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ANGLO-AMERICAN ACTION/RESEARCH PROGRAM

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REPORT OF PROGRESS TO DATE

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Introduction:

In mid-1974, the Vera Institute was invited by the Home Secretary, the Inner London Probation and After-Care Service (ILPAS), and senior Home Office civil servants to establish an office in London. The Home Office (through ILPAS) agreed to share with American sources the cost of such an office.* Funding commitments were obtained for the first of a projected three-year action/research program. No detailed agenda was specified; but out of discussions surrounding the British invitations, including discussions with the Office of Technology Transfer in the LEAA's National Institute of Law Enforcement and Criminal Justice (NILECJ), the following expectations emerged:

(a) that a small Vera staff might, by developing a day-to-day collaborative relationship with British statutory agencies (e.g., probation, police, and prison services), bring U.S. experience and Vera's action-research approach to bear upon particular problems in the administration of British justice;

(b) that Vera might, through such sustained working relationships and through periodic visits to the U.S. by British criminal justice representatives, draw upon the relevant British experience, programs, procedures and research to devise innovative approaches to problems in the administration of American justice and, generally, facilitate the transfer of technologies between the jurisdictions; and

(c) that this effort might reveal the possibilities and limitations peculiar to technology transfer models of this design.

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* In addition to support from the Home Office and from NILECJ, the project received U.S. funding from the Ford Foundation and the German Marshall Fund of the United States.

The administration of criminal justice is subjected to scrutiny and experimentation in many jurisdictions. It has, however, proved difficult to transfer the resulting lessons from one jurisdiction to others - whether within national systems or across national boundaries. While slavish imitation might be undesirable - particularly in a federalist system that encourages States to experiment - there is an unmet need for researched replication of promising pilot efforts, and for widely applicable reforms to find their way into general practice.

Reports on research and on demonstration projects which are well-suited to the reform of a particular criminal justice system may be dismissed elsewhere as irrelevant to the problems, politically unworkable, or too costly outside the jurisdiction of origin. Without something in addition, the purpose or the technique of the original work may well be misunderstood - and opportunities missed - if there is no mechanism in another jurisdiction for properly analyzing its own problems, or if no focal agency exists there to recognize the core potential of programs tested elsewhere, to adapt the original work to a different context, and to act as "honest broker" between insular or conflicting criminal justice agencies whose commitments are prerequisite to the change.

It was hoped that an exercise such as a Vera office in London might cut through these obstacles to transfer - without creating other obstacles. The "action" emphasis of the projected collaboration across national systems was unusual in the criminal justice field; the Home Secretary, confirming arrangements with Vera's Director, wrote:

> "Of course, there are many exchange visits across the Atlantic in the field of criminal justice and penal policy; but joint working over an extended period is I think something different and new, and I believe it could have great promise".

The British criminal justice system seemed sufficiently similar for mutual transfers to be useful, if the differences could be fully understood; and it seemed sufficiently "foreign" both for analysis of the obstacles to transfer to be possible and for any advantages of a fresh perspective on common problems to be noticeable.

Vera's program strategy was to earn a central "broker" role by consistently evidencing long-term commitment to reform of the British system along lines congruent with existing (if not articulated) interests of British agencies, by facilitating the introduction of visible and innovative technologies by those agencies as quickly as possible, and by establishing credibility as an honest broker in as wide a network as possible. The project's application of the bulk of its total program effort in the first year to these rooting functions is reflected in the Activities narrative below. Upon such a base, and upon an understanding of the British procedural and historical context that it provides, the Vera office should in time be increasingly well-positioned:

(a) to obtain and analyze otherwise unattainable or unassembled data on British procedures and practices, and to assess their relevance to U.S. problems;

(b) to use its access to data and its practical experience of working with and in both systems to evaluate innovative British experiments for the reduction of crime or the improvement of the administration of criminal justice;

(c) to prepare written reports for U.S. consumption (through NILECJ and other agencies) on aspects of the British experience of particular relevance in the U.S., and to produce and to guide consultants in producing useful comparative research studies;

(d) to design and assist in the design of innovative U.S. projects drawing on the British experience; and

(e) to facilitate direct links between U.S. and U.K. personnel working on similar problems, and generally to facilitate the flow of the right sort of information between the systems.

