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DEVELOPMENT OF THE BRONX PILOT PROJECT

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Acknowledgements

A pilot project is an operational test of new ideas, new procedures and new personnel. When done right, the experience is stressful, frustrating, creative and -- ultimately -- rewarding. It is essential to acknowledge from the start that the program idea may be ill-conceived or improperly structured; not to keep this in mind obscures the day-to-day lessons that a pilot can provide and upon which a more effective and solid program can be built. These characteristics of pilot projects make them learning experiences, to which far more individuals make crucial contributions than in a well-established program that has already proved its worth. Without attempting to specify their individual contributions to the pilot reported in these pages, we want to acknowledge generous and insightful assistance and good counsel received from the bench of the Criminal Court of the City of New York, the District Attorneys of Bronx and Kings Counties, the Legal Aid Society, the Police Department, and the Department of Corrections. A special thanks is owed to Ken Schoen of the Edna McConnell Clark Foundation, Denie Weil of the German Marshall Fund of the United States, and John MacWillie of the Criminal Justice Coordinating Council, for their support (financial and otherwise) during the pilot period and for sharing our confidence that the lessons learned would be worth the effort.

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I. INTRODUCTION

This report issues at a time of renewed interest in "alternative sentencing" -- and in community service sentencing in particular. This interest has been sparked, at least in part, by a sense that the overcrowding in local jails might be alleviated if there existed a punishment, short of imprisonment, that could be reliably enforced. (In New York City alone, there are more than 8,000 sentences of ninety days or less imposed annually on persons for whom the courts obviously feel some punishment is required and for whom there seems to be no alternative to jail.)

As a result of national media coverage, the basic program idea of community service sentencing can no longer be considered novel. But the pilot Bronx Community Service Sentencing Project was the first sustained effort in this country to test whether the community service sentence could be used regularly in busy inner-city courts for the offender most likely to be sentenced to a short jail term -- the unskilled, unemployed, minority offender who is convicted of a relatively minor charge (property misdemeanor) but who has a prior record of conviction and multiple social problems.

The results of the Bronx pilot (and its more recent introduction to the Brooklyn Criminal Court) are easily summarized in the few paragraphs below, and its operating procedures are outlined in the short section that follows. But because this project stands outside the "alternatives" mainstream--where community service sentences generally go the middle-class, white, first offenders who require little supervision and who face little risk of jail--the bulk of this report details the evolution of the distinguishing features of the model, developed in the Bronx, for community service sentencing of more difficult offenders.

From the end of February, 1979, through April, 1981, almost 400 offenders were sentenced by the Criminal Courts, to perform 70 hours of unpaid service for the benefit of the community, under the supervision of project staff. They cleaned up badly neglected senior citizens' centers, youth centers and neighborhood parks; they repaired appliances and installed smoke alarms for the elderly; they helped staff recreational programs for retarded children, and painted and repaired community facilities, nursing homes, alternative schools, and playgrounds; and they performed other useful work in some of the most service-needy areas of the city. Some continued to volunteer their services after completing their court-imposed obligations.

There is evidence that the pilot met its goal of drawing away from short jail terms at least half of those who were given the new sentence. Eligibility criteria, established before the pilot began, ensured that all who got this sentence had been convicted as adults at least once before; as a group they averaged more than 2.5 prior convictions and about 6 prior arrests; about a third had some time in the past been convicted of a felony; roughly half had been jailed on their last conviction; over half received this community service sentence in a prosecution commenced by arrest on felony charges (all property offenses); 95 percent were Black or Hispanic, and almost all were unemployed at the time they entered the project. This looks like a jail-bound group.

Additional evidence that the project reached a group of offenders who faced a substantial risk of short jail terms can be found in the re-sentencing data: Although almost 90 percent completed the community service sentence, the rest were referred back to court to be re-sentenced; the number of these cases in which a new sentence has been imposed is still too small for the data to be conclusive on this score, but almost all who have been resentenced received jail terms for the underlying offense.

For the nearly 90 percent who satisfied the conditions of their community service sentences, project staff* offered assistance in finding jobs, housing, and educational or other social services. This appears to have been essential for those offenders who used the experience of making restitution by community service as a starting point for a change from petty property crime to a legitimate income and life-style: Few had any past experience of steady employment, though most were in their mid-20s (they ranged in age from 16 to 45); at least a third were having evident problems with drugs, and others needed treatment for alcoholism; some were illiterate and few scored above elementary grade levels on reading and math tests. (The case summaries in Appendix B more clearly convey the need of this Criminal Court population for basic services of all kinds.) Staff secured emergency assistance for those who could not perform the sentence without it. In addition, more than half of the project participants have accepted help in formulating and carrying out

*By the time the Bronx pilot evolved to its present form, project staff consisted of: two court representatives, who help identify eligible defendants and, during plea negotiations, work with assistant district attorneys, defense counsel, and defendants in their consideration of the suitability of the community service sentence; two or more site supervisors, who oversee groups of 5 to 8 participants in the activity on sites in the community; a project director and administrative assistant, who keep track of and report to the court about participants' success or failure, arrange for re-sentencing of those who fail, and handle all administrative matters including the development of new sites for the performance of community service; and a support services coordinator who helps participants (as they complete the sentence) overcome problems finding jobs, housing, and other essential life supports.

post-sentence plans; many have gone on to get jobs, stipended training, or treatment.

The Bronx pilot project was a learning experience, and this report focuses on the process by which the most important elements of the project were designed and then redesigned in light of that experience. It surfaces some of the nagging doubts as well as the clear successes. But, doubts aside, the pilot showed that in several hundreds of the thousands of cases in which prosecutors would otherwise seek short jail terms, the prosecutor, the defense attorney, the defendant and the court can agree on this form of supervised community service sentence as a suitable penalty for the offense, and that nearly all who get the sentence will, if properly supervised, perform it.

II. SUMMARY OF PILOT PROJECT OBJECTIVES AND OPERATIONS

The primary objective of the Community Service Sentencing Pilot Project was to induce regular use of a new penal sanction -- one that is more positive, less burdensome and less costly than jail time, but more burdensome, more likely to be enforced and, thus, more credible than the present alternatives to jail. Secondary objectives included giving offenders an opportunity to do something positive, and, if they respond to that, helping them build on this experience to bring order to other aspects of their lives; introducing a form of restitution that is workable in an impoverished community; and providing needy citizens of the community with services.

From 7 a.m. until midafternoon, Monday through Friday, project staff review the prosecutor's file, the Criminal Justice Agency's ROR interview and history record, and the NYSIID Sheet (criminal record), for each misdemeanor and felony arrest coming into Bronx Criminal Court. When a case appears to meet the eligibility criteria (see Sections III and IV), a staff member seeks out the Assistant District Attorney (ADA) and the defense attorney responsible for the case. (The latter would already have discussed with the defendant whether to contest the charge or to enter plea negotiations.) If the two lawyers consider the project's 70-hour community service sentence to be an appropriate disposition of the case, the defense lawyer discusses the possibility with his client. If the lawyer reports that the disposition would be acceptable to the defendant, he is interviewed by the project staff. If this interview turns up no

severe drug, alcohol or other problems that would prevent the defendant from performing such a sentence, the ADA asks the judge to sentence the defendant to conditional discharge, with 70 hours of service under project supervision as the sole condition.^{1/} The judge usually tells the offender, on the record, what the sentence would otherwise have been, and what he or she should expect if brought back to court for resentencing upon failure to satisfy the community service obligation.^{2/}

1

From the start, project staff viewed the sentence of conditional discharge as the most desirable vehicle for imposing the obligations of a community service sentence, for several reasons. Because it is a sentence, it makes clear to the offender the connection between the actions against the community, which brought him into court, and the obligations to the community which the court is requiring him to meet. Because it is a sentence, it helps avoid the confusions, which arise when sentence is deferred (as in the classical models of pretrial and preplea "diversion" programs), about the nature of the obligations and the consequences of failing to meet them. In short, by eschewing the trappings of diversion and by insisting on the formal process of conviction and sentence, the project aims to insure that community service is performed as punishment and reparation for the crime, not to persuade a judge that the offender is a good guy who should therefore be treated leniently when the question of punishment arises. (Indeed, it is difficult to imagine a constitutionally cognizable basis for imposing unpaid community service obligations except as punishment--albeit, a hopeful form of punishment--after conviction for a crime.) Further, by formalizing the community service sanction as a sentence, the offender is statutorily assured of a hearing if those monitoring compliance with the obligations report back to the court that the court-ordered conditions have not been met. Finally, the imposition of community service obligations as a condition of a conditional discharge sentence is now explicitly authorized by statute.

²The project aims to quicken, or at least not to delay the dispositional process. About 60 percent of the community service sentences were imposed after plea at arraignment; the rest were imposed at a post-arraignment hearing.

If the court accepts the defendant's plea and imposes the community service sentence, a written agreement specifying the terms and conditions of the sentence is executed immediately by the offender and by a project representative. (This agreement, which appears as an Appendix, would have been discussed in detail with the offender during the pre-plea interview.) A member of the project staff tells the offender when and where to report the next day, and hands him or her \$1.20 to cover public transit home that day and to the community service site the next morning. Each day, the participant is reimbursed for the round trip and, if needed, for lunch (up to \$2.80).

The service period is characterized by close staff supervision of participants at the community agency site where the service is to be performed, and by assignment of tasks that are clearly useful to the beneficiaries of the service and that the participants are capable of performing well. (Illustrations of how project staff put these general principles into practice may be found in Sections V and VII of this report.) It is also characterized by an insistence that the court-imposed 70-hours of service actually be done, and that the case be restored to the court calendar for re-sentencing when it is not done. (See Section VII). Towards the end of the sentence period, project personnel provide assistance -- often rather intensively -- to those offenders who want help finding jobs, training, education, or treatment for drug and alcohol problems (see Section VI).

III. DEVELOPING ELIGIBILITY CRITERIA AND INTAKE PROCEDURES

The procedures for selecting candidates for the Community Service Sentencing Project were designed with an eye on the English accomplishment, where the community service sentence was substituted for a jail sentence in roughly 50 percent of the cases sentenced to community service (see Appendix C). Low though this substitution rate may seem to many who advocate greater use of "alternatives to incarceration", the track record of most American programs that aim to reduce reliance on incarceration is not nearly as good.

Getting sentencers to use an alternative to incarceration for offenders whom they would otherwise actually imprison has proved difficult, particularly where the dispositional process is as complex as it is in New York City's courts.^{3/} By and large, sentences here are the product of agreements between

³The Criminal Court caseload tends to consist of a few frequently recurring offense types--what David Sudnow refers to as "normal crimes." ("Normal Crimes: Sociological Factors of the Penal Code in a Public Defender's Office," Social Problems, 12:255 (1965).) Prosecutors and defense attorneys seem to learn the types of dispositions that the other side expects in these routine cases. One gets a sense that, over time, precedents get established that suggest what disposition will be viewed as an acceptable outcome of plea negotiation for each type of incident. These norms are what Arthur Rosett and Donald Cressey have termed "going rates." (Justice by Consent: Plea Bargains in the American Courthouse (New York: J. B. Lippincott Co., 1977).) To the extent that plea negotiations take place within such a framework, efforts to introduce a new disposition as an alternative to jail will face substantial difficulties until the parties mutually identify it as appropriate for cases where the going rate has been jail. And this necessary adjustment to the set of "going rates" must be worked out over time, in individual cases, no matter how vigorously any one policy-maker or program may argue for the principle that the new disposition ought to substitute for short jail terms.

the judge, the Assistant District Attorney (ADA), and the defense. Ordinarily, the sentence imposed is the sentence recommended by the ADA, who will have reached an agreement with the defense attorney that the sentence to be recommended is a fair basis for disposition of the case upon a guilty plea. It oversimplifies practice to put it this way, but the prosecution can be characterized as seeking an onerous disposition (e.g., jail time) and the defense as looking for a "walk" (e.g., adjournment in contemplation of dismissal, unconditional discharge, conditional discharge with a condition that will not be enforced, or a small fine). The two sides usually settle on a sentence which seems reasonable, in light of the defendant's prior record, the severity of the charged offense, and the probabilities of conviction for the actual offense if the prosecution were forced to prove the case. Both sides negotiating the disposition are often working without real certainty about the provable facts in the particular case, but they are likely to know from experience what the "value" or "weight" of the case is in the particular court. When a new sentence -- 70 hours of volunteer work for the benefit of the community -- is introduced in such a setting, it is impossible to say, in advance, what "weight" will be attached to it by the parties to plea negotiations. But, if it is to serve as an alternative to incarceration, it must be perceived by dispositional decision-makers, whose interests are almost diametrically opposed, to have a weight equivalent to jail.

