toward the larger sample size. Because of its budget cuts, CEP had to reduce the overall size of its program from 2,500 clients per year to 1,000. As a consequence, CEP screening staff should be able to screen the 800 to 1,000 defendants over the next six months necessary for the research to meet its larger goal: 400-500 defendants who are provided diversion services (the experimental group) and 400-500 equivalent defendants who are eligible but not diverted (the control group). Current screening operations in Manhattan and Brooklyn over the last month suggest the 900 case goal may be possible. However, the program is not yet sure how successful its screening will be in the other two boroughs.

#### B. Intake into the Research Sample

The research design for the controlled study relies heavily upon close coordination between Vera research and CEP screening staff. To establish adequate experimental and control groups, the research assignment of defendants to these groups must be made late in the screening procedure. Since CEP's screening operations are carried out before arraignment, the research design calls for the assignment to be made after the case has been screened and approved for diversion by the District Attorney but before the case is arraigned.

Implementing such a research procedure is complex, but CEP has been extremely cooperative. A description of the combined screening/research intake procedure as it now operates in Manhattan and Brooklyn follows.

i. Detailed Procedures (Manhattan and Brooklyn)

The Pretrial Services Agency (PTSA) carries out the first level of screening for diversion. PTSA supervisors identify individuals formally eligible for CEP-diversion. They provide CEP screeners with copies of their ROR (Release on Recognizance) interview form for all eligible defendants not yet arraigned. CEP screening staff check the sheets to assure the defendant is eligible. They then interview the defendant in the pens, explain the program, and see if the person is interested in diversion services. Early in this interview, the CEP screener emphasizes that the defendant may not be diverted even if he/she wishes it and is eligible because CEP interviews far more defendants than it can take into the program. This is done so that defendants are fully aware that their eligibility for the program does not necessarily mean they will be diverted.

The CEP screener informs the arresting officer and the complaining witness that the defendant is being considered for diversion. While the consent of the complainant is not required, prosecutors and program personnel believe they should be informed whenever possible and any objections they have recorded. The screener then proceeds to the D.A. Liaison in charge of diversion decisions. In Brooklyn, this is a senior District Attorney, the Deputy Chief of the Criminal Court Bureau or her assistant. In

Manhattan, it is the senior District Attorney in the Complaint Room. The screener asks the D.A. Liaison for permission to divert the case and may engage in advocacy on the defendant's behalf if the D.A. is reluctant. From the standpoint of the program and the prosecution, the D.A. Liaison makes the final decision.

All cases approved by the D.A. Liaison are then called into the Vera Research Monitor. This Monitor (the research project's Administrative Assistant) has a special telephone used only for calls from CEP screeners. The Monitor records the names and identifying numbers of all defendants approved by the D.A. Liaison. She then tells the CEP screener into which group (experimental or control) each defendant is assigned. (How this is determined will be described in the next section.)

Before the CEP screener returns to the Arraignment Part, he/she informs the Vera research interviewer stationed in the court building that cases have been pulled either into the control group or into the experimental group. The CEP screener returns to the Arraignment Part and tells the A.D.A. and the Legal Aid Attorney which cases may be diverted at arraignment. The case is then ready to be arraigned.

Meanwhile, the Vera research interviewer proceeds in one of two ways depending on whether the case is a control or an experimental.

If the case is a control, (i.e., it will go through normal court processing), the Vera interviewer enters the detention pens and introduces him/herself to the defendant. The Vera interviewer explains the research to the defendant (see Appendix A): the

research is on the education, employment, etc., of people who have been arrested; it is being conducted by the Vera Institute, a private organization not connected with the courts or the prosecution; the interviewer wants to interview the defendant at length after arraignment; the information is confidential; the defendant will be paid; further follow-up interviews will be wanted over the coming year; and, of course, their participation is voluntary. If the defendant agrees, the Vera interviewer arranges to meet the defendant after arraignment. The interviewer also collects certain pieces of information which will facilitate locating the defendant if he or she is missed after arraignment. If the person refuses to participate, the interviewer attempts to convince the defendant to participate by going through the various aspects of the research a second time. If the person still refuses, the interviewer tells them that they will be contacted again by mail and given another opportunity to participate.