The director-designate of the London office, Michael Smith, took up his post on November 1, 1974. Herbert Sturz, the Director of the Vera Institute of Justice, New York, was present in London for the month of November, to help the office get firmly settled and to guide its early work. The project got fully underway on January 1, 1975; Nan Bases took up her post as Assistant to the Director, on January 19. Professor Daniel Freed was available as consultant from mid-February. Professor Freed, a member of the Vera Board and draftsman of the Federal Bail Reform Act of 1966, shared with the Vera staff all of the experience reported below with respect to bail and the British pre-trial process. This kind of access to data, and to the workings of a "foreign" system is unusual for American academics and, as suggested on pp.25-28, below, is a promising aspect of efforts to transfer technology back to the U.S.

The immediate host agency (ILPAS) welcomed the Vera staff as an agent of change, and had already evidenced an institutional commitment to new programming. There was, however, little history of collaboration with other agencies, with researchers, and with the Home Office; and ILPAS seemed to favour an exclusive relationship with the Vera staff. Staff energy was naturally devoted, particularly in the first quarter, to exploration of probation practices and projects in Inner London and to formation of working relationships with ILPAS line, supervisory and specialist personnel. But the staff also engaged throughout the year in creating a network of contacts, and the basis for future working relationships, in the police and prison services, in the Home Office Departments which have criminal justice responsibilities, among the magistrates and judges, and in the academic and research establishments. These discussions are aimed at avoiding over-identification of the Vera office with probation interests, exposing the staff to problems and ideas emerging elsewhere in the system, and evolving an action-research program that gives to the office the wider access, credibility and relevance that will be needed if its general purposes are to be realized.

A. Bail

(1) Background (same problem/different system).

It was clear, from discussions at the prisons, that the steadily rising number of remand prisoners (defendants who are refused bail pending trial or sentence in the magistrates' or Crown Courts) has stretched the system to the limit - despite a steady drop recently in the proportion of offenders given prison sentences. There was also interest at the Home Office - in the Criminal Department, the Crime Policy Planning Unit, and the Home Secretary's Private Office - in finding ways to encourage magistrates to grant more bail.*

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* It is more than a problem of fixed prison capacity. The U.K. shares with the U.S. a policy preference against the use of custody. Between 1964 and 1974, as the number of indictable offences rose by 84%, the average daily prison population of persons serving custodial sentences increased only 17%, a reflection of the imagination and energy devoted during those years - principally by the probation service - to the development of sentencing alternatives. A similar degree of restraint did not, however, appear in the use of custody before sentence. The average number of presentence prisoners rose 157% over the decade, despite a decrease, from 34% in 1967 to 15% in 1974, in the proportion of accused persons who had not been bailed by the time of trial. And more than 45% of those imprisoned before trial in 1974 did not receive a custodial sentence. (These figures are derived from Tables I, II and VII of the 1973 and 1974 Reports of the Work of the Prison Department, Statistical Tables; and from figures supplied by the Home Office Statistical Department).

Some magistrates and High Court judges expressed the view that they were making bail/custody decisions in the dark — with no information to rely on but police opinions. A Home Office Working Party on Bail Procedures in Magistrates' Courts had reported in 1974 and recommended, after reviewing Vera's Manhattan Bail Project of the early 1960's, that experiments be conducted with similar schemes for informing magistrates of defendants' community ties. The call for experimentation had gone unheeded, however, and the Working Party's recommendations had expressly excluded probation service involvement. Indeed, ILPAS was historically opposed to any involvement in pre-trial concerns.

The Vera staff surveyed the existing literature, research, legislation and court rules covering the bail/custody decision-making process. Observations were conducted of remand hearings in magistrates' courts and in the chambers of High Court judges deciding bail applications of prisoners remanded in custody. The judiciary and the police were interviewed in depth about their roles in the process and its strengths and its weaknesses from their viewpoints.