Vera's approach was to analyze the dispositions reached in the Bronx Criminal Court in a typical month, identifying by objective characteristics a band of cases at least half of which were disposed of by short jail sentences (90 days or less), and to obtain agreements from the prosecutors, defense attorneys and judges that sentencing to the project would not be considered unless these eligibility criteria had been met. (While this would not guarantee 50 percent substitution for jail sentences, it would set appropriate limits and would permit regular monitoring of what weight is in fact being given to the new sentence.)

On the basis of the data-analysis and after discussion with the District Attorney's office and the Legal Aid Society, the following were established as eligibility criteria:

- defendant must have had at least one prior conviction;
- defendant must be charged with a crime (either felony or misdemeanor) other than a crime against the person;
- if the charge is a felony, the circumstances must be such that application of District Attorney's Office policies permit disposition of the case by plea to a misdemeanor (because the New York Penal Law does not authorize use of the community service sentence after felony convictions);
- defendant must have had a verifiable residence for at least three months; and
- defendant must not have drug, alcohol or emotional problems (including history of violence) so serious that he or she appears to project staff as unlikely to be able to meet the obligations of the community service sentence.

The data analysis suggested that defendants meeting these criteria in the Bronx Criminal Court were substantially more numerous than could be admitted to the project (whose size would

be limited by available budget and consequently, by manpower available for supervision at the community sites). In order to ensure even-handedness in selecting between "paper-eligible" candidates, and to permit use of the expected overflow as a control group for research purposes, the following pre-pleading procedures were also agreed upon:

1. The ADA and defense attorney (Legal Aid, appointed, or private) will not consider a defendant eligible for participation in the Bronx Community Service Project, except where:
 - a. the defendant meets the offense and offense history profiles referred to above, and project staff has indicated that the defendant is not unable to perform;
 - b. the Legal Aid attorney has described to the defendant the nature of this sentence and the consequences of failure to comply with worksite rules or failure to complete the 70 hours of service, and the defendant has expressed his consent to a disposition on those terms, and
 - c. the ADA and Legal Aid attorney have indicated to the project representative that a recommendation to the court of sentence to conditional discharge, conditioned on successful participation in the project, would be a workable basis for a plea.
2. The ADA and Legal Aid attorney will not agree to disposition of such an "eligible" case until notified that there is, in fact, a place in the project available for the defendant. (The project is not to be free to pick and choose among "eligible" defendants; in the event that more "eligible" cases are approaching this disposition than there are spaces available at the time, the project is to apply a lottery selection system in which chance determines which "eligible" defendants must be excluded from the program.) If a place is available, the ADA and Legal Aid attorney may conclude plea negotiations with an agreement to recommend the community service sentence to the bench. The judge, of course, is not and cannot be bound by the recommendation.

3. The project will accept into the program any defendant who is sentenced to a conditional discharge, with the condition of performing community service in the project, for whom a place had been made available pursuant to these agreed procedures.

Where prosecution and defense are agreed that some form of community service, other than the form offered by the project, is a suitable basis for a plea, there is of course nothing to prevent such a recommendation being made to the bench, nor is there anything to prevent a judge from imposing such a sentence. During planning, the agencies principally involved agreed that there would be cases where more and longer supervision by probation would be desirable; but it was felt that, if a systematic program was to be tried, the first priority would be a test of the community service sentence by itself, without the longer-term obligations of probation. Similarly, by settling on a seventy-hour, full-time community service program, it was understood that defendants currently in full-time employment could not be eligible. Weekend and evening community service sentences (on the model most often used in England, and some U.S. jurisdictions) might, indeed, be more appropriate in some cases, but it was decided that, at least for the first ten months or so, this project could not be run well while also being made flexible enough to accommodate such variations. During the last six months of the pilot, the project was able to accept a number of offenders who were employed but who were able to secure their employers' agreement to a schedule that permitted at least two weekdays each week, or every afternoon, to be devoted to community service until completion of the 70 hours.

The administrative simplicity desirable for any new project mandated a uniform length to the sentences for which this project would be prepared to take responsibility, despite the likelihood that in some cases community service would be viewed as an appropriate and positive sanction but the crime would merit more or less than a seventy-hour obligation. The project's planners settled on seventy hours because it was felt that an obligation that could be fulfilled over ten 7-hour days (the equivalent of two regular work-weeks) would not appear so overwhelming, to the type of offender who faces jail in the Bronx, as to encourage failure. (Vera's experience with projects directly employing ex-offenders suggested that, for a population unaccustomed to reporting regularly to work, attendance is at least initially a serious problem.) Yet seventy hours seemed sufficiently burdensome to represent, to offenders and to the court, a fitting consequence for violation of law.

Offenders' performance in the Bronx pilot shows that most who evidence the degree of personal disintegration common in the jail-bound population there need 17 or 18 calendar days to complete their ten seven-hour weekdays of service. Many, accustomed to the non-enforcement of sanctions in the Criminal Court, do not take the sentence seriously at first; usually, they are sufficiently impressed with the seriousness of the matter when phone calls and personal visits from staff follow an unexcused absence from the service site, reminding them that they will be re-sentenced if they do not perform their community service sentence. Even then, some need (and are excused for) a day or two during the course of the sentence to attend to pressing personal problems (e.g.,

welfare eligibility reviews, medical appointments). No one is allowed to discharge the sentence without putting in the full 70 hours of service.

In the Fall of 1978, when agreement on the procedures and criteria had been reached with all the relevant parties and it appeared that program funding from LEAA was imminent,^{4/} staff was hired, community agencies that could provide appropriate service sites were identified, and intake procedures were fine-tuned through several weeks of "dry-runs."

⁴ Late in 1977, when planning for the Bronx demonstration project was well underway, LEAA was attempting to pull together restitution and community service schemes for systematic development and evaluation; in March, 1978, Vera joined with the Bronx District Attorney, the New York City Department of Probation, and a local Bronx community development group to seek discretionary funding under the LEAA national initiative. The proposed program won a grant in the competition, and the grant award was finalized in November. But, during meetings in December and January, it appeared that a national research design, to which the Bronx action project was being subordinated by LEAA, presented a host of practical, fiscal and ethical difficulties which could not be resolved. Negotiations culminated at a meeting in Washington on January 30, at which it became apparent to Vera that the rigidities of LEAA's approach to the research would prohibit responsible development of the action project. Some of the project staff had, however, already been hired and trained, and the intake procedures were to start the following day. Rather than stop, losing an opportunity to test the procedures and risking alienation of the system personnel whose expectations had been raised, Vera terminated the LEAA contract and proceeded, with a skeleton staff, to launch the more limited pilot project reported in these pages. Lack of secure funding prevented Vera from hiring a full staff until the Fall of 1979, when funds sufficient to continue the pilot project for twelve months were committed from the Edna McConnell Clark and German Marshall Foundations and from the City of New York (through the Police Department and the Mayor's Criminal Justice Coordinating Council).

IV. WAITING FOR THE JAIL-BOUND CASES

In the second week of February, 1979, the project's court representative had begun actively to screen court papers to find potential candidates for community service sentences. As potential participants were identified, by application of the eligibility criteria, the court representative discussed the possibility of using the community service sentence with the ADAs assigned to the arraignment court. At first, any further consideration of each case he raised for discussion was obstructed by the ADAs' reservations about the equivalency of community service and short jail terms. Specifically, the arraignment court ADAs raised the following objections to various "paper-eligible" candidates:

- the defendant does not seem likely to fulfill the community service obligations, because the NYSIID sheet (criminal record) indicates past failure to appear for court hearings;
- the defendant might be a risk to other people because one or more previous arrests were for charges such as assault or resisting arrest;
- the defendant should not be considered because of his "open" cases (this objection arose in part because unresolved cases make it harder to assess the defendant's suitability and in part because appearance at other court proceedings would interrupt his performance of the service);
- the defendant does not "deserve" the project, because it would be possible to negotiate a jail sentence.

Of the various objections raised by the ADA liaisons, the last was most expected and, as expected, created the greatest difficulty. The District Attorney had agreed that his office would consider for community service sentencing any defendant (meeting other eligibility criteria) likely

to receive up to a three-month jail term. In the adversarial atmosphere where ADAs operate, however, and because of their reasonable mistrust of new dispositional alternatives that, if not enforced, are "soft," this policy decision could not be fully and immediately realized. From the perspective of the courtroom ADAs, a community service sentence was a much "lighter" sentence than jail, at least until it could be demonstrated that the requirement to provide service would be enforced.

The problem with this initial prosecution position was that it led ADAs to reject precisely those defendants whom Legal Aid attorneys were prepared to consider appropriate candidates for the project -- defendants likely to do a few weeks or months of jail time. Conversely, and equally as obvious, the defendants the ADAs favored for community service sentences were the very ones Legal Aid attorneys were sure they could get off with an adjournment in contemplation of dismissal, "time served," or a small fine. For some days, then, an impasse blocked implementation of the project.

Finally, on the morning of February 26, a defendant appeared who met with approval from both Legal Aid and the ADAs:

Warren (the name is changed) was arrested at Alexander's for stealing a twenty-dollar pair of pants which, he said, he planned to sell to raise money to support his new infant child. Warren was thirty-one years old, with a history of twenty-three arrests, mostly for petty crimes such as shoplifting and illegal possession of drugs. However, included among his seventeen convictions were four convictions for burglary and one for robbery and assault (for which, in 1966, he had been sentenced to five years in prison): in recent years, he had become a regular recipient of sentences in the 15- to 45-day range. Despite his extensive criminal record, he had apparently never failed to appear for a court hearing.

Because of the minor nature of the present charge, the ADA felt Warren was a suitable candidate for the project. Because of his extensive prior record, Warren's Legal Aid attorney thought he was certain to get a jail sentence even on this charge; she also reported that he was "terribly disgusted with himself and very eager to stay out of jail." Warren was then interviewed by the project:

Warren proved to be a stoop-shouldered, weary man who seem far older than his thirty-one years. He freely admitted a fifteen-year history of drug addiction and a recent hospitalization for alcohol detoxification. He was currently in a methadone project where he went daily for medication.

Warren was eager to receive a community service sentence. His common-law wife, also a drug addict, was due to go into the hospital and Warren was anxious to stay out of jail to see to it that their fifteen-month-old son was properly looked after.

Although the attorneys were pleased by the prospect of a community service sentence in this case, the project staff was in a quandary. On the one hand, it hardly seemed credible that this aging drug addict with no solid community supports and no work history whatsoever could complete ten seven-hour days of service for his community. Yet there was no question in anyone's mind that Warren wanted the sentence and would go to jail again if he were rejected by the project. A check with his methadone maintenance center indicated he was reliable and in good standing there. If only because the adversarial logjam had to be broken, the staff agreed to start with Warren. The Legal Aid attorney and the ADA were informed. They approached the bench and informed the judge that the defendant would plead guilty to the misdemeanor, provided the sentence could be community service in the project. The judge agreed.

Warren was due to report for work at the project office at nine o'clock the next morning, a Friday. He did not appear. Over the weekend, the staff searched Bronx and Harlem streets for him; on Monday they finally found him at his methadone center. Warren was surprised and frightened. He held the widely-shared view that a conditional sentence need not be taken seriously: "I never thought you'd come looking for me," he exclaimed; "I just didn't think it mattered." He said later that he was sure, when the staff did come after him, that he would be sent straight to jail. Instead, he was brought to the project office where the director stressed again the importance of completing the sentence.

From that time on, Warren reported regularly and punctually to the project, but he needed support to complete his sentence. His home life was in a state of chaos as a result of his wife's drug abuse. He had spent and given away to relatives all of his month's SSI check and was without funds. The project provided him with some emergency assistance and spent a great deal of time, outside the hours set aside for performance of community service, counseling him on his home situation. To everyone's surprise, Warren more than pulled his weight in helping to give the Davidson Senior Citizens' Center its clean-up. Perhaps his finest moment came when he was confronted by an old neighborhood friend of his mother's who had become a regular at the Center. She expressed pleasure at seeing him after so many years, and commented pointedly that it was "good to see him doing something so useful." On the appointed day Warren returned to court and his sentence was changed to an unconditional discharge.

Warren's community service sentence broke the ice at the court. Over the next week, four more defendants were sentenced to the project, quickly broadening the base of support and understanding within the court system for the new sanction. Once the inertia of the system was overcome, the parties to dispositional decision-making, by their actions, began the slow process of identifying the kinds of cases for which the "weight" of the 70-hour community service sentence seemed right.