The research interviewer leaves the detention area and waits for the defendant to be arraigned and released. Defendants (and any relatives or friends who may be waiting for them in court) are taken upstairs in the court building to the Vera Office. The defendant is administered the Research Intake Interview in private. Interviewees are paid \$10.00 in cash for this interview.

When the defendant is assigned to the experimental group (to be diverted), the Vera interviewer waits in the Vera Office for the case to be arraigned and for the CEP screener to bring the defendant upstairs. Participants are taken first to the CEP Office. Then the defendant is brought to the Vera interviewer who explains the research as described above. However, the defendant is also told

that the Vera research is separate from CEP, that the information they give the Vera interviewer will not be shared with CEP, and that the research interview is voluntary.

No major barriers have been encountered by the research in implementing these operational procedures. Since the research design requires the intake to be an intrinsic part of CEP's screening, members of the Vera research staff participated in some of the organizational meetings held between CEP and the Manhattan and Brooklyn Judges, prosecutors, and the Legal Aid Society.\* As a result of discussions between Vera, the District Attorneys and the Legal Aid Society held prior to obtaining the evaluation grant, no initial problems developed in establishing research intake procedures. The Legal Aid Society has been cooperative since the research has satisfied their concerns that the assignment procedure not be totally random and that the confidentiality of the research interviews be protected. However, since each Legal Aid defense attorney operates individually in relationship to his or her clients, minor difficulties have developed occasionally in the court. CEP screeners have generally been successful at explaining procedures to attorneys when they raise questions and the research staff has made itself available in the event that more serious problems develop.

Discussions with court, prosecutor, and legal aid personnel have begun in the Bronx and Queens.

\* Because CEP operates on the basis of informal agreements with the court, prosecutors, and the Legal Aid Society, good relationships are essential to its screening success. As in many jurisdictions, diversion services in New York City are not mandated by a court rule or state law. In addition, in New York City, diversion services are not provided by the Corrections Department. CEP is an independent, not-for-profit corporation funded by the city, but having no official relationship to the court, the prosecutor's office, or the defense (the Legal Aid Society).

ii. Numbers

In the last month, Vera research has assigned 57 cases in Manhattan to the sample and 25 cases in Brooklyn. Forty-three cases have been assigned to the participant (experimental) group (52%) and 39 to the overflow (control) group (48%). In Manhattan, this is an average of 2.6 cases per day during the 22 days they have been screening. This is the average number hoped for in Manhattan if the total sample is to reach 800-1000 by June 30th. Twenty-five cases were pulled into the sample from Brooklyn in the first nine days of CEP operations there. This is an average of 2.8 cases per day which is also the number hoped for to reach the desired sample size. CEP anticipates that court screening in the Bronx and Queens will be in full operation shortly.

iii. Operational Research

Vera research has begun collecting data on CEP screening operations. PTSA is marking the ROR interview sheets referred to CEP; this referral decision will soon become a routine part of PTSA computerized files on arraigned defendants. Therefore, the "pool" of defendants from which the diversion-eligible group is pulled can be described. CEP and Vera have also worked out a system for recording the reasons "eligible" defendants referred to CEP are later rejected for diversion (either by CEP, by the D.A. the Legal Aid attorney, the judge or by the defendant). This information will be routinely provided to CEP.

Finally, with the help of the PTSA computerized files, Vera research will track to disposition the court cases of all defendants who are either "rejected" for diversion or who are part of the non-

diverted control group. This information will be given CEP on a regular basis so it can evaluate cases they are not getting approved for diversion compared to those they are diverting. This will help answer whether diverted cases would have been dismissed or given prison sentences without diversion.

### C. Assignment Procedures

Vera is using a special assignment procedure to determine which cases approved for diversion will be diverted (experimentals) and which will be given normal court processing (controls). By increasing the number of cases CEP screens and gets approved for diversion, more people are available than CEP can accommodate with its limited budget. Within any given time period, therefore, a quota of cases can be established for CEP that, when added together over the long run, equals the total number of cases they can provide with diversion services. (In this case, 500 between January and June 30th.) Once this quota is filled, the remaining cases screened and approved during that time period constitute an "overflow" and can be assigned to a control group for purposes of research.