It was soon apparent that the differences between the British and the American processes would be as important as the similarities, in evolving procedural reforms to increase the rate of bail. It may be useful to sketch the British process briefly at this point.

All criminal cases go through the magistrates' courts where, if a disposition is not reached at the initial appearance, the defendant will be remanded, either in custody or on bail, pending further proceedings before the magistrates or before a (higher) Crown Court. Because the British police exercise their power to bail from the station house quite frequently, by American standards, many defendants make their initial appearance while already on bail. If a defendant is remanded in custody, he must be brought back to court once in each eight-day period until the magistrates dispose of the case or commit it to the Crown Court for trial or for sentence. Bail may be, but not always is, reconsidered at these reappearances. If a defendant is remanded on bail,

it may be on his own recognizance, or on recognizances of one or more sureties willing to forfeit stated amounts of cash if the defendant absconds. The sureties are likely to be friends or relatives; professional bondsmen are not permitted. The surety need not put up any cash; he must simply be able to satisfy the court (or the police, who are empowered to take or reject the recognizances of sureties who are not available at court for examination by the magistrates) that he is willing and able to pay the stated amount in the event of the defendant's failure to appear in court when required. Sureties are commonly required, and some persons who are granted bail do languish in prison for all or part of the remand period (see p.10-11 below). But this is rare, by American standards, because bail may be refused outright* if the magistrates' determine that the defendant is:-

(a) likely to abscond;
(b) likely to commit further offences; or
(c) likely to obstruct justice (e.g., interfere with witnesses).

As there is rarely a prosecutor (other than the arresting officer) or a defence attorney present at the initial bail/custody hearing, it is not surprising that the magistrates' decision hinges largely on the position taken by the police. And existing research indicated that magistrates grant bail in about 95% of cases where the police do not oppose it, and in only about 20% of cases where police object because of the risks involved. The magistrates may grant bail subject to conditions which are designed to reduce the likelihood of these risks, but this power has not been much developed.

There is no right to appeal a decision to remand in custody or to remand on bail with conditions (or sureties) which the defendant cannot meet. But

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* This should be viewed in contrast to the practice in the United States, where bail cannot normally be denied outright (except under the "preventive detention" provisions of the D.C. Crime Act of 1970, which has been little used because of its cumbersome procedural requirements) and where the only openly acknowledged justification for imposing high money bail (tantamount to a denial of bail) is likelihood of flight.

there is a right to apply de novo, for bail or for modification of bail conditions, to a judge of the High Court sitting in chambers.*

How useful would it be to transfer into this context a system designed in the U.S. to increase the rate at which defendants are released in their own recognizance (ROR) on the basis of verified information about their ties to the community? From its observations of this bail/custody decision-making process, the Vera staff thought that a simple ROR scheme, on the model suggested by the Home Office Working Party, was likely to be a disappointment.

(a) The police and the magistrates seemed - in London at least - to be largely discounting the likelihood of absconsion in cases where the defendant in fact has verifiable community ties.

(b) A simple ROR type scheme would not be likely to increase the rate of bail of those others, who are now remanded in custody because they have no community ties or because their community ties are no answer to the police objections.

(c) The presentation of such information to the High Court judge in chambers, when he is deciding an application presented through the Official Solicitor, would go only a short way toward remedying the defects of a procedure in which neither party is present or represented.

A reduction in remand custody would more likely follow, in the British context, if an agency experienced in non-custodial supervision (such as ILPAS) would develop and, in appropriate cases, recommend and supervise conditions of bail. It could be hoped that the specific objections of the police might then be met by a range of non-custodial measures similar to that developed by the probation service to reduce the need for custody at sentence. In short, the context of law and practice indicated a need for a "supervised release" project rather than an ROR project.

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* Privately represented applicants reach the judge in chambers through the Crown Office procedure (in which the responsible police officer and the prisoner's solicitor are actually heard on the application, after submission of one or more affidavits in support). The applications of those without means to employ a solicitor (legal aid not being available for representation on this proceeding) are processed through the Office of the Official Solicitor and are decided, upon the unaided application and the written police response, in a summary fashion.