The process by which prosecuting and defense attorneys grew accustomed to the new sentence was, of course, a long one. Intake of sentenced offenders did not reach the desired volume until October, 1979, when 21 offenders were sentenced to community service in the project (one for every regular court day). What seems to have happened over these months is that ADAs and judges learned, on a case-by-case basis, that project staff would indeed deliver on their commitments to supervise, monitor and enforce these sentences (see Section VII). Once convinced that the sentence was not a "soft" option -- a "boondoggle" -- they became agreeable to its use on a regular basis in cases where defense attorneys could not reasonably expect their clients to "walk." It also seems that the project had to earn the respect of defense attorneys, by overcoming their fears that community service would degenerate into a kind of chain-gang experience (see Section V), and that nothing would be done about their clients' problems and needs (see Section VI).

V. PROVIDING SUITABLE TASKS FOR COMMUNITY SERVICE PARTICIPANTS

In January, 1979, as the pilot was about to begin, the project director settled on the Davidson Senior Citizens' Center as an initial service site; the activity there would permit program participants to interact with the beneficiaries of their service, the tasks would require no skills, and supervision of a crew of five offenders would present no special difficulty in that setting.

The Davidson Senior Citizens' Center is located on the ground floor of a small public housing complex at Prospect and 167th Street in the South Bronx, and it provides the elderly of that neighborhood with a supportive daily program of hot meals, recreation, counseling, and referral services.

The Center's rooms were in urgent need of cleaning and basic maintenance; the seniors were playing cards and eating at tables set between filthy walls, under light fixtures and windows that had not been cleaned for several years, and on floors caked with dirt and wax. Mrs. Marks, the Davidson Center's program director, wrote as follows of her reaction to the prospect of having convicted offenders doing a volunteer clean-up:

"When I heard those young men might be available to help me clean my center, I leaped at the opportunity. After all, the people in your program aren't much different from a lot of people living right upstairs in this project. Jails are a terrible thing. With all the unemployment, why not give people a chance to do something useful? Maybe helping us out will make them feel better about themselves."

Project staff met three times with Mrs. Marks and the rest of the Davidson staff to define and schedule the services to be performed. It was agreed that participants would clean

the center's tile walls, windows, and wax-encrusted floors. Mrs. Marks agreed to treat them like any other staff, voluntary or paid, and not to call attention to the fact they were under court supervision. "Of course," she added, "we hope they will have lunch here. We pride ourselves on our good cooking."

(This offer turned out to be of substantial value to the project as it got underway at Davidson; participants were by and large too poor and their personal lives too chaotic for them to pay proper attention to nutrition.)

The project's site supervisor and the Davidson Center staff seem to have been successful in giving the participants a sense of pride in their service and accomplishment in their tasks. As the work progressed, the participants were regularly thanked by the seniors for a job well done. During the lunch breaks, when participants ate with the seniors in the center's dining room, they were often invited to join in a game of pool or cards. A number of the seniors expressed gratitude, in particular, for the presence there of some young faces. As the first three participants reached the final day of their sentence, they were given a standing ovation at lunch-time.

At Davidson, the project's site supervisor developed techniques for managing the crew, for enforcing the project's rules of conduct, and for facilitating positive relationships between participants under sentence and the beneficiaries of their service; these lessons were, in turn, applied by other site supervisors on other sites.

The second service site chosen was the Forrest Houses Neighborhood Center which serves New York City Housing Authority projects on 163rd Street and Tinton Avenue. There, project participants completed a wide variety of assignments including a basic clean-up, providing help in escorting groups of retarded children on visits to cultural sites (e.g., museums), and painting wall murals to brighten up drab areas of the facility. One particularly withdrawn offender, who was given the mural-painting assignment, found himself the center of attention as a group of the children gathered daily to watch; he found it easier (and reported it pleasurable) to communicate with them than with peers. He successfully drew them into the project and supervised them in completing portions of the design. Having finished his court-imposed service obligations, he came back to the Center on his own time to help and was then retained, in a paid position, to paint murals on walls throughout the Center.

These first two service sites established something of a theme for choosing community service sites in the Bronx. Although offenders have assisted City staff in clean-up and repair work in Crotona Park, and have assisted various neighborhood groups in creating gardens and playgrounds in vacant lots, more than half of the 20 pilot service sites were community centers serving the elderly or the very young. And the project's presence at these centers has provoked good ideas for and created opportunities for some of the other

service tasks selected by project staff; for example, participants have recently been helping Project Score to install smoke alarms in apartments occupied by the elderly.

It has not proved difficult to identify community needs for service. It has been rather more difficult -- given these offenders' lack of skills, work experience and education, and given the need to form them into groups for supervision of the performance of their service -- to find particular tasks that are intrinsically satisfying but that are within their capacities. On balance, physically demanding manual work seems to be a plus with this group, so long as progress of the group's work is visible and there is a straight-forward link between it and the beneficiaries' needs. Within the basic framework, opportunities have arisen to make use of participants' special interests or skills: for example, the transformation of a general painting job into a mural-painting project for the artistically inclined offender at Forrest Houses, and the assignment of a mechanically adept offender to the repair of broken appliances at the Davidson Senior Citizens' Center. (It is almost certainly significant that these two offenders were in the small but encouraging number of project participants who, after completing their sentences, returned regularly to the site of their community service to help out.) But such opportunities for individualizing the service tasks have been relatively few, and the project has relied principally on the quality of site supervisors to make the work itself as satisfying as possible.

VI. COMING TO GRIPS WITH PARTICIPANTS' NEEDS -- SUPPORT SERVICES

No detailed plan for counseling or for providing support services to the participants had been spelled out in advance. It had been hoped that the site supervisor would be able to fill a counseling role for those participants who wanted his help. Because this function overlaps somewhat with probation work at its best, a probation officer was brought into the project on a part-time basis from the start; the Commissioner and Vera felt this important, both because the Department is clearly a possible host agency if community service sentencing does in fact take hold in New York, and because there are obvious possibilities for efficient and satisfying probation work in the short-term intensive setting of a community service sentence -- perhaps more so than in the conventional context of long-term supervision orders that build up the unmanageably high caseloads.

Although short-term casework had been anticipated for both the site supervisor and the probation officer, the volume of demand for it emerged only after the pilot was underway. The need for substantial re-thinking of the assignments of project staff became evident even before the first five participants finished their sentences; they had massive economic and social problems. Such problems were not altogether unexpected, because the initial eligibility criteria ruled out community service sentences for offenders who were in full-time jobs; but it had not been anticipated that the current difficulties of the participants would so graphically reflect the economic and social decay of the South Bronx. The early

efforts of staff to cope with these difficulties led in time to the hiring of a full-time support services coordinator. The cases of the first five sentenced to community service are dwelt upon in some detail here, because their situations so directly influenced staff in reshaping the project. Briefly:

- Only one of the five had had any steady employment within the two years prior to this arrest. The exception had spent some time employed in Wildcat, the supported work program for "unemployable" ex-offenders, from which he had been unable to make the transition to a regular job.
- Two were without any funds whatsoever and had no place to live. The remaining three were receiving some form of welfare.
- Three were known to have had histories of drug and alcohol abuse; of these, two were in methadone maintenance programs. One of the methadone patients was currently abusing alcohol.
- One had a history of psychiatric problems.
- Two had no job skills at all. The skills of the other three were only marginal. (One had once worked in a leather goods factory, one had knowledge of but not accredited training in radio and television repair, and one had some skills but little work history as an auto mechanic.)
- Four were socially isolated. They had no significant family ties or close friends.

Each of the five had such an array of problems that it would clearly have been difficult for them to use community resources effectively, even with assistance from project staff. They suffered from poor self-esteem, pessimism, low frustration tolerance and lack of assertiveness. Jointly or singly these problems made it difficult for them to apply for and follow through with training programs, job applications, vocational counselling, or actual employment. All would require support and encouragement to make use of even the sadly limited opportunities available to them.

As the project staff came to know and care about these participants, it became imperative that a programmatic decision be taken concerning how much effort should be made to provide them with assistance, beyond that necessary to get them through the obligations of their sentences. The project could not be transformed into a vocational or social service agency; any substantial attempt to do so would undermine the primary objectives of the project as a sentencing reform and, by greatly extending the term of participants' contact with the project, would reduce the volume of cases for which the project could provide a sentence option. On the other hand, participants faced such limited resources and opportunities that even if they managed to complete their sentences, any positive momentum built up in that effort was likely to dissipate because they had so little knowledge about and skill in negotiating the social welfare and vocational systems and because they appeared unable to summon, from their internal resources alone, the motivation and stamina required to move forward. The chances therefore seemed high that they would be unable to find real employment and that they would soon be back in the criminal justice system.

In response to these concerns, several of the staff began to play a "broker's" role: each participant was offered help in making a post-sentence plan for himself and assistance from the project in carrying it out. Calls were made to various agencies that might assist them to obtain work or vocational training.

The combination of these offers of support services from the project and the warm reception from the senior citizens at Davidson had an interesting effect. Despite the project participants' recognition that their service obligations were a form of punishment for lawbreaking, they began to develop positive relationships with staff of both the Davidson Center and the project. They sought assistance about various problems. For example, one requested help from project staff in getting tutoring to improve his reading level. Another wanted assistance in determining whether he was eligible for unemployment benefits. A third asked for advice on how to get out from under a number of old motor vehicle violations he had not paid and could not pay. Meanwhile, at Davidson, a participant approached the Center's director for help in getting food stamps for his mother. One of the younger participants asked if he could join in a theatrical production being planned by the seniors.

But, as each of the first five participants tentatively began to discuss plans for the future, it became clear that they had little hope for themselves. The combination of poor education, limited job skills, lack of employed role models, and prior criminal convictions convinced these men that they would never be permanently employed at a job paying a living wage. Seeing this, project staff tried to focus their attention on realizable goals and to help them to take steps toward those goals. Since both the crew supervisor and the project director

had worked their way out of similar life situations, they could speak with conviction about using the opportunity at hand.

By the time they completed their sentences, all five participants were referred to training, employment or other service. Three of the five followed through on the plans made while with the project and stuck with the job or training that had been found for them. One who didn't make it was Warren. Warren decided he should detox from methadone (so he could enter a drug-free residential program). It seemed a suitable start for him and a bed was obtained for him at the methadone detox unit of Kings County Hospital. He failed to appear there for his intake appointment. In retrospect, a project staff member probably should have accompanied him to the hospital to help him deal with his ambivalence about giving up drugs.

Two of the successful referrals involved false starts. They had been referred to an agency offering vocational counselling and job placement. Over the phone, this agency informed the project staff that the participants were eligible for the program. When the two men got to the agency, they were turned away because the agency could only take persons recently discharged from state correctional facilities. Fortunately, both men had sufficient confidence in the community service project to recontact the staff; second referrals were made and were successful.

This work with the project's first participants made clear the need to develop adequate resources to insure support services for those who complete their obligations to the court. It was clear, too, that a community service sentence could be a turning point for some; the experience of arrest seemed to shock them into some awareness of self-defeating patterns in their lives. Members of the project staff were able to help some mobilize that awareness into a decision to do something better for themselves. Without the intervention of the project staff, however, these men were too self-deprecating to make positive plans or carry them through. Therefore, project assignments and job descriptions were revised to include making preparatory phone calls to other agencies, to help identify appropriate referral services and to clear the way for participants to make a secure connection with the sources of help. For several months, it was almost workable to leave it to court and site staff to come up with the time, thought and energy for these counselling and resource development functions. But by mid-summer, 1979, the need for a full-time resource broker and vocational counsellor led to the addition to the staff of a person having years of experience in that kind of work.

The Support Services Coordinator uses his seventeen years of experience as a job developer and a city-wide network of

contacts with employers and social service agencies to respond to problems such as the ones that surfaced when this participant sought help:

Clarence (not his real name) is 26 years old, married, and has resided with his wife in the Bronx for the past four years. During the first day of his community service sentence, he told the Site Supervisor that the rent for his apartment had not been paid, and his wife had no money to purchase food. After some probing, the Support Services Coordinator found Clarence's problems to be as described, and arranged for an emergency interview with the New York City Department of Social Services. Shortly thereafter, Clarence and his wife received an emergency rent check and food stamps.

After a few days in the program, Clarence, who had a long history of drug abuse but not a very serious drug dependency, asked for help to be enrolled in a methadone maintenance program. After a long discussion with him on the relative advantages and disadvantages of methadone and drug-free treatment programs, in which Clarence rejected advice to try a drug-free program, the Support Services Coordinator arranged for him to be considered for treatment at a local methadone center. Perhaps because of the counselling, when Clarence went to the intake interview there, he changed his mind and did not enroll; he felt himself ready to break with the lifestyle which had involved him with drugs and to settle into a full-time job.