As indicated above, it is the Vera research that makes the decision as to whether a particular defendant is part of CEP's quota or not. The procedure developed by Vera to make this assignment decision had to fulfill several criteria: First, the assignment procedure could not be known to the CEP screening staff; this is to discourage any attempts to influence which defendants are served by the program. Second, the overflow concept required the construction of a CEP quota that approximates a "first come, first served" pattern. Third, the CEP quota must result in approximately 50% of

the approved cases being assigned to the experimental group and 50% to the control or overflow group. Fourth, the procedure must take into account that separate screening operations will be carried out in four different boroughs and that the boroughs will not start simultaneously.

With these constraints in mind, an assignment procedure has been designed that (1) utilizes assignment time periods of varying lengths; (2) sets CEP's quota based upon their actual screening experience in preceeding time period; and (3) assigns cases from each borough separately. Using assignment time periods of varying lengths means that the assignment of defendants to the CEP quota and the overflow are not patterned so as to bias the composition of the groups. In addition, CEP staff can not know when the assignment period will change. If the variable length time periods were based upon calendar days (e.g., Monday, Tuesday, etc.), however, once the assignment had shifted from pulling "participants" to "overflow" (or the reverse), the screening staff would soon learn that during the rest of that particular calendar day only "participants" or only "overflows" would be selected. This would undoubtedly alter their screening behavior. Therefore, it was decided that screening HOURS not DAYS would be the unit used to determine the length of the assignment periods.

Similarly, the CEP quota could not be simply the first X number of cases in each assignment period (e.g., the first three, four, or five cases to be approved). Not only are the time periods variable in length, but CEP's screening activity is very erratic (many cases one day; none or few the next) so that a set quota



would probably not result in 50 percent of the approved cases being assigned to each group. Consequently, the quota varies according to CEP's cumulative rate of successful screening and the proportion of cases already assigned to each group. ( This is similar to a "dynamic optimizing sample.") The specific details of this assignment procedure follow.

i. Assignment Periods

The assignment time periods are variable in length. CEP will screen for program and research needs during a 24 week period (128 calendar days). Dividing that period into the number of screening hours (128 X 8 hours per day, 9:30 a.m. to 5:30 p.m.), the total time period to be broken into assignment periods is 960 hours.

Variable Length Assign- ment Periods	Number of Assignment Periods	Total Number of Hours
11 hours	10	110
13	10	130
15	10	150
17	10	170
19	10	190
21	10	210
96	60 time periods	960 hours of actual screening time

Using time periods of 11 hours (the shortest) through 21 hours (the longest) means that, in calendar days, new assignment periods start approximately every 1 to 3 days, often during the middle of a calendar day. The order in which the 60 time periods are used has been determined randomly.

ii. CEP Participant Quota

When a new assignment period begins, the research must decide how many of the cases approved for diversion are to be

participants. To determine CEP's quota, the research estimates the number of cases CEP is likely to screen successfully (get approved) during the new assignment period. The estimate is based upon the average number of cases per hour CEP successfully screened and called to the Vera Monitor during all preceeding time periods. The research then calculates the proportion of all previous cases called into the Monitor that has been assigned to the participant group. If this figure is 50 percent of the total (i.e., half the cases screened have been assigned to CEP and half are overflow), then half the expected number of cases in the next assignment period will also be assigned to the participant group (always the first cases called to the Monitor during the period ). If the figure is less than 50 percent, the proportion in the participant group is lagging and CEP's participant quota is increased in the next assignment period to bring the proportions closer to 50%-50% in the long run. If the participant percentage is above 50 percent, the CEP quota is reduced.

### iii. Summary

There are four steps in the assignment procedure:

(1) The length of the next assignment period is randomly selected from among the pool of 60 time periods;

(2) The number of cases expected during that time period is estimated: the cumulative (mean) number of cases CEP has successfully screened per hour and called into the Monitor during all proceeding periods is multiplied by the number of hours in the new assignment period;

(3) The CEP quota is established by assigning CEP the same percentage of the expected cases as had previously been assigned

to the overflow group.