Approximately 8000 bail applications come through the Official Solicitor's Office each year. Each morning, for thirty to forty minutes before he begins his hearing calendar, the judge in chambers considers thirty to forty applications handed to him by a Higher Executive Officer - not a solicitor - from the Office of the Official Solicitor.

The Crown Office procedure yields a success rate for represented applicants of about 40%. The unrepresented, applying through the Official Solicitor's Office, succeed at a rate of only 8%.

Additionally, it appeared that there would be clear technology transfer benefits for the U.S. if Vera were involved in developing a supervised release scheme in the British context. The openness and candor of the British bail/custody process makes it easier to analyze and experiment with responses to a common problem (i.e. what responses short of prison can be devised for the unconvicted and unsentenced whose release is perceived to pose unacceptable risks other than the risk of flight?) Because bail cannot constitutionally be refused in the U.S., there is little opportunity to surface the legitimate law-enforcement and public safety considerations that prompt "bail" decisions resulting (and designed to result) in custody. Despite the written rules, observers of the American bail/custody process know that unspoken fears of further offences and of intimidation of witnesses figure prominently in bail decisions there. The inability of U.S. prosecutors, defence attorneys and judges to articulate and probe the real issues (and the difficulty of knowing, when a remand period is spent in custody, whether custody was intended by the court, or not) makes it difficult, in U.S. jurisdictions, to fashion appropriate forms of supervision and to apply them to the right cases.*

In the British system, the objections to release are candid and specific, not camouflaged as a risk of absconsion. Here, the decision to hold in custody is openly made and - increasingly - reasons are given for it; it is not disguised by a grant of unattainable bail. The British process, then, seemed to provide a better laboratory than any U.S. jurisdiction for the development and testing of techniques for identifying cases where supervised release is actually needed as an alternative to custody (and would not be an unfair and uneconomic burden), for determining what kinds of supervision suits which cases, and for learning what project resources (e.g. medical, housing, counselling, controlling)

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* From a researcher's point of view, the impenetrability of American practice is compounded by the professional bondsmen-based surety system that permits (indeed encourages) judges to avoid making the decision, whether a defendant should be remanded at liberty or in custody, by setting a bail amount and leaving it to the bondsman.

must back up supervision if judicial discretion is to be affected.

But it was also clear that such an experiment, with its potential for two-way technology transfer, would have to be preceeded by action-research, built upon a simple ROR pilot scheme, which could expose to the responsible British agencies the unrealized potential of their system as well as the nature of the problems needing solution. This was also necessary, as a first step, because policy favoring the basic ROR type scheme had already been formed and approved in principle by the Home Office, the police and the magistrates' associations.

A case was made therefore to ILPAS, and it was accepted, that probation's expertise in the field of non-custodial alternatives to prison sentences could be fruitfully applied to the pre-trial and pre-sentence period as well, and that it would be best to start with a pilot project for providing information to the magistrates about defendants' community ties - a function already performed in pre-sentence social enquiry reports. If the pilot was successful, it might serve as the model for a national reform. To some extent, the ILPAS commitment to this course, which represented an about-face on policy, was attributable to its investment in the Vera office and its need to show some results from that relationship. To some extent, too, it represented an affirmative response to a perspective on the system that had not been fully presented to ILPAS before.

(2) Project Planning and creating new data sources.

The Vera staff then designed an experimental Bail Project corresponding roughly to the Working Party's recommendations. The pilot was designed to test the feasibility of a basic community ties information-gathering scheme, and additionally to attempt correction of the Working Party's assumption (formed upon what seemed a misreading of the original Vera Manhattan Bail Project experience) that verification of the information was impracticable in the British context and unnecessary to such schemes.