During the second week of the community service sentence the Support Services Coordinator followed up on Clarence's request for help finding a job. He was referred to a program offering training and paid employment, and to three separate employers. On the third of these job interviews, Clarence was hired; when last contacted (two months after finishing his sentence) he was still employed there. All of these support service interventions took place during the period of 14 working days during which Clarence completed his 70 hours of community service.

Of course, for many of the offenders sentenced to community service, the ten-day experience cannot even

dent a lifetime pattern of self-defeat and manipulation, no matter how able the staff, no matter how appropriate the worksite, and no matter how many appointments are made with agencies offering further help. Miguel's case illustrates the difficulty:

Miguel was serving a 60-day sentence on weekends for his most recent conviction (auto theft), when he was arrested for burglary and possession of marijuana. On the burglary charges he entered a misdemeanor plea and was sentenced to community service. Miguel sought help on two fronts: employment and education. He had, it turned out, been working off the books as a casual laborer at a Bronx factory for five years. His maximum weekly pay, \$100, had not changed over that time. Miguel's desire to improve his position in the labor market was offset, however, by his inability to read, write, and add numbers with more than two columns. He wept openly one day when describing how his daughter, aged 2½, displayed a greater knowledge of the alphabet when watching "Sesame Street" than he had acquired in his twenty years. The project's efforts to help Miguel were hampered as well by the combination of pride and shame that left him with little internal sense of direction or ability to tolerate frustration; he was quick to run from responsibility and to manipulate.

For example, Miguel, did not appear at the service site until four days after his sentence; he had to be personally contacted by project staff and reminded that he would be re-sentenced if he failed to perform. He put in two days of service, then called in sick two days, then showed up for a day, and then dropped out of sight. Project staff again tracked him down and showed him a copy of the letter to the District Attorney asking that his case be calendared for re-sentencing, which was to be delivered to the District Attorney's Office that afternoon. He came to the service site that day, and every weekday thereafter until he completed the 70-hour sentence.

The Support Services Coordinator attempted to interest Miguel in a stipended training program and in an evening school program designed specifically for illiterate adults. But, after first expressing interest Miguel refused to let the Support Services Coordinator set up appointments;

he said he would make the calls. On each of the last few days of his sentence, when asked if he had made appointments, he answered "Tomorrow." When he completed his last hour of service he was invited to call the project anytime in the future when he wanted help linking up to a job or an educational program. But it seems extremely unlikely that Miguel will make any of those calls.

In short, the kinds of problems surfaced by the first five participants, and presented in varying degrees by all those who followed, are deep and serious; addition of a Support Services Coordinator to the staff has permitted the project to respond to the problems, but it does not guarantee that the response will always be effective.

Nevertheless, every person sentenced to the project who expressed an interest in getting help to find a job or services received at least one referral; more than two-thirds received more than one. Although only half of all these appointments have been kept by the project participants, quite a few have gone on to earn high school equivalency diplomas, to get and hold jobs, and to overcome drug or alcohol problems.^{5/}

⁵ Absence of research funds has limited the project's ability to track the subsequent history of offenders who participated in the community service pilot, so the feedback on support services is spotty, and cannot support quantitative analysis.

VII. SUPERVISION AND ENFORCEMENT -- THE BASIS FOR CREDIBILITY
IN AN ALTERNATIVE SENTENCE

If a community service sentence were to fulfill its full promise, the offender on whom it fell would view it as punishment for the particular crime that brought him before the court; would experience it as a kind of restitution to the community whose norms he had violated and whose peace he had disturbed; would come away from it with positive feelings about having succeeded at a task, having satisfied an obligation and having helped others in need; and would have learned how to use those feelings and experiences in moving toward regular employment, training or other services with which to continue on a positive course. This is a tall order, particularly when these results are sought from a brief period of work with offenders of the kind passing through the Bronx Criminal Court towards jail. The pilot project experience has reinforced Vera's judgement that if such offenders are to realize one or more of these possibilities of a community service sentence, it will be through the full-time involvement of supervisors having a special combination of skills, personal experiences, and commitment.

The service site supervisors in the Bronx pilot are ex-offenders who have worked as supervisors in analogous roles on other Vera projects. By their own examples they show that a straight life-style and attitude is a possible, and possibly attractive, alternative to the life of repetitive property crime that is so characteristic of the project's participants and so destructive of the communities in which they live. From their previous work

experience, they bring some knowledge about how to evidence personal commitment to and sympathy for the participants without compromising the project's commitment to the court and to the ground rules of what is fundamentally a punitive sanction. They attempt, through the rather intense daily contact of work on the community service sites, to keep participants focused on the purposes of the sentence and, with those participants who evidence a desire for assistance in straightening out their lives, they attempt to help forge links to appropriate sources of help.

But these were not the principal reasons for including service site supervisors on the project staff. Almost by definition, South Bronx community groups that have substantial need for help do not have staff available for supervision of the helpers, for monitoring the performance of obligations imposed by courts, or for assisting in the enforcement of those obligations. Even community groups that have adequate staff are not staffed to handle the supervision problems posed by jail-bound offenders from the Criminal Court. Most of those sentenced to the pilot project had experienced the routine of work only intermittently, and were therefore unaccustomed to producing, day after day, seven hours of effort in a structured setting. They had often learned their survival skills in institutional settings, including the institutions of the criminal justice system, where the norm is "hustling" -- getting

around requirements by manipulating persons in authority, or by sitting back or simply disappearing.

From the beginning of this pilot it was clear that the project would have to supply site supervision if it was to avoid deliberate selection of only those offenders whose prior history suggested they would be responsive to lax, occasional supervision; without appropriate site supervision it would not be possible to seek community service sentences for the group of offenders otherwise destined for jail.

Similarly, it was necessary to give the project a capacity directly to monitor compliance with the court-imposed conditions of sentence, and to insure that non-compliance resulted in return to court for resentencing. It seemed clear that community groups, whose principal interest in the project would quite properly be the service performed by the participants, could not be relied upon to report back to the court when an offender failed to comply with his sentence. (Equally obvious, there would be little incentive for these groups to insist on full compliance by any offender whose behavior posed supervision problems on the site.) Yet it was apparent that any sentence aiming to be an alternative to even the shortest jail sentence must be enforceable, enforced, and seen to be enforced if it was not to be perceived by all involved in the Criminal Court as another "boondoggle." It was reasoned that an alternative sentence would have to establish its credibility in this regard right away, and maintain it; if prosecutors were to

begin to make use of community service sentences in cases where they had no real interest in imposing some burden on the offender, it would be virtually impossible at some later time to change the perception -- after such a start, it would fast become fruitless to try to establish the seriousness of the community service sanction by bringing non-complying offenders back to court for re-sentencing, because re-sentencing could only confirm the initial judgement that the "going rate" for the case was something less than even the shortest jail term. Thus, it was decided that project staff must be given the supervisory and monitoring functions at service sites, despite the cost.

In addition, anticipating early failures, Vera made arrangements with the District Attorney's Office and the Police Department's Warrant Squad to ensure the timely issuance and execution of warrants for the arrest of the offenders sentenced to community service who fail to perform the service and resist staff attempts to get them to return voluntarily to court for re-sentencing. But, as the pilot got underway, project staff proved remarkably successful at securing offenders' cooperation with the sentence, even in cases that were initially troublesome; it was not until the eleventh community service sentence that the offender persisted in refusing to respond to the court-imposed obligations and to the efforts of the staff. The procedures for issuance and execution of the arrest warrant worked smoothly (although several of those whose action was required to accomplish the offender's return to court remarked on the unfamiliarity of the practice), and, ironically, this

offender's failure to adhere to the court's order did seem to help establish the credibility of community service as a sanction with "weight" because the system moved with such unaccustomed efficiency to return him to custody.

Nevertheless, it proved much more difficult to secure the re-sentencing of a non-complying community service participant than to secure his return to the court. Through this first attempt to invoke the process, it became clear that re-sentencing would actually occur only if the offender were brought before the original sentencing judge and if the Legal Aid attorney and the ADA appearing in that judge's court were already familiar with the case. A defense attorney seeing the case for the first time when it is called (the usual situation in the Bronx Criminal Court) would insist, understandably, that re-sentencing not proceed until he had prepared for the hearing; if the defense were successful in getting the case adjourned, not only would the project's procedure be perceived to have wasted the time of the court and the police officer who had executed the warrant, but the offender's likely failure to appear on the adjourned date would simply invite repetition of the same course of events. Similarly, an ADA seeing the case for the first time would be likely to feel unprepared to go forward. Development of more workable court enforcement procedures took time and proceeded in tandem with the design and evolution of procedures, short of return to court, by which staff worked with non-complying participants.

Initially, the project was designed to respond in rigid fashion to misbehavior or non-performance by participants. A point system was established and carefully explained to each new participant -- penalty points were to be recorded for unexcused lateness or absence or for specified misconduct on the site, and termination and re-sentencing were to follow in a lockstep fashion if a specified number of penalty points were accumulated. The major attraction of this device was thought to be its bypassing of discretionary decision-making by the site supervisors.

The point system proved impractical; participants were so beset by problems, so bent on testing the rules, and so unaccustomed to reporting anywhere regularly that the staff had no choice but to learn to exercise discretion wisely in responding to their provocations and explanations, particularly their explanations for not appearing or appearing late at the service site.

The need for flexibility, and the potential it has for salvaging something positive from an otherwise disappointing performance of the sentence, can be illustrated by the following case:

Salvador, 29 years old, was living with his mother and sister. On the last of his three prior convictions he served a sixty-day jail sentence. He was sentenced to community service following arrest for auto theft. He did the first two days of community service, but then did not appear and did not call the project in advance (or at all) to ask for time to attend to other matters.

In their attempts to track him down, staff learned from Salvador's sister that he was abusing several drugs; she expressed concern about him, and about the security of the family's limited possessions. She was told that, if Salvador did not come back to complete his community service obligations, his case would be referred back to the District Attorney for re-sentencing. The next morning Salvador called -- obviously in a debilitated state. He asked for help with his drug problem. The project director arranged for his admission to a hospital drug detoxification program, and drove him there at the appointed time. Ten days later he was released. He finished his 70 hours of community service, although it took him more than a month to do so because his performance was riddled with tardiness and occasional absences. However, his functioning had improved enough so that he invariably called with an explanation (sometimes plausible, sometimes not) whenever he was going to be absent.

Finding the right combination of flexibility and firmness took several months. During that time, several offenders were terminated from the program who might have made it through their sentences and several were carried for too long before termination (with perceptible damage to the project's credibility in the eyes of other participants at the time). Gradually, the following procedures evolved:

First day that the participant does not report to the service site or fails to call in to request permission to be absent: Starting at about 11:00 a.m., one of the project staff working out of the courthouse tries to reach him by telephone, to persuade him to come to the site and to remind him of the consequence of termination. (The site supervisors call in each morning at 10:00 with the names of participants who were scheduled for their sites and did not appear.) Usually, this contact is sufficient to move the offender into compliance, If not--

Second day without hearing from the participant: Staff try to reach him by calling his home and the homes of friends and relatives. (At the pre-sentence interview and the post-sentence orientation, the project gathers the phone numbers of several people who might be able to contact the offender.) Again, if the offender is reached by this effort, it is usually enough; and, again, the somewhat unexpected responsiveness of offenders to these efforts seems in part the product of their surprise that such follow-up is occurring at all.

Third day without hearing from the participant: A member of the project staff seeks a face-to-face confrontation with the offender, at his residence or, failing that, wherever he can be found. If he cannot be found, a letter informing him of the action the project intends to take the next day is left at his residence.

Fourth day without hearing from the participant: A letter is delivered to the District Attorney stating the arrest charge; the names of the original ADA, defense attorney, and sentencing judge; the charge at conviction and the conditions imposed at sentencing; and the efforts the project staff has made to secure the participant's compliance with the sentence. It concludes with a request that the case be put back on the calendar for re-sentencing. The letter is delivered by hand to the chief of the District Attorney's criminal court bureau. Simultaneously, the defendant's attorney (and his probation officer, if he has one) is informed that the project is asking for resentencing.

When the ADA puts the case on the sentencing judge's calendar, he sends notice of the date and purpose of the hearing to the project, the defense attorney, and the participant. If the offender appears in court on the scheduled date, the judge can re-sentence him without adjournment (after a hearing, if he invokes his statutory right to one). If he does not appear, the judge orders that an arrest warrant be issued.

All warrants are sent to the Court Cashier's Office. When the judge orders that a warrant be issued for a project participant who has failed to appear for re-sentencing, a project staff member calls the Cashier's Office, gives the clerk the name and docket number of the person named in the warrant, and requests that the project be called when the warrant comes into the office. Later in the day, after the Cashier's Office clerk calls back, a project staff member picks up a copy of the warrant, which the project then makes available to the Police Department's borough warrant squad to expedite enforcement. (The original warrant is transmitted to a central office in Manhattan where it is assigned a number before being returned to the Bronx County Warrant Squad, ten days later, for execution.)