(4) Calculating estimated numbers of cases to be screened and the CEP quota is carried out separately for each borough. Since the boroughs differ in the types of defendants and the attitudes toward diversion of judges, prosecutors, and legal aid attorneys, separate assignment procedures will assure that the experimental group is not heavily weighted by defendants from one borough and the control group by those from another.

If CEP is successful in obtaining its goal of screening 1000 cases by June 30th (of which 500 can be served by CEP), this assignment procedure should result in the experimental group containing 500 persons and the control group 500. Regardless of the total number CEP succeeds in screening, however, each research group will have approximately half the total. Individuals should be assigned to these groups at roughly the same rate so that any differences that develop over time in CEP's screening patterns should not affect the composition of both groups. Likewise, differences in the types of defendants arrested in winter months as contrasted to spring months will also be reflected in both groups. The varying length of assignment periods and the shifting of the assignment from participant to overflow during the course of the day should also assure that the participant group does not differ from the overflow group even though the participant group is always pulled first in any given cycle.

#### iv. Problems

In Manhattan and Brooklyn these procedures have been working quite smoothly. There are, however, several problems.

First, the A.D.A. in the arraignment part knows which case

has been agreed upon for diversion by the D.A. Liaison but rejected by the program as "overflows." (The agreement of the Liaison is written on the D.A.'s court papers.) It is possible, therefore, that A.D.A.'s will process these cases differently (more leniently) than they would otherwise. We are working on arrangements whereby the A.D.A. in arraignment will not be aware of the previous decision-making.

Second, the Legal Aid attorneys are never happy when diversion is agreed to by the D.A. but the case is not diverted because CEP's quota is filled. So far, however, CEP screeners have been able to handle these situations with back-up by the research staff.

Third, Legal Aid attorneys may not want a case assigned to the experimental (participant) group diverted because they believe a dismissal or ACD can be obtained or because they will not agree to a condition imposed by the D.A. Liaison. Or, the judge may not believe the case is "appropriate" for diversion and refuse to divert the case. In either case, the defendants have been assigned to the experimental group but are not participants in the diversion program. This has occurred in 7 of the 30 cases assigned to the CEP quota in Manhattan (23%) and in 5 of the 13 cases in Brooklyn (38%). These defendants are being interviewed by Vera interviewers to obtain data on the cases.

Fourth, a defendant may refuse to participate in the research. Vera interviewers make a substantial effort to encourage participation. Generally, their efforts have been successful; this is probably partly a result of the \$10.00 payment given for the interview.

Only two people have refused outright: one was ill and upset at arraignment; the other refused. Both will be contacted by mail and asked a second time for their cooperation. However, even if these efforts are not successful, some information on the individual is available from the PTSA-ROR interviews and from official court records.

Fifth, some defendants are missed by the Vera interviewer, either because arraignment happens so quickly after their assignment to the sample that the person cannot be contacted in the pens or because the Vera interviewer is interviewing someone else and cannot track the case. These cases are followed-up later by other Vera research staff.

Sixth, some members of the experimental group will be diverted but never appear at CEP for services. These individuals remain a part of our research population--"experimentals" who are not "treated"; i.e., given service by CEP.

#### D. Intake Interview

Vera research interviewers in the Manhattan and Brooklyn criminal courts have their own private office, equipped with locked file cabinets and telephones. The interviewer conducts the Intake Interview in this office. It takes about one hour and the respondent is paid \$10.00 in cash.