The plan was drawn up in collaboration with the staff of the High Court; the Home Office Criminal Policy and Prison Departments; the Home Office Research Unit; the Metropolitan Police; Brixton Prison; the stipendiary magistrates and court clerks at Camberwell Green, Tower Bridge and Bow Street Magistrates' Courts; the regional Assistant Chief Probation Officers for the regions of those courts; and the Senior Probation Officer designated by ILPAS to run the project. The program was approved by the Inner

London Probation Committee (the committee of magistrates, both lay and stipendiary, which has legal responsibility for ILPAS) and submitted to the Home Office. The scheme was approved;* a research officer from the Home Office Research Unit was detailed to Vera/ILPAS and, at the end of March, a senior probation officer with a staff of four ancillary workers (hired for the Project on new lines created by the Home Office despite the freeze on establishment levels) began at Camberwell Green to operate England's first basic Bail Project. Vera staff contributed time and energy to the operational aspects of the program - to learn about the court decision-making in as great detail as possible, to set up information systems in collaboration with the Home Office Research Unit that would permit the assembly and analysis of the desired data, to help guide the project's evolution, and to bring relevant Vera and U.S. experience directly to the Vera/ILPAS Project staff and to the magistrates.

At the same time, the Vera staff was forming collaborative relationships with the prison service and the staff of the High Court. The situation of persons who are granted bail, but are unable to link up with sureties, was explored in interviews with prisoners and officers at London's Brixton Prison - one of England's largest institutions for pretrial and presentence prisoners. When the gross data was examined, it appeared that 15% of this prison's new receptions had actually been granted bail. It was obvious that some were bailed out soon after reception, but Vera recommended establishment of a pilot scheme for securing the earliest possible release of as many such prisoners as possible. The prison and the Home Office Prison Department responded eagerly, perceiving an opportunity to take a less passive role in the process that was so badly stretching institutional resources. At the joint request of Vera and Brixton's Governor, the Home Office Prison Department detached an Assistant Governor from the staff college and assigned him to Brixton to pursue the possibilities. Vera collaborated with him in a close monitoring of the remand population. It was evident that the potential for prison-based bail work, even with the unbailed prisoners, was enormous,

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* A copy of this proposal is attached as Appendix A.

because it might be known from police opposition and magisterial decisions exactly why each prisoner was there. But it was also clear that this potential could not be tapped until the information was actually sent on to the prison. Vera began discussions with the police, magistrates, and the Home Office Criminal Policy Department about the possibilities of arranging this. In April, Vera's collaborator at Brixton issued a study of the existing ad hoc arrangements for securing release of bailed prisoners, and proposed the establishment of a Bail and Legal Aid Unit to concentrate these efforts.* Vera suggested that such a Unit, in addition, might work together with the Vera/ILPAS Bail Project Staff at Camberwell Green. These proposals were also accepted, and it was agreed between ILPAS, Brixton and Vera that the guards to be assigned to this Unit would make systematic use of the telephone and of the network of community-based volunteers being built up in conjunction with the Vera/ILPAS Bail Project, to find persons willing to stand surety for prisoners who had been granted bail, and that the guards would interview unbailed prisoners who apply for bail to the High Court judge in chambers or are due for reappearance at selected London magistrates courts, to gather information about their community ties. The Vera/ILPAS Bail Project staff, and its network of community volunteers, would verify this information where possible and present it to the relevant courts. Vera sought and obtained, through the sponsorship of the Home Office, agreement to this plan by the Lord Chief Justice and the magistrates of London's Bow Street and Tower Bridge magistrates' courts. At the end of April, 24 prison guards applied for the four newly-created positions in the Bail and Legal Aid Unit.

In order that these project arrangements yield as much new insight into the process as possible, Vera requested and was given access to the files in the Official Solicitor's Office, permitting analysis of past applications for bail, police oppositions and judicial decisions. Vera also arranged for the magistrates at Tower Bridge and Bow Street to state their reasons for refusing bail to defendants who would enter the prison-based project from those courts, and for those statements of reasons to be forwarded to the Bail and Legal Aid

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* This Report is attached as Appendix B.

Unit with the warrants of committal. And Vera joined the Governor of Brixton Prison in requesting and obtaining an extension, through the end of 1975, of the assignment to Brixton of the Assistant Governor with whom Vera was now working directly.