The day after the warrant is issued (more than a week before the original arrives at the Warrant Squad from Manhattan) the project director asks the Warrant Squad supervisor to execute the warrant. The director shares with the Squad any information he has that might help officers find the offender. He asks that an attempt be made to serve the warrant at a time when the original sentencing judge will be on the bench. (The project has the tentative sitting schedules for all Criminal Court judges in the borough, which are made up on a monthly basis.) If the Warrant Squad is successful, its supervisor alerts the project, which alerts the DA's office and schedules a project court representative to be present in the proper court part.

It seems that it will not be necessary to invoke this rather complicated procedure for more than about 7 percent of the project's cases.^{6/} Nevertheless, it seems essential to have it firmly established in order to guarantee to the ADAs, and to sentencing judges skeptical from experience with un-enforced or unenforceable conditional sentences, that community service sentences can be taken seriously enough to be used even where the "going rate" would ordinarily mandate a short jail term.

The evident seriousness with which project staff pursued the enforcement issues seems to have had the desired effect. Not only has it encouraged defense attorneys to be reluctant (as they should be) to agree to disposition of clients' cases by sentence to community service when they view the prosecutor's case as flawed or the risk of real sanction as slight, but ADAs have been increasingly willing to recommend a community service sentence in some cases where they believe their chances good for winning jail terms of longer than 90 days.

⁶The procedure is not necessary when the non-complying offender is already before the court on a new arrest.

VIII. A LOOK AHEAD

On October 1, 1980, a formal demonstration project in community service sentencing was launched in New York City. Over the current year, with funds from the Criminal Justice Coordinating Council's LEAA appropriation, from the Edna McConnell Clark Foundation, and from the City itself, the demonstration aims to take up to 300 offenders sentenced by the Bronx Criminal Court, up to 350 from the Brooklyn Criminal Court and up to 150 from the Staten Island Criminal Court. Vera will administer the Bronx and Brooklyn projects, which will be replicas of the pilot, and the New York City Probation Department will adapt the model to the rather different conditions of Staten Island. The offenders receiving these sentences are, in turn, expected to perform roughly 53,000 hours of service for groups in their communities that are in need of it.^{7/} If the demonstration succeeds in meeting these goals, the community service sentence will cost roughly \$615 per offender. Obviously, this compares favorably with the cost of short-term incarceration; it even compares rather well with the cost of a year's once-a-month probation supervision.

However, as the preceding sections of this pilot project report suggest, there are many questions, including some pressing

^{7/}This figure is reached as follows: 800 offenders X 70 hours per offender = 56,000 hours of service, less 2,800 hours lost by the anticipated failure of some 10 percent of the participants to complete their sentences (after performing, on average, half the service obligation imposed by the court at sentencing).

policy questions, that call out for empirical study. During the coming year, Vera intends to carry out an experimental research design that addresses some of these issues. The question of greatest importance is whether, and to what extent, offenders sentenced to this model of community service would in fact have served jail terms, absent the availability of this sentencing alternative. (However attractive the community service sentence appears, in fiscal and other terms, its appeal would be diminished if it were in fact used merely to impose an additional burden on those whose cases would otherwise have been dismissed or discharged and an additional burden on the criminal justice budget; this result has so often frustrated sentencing reformers in the past^{8/} that it demands close examination whenever an "alternative" sentence is launched.) The upcoming research^{9/} will also examine impact of the program on speed of disposition; frequency with which arrest warrants are issued by the court; recidivism; attitudes of offenders towards their crimes, the criminal justice system, and this sentence; offenders' use of educational, occupational and social services, and their employment histories, after conclusion of the sentence period; and attitudes of prosecutors,

⁸ See, M. Kay Harris, Community Service by Offenders (American Bar Association: Washington, D.C., 1978) Ch. IV; Ken Pease and William McWilliams, eds., Community Service by Order (Scottish Academic Press: Edinburgh, 1980); Alan T. Harland, "Court-Ordered Community Service in Criminal Law: The Continuing Tyranny of Benevolence" (Criminal Justice Research Center: Albany, 1980); and Sally Baker and Susan Sadd, The Court Employment Project Evaluation: Final Report (Vera Institute of Justice: New York, 1980).

⁹ The controlled research design would make use of any overflow pool of eligible offenders, beyond the capacity of the program from which offenders are to be randomly selected for the remaining program slots (See pp. 9-11, above).

defense attorneys and judges toward the community service sentence.

Thus, over the next year or so of activity, the Institute hopes to provide others in this field with a better understanding of community service as an alternative sentence -- an understanding based in wider experience than the pilot project and enriched by systematic research.

APPENDIX A

AGREEMENTS AND RULES OF
PROJECT

BROOKLYN COMMUNITY SERVICE SENTENCING PROJECT
AGREEMENT

I, _____, have pled guilty to _____, and as a condition to my sentence I agree to give service to my community, as directed by the Brooklyn Community Service Sentencing Project.

1. I will give 70 hours of my time toward the improvement of the Brooklyn community, by working at the jobs assigned to me by the Project. I will do this seven hours each day for ten days, Monday through Friday, or until I have completed 70 hours.
2. Every day, beginning with _____, I will come to the Project worksite by 9 o'clock a.m. and I will not leave until 5 o'clock p.m. I understand that the Project will provide me with \$2.50 daily to buy lunch and \$1.50 daily for transportation to and from the community worksite.
3. I understand that I may be terminated from the Project and returned to the Court for a new sentence:
 - (a) if I arrive at my worksite more than 1 1/2 hours late, or leave without permission;
 - (b) if I use physical violence toward anyone, or display any sort of weapon, on or around my worksite;
 - (c) if I steal from the Project or from anyone on or around my worksite;
 - (d) if I buy, sell or use drugs, marijuana, beer, liquor or wine on or around the worksite, or if I am high or drunk on worksite;
 - (e) if I deliberately destroy any tools or personal property of the Project or of other people at my worksite; or
 - (f) if I am arrested on a new charge and detained.

I understand that if I must be late, or must leave early, or if I must leave my worksite during the day, I can call the Project office (212) 237-0400 or speak with my Site Supervisor. I will not be terminated from the Project as long as I have a valid and verifiable reason for being late or absent and have received permission.

I understand that my obligation to the Court, to provide the community with 70 hours of service, means that I will have to make up any time I miss because I am late or absent on any of my ten regular days. I will make up that time as the Project Director or my Site Supervisor tells me to.

I understand that disobedience of my Site Supervisor, wrestling, boxing, shouting, and bickering are not service to the community; if I engage in them on my worksite, it may lead to my termination from the Project and my return to court for another sentence.

I understand that I may ask the Project Director, Support Services Coordinator or my Site Supervisor for help in understanding and obeying the conditions of my sentence.

Date

Signature of Project Participant

Signature of Project Representative

PROYECTO DE SERVICIO DE LA COMUNIDAD
DE BROOKLYN PARA SENTENCIADOS

ACUERDO

Yo, _____, me declararé culpable de _____

_____, y como condición de mi sentencia yo estoy de acuerdo a obedecer las reglas del Proyecto de Servicio de la Comunidad de Brooklyn para Sentenciados.*

1. Yo daré 70 horas de mi tiempo para mejorar la comunidad de Brooklyn haciendo los trabajos que me sean asignados por el proyecto en un lapso de 10 días, de lunes a viernes, o hasta haber completado 70 horas en el área designada.

2. Todos los días, comenzando en _____, yo me reportaré al área de trabajo a las 9 a.m. y no me iré hasta las 5 p.m.. Yo entiendo que el proyecto me dará \$2.50 diarios para comprar almuerzo y \$1.50 para transportación.

3. Yo entiendo que puedo ser terminado del proyecto y que sería llevado a la corte para ser sentenciado de nuevo si:

- (a) Llego al área de trabajo una hora y media tarde o si me voy sin permiso;
- (b) Uso violencia física en contra de cualquier persona, o muestro cualquier clase de arma;
- (c) Le robo algo al proyecto, a alguien o algo en los alrededores del área de trabajo;
- (d) Compró, vendo o uso drogas o si tomo cerveza o vino o fumo marijuana en los alrededores del área del trabajo;
- (e) Intencionalmente destruyo cualquier herramienta o propiedad del proyecto o de cualquier persona en el área de trabajo;
- (f) Si vuelvo a ser arrestado de nuevo o ser detenido.

Yo entiendo que si voy a llegar tarde o salir temprano del área de trabajo yo debo llamar al Director del Proyecto al teléfono (212) 237-0400 o al Supervisor del área de trabajo. Comprendo que no me despedirán del proyecto si tengo una razón válida por la tardanza o ausencia que el proyecto pueda verificar, y si me dan permiso.

Yo entiendo que mi obligación con la corte es proveer 70 horas de servicios a la comunidad, lo que significa que cualquier tiempo que falte debido a tardanzas o a ausencias durante los 10 días regulares, tendré que reponerlo, y que lo repondré de la manera que el Director del Proyecto me lo indique.

Yo entiendo que desobedecer al supervisor del área de trabajo, luchar, boxear, gritar y discutir no son servicios a la comunidad. Si yo hiciera algunos de éstos en el área de trabajo podría ser expulsado del proyecto y llevado a corte para ser sentenciado de nuevo.

Yo entiendo que puedo pedir ayuda para entender y obedecer las condiciones de mi sentencia al Director del Proyecto, al oficial de probatoria del proyecto y al supervisor del área de trabajo.

El proyecto esta de acuerdo en proveer cualquier ayuda que le sea posible.

Firma del participante en el proyecto

Fecha

Firma del representante del proyecto

APPENDIX B

Brief Case Summaries for the First
Thirty-two Persons Sentenced to the Bronx
Community Service Sentencing Project
During the Pilot Phase
(With Names Changed)

1. William

William was arrested for burglary -- he had been stripping pipes and wiring from an abandoned Bronx building. A tall, twenty-eight year old black man with a cheerful smile and friendly manner, William usually makes his living by signing on with furniture movers. Business was slow during the winter and he had been laid off. His plan had been to sell the pipes and wiring to a scrap metal dealer to make some money to tide him over until his regular employer called him back. It appeared to be a plan he has executed regularly.

William was anxious to stay out of jail. He had an apartment which he was afraid would be burglarized in his absence. He also had a common-law wife and son (he did not live with them) to whom he contributed support when he was able. He was concerned about being in jail and consequently being unable to provide money for them. Because he had recently been arrested on a similar charge there was a good chance he would go to jail; thus, he readily agreed to a community service sentence.

William was an enthusiastic participant in the project. To him, a community service sentence made sense as "a fair way to pay for breaking the law." He worked hard, joked with the old ladies and requested assistance from the Davidson Center's director for his mother. He was invariably punctual and needed no excused time from the project.

William was easily the least chaotic of the early participants. But he expressed an interest in obtaining employment less uncertain and physically less strenuous than occasionally moving furniture. A job interview was arranged for him. Before he could go for this interview, however, his old employer called him and asked him to return to work. When the employer learned he could not come right away (William still had a few days left on his community service sentence) he was reluctant to rehire William. The project director then called the employer, explained William's situation and urged that he be rehired. The employer agreed.

2. Francis

Francis was arrested for theft from a clothing store; he was already on probation for an assault conviction, and feared the likely jail sentence that would follow if he were convicted on the new charge or if his probation was violated.

Francis is twenty years old, of Puerto Rican extraction. A small man with a boyish manner, he was anxious to please the staff, and eagerly sought their help and advice. Early in his sentence he brought in two leather purses he had made for the two women on the staff.

Francis had had great difficulty in school. He was in a special section for "crazy kids" and left school after 9th grade because he "wasn't learning anything." A reading test administered at the project indicated that he had a 2.5 grade reading level. After he left school, Francis worked for several years in a leather goods factory where he made purses. It is not clear why he left that job but, since leaving it, he had been living with an older woman who had supported him.

Following his conviction for assault three years ago, Francis was referred to a psychiatric treatment program where he saw a counsellor once a week. He seemed to view himself as having some sort of mental or psychiatric problem, but in the short time he was with the project it was difficult to get an accurate sense of the factors that may have led to his educational and vocational difficulties. Language was a problem, certainly, as his English was only fair, but some other impairment seems to have been present. He became easily confused when confronted with choices; for example, in discussing various vocational options he talked about wanting first one, then another mutually exclusive possibility; he was unable to recognize that the choices were contradictory; instead he accused his interviewer of being "mixed up."