##### i. Procedures

A STUDY DESCRIPTION (Appendix A) is read and discussed with each interviewee. The respondent is then asked to sign a RESEARCH PARTICIPATION AGREEMENT (Attached to Questionnaire, Appendix B). The Agreement is read by the interviewer and the respondent together

(to assure that respondents whose reading ability may be limited are nonetheless fully aware of the content of the Agreement). The respondent and the interviewer sign two copies of the Agreement, one of which is kept by the respondent. If the respondent claims to be on welfare or currently enrolled in school, he/she is also asked to sign RELEASE AGREEMENTS so that this information can be verified for purposes of research. In addition, the respondent is asked to sign two copies of the Social Security Administration's REQUEST FOR STATEMENT OF EARNINGS.

ii. Intake Questionnaire

The respondent is then administered the intake questionnaire in either English or Spanish. The major goals of administering this instrument are: first, to provide a detailed description of the individuals in the sample; second, to create a baseline of information upon which to evaluate behavioral changes which occur over the next twelve to sixteen months. From a descriptive standpoint, the questionnaire taps personal background, employment and educational status, living arrangements, drug and alcohol use, and criminal history. From the perspective of evaluating behavioral changes, the questionnaire focuses on detailed work history, educational experience and plans, job training, job search methods, sources of income other than employment(welfare, unemployment, etc.), utilization of services (public and private), and self-reported ongoing criminal behavior. It is composed of sixteen sections:

1. Follow-up information
2. Personal (background) information
3. Educational information
4. Activities during the last 12 months
5. Regular jobs during the last year
6. Part-time and other non-regular jobs during last year
7. Job History beyond one year

8. Job training
9. Job search methods
10. Living arrangements
11. Services used
12. Drug and Alcohol use
13. Juvenile offense history
14. Adult offense history
15. Other extra-legal behavior
16. Current case information

A brief discussion of each section and rationale for its relevance to the research will be found as Appendix C.

iii. Confidentiality Provisions

The information obtained in these (and later) interviews must be held in strict confidence by the research, that is, protected from unauthorized access and utilized only for Vera research purposes. Confidentiality is necessary for the research to secure respondents' cooperation and to obtain accurate information from them. This is also required of the research by 42 U.S.C. §3771 which confers a privilege on research staff operating under LEAA grants but also requires that they protect the confidentiality of all research data.

Consequently, the research project has adopted procedures designed to protect the confidentiality of the CEP-Evaluation data pursuant to this LEAA grant award :

1. All Vera CEP Evaluation interviewers and research staff have signed pledges of confidentiality, in which they agree that maintenance of confidentiality is a condition of employment. Interviewers and research staff have been informed through these pledges of their obligation under federal law not to divulge confidential information obtained from research subjects except as authorized for research purposes.

2. As part of our procedures to obtain subjects' informed consent to participate in this research, respondents are informed of the voluntary nature of their participation in the research, and are advised that their answers to research questions will be kept in strict confidence, not to be revealed except for research purposes.
3. Procedures for security in handling research documents in the field and rapid transport of those documents to Vera's research headquarters have been established. One of the responsibilities of the supervisor of the interviewers is to make certain these procedures are carried out.
4. All identifying data (for example, names and addresses) are separated from the body of the questionnaire. Identifying data are kept in a different set of locked file cabinets from the rest of the questionnaire.
5. All copies of interviews and other data in non-computerized form are kept in locked file cabinets. Access to these documents is limited to a small number of Vera research personnel who need access in order to conduct the study.
6. Research data will be rapidly converted to machine form and entered into the research data base which will contain no personal identifiers, but only research identification numbers.
7. Access to the computer files for the CEP Evaluation



will be limited to a few authorized personnel who need access to accomplish research objectives.

8. Vera's legal counsel has written the following to LEAA: "The Vera Institute understands that a federal law (42 U.S.C. §3771) imposes an obligation on its interviewers and research staff never to disclose any information identifiable to individual research subjects to anyone for any purpose except research purposes. The Vera Institute understands that this federal law created a privilege which protects the research data from legal process. The Vera Institute is prepared to resist any attempt to subpoena its interviews and follow-up information, in compliance with its understanding of its obligation under the law."

E. Verification of Information

As indicated above, the research is planning to verify current employment and school enrollment status. This will be done, where possible, by telephone by Vera interviewers. Employers and school officials will be told that the person is part of a research study on education and employment; no reference to their involvement in criminal case or a diversion program will be made. For those members of the sample who are CEP participants, verification will be carried out as part of normal CEP procedures so long as the person remains in the program.