(3) Bail Project Operations and Derivative Research

(i) Camberwell Green

After three months of operations at Camberwell Green Magistrates' Court, the Vera/ILPAS project had demonstrated that community ties information could be gathered, verified and presented to magistrates, in the U.K. context, between the time police bring newly arrested persons to the court cells and the time court rises for lunch. The magistrates had indicated their reluctance to rely on unverified information and (although private telephones are indeed less common in London than in New York) it had been demonstrated that, where a defendant is sufficiently rooted in the community to be likely to return for trial, it is likely that contact for verification can be made almost immediately by phone with some point of his network of ties. It was also found that, where telephone contact was impossible, there were volunteers already working with the probation service who could be relied upon to make face-to-face contact on short notice.

This test of the feasibility of verification had an unexpected benefit: the Project staff found that the verification contact often brought to a friend or relation the first news of the defendant's arrest. Persons contacted in this way were often willing to come immediately to court to offer themselves as surety. The magistrates were thereby confronted with the defendant's community ties in the flesh, and were pleased as well not to have to leave to the police the question of such sureties' suitability. Also, persons contacted for verification were often able to offer theirs as an alternative residence address for the defendant during the remand period. The Project staff amended the Bail Information Form so that these alternative residences, and verification of their availability, were regularly indicated

to the magistrates. The magistrates began, in cases where it helped to meet police objections, to grant bail on condition of residence at such an address.

It proved impossible, however, to obtain a quantitative measure of the Bail Project's impact on the rate of bail. London's magistrates' courts are decentralized; in no individual court are enough bail/custody decisions made daily for a randomly controlled experiment like Vera's original Manhattan Bail Project. The research did suggest, however, that more attention was being devoted to the bail/custody decision. Presentation of the Bail Information Forms had the effect of focusing attention, not only on the information they contained, but also on the adequacy of the evidence to support other police objections (likely to commit further offences or to interfere with witnesses). The police responded by taking more care in reaching their own decisions: they objected less frequently and, in some cases, withdrew objections after receiving their copy of the verified community ties information. A relationship grew up between some police and the Project staff in which discussion of the police concerns could lead to agreement on suitable conditions of bail. And the rate of bail over police objections rose to 32% at the beginning of June (and was nearly 40% at the end of October).

Although these changes could not with certainty be attributed to the introduction of the Vera/ILPAS Project - because there was no control group - there was general satisfaction with the pilot. By mid-June, ILPAS was considering whether to replicate the scheme in other Inner London courts, and the Home Office wanted advice on whether it could be adopted nation-wide. The Vera staff was of the view that, given the freeze on Probation resources (imposed earlier in the year because of the economic crisis), the scheme was still too inefficient for it to be responsibly replicated, and that, given the potential of the British system for more refined bail/custody decision-making, the ILPAS/Vera scheme should be further elaborated - whether or not

the basics were adopted nation-wide.

A Project Group, chaired by the Chief Probation Officer, was formed of representatives from the police, the interested Home Office Departments, the prisons, the courts' staffs, and the magistrates. When it met on June 24, Vera presented the following points: *

> 1. The Project staff should not continue to interview all defendants brought to the court in police custody, but only those as to whom the police intend to oppose bail. An informal arrangement with the police, by which they were to complete a form in each case, notifying the Project of the police position on bail, had faltered upon the failure of most officers to complete the forms before the cases were called to court. The scheme should not be replicated until a means could be found to eliminate the resulting "wastage": (a) interviews taken and verified, but not presented because of police acquiescence to bail, and (b) interviews not taken because some defendants brought late to court are remanded in custody before the staff - burdened with often unnecessary interviews and verifications - can get to them.
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> 2. A beginning should be made toward collecting and putting to use the information produced (but not preserved) in the British system in cases remanded in custody. Police reasons for opposing bail should not only be transmitted to the Bail Project sufficiently in advance of the hearing to permit interview and verification, they should also be preserved with the criminal history, the magistrates' reasons for refusing bail, the Bail Information Form and a note of any conditions of bail that had been considered, for use by the Probation Service and by units such as Brixton's Bail and Legal Aid Unit to develop workable conditions of bail to be offered at the defendant's next appearance. These records should also be available for systematic analysis in light of subsequent events (e.g., acquittal or conviction, custodial or non-custodial sentence) to permit system-wide monitoring of decisions and development of appropriate non-custodial alternatives for classes of cases presently being remanded in custody unnecessarily.