Francis was a faithful worker at the project. He came regularly and worked well at the job site. He was hopeful that he would be given entry to some kind of program, although, as noted, he was unsure what he wanted for himself. He appeared to respond well to firm advice and direction. At the conclusion of his sentence, he was referred to one vocational assistance program that did not work out (he was sent to an interview for a job as a security guard, but was rejected when the interviewer learned of his arrest record). He returned to the project office and was referred to a transitional work project where he has remained enrolled. He was advised to get tutoring at the Fortune Society to improve his reading skills, but did not follow this suggestion during the first weeks after completing his sentence.

3. Thomas

Thomas was arrested for taking a wallet from a "drunk" who turned out to be a decoy cop. Thomas himself was drunk at the time.

Although Thomas is twenty-eight, he has the appearance of an early adolescent. Thomas had used some drugs in high school but had become addicted to heroin while in Vietnam. Following his discharge (which was honorable) he was arrested for illegal possession of drugs and spent time in Daytop Village

(as a condition of probation). He says he got some insight into himself there (he certainly learned how to make excuses for himself) but didn't like the rigidity of the program. After he left Daytop he worked sporadically (he has some knowledge of TV and radio repair); then he entered a business training course to learn how to be a salesman. Shortly before his arrest he had dropped out of school in part because he felt he didn't need the program to learn to sell. The primary reason, though, was because he felt lonely and unable to make friends. He is currently enrolled in a methadone program; he explains that he went on methadone not because he was addicted but so that he could qualify for welfare while going to school. Thomas seems to be isolated socially. He is not close to his family and has no good friends. He remarked that there was no point in asking a girl out because he had no money.

Thomas appears to be a man who has trouble maintaining a balanced picture of himself. On the one hand, for example, he has the unrealistic notion that people should hire him as a salesman or a repairman regardless of his training or work history because he's "as smart as someone with a degree"; on the other hand, he feels no one outside the drug world could like him because he has been a junkie, has a criminal record and is unemployed. These two extremes reflect the attitude of a man with little self-esteem, one who feels he has no real abilities and must "get by" with charm and a good line.

Thomas failed to appear the first day for work and, when located, produced a veritable hail of reasonable excuses for his absence. Although he thereafter came regularly, on the worksite he found numerous reasons to malingering; at times, he antagonized other crew members with his slow pace and frequent absences in the rest room or for coffee breaks. Usually, however, he was able to talk the site supervisor out of any disciplinary action by a combination of contrite apologies and earnest promises to do better.

At the conclusion of his sentence Thomas was referred to South Forty Corporation for vocational counselling and job referral. Unfortunately, he was rejected by this program which proved to be open only to persons who had been released from a state correction facility within the past year. He returned to the project office and was given a second referral through which he obtained a full-time job with a telephone answering service. He also planned to take some evening vocational courses to improve his job skills. After he got the job, Thomas paid a visit to the project. He was visibly elated. Clearly one thing that had been holding Thomas back was his poor opinion of himself and consequent fear of rejection. That someone would actually hire him for a regular job was an enormous boost to his morale.

4. Perry

Perry was arrested for burglary when caught stripping pipes and wires from an abandoned building. Prior to his arrest he had worked steadily for eighteen months at Wildcat (a supported work program). He left Wildcat because this program cannot keep workers longer than eighteen months. He had subsequently been unsuccessful in obtaining regular employment. He had gone "prospecting" for pipes and wires to get some cash to tide him over until hoped-for unemployment benefits arrived.

Perry is a quiet man of twenty-seven. He conveys a somber, untrusting quality with a smile that never reaches his eyes. Perry told the staff little about himself. he said he had no job skills, although he appeared both intelligent and articulate. He also said he had no family ties of importance or close friends.

Perry seemed to carry some secret that he would not share. He spoke bitterly about "things never working out for me," but would not expand on this statement.

Perry worked hard and well for the project. He needed one day of released time to go to an unemployment center. Except for this one day, he was always present and punctual. At the worksite he was a steady, reliable, although melancholy worker. He saw his community service sentence as a necessary evil, but not something he deserved. He felt his arrest was unfair, just as his entire life situation was unfair. "I don't owe society a thing," he said at one point.

Because little was known about him, it was difficult to say to what extent Perry may have contributed to his own "bad luck"; however, he had a negative attitude toward many suggestions the staff made. He rejected the possibility of referrals for entry-level employment and vocational counselling, because they paid so little and because he viewed such assistance as "just one agency handing you over to another."

Ultimately Perry was referred to the South Forty Corporation. He was told he would be assisted in obtaining regular employment. He did not appear for his appointment and the project has not heard from him again.

5. Warren

Warren was arrested for trying to take a twenty-dollar pair of pants out of Alexander's. At the time of his arrest Warren was without funds. He receives a monthly S.S.I. check; however, he had spent or given away the entire benefit by the middle of the month. Warren had used his S.S.I. money primarily to support

his fifteen-month old son. The baby's mother, a drug addict, had recently been cut off welfare. Warren planned to sell the stolen pants to get a little extra cash until the next S.S.I. check arrived.

Warren has been a drug addict for fifteen years. A stoop-shouldered man with a scarred face, he seems older than his thirty-one years. Warren has been in and out of many drug treatment programs. He is currently enrolled in a methadone maintenance program. Six weeks prior to his arrest he had been discharged from King County Hospital following alcohol detoxification. He has been arrested numerous times (23 in all) mostly for petty theft and illegal possession of drugs.

Warren was extremely anxious to stay out of jail. His girlfriend (his son's mother) was scheduled to go into the hospital to detox from pills. Warren wanted to be sure she made it into the hospital and to be sure the baby was looked after. Warren was clearly not a strong candidate for the program; however, because he seemed highly motivated for the community service sentence, and because he was the first candidate found acceptable by both the prosecution and the defense, he was accepted.

Warren did not report for work the day after his court appearance. It turned out he didn't live with his sister at the address he had given the court. Eventually, Warren was located at his methadone clinic. He was astounded that anyone would bother to look for him. After being firmly warned that a further failure to appear would result in his being re-sentenced, he agreed to come back to the project.

From that time on Warren reported punctually to work. At the Senior Center he was a hard, consistent worker. Warren felt that a community service sentence made sense. He expressed satisfaction in doing something useful. It meant a lot, he said, to get up in the morning have some place to go and something to do. At one point, he met a friend of his mother's at the center. The two were pleased to see each other and Warren commented that it made him proud to be seen working by his mother's friends.

Staff spent a lot of time with Warren helping him to figure out what he would do next. He concluded that his relationship with his girlfriend was hopeless, and moved out of her apartment. At this point, he had no place to sleep.

Warren decided he should return to a residential treatment program which he felt had helped him a lot in the past. To do this, he had to be drug-free. The next step for Warren, therefore, appeared to be detoxification from methadone. An appointment was made for him at Kings County for the day after he received the discharge of his sentence. The day before he was to go into Kings County he showed up at the project office groggy from too much alcohol. He did not appear at Kings County the next day, and has not been heard from since.

In retrospect, Warren was obviously very ambivalent about giving up drug dependence. He was the kind of man who has a lot of trouble connecting with another service. Had he been escorted to Kings County, he might have accepted detoxification. He couldn't get there on his own.

6. Jerry

Jerry is a 29-year old black man. He claimed to have completed the 11th grade, but tested at below a 3rd grade level in reading and math. He was charged with grand larceny and possession of burglary tools when he was apprehended in the act of stripping an abandoned automobile. The Assistant District Attorney agreed to reduce his charges to attempted possession of burglary tools (a misdemeanor) and to a community service sentence.

Jerry had been self-employed as an occasional auto mechanic. The project advised him to register his business formally, but he did not follow through on the suggestion. While he was working toward completion of his sentence, staff helped him to get his driver's license restored, and with the help of the District Attorney's Office, assisted him to get back tools (necessary for his automobile work) which had been confiscated by the arresting officers.

7. David

David is a nineteen-year old Hispanic youth who was originally charged with burglary (D felony) and criminal possession of stolen property (A misdemeanor). He was allowed to enter a plea of trespassing in the 3rd degree (a violation) on the condition that he complete 70 hours of community service with the BCSSP. At the time of his arrest, he was unemployed and living with his common-law wife and one child. He had no work history with the exception of two short-term delivery-boy jobs.

David was a good and faithful worker on the job site. He followed directions well and was always friendly and helpful toward the senior citizens at the site. However, we noted early on that, despite his rather clear ambitions for particular employment, he had few skills and was without the patience necessary to acquire them. (David said that he wanted to be an auto mechanic.)

His educational level was just below the 5th grade in math, and the 3rd grade in reading ability. Staff referred him to a temporary job so that he could satisfy his desire to have some pocket money and so he could make use of other services there

that he said he needed. He worked two days and quit. We also referred him to Neighborhood Youth Corps. They offered classroom instruction and a \$60.00 weekly stipend. He could not tolerate the month's wait. Staff also referred him to the Fortune Society, but there, too, David desired immediate services. It is difficult to know what to make of his recent call to BCSSP, in which he said that he is fixing and selling used washing machines.

8. Robert

Robert is a 20-year old unmarried Hispanic youth. At the time of his latest arrest he was serving a sentence of five years probation for attempted burglary. On his latest charge he was accused of grand larceny 3rd degree (E felony) and criminal mischief in the 4th degree. Charges were reduced to attempted grand larceny. While in the BCSSP staff found him to be a very enthusiastic worker with an excellent record of punctuality and attendance. But he had an I-don't-care attitude on which staff worked with him.

After he completed his sentence he was referred to the Fortune Society. On April 12, Robert called and advised us that he had been accepted by the Fortune Society into a stipend-paying auto mechanic training program.

9. Julio

Julio is a 30-year old Hispanic youth who had previously been convicted of four misdemeanor charges. At the time of his latest arrest for grand larceny 2nd degree (D felony), and possession of burglar's tools 1st degree (A misdemeanor), he made a plea to attempted possession of burglar's tools. By the time of his latest arrest, Julio had previously been convicted of four misdemeanors, but no felonies. He had been living with his common-law wife for the past three years at the same Bronx address.

In testing Julio we found that he had math abilities equivalent to a 4th grade level and a reading score on a grade level of 7.5.

While in the BCSSP Julio fulfilled all program requirements, but during his last days in the project he seemed to get restless and lose his enthusiasm. After he completed his sentence we arranged for an interview with Jobs for Youth. Julio never kept his appointment.

.10. Orlando

Orlando is a 20-year old Hispanic youth who has lived at the same Bronx address for the past three years. Prior to his last arrest for burglary 3rd degree (D felony) he had one misdemeanor conviction. After pleading guilty to criminal trespass 2nd degree (B misdemeanor) he was accepted in BCSSP.

Orlando had completed the 11th grade; on the tests administered by BCSSP, he scored at the sixth-grade level in math and at grade 8.3 in reading ability. Orlando was almost terminated from the project due to his inability to get to the project on time. Once he got to work we had no problem with his job performance. We referred Orlando to Project Rebound in the hopes that he would be able, with their help, to get and hold onto a permanent job.

11. Elvin

Elvin is a 17-year old Hispanic youth with one misdemeanor conviction prior to his latest arrest for burglary 3rd degree (D felony). On a plea to criminal trespass 2nd degree (B misdemeanor) he was accepted into BCSSP.

While Elvin stated that he was anxious to get into BCSSP rather than face jail, he never reported to work. The Project Director spoke with him, visited him on several occasions, wrote letters, and spoke to his family. All efforts to get Elvin to return voluntarily and start serving his sentence failed. At the project's request, the District Attorney applied for an arrest warrant; it was issued, and (by agreement between the project and the Police Department's Warrant Squad) the warrant was executed immediately. That was too quick; Elvin was brought to court that night and released, to appear the next day. He did not show, and another warrant was issued. But, two days later, he appeared in court without being re-arrested. In response to requests of his attorney, the Assistant District Attorney, and the judge, the project accepted him back to start his sentence again. Following a long discussion with him, however, the Project Director referred him to a physician for the immediate treatment of two communicable diseases; he was excused from starting his sentence until he recovered from the treatments. But, at the point when his presence was again required, Elvin did not appear and, again, did not respond to the Project Director's personal attempts to persuade him to do the service. He was re-arrested, and upon re-sentencing was ordered, within 30 days, to pay a fine of \$150 -- a sum that he does not have the means to pay. Sadly, jail remains a real probability in this case.

12. Jackie

Jackie is a 39-year old black man with alcohol problems. At the time of his arrest, he was collecting unemployment insurance benefits from his last job as a porter. He previously had one misdemeanor conviction, and his latest charges were for theft of services (A misdemeanor), resisting arrest (A misdemeanor), and disorderly conduct (violation). He pleaded guilty to disorderly conduct and completed his community service sentence without any problems. He was referred to the Fortune Society for vocational training, education and counselling.