F. Procedures for Sample Follow-Up

Follow-up on sample members not interviewed in court begins immediately. One research interviewer (bilingual) is located

at Vera. When a sample member is missed, the court interviewer informs Vera immediately by telephone of the person's name, address and telephone number and any other relevant follow-up information available from the PTSA release interview, the CEP interview, or the Vera research contact in the pens if one occurred. The Vera interviewer initiates attempts to contact the person by telephone and mail in order to make an appointment for a personal interview either at Vera or at some place convenient to the respondent. Several home interviews have already been conducted without difficulty; other missed sample members have been willing to come to Vera. If a member of the sample was not interviewed in the court because they were remanded back to detention, the court interviewer obtains the individual's prisoner number and the place of incarceration from the Department of Corrections. The Vera interviewer will then attempt to contact and interview the individual in the facility or in the court at the time of their next court appearance.

All members of the sample will be followed-up for a minimum of one year after intake. They will be interviewed again in person (at Vera) six months and one year after intake. Data similar to that in the Intake Questionnaire will be collected. Respondents will also be interviewed by telephone at three months and nine months after intake in order to determine changes in their address, employment, school, and welfare status. The telephone interview provides an additional personal contact between the research and the respondent and is designed to encourage their continued cooperation. It will also collect data on changes in employment and educational status while the events are still fresh in the respondent's mind.

In order to further facilitate follow-up, respondents will be contacted by post-card six weeks after each personal contact by the research (initial intake, telephone interviews, and six month interview.) The post-card will contain a post-paid return card for them to report changes in their address or telephone number. To encourage their cooperation, respondents will be paid \$5.00 for the telephone interviews, \$1.00 for each post-card returned, and \$10.00 for each personal interview. The only exceptions to these procedures are Research subjects who are participants in CEP. They will not be contacted by research while they are still attending the program. Consequently they will not be sent the first follow-up post-card or given the three month telephone interview. Data collected by the program on changes in these individual's addresses, employment, schooling etc. will be communicated to the research in lieu of direct follow-up. However, once a research subject leaves the program (whether he or she has completed it successfully or not), research will be informed and follow-up will be attempted immediately.

Finally, one year after intake into the research , sample members' official arrest records will be checked to determine whether they have been re-arrested and, if so, for what and the outcome of that arrest. Police Department arrest files and the computerized files of the Pretrial Services Agency are available to the research for this purpose.

VERA INSTITUTE DIVERSION RESEARCH  
PROJECT

INITIAL RESEARCH QUESTIONNAIRE

Introduction and Study Description

READ SECTIONS IN BRACKETS TO CEP PARTICIPANTS ONLY

My name is \_\_\_\_\_ . I am employed by Vera Institute of Justice, which is a private organization not connected with the courts or the police. [or Court Employment.]

You have been selected by Vera Institute to be one of approximately one thousand people who will be interviewed by the Diversion Research Project. All interviewees are people who have been arraigned in New York City courts.

The purpose of this study is to find out what happens to the education, jobs, and life situation of people who have been arrested and arraigned. We hope that what we find from these interviews will help others who are arrested in the future with jobs and other problems they may have.

We know that your time is valuable, so we will pay you ten dollars for completing this interview, which takes from thirty to forty-five minutes. We will pay you another ten dollars for a second interview six months from now, and another ten dollars for a third interview one year from now.

[The first interview will take place in a private interview room right here in court. The other interviews will also be private.] Your answers will be confidential; that is, they will never be disclosed to anyone but researchers in our staff for anything but research purposes.

[When your case comes up at arraignment, I will be sitting

Introduction - continued

in court. If you come out at that time, we can go directly to the interview room.]

Are you willing to participate?

APPENDIX B:

QUESTIONNAIRE CONTENT:  
BRIEF DISCUSSION AND RATIONALE

Section I of the questionnaire (FOLLOW-UP INFORMATION) contains detailed information on where the person lives and through whom he/she can be reached. The purpose of these data is primarily to assure the research is successful finding the respondent in future months when follow-up interviews are necessary.