(The second point could not be resolved by the Project Group, but it has been the subject of continuing discussions between Vera and the Home Office departments responsible for administrative and legislative reform of the bail/custody process (see pp.19-22 , below).

The police representatives felt their officers would not respond well to a direct order to cooperate with a Bail Project if it required additional paper work. The magistrates agreed, however, to refuse to hear police objections to bail unless they had a Bail Information Form before them.

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* Vera's submission to this meeting of the Bail Project Group is attached as Appendix C.

(or a Project statement that the defendant refused to be interviewed). The Project stopped interviews except upon notification from the police of an opposition to bail. As expected, when the magistrates began to adjourn until later in the day those cases in which the police had not given notice to the Project, the police themselves devised a workable system for assuring that timely notification is given.

With the basic scheme now reduced to an efficient routine, Vera began exploring with other Inner London courts the possibility of replications, staffed by rotas of probation volunteers (see pp.22-24 , below); Vera began in earnest to analyze the data produced by the basic scheme, with a view towards launching a "supervised release" experiment; and the Home Office decided to adopt the amended basic pilot, as a model for national replication (see pp.19-22, below).

(ii) Tower Bridge and Bow Street

Until the problem of "wastage" was solved at Camberwell Green, demonstrating the feasibility of introducing an efficient first-appearance scheme to magistrates' courts, the "first re-appearance" schemes at Tower Bridge and Bow Street Magistrates' Courts were pursued as an alternative model. The reappearance scheme, focusing on defendants already remanded in custody, avoided unnecessary interviewing and took advantage of the centralized personnel resources already existing at the prison and organized into a Bail and Legal Aid Unit.* Interest in the reappearance scheme survived the success of the Camberwell first-appearance model, because the clerks at Tower Bridge and Bow Street had agreed with Vera to forward to

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*Defendants remanded in custody to Brixton were interviewed, shortly after their reception, by officers of the Bail and Legal Aid Unit. Their community ties data were entered on Bail Information Forms which, together with verification worksheets, were picked up daily by a Camberwell Green staff member. After verifying the data by phone or volunteers' field visits, the Camberwell staff placed the completed Bail Information Forms with the clerk of the relevant court for presentation to the magistrates on the remand date.

Brixton Prison the magistrates' reasons for refusing bail. In cases where the magistrates stated their reasons, a note was attached to the warrant of committal. Vera and Brixton were interested in assessing the usefulness of magisterial statements, and of this device for preserving them, for follow-up work during the remand period.

Until this experiment, Brixton (like all remand prisons) had no way of knowing, other than from questioning the prisoners themselves, why any particular defendant was committed to their custody and, therefore, whether there was anything that could be done to improve the defendant's chances of being granted bail upon his next appearance at court.

Reasons have, however, been forwarded to the prison with only about one-third of the defendants remanded by Tower Bridge magistrates and about half of those remanded from Bow Street. The statements tend not to be "reasons", in the sense of reasoned decisions based on the facts known to the magistrates, but boiler-plate conclusions (e.g., "nature of the offence" - without more than the statute under which the defendant is charged; or "further offences likely" - without indication of what kind of offences are feared or why). The experiment has revealed that a significant proportion of the Brixton remand population were thought by the magistrates to be bad bail risks because they were "of no fixed abode." This suggests it might be productive for the Bail and Legal Aid Unit to work with the probation services and voluntary agencies to arrange appropriate hostel accommodation (or arrange for the establishment of new types of hostels) so that this group might be siphoned off from the prison to community-based facilities. The difficulty is that magisterial statements of reasons for custody do not, under the ad hoc arrangement, include enough information for this course to be pursued with confidence. For instance, the magistrate knows the prior criminal record of the defendant, but the prison does not. A particular hostel placement might be unsuitable, or a hostel placement might make no difference at all, if the prior record figured in the magistrates' initial decision.