13. Benjamin

Benjamin is an unmarried black male who, in his 34 years, had been convicted of one felony and one misdemeanor offense. His felony conviction for attempted robbery resulted in a two-year stay at a New York State prison. His most recent arrest was for criminal mischief 4th degree (A misdemeanor), obstructing governmental administration (A misdemeanor), and disorderly conduct (violation). He pled guilty to the disorderly conduct charge and was sentenced to 70 hours of community service.

Benjamin has previously been employed as a driver, but most recently was subsisting on welfare benefits. He appeared bright and articulate; he tested at a 7.1 grade level in arithmetic and at a 7.5 grade level in reading ability. He appears to have alcohol problems and a lack of ambition. He has not, however, showed signs of inability to meet his community service obligations. Project staff has been able to help him negotiate with his welfare center over difficulties that have plagued his dealings with them.

14. Lawrence

Lawrence is a 40-year old black man who has lived at the same Bronx address for the last five years. While he has never been convicted of a felony, he was previously convicted of misdemeanors on four occasions. His most recent arrest was for burglary in the third degree (Class D felony). He was allowed to plead guilty to disorderly conduct (violation), and was sentenced to BCSSP.

In his first days of his sentence, he seemed rigid and not overly ambitious and was encouraged to be more flexible. Over time, his performance improved on the site (he made posters to announce events for the seniors, for example), and he became more realistic about his immediate employment prospects. In the end, he not only accepted a referral for educational and vocational training, but he has drawn his son and two of his cousins along to that program.

15. Jesus

Jesus is a 21-year old Hispanic male who has one prior felony conviction (burglary), for which he served four years in Elmira Reformatory. His latest arrests were for petty larceny (A misdemeanor), and criminal possession of stolen property in the third degree (A misdemeanor). After agreeing to perform 70 hours of community service he was permitted to plead guilty to attempted petty larceny (B misdemeanor).

Jesus reported to the BCSSP office after sentence was imposed. The program rules and regulations were explained and he was given the wide-range achievement test to determine his educational level. He scored at the 5.8 grade level in arithmetic and at the 7.5 grade level in reading.

The next day he failed to report to work and the Project Director began searching for him. On the second day the Project Director encountered him on a street corner. Jesus was informed that he was not fulfilling the sentence requirements and was in jeopardy of getting into more trouble if a warrant had to be issued for his arrest. He advised Mr. Gatling that he had to take his common-law wife to the welfare office and would report to BCSSP the following day. He did not show up. The project has asked for issuance of an arrest warrant.

16. Willy

Willy is a 31-year old black man, with two previous felony and three previous misdemeanor convictions. He has served time both in upstate prisons and city jails. His latest arrest was for burglary third degree (D felony), but he was permitted to plead guilty to attempted criminal mischief in the fourth degree (A misdemeanor), and was sentenced to BCSSP. He failed to report on his first day and received one violation point for calling in late to explain his absence.

Although Willy says he has a high school diploma, he tests at a 4.7 grade level in arithmetic, and a 7.3 grade level in reading comprehension. He has worked as a truck driver, post office worker and, most recently, as a street vendor of clothing which he buys wholesale. Willy has a wife and two children, one two years old and the other ten years old.

Willy has picked up a second violation for unexcused absence, since that first day, but the problems seem to be rooted in serious marital discord, and he has had the project's help in finding ways to alleviate these pressures. (The project staff found an agency

that secured him with temporary housing and referred him to a source of permanent housing assistance.) Yet another absence without prior approval proved to be the result of Willy's decision to skip his appearance that day, on an unrelated charge, in the Manhattan Criminal Court. When he came in the next day, he sought and received help from staff in explaining to the Manhattan court his present posture in complying with the sentence of the Bronx Court.

When he surrendered himself in Manhattan, the judge sentenced him to 15 days of community service, to be performed at BCSSP concurrently with his sentence from the Bronx Court. It is not clear that Willy will be able to comply, with the additional burdens. But it is intriguing that the Manhattan Court avoided sending him to jail by reaching out so quickly to make unexpected use of the community service sentencing structure provided by BCSSP.

17. Alfredo

Alfredo is a 17-year old, unmarried Hispanic youth, with one mark against him already on his adult record. He was arrested for burglary, but was allowed to plead guilty to trespass and sentenced to community service.

He had never held any job, except that, when placed as a juvenile at the Wiltwyck School for Boys, he had worked for two and a half years in the kitchen there. He had also managed to get through the sixth grade, but, when tested by the project, proved to have fourth grade math skills and was at the pre-kindergarten level in reading.

He was an excellent worker at the Davidson Senior Center, however, and towards the end of his sentence he sought the help of the site supervisor, to find an agency which could teach him to read or train him for a job. He was referred to the Fortune Society, where he enrolled in an extended educational program. The initial enthusiasm wore off quickly, though; he dropped out of the program and was soon re-arrested for burglary and sentenced to jail.

18. Rafael

Rafael, at 24, had recently had a string of minor run-ins with the law, including convictions for prostitution. This time he was arrested for possession of stolen property. He pled guilty to attempted possession of stolen property and was sentenced to the project.

He had been gainfully employed only at a few summer jobs, years before, and -- it soon became evident -- as a male prostitute. He read at the first grade level and had third grade math skills. Once in the project, he showed little interest in upgrading his skills or finding a legal line of work. He completed only 14 hours of community service before trying to drop out of the program and out of sight. The Project Director spent the next few evenings attempting to locate him by visiting his residence, his family's residence, and places where he was said to "hang out." In time, Rafael was persuaded by his family to meet with the Project Director and, working together, they convinced him to come back to Davidson. He worked off a total of 52 1/2 hours of his 70 hour sentence before he disappeared again. This time the Project Director's week-long efforts to find him failed. He has evidently changed some of his habits, because the Warrant Squad has so far been unable to execute the warrant for his arrest.

19. Charles

Charles, a 37-year old black man, was arrested for burglary, possession of burglar's tools and possession of stolen property; he was caught stripping pipes and other valuables from buildings that had been emptied of tenants. He was allowed to plead to criminal trespass and was sentenced to perform 70 hours of community service in the project.

Charles had been self-employed, as an upholsterer, and had some skills with repair of small electric appliances. At Davidson, not only did he work well and relate well to the seniors, but he undertook (successfully) to repair the five large fans that had been out of order, making the summer heat a little less burdensome for the seniors. After completing his sentence, he sought referral to a part-time job; since he has kept up with the paid work and, on weekends has been doing volunteer work at Davidson to repair other equipment.

20. Brian

Brian, a 45-year old black man, caught stripping buildings and charged with burglary, pled guilty to criminal trespass. At the time of his arrest he was trying to support his wife and two children with a combination of SSI assistance and occasional income from casual labor, at night and off the books, at the Hunts Point Market. He had been experiencing difficulties obtaining his SSI check and negotiating the bureaucracy to do so. When, on the third day of his community service sentence, Brian failed to show at Davidson, the Project Director went to his home -- there, for the first time, it became clear that Brian was trying to work a midnight-to-8:00 A.M. shift at the market before coming in to work off his sentence. He had been too exhausted to make it, and had gone to sleep. The Project Director worked out a schedule that would permit Brian to

complete his 70 hours in the project with less strain, and Brian stuck to it. By the conclusion of his court-ordered service, the staff had found him a better part-time job than the Hunts Point night work, and Brian took it.

21. John

John was one of Brian's co-defendants. He met his obligations at Davidson but his behavior was unpredictable; on the eighth day of his sentence the site supervisor confronted him with his near-certainty that John was an active heroin addict. The site supervisor and the Project Director attempted to get John to think seriously about entering a drug treatment program, but those efforts were unsuccessful. John completed his sentence, but refused referral to a drug program and has been seen since hanging out with other addicts at a nearby "shooting gallery."

22. Brandon

Brandon, another co-defendant in the house-stripping case, did very much better than John. Brandon started out with some advantages: not an addict, he had worked casually, over the years, as a painter, plumber, and auto repairman. At Davidson, in addition to pitching in on the work assigned to the crew, he repaired the half-dozen sewing machines that were there for the seniors' use. Upon finishing the sentence, he was referred to several part-time jobs, and ended up doing part-time paid work at Davidson. In the interim, the project staff helped him secure assistance for his family through the City Department of Social Services.

23. Edward

Edward was the last of the co-defendants in the house-stripping case. It was not his first conviction of this kind, but he had been supplementing the income by doing casual maintenance work off the books. He did not seek or want any assistance from project staff in changing his life-style, but he completed his sentence without a hitch.

24. Paul

Paul, 17, already had an adult conviction for possession of stolen property, for which he was under a probation order when he was arrested this time for petit larceny and possession of stolen property. He was unemployed, although he had worked previously as

an unskilled laborer and in a supermarket. He performed his community service obligations well, and, with help from the project staff, enrolled in a job training program at the end of his community service sentence.

25. Manuel

Manuel, 34, had a record of three felony convictions -- including robberies -- and eight misdemeanor convictions; on his most recent conviction, he did ten months in jail. This time, he was accused of petit larceny and possession of stolen property. When sentenced to community service, he was expressly told by the judge that, if resentencing were necessary, he would get another jail term.

Although generally uncommunicative, Manuel had real artistic ability. He was one of the first participants to be assigned to perform his community service obligations at the Forest Houses Neighborhood Center, and was remarkably able to communicate with the children -- particularly the group of retarded children whose summer activities were centered there. This became a focal point of his discussions with project staff when, half-way through his sentence, he was assigned to paint a wall mural in a particularly drab corridor. (The Center had recently been given a new paint job by the City, and all the decorative murals had been lost.) The children gathered daily to watch him paint; he drew them into the completion of his work and encouraged them to use the medium to express themselves. His delight in others discovering value in him was evident, even to him.

Manuel then sought project staff assistance; among his difficulties was an outstanding \$500 fine which was almost due and which he had no present prospects of paying. Staff helped him get an extension of time to pay, linked him up to receive public assistance, and helped him look for a job. Shortly after Manuel had been discharged from his community service sentence, when he returned to the project office to repay a \$2.00 personal loan, he reported that he had found a paid job through the Forest Houses staff.

26. Bob

Bob is a forty-four-year-old black man with an alcohol problem, and high blood pressure that has kept him unemployed for the past five years; previously, he had worked at heavy labor, but was now unable to climb ladders or lift heavy objects. His reading and math skills were at elementary school grade levels. He had been living on SSI benefits and odd jobs. With a prior felony conviction and two prior misdemeanor convictions, he was glad to be sentenced to a community service when, this time, he was arrested and convicted for burglary and possession of burglar's tools. He worked well at Forest Houses, and was particularly helpful to staff there when he pointed out certain deficiencies in

the management of outings for the retarded children attending the Center's day-camp. When he returned from a day's trip to the Museum of Modern Art, where he and other program participants had had to provide guidance to the one counsellor assigned to escort seventy children on the outing, he suggested better methods for supervising such groups on future excursions. His suggestions were adopted, and used for subsequent trips to Pelham Bay Park, the Cloisters, and Rockaway Beach. On another day, Bob was assigned to spend the entire day working with one retarded boy. The boy, usually lethargic, became jovial in Bob's care, and Bob, who would seem rather slow to most observers, "came alive" (as one Center staffer put it) in the interchange with his day's client. At the end of the day, Bob acknowledged that the task had tried his patience, but, after a pause, smiled and said, "Thanks for a good day."

During his performance of the community service sentence, Bob was assisted by project staff to straighten out problems that had arisen in the flow of his SSI benefits; after he completed his sentence, he took a project referral to a program providing both remedial education and job training.

27. Randy

Randy had worked in the past as a warehouse hand, house painter, and restaurant laborer. Now 30 years old, he was unemployed, unable to read or do math at more than elementary grade levels, and building up a string of misdemeanor convictions, already numbering six. On this arrest, the charges were petit larceny and possession of stolen property; he pled to attempted petit larceny and was sentenced to community service. He worked both at the Davidson Senior Citizens' Center and at the Forest Houses Neighborhood Center. At Davidson, he found himself at one point in an unexpected reunion with his own mother, with whom he had fallen out of contact; at Forest Houses, he proved particularly adept at calming and working with hyperactive children. He approached project staff for help in finding immediate employment, and, taking advantage of the part-time job found for him, he has been working two or three days each week since the end of his community service sentence.

28. Ernest

Ernest, 25, had done some truck driving in the past, but had been unemployed for some time when arrested for grand larceny; he pled guilty to possession of stolen property, and was sentenced to perform community service. His criminal record included a felony for which he had been sentenced to four years, and a misdemeanor which drew him 60 days. As with so many other coming through the Criminal Court, his reading and math skills were at elementary grade levels.