Section II (PERSONAL INFORMATION) contains a limited number of standard demographic and background questions to be used to describe the basic social and economic characteristics of individuals in the sample, including age, ethnicity, place of origin, education and occupation of parents, etc.

Section III (EDUCATIONAL INFORMATION) focuses on respondents' educational background, current educational status, and their expectations concerning future education possibilities. These data are designed both for descriptive purposes and to evaluate the impact of diversion services on the individual's educational advancement.

ACTIVITIES DURING THE LAST 12 MONTHS constitutes Section IV. Detailed information concerning the respondent's education, work, military, and other activities during the previous twelve months is recorded on a flow chart (Chart I). Starting with the current month, the interviewer encourages the respondent to recall what he/she was doing during each two-week period for the last year.

The information is recorded on the chart: whether they were in school or employed (regularly or irregularly); whether they were engaged in homemaking, were ill or disabled, incarcerated, in a job training program or in the military; whether they were actively looking for work, making money illegally or just "hanging around." Details as to earnings and number of hours worked are also recorded.

The interviewer then turns to Section V (REGULAR JOBS DURING LAST YEAR) which is a chart for obtaining more detailed information on their current, most recent, and longest regular jobs during the past year. This information is necessary for the research to verify a respondent's reported employment. This is also the case with Section VI (PART-TIME AND OTHER NON-REGULAR JOBS DURING LAST YEAR) which collects similar information on some periods of irregular employment. Section VII (JOB HISTORY BEYOND ONE YEAR) attempts to obtain a more general profile of a respondent's longer range employment background. Section VIII collects information on a respondent's experiences with JOB TRAINING programs and Section IX asks about how they go about looking for work (JOB SEARCH METHODS). All these data are important to the research because CEP's diversion services are heavily oriented toward helping individuals improve their employment opportunities both directly by finding them jobs and indirectly by helping them improve work-related skills.

The interview proceeds to a discussion of the respondent's LIVING ARRANGEMENTS (Section X): with whom he/she lives, whether other household members work, whether the respondent is satisfied with these arrangements, and the respondent's sources of income other than employment (including welfare and unemployment). These

data are designed to help evaluate the respondent's degree of economic dependency and for purposes of cost-benefit analysis. An economist trained in cost-benefit research has been consulted in constructing this (and related) sections of the questionnaire.

The respondent is then asked about the types of SERVICES he/she has needed but not been able to obtain (Section XI). These include medical, legal, child care, and other social services which are either public or private. These data are collected in order to assess whether CEP is in fact filling its objective of identifying and satisfying the needs for services expressed by respondents. Section XII asks the respondent for brief information on DRUG AND ALCOHOL use. The information will be used for descriptive purposes. Section XIII asks about their JUVENILE OFFENSE history and Section XIV about ADULT OFFENSES. The research cannot obtain juvenile records directly on respondents since, in New York State, they are sealed. This material, however, was considered of descriptive interest. While the research does obtain a summary of each respondent's convictions which is taken from the NYSID record, this summary does not cover arrests which do not lead to conviction or which occur outside New York State. This combination of official and self-reported data should provide the research with a comprehensive description of the respondent's past criminal activity. In addition, Section XV asks respondents about their OTHER EXTRA-LEGAL BEHAVIOR: criminal activities in which they are currently engaged, its frequency, and the income they derive from it.

Finally, the interviewer asks the individual about the CURRENT CASE (Section XVI) for which he/she has just been arrested



and arraigned. The respondent is asked to report what the  
police have said concerning the alleged offense and the individual's  
alleged role in it. The respondent is not asked to confirm or deny  
any of this information or to admit guilt or assert innocence. The  
purpose of the information is to enable the research to describe  
the types of cases being diverted in New York City more fully  
than is possible solely from the official record of the charges.  
Individuals are also asked what the outcome of the case was at  
their arraignment, and, if they were diverted to CEP, what they hope  
to gain from agreeing to diversion. The questions are designed to  
evaluate their factual understanding of what has happened to them  
and what they perceive "diversion" to be.