He did not appear to begin his sentence on the day scheduled, nor on the following day. But he responded to messages left for him at places he was known to frequent, and called in to the project office on the third day. He tried to explain his failure to comply with the sentence conditions by offering a story about three days wasted trying to negotiate the welfare system. The Project Director offered to sort these matters out for him if he reported to the project the next day to begin his community service. Ernest agreed, and that evening the Project Director took him to the Davidson site to give him a sense of the kind of people he would be helping and the kind of work he would be expected to do for them.

The effort was to no avail. Ernest never re-appeared and, when repeated attempts to contact him met with no success, the District Attorney's Office was notified and a warrant was issued for his arrest. When he was brought before the court for resentencing, Ernest got 90 days in jail.

29. Michael

Michael, 19, had a previous conviction for robbery. He came to the Bronx Community Service Sentencing Project by an unusual route. Initially, he had been charged with robbery and, upon a plea to attempted robbery, had been sentenced to pay a \$200 fine or do 20 days in jail. On the day he was to pay the fine, he told the court he had no money at all. The judge asked the project to consider Michael for community service, because 20 days in jail seemed not likely to do any good. When the ADA, defense attorney, and the project agreed, the conviction was vacated, and Michael pled guilty to a mid-demeanor and was resentenced to perform 70 hours of community service under the project's supervision.

Michael worked hard, at Forest Houses, to reach the children; he proved able to overcome the difficulties many feel when working with the autistic, and that became his special assignment. He completed his sentence without difficulty, but he sought help from the staff for his drug problems and his lack of resources -- including a lack of anywhere to live. He was referred to Reality House, which provides both, and was accepted there. Not wanting to repeat the mistake made with Warren's referral to drug treatment (Case #5 above), a member of the project staff accompanied Michael to Reality House to support him through intake. But Michael panicked when he arrived there; he denied using drugs, turned around and walked back out the door. Several days later, still without a place to stay, he came back to the project staff for help. Again, he was escorted to Reality House, after a few phone calls to clear the way. This time he made it through intake, but he dropped out of the program after only a few days.

Although extraordinarily able with autistic youngsters, and eager to take responsibility for their care, Michael proved too immature at 19 to take responsibility for himself. He has not surfaced since leaving Reality House.

30. Dominick

Dominick, 23, said he had completed the twelfth grade, but, like the others, he could not read at a level beyond elementary grades, and he had almost no skill at math. He had never held a job. He came to the project upon conviction for trespass, after an arrest for burglary. Although his record of trouble with the law was minimal by comparison to most other program participants -- he had only one misdemeanor conviction before the current arrest -- he proved to be one of the most difficult to supervise. He was immature, aggressive and argumentative at the Davidson Senior Citizen's Center. The project's site supervisor was able to keep him on the site and working -- and the Davidson seniors were generous in their judgments about him -- but not without confrontations which the supervisor had to adjourn to private areas to resolve. The problems did not appear at all related to the community service work. Dominick made threats, but was quickly calmed. Finally, the site supervisor was able to learn that Dominick's common-law wife was about to give birth to their first child, that Dominick was furious that he had no money to support them or himself, and had no idea how to show that he was a man.

Despite all the friction, Dominick completed his sentence, on the scheduled day, and accepted referral to a part-time job with a program known for its rather charismatic and "street-wise" foremen. Staff of the community service project hoped that in the the environment to which he had been referred Dominick's "tough-guy" approach to his difficulties could be peeled away and replaced by a little more maturity. For a while, it seemed to be working; Dominick stayed with the job for a couple of weeks. But he dropped out before making a real commitment, and accepted a second referral -- this time to the easier life of a job training program that he seems to view as a game. Meanwhile, he has been observed, back on the street, hustling.

31 and 32. Victor

Victor, 28, had a previous felony conviction, and came to the project after pleading guilty, as charged, to petit larceny. He had been unemployed for months, although he had previous work experience as a short-order cook, waiter, busboy and factory laborer. He was attracted to the work with children at Forest

Houses, and was extraordinarily sensitive to them. But the site supervisor became convinced that Victor was on drugs; toward the end of the 70 hour community service obligation, Victor was confronted with these observations, admitted his drug problem, and confessed that, in addition, he had been arrested the previous weekend for stealing food from a local supermarket. It turned out that his life was in utter disarray; he was addicted, had no place to live, was sleeping rough (and washing his clothes under a fire hydrant "so I'm not dirty around the kids"), and stealing food to stay alive. He agreed to enter a drug detoxification center as soon as his 70 hours were up. With emotional and logistical support from the project staff (which was still anxious to recover from the failure in this regard with Warren, Case #5), Victor stuck to his decision to enter the program, and has stayed there since. Meanwhile, the ADA, defense attorney and judge agreed to dispose of his new petit larceny arrest by sentence to another 70 hours of community service, to start when he finishes the detox program. Victor seems to have attached some importance to the willingness of the project and the desire of the Neighborhood Center to have him back.

APPENDIX C

The Background

(a) The English Experience

Sentencing offenders to the performance of a specified amount of voluntary service for the community is, of course, not a new idea. And in recent years, spurred on by LEAA financing, community service restitution programs have sprung up in hundreds of courts across this country. They are almost always characterized as providing an inexpensive and attractive "alternative to jail". It would be a disservice to those programs to assert that none have reduced local reliance on the jail but, from the literature presently available, it appears that in this country the community service sentence has been aimed almost entirely at first offenders facing minor charges for whom a jail sentence is not a real possibility ~~—~~ certainly not a real possibility in New York City and other run-down urban jurisdictions where court volume is high and where petty offenses and first offenders are usually overlooked so that more serious crime and recidivists can be given more attention.

The most highly-evolved program, however, is in England where Section 15 of the Criminal Justice Act of 1972 formally created a new sentence -- the courts were authorized to order any number of hours (between 40 and 240) of voluntary community service to be completed, under the supervision of the Probation

Service, within 12 months of sentencing.^{1/} By 1977, the London courts were placing more offenders on community service orders than on probation orders.

The Home Office Research Unit, although unable to apply the techniques of controlled research, established by the best available alternative research methods that, in the absence of the community service alternative, about half of these sentences would have been short jail terms; the remainder would have been probation orders, fines and the like.^{2/} Although there was some disappointment in quarters where it had been hoped that the community service sentence would be used only as an alternative to jail, there was little but positive reaction to this sentence in the field. Run-down communities and dependent populations (e.g., handicapped children, nursing home residents, etc.) were getting services; the voluntary and charitable agencies which work in such communities and with such groups found themselves with a new supply of volunteers (and some of them continued to volunteer after

¹This provision was in direct response to a recommendation from the Home Secretary's Advisory Committee on the Penal System, which reported in 1970 (The Wooten Report) that community service:

"should appeal to adherents of different varieties of penal philosophy. To some, it would simply be a more constructive and cheaper alternative to short sentences of imprisonment; by others it would be seen as introducing into the penal system a new dimension with an emphasis on reparation to the community; others again would regard it as a means of giving effect to the old adage that the punishment should fit the crime; while still other would stress the value of bringing offenders into close touch with those members of the community who are most in need of help and support...These different approaches are by no means incompatible." (Non-custodial and Semi-custodial Penalties, 1970, pp. 33-34.)

²K. Pease, S. Billingham, Jr., I. Earnshaw, Community Service Assessed in 1976 (Home Office Research Unit, Report No. 39, Her Majesty's Stationery Office, London, 1977).

satisfying the obligations of their sentences); the courts and the probation service were able to impose and administer a sentence that, while more burdensome than an unconditional discharge, was far more positive than jail, more obviously a sanction than probation, less discriminatory than a fine, and (largely because it places the offender in the role of helper rather than helped, and affords an opportunity to make practical expressions of atonement) more appropriate in many cases than long-term probation supervision. Finally, a 50 percent displacement of jail sentences was acknowledged, by those familiar with the track records of other non-custodial sentencing alternatives, to be good performance for an alternative to incarceration.^{3/}

In 1976, when the Vera Institute was two years into a working relationship with the Home Office and the Inner London Probation and After Care Service, it arranged for a week's visit to London by the Bronx District Attorney, the Commissioner of the New York Probation Department, representatives of the federal and City benches and the federal probation service, and officials of LEAA. Vera's London staff, which had participated in London's implementation of the new sentence, focused the New Yorkers' attention on the possible use of such a sanction in New York, for cases in which sentencers feel some degree of punishment is

³It would be misleading to suggest that the English practice of community service sentencing has won universal acclaim there. See Ken Pease and William McWilliams, eds., Community Service by Order (Edinburgh: Scottish Academic Press, 1980) for a comprehensive treatment of the nagging theoretical and practical problems -- including inappropriate use of the sentence in cases where jail is not the real alternative.

in order but that jail would be too heavy or counter-productive. After their return to New York, and with the English community service sentencing practice in mind, some of these individuals and their staffs undertook a planning effort, to adapt the English practice to New York conditions and needs, which led to the pilot project reported here.

(b) Curing Lack of Statutory Authority for and Problems in Administration of Community Service Sentences in New York

There were two major obstacles. First, there was no express authority in New York law for sentencing to community service. Penal Law Section 65.10, which sets forth the powers of sentencing courts with respect to the "conditions of probation and conditional discharge, "did not expressly mention community service and had been read at least twice to rule it out.^{4/}

It was not until the summer of 1978 that Senator Barclay and Assemblyman Gottfried, after learning of the planning for

⁴The Attorney General, in an October 1972 Opinion, reviewed a sentence to probation with the condition that defendant work without pay on a City project; he opined that "such a condition, if it could legally be imposed, should be specifically authorized by law and not rest on the authority of a court to impose a condition 'reasonably related to rehabilitation' [§65.10(2) (i)]," and that, therefore, the court had been without authority to impose the sentence. In 1975, the Appellate Division, Second Department, reviewed a sentence to probation, of which a condition was that the defendant continue his volunteer services with a charitable agency; the court, on its own motion, struck that condition, stating "there is no authority in law for mandating such service as a condition of probation (Penal Law, §65.10)." People v. Mandell, 50 A.D. 2d 907, 377 N.Y.S. 2d 563, 564 (2nd Dep't, 1975).

a community service sentencing project in the Bronx, co-sponsored a bill amending Penal Law Section 65.10 to authorize courts, when imposing sentences of probation or conditional discharge, to make use of the following condition:

"(f-1) Performing services for a public or not-for profit corporation, association, institution or agency. Such sentence may only be imposed upon conviction of a misdemeanor or violation and where the defendant has consented to the amount and conditions of such service."

The bill was passed on June 20 and signed by the Governor on July 24, 1978.^{5/}

The second, and ultimately more important obstacle to adaptation of the English model to an American inner-city environment was administrative. The high rate of unemployment among New York City Criminal Court defendants, their low rate of compliance with obligations that are not closely monitored, and the severely limited resources of the New York City Probation Department made it obvious that the community service sentence could not reach for jail-bound offenders if it were administered here as in most other jurisdictions -- by a Probation Department or by an agency that does little more than refer offenders to community agencies which are left to supervise the work and monitor compliance with the sentence. Most U.S. jurisdictions which have tried the idea limit its application to offenders whose age, employment and lifestyle (including nature of charge) suggest much more stability and reliability than can be expected

⁵The section, renumbered as 65.10(h), was amended in July 1981 to permit the use of the sentence upon conviction of a D or E felony or conviction as a youthful offender.

from the jail-bound offenders in New York City's courts. In London, offenders under community service sentences seem to be less well-established, less used to meeting obligations, and more heavily involved in crime than the offenders sentenced to community service in most American projects. But the London probation service has very low caseloads (about 40 cases per officer) and is able to erect substantial administrative and field operations with which to supervise the service sites, monitor each offender's progress towards completion of his specified amount of community service, help those who fall behind and who look likely to reach the end of the 12-month sentence without putting in the court-ordered number of hours, and bring back to court for resentencing those who fail to meet the sentence conditions. This did not seem to be conceivable in New York.

It was in order to meet these administrative difficulties, and to determine through a limited demonstration project whether community service sentencing could ever be a workable idea for jail-bound offenders in New York and jurisdictions like it, that the Vera Institute, the Bronx District Attorney, and the New York City Probation Department (in consultation with the administrative judges, Legal Aid, and others) designed the program model used in the Bronx pilot. It does not depart from

the London model in several important ways. Most importantly, the New York version does not permit offenders to decide when, over the course of a year, to perform the specified number of hours of service (which risks failure when performance is postponed until it becomes impossible); instead, the project requires work of benefit to the community to be performed full-time (7 hours per day) over ten working days. Failure to comply with the condition of sentence is thereby made quickly evident, as is successful performance.