The Tower Bridge and Bow Street schemes have, however, been helpful to Vera by providing statements of reasons for analysis and the development of proposed guidelines for a useful legislative or administrative reason-giving requirement. Brixton Prison has joined the Vera staff in exploring, with the relevant Home Office departments, possible measures to ensure more useful and uniform statements by magistrates of the factors appearing to them to require a refusal of bail in individual cases, and to preserve these statements for subsequent use. (See pp. 19-20 below).

(iii) The Brixton Bail and Legal Aid Unit.

After four months' experience with the innovation of a Bail and Legal Aid Unit at Brixton, the Home Office Prison Department decided to encourage its replication at all remand prisons. The Unit had succeeded in reducing the time bailed prisoners spend in custody before their release is secured by sureties giving recognizances to the police. The Unit had, by centralizing and rationalizing the use of prison personnel in bail matters, saved prison resources. It was believed to have improved morale among the prison officers, who felt that their primarily custodial functions were enriched by helping these prisoners, and among the prisoners, who could expect skilled and swift assistance from the Unit. Generally, the prison interests were gratified to have made a beginning toward a less passive role in the bail/custody process that so severely (and, from their view, so often unnecessarily) burdens their institutions and threatens to undermine order in them.

Data collected at Brixton, in the course of the Unit's communications with potential sureties and with the police who were assessing these sureties' suitability, together with field observations and interviews of the police by Vera staff, revealed a lack of uniformity in police decision-making. Presentation of this material to the New Scotland Yard representatives at the June 24 meeting of the Bail Project Group led to a further internal review by the police of their policy for and control of these functions.

Vera has collaborated with the Brixton Unit in a number of surveys designed to form a clearer picture of the remand population: whether it is (from a system-wide perspective) too large, too small, or just the right size, and whether further analysis can help in devising means to reduce the number who might be bailed with some condition short of prison custody. Some of the difficulties encountered in these survey efforts are mentioned in (ii) above. But both Vera and Brixton are convinced that research of the remand population itself is ultimately the best way to evaluate the quality of bail/custody decision-making, the impact of new procedures, and the need for more. Vera is also interested in the possibilities for transferring the Bail and Legal Aid Unit concept to the American context (see pp. 19-20 below).

(iv) Bail Applications to the High Court Judge in Chambers.

Those who had assumed that community ties information would help magistrates reduce unnecessary custodial remands (e.g., the Home Office Working Party) had also hoped that the device would be similarly helpful to the High Court judges in chambers. See p 7, above, for a description of this part of the bail/custody process. From May through October, applications for bail to this forum, from Brixton prisoners, were supplemented by Bail Information Forms. (The procedure was similar to that adopted for Bow Street and Tower Bridge reappearances.) Not one applicant was successful. The obvious conclusion - that providing community ties information to the judge in chambers is unlikely to be helpful - was supported by the results of an extensive analysis performed by Vera on the 1974 applications of Brixton prisoners.

A draft report of this research, completed and circulated at the end of October, is attached as Appendix D to this Report. It suggests not that the judge in chambers has all the information he needs, but that the procedure is so inadequate that he cannot make much use of the information he gets. While this evaluation is itself useful - and useful to an

assessment of the applicability of British practices to U.S. problems - the research is most useful as a demonstration of how amenable the British process is to close analysis. Because the police reasons for opposing bail and the applicant's prior criminal record are presented in writing at the judge in chambers stage of the process, and preserved in the files, it was possible to analyze them systematically. It was also possible, by examining the subsequent case history in the files at the police Criminal Records Office (e.g., acquittal or conviction, custodial or non-custodial sentence), to assess the accuracy of predictions implicit in police objections to bail and courts' refusal or granting of bail. The cases subjected to this analysis for the attached report are not typical, but the method of analysis itself reveals the potential in the British process for monitoring, feedback and evaluation of decision-making. It is expected that the Vera staff will be invited to subject a more typical range of cases - drawn from magistrates' courts or Brixton Prison - to a similar analysis, and that the files of the police Criminal Records Office will again be made available. This should be helpful to the U.K. agencies concerned, and should help meet Vera's need, in its technology transfer program, for a deep and comprehensive evaluation of British provisions for police itemization of reasons to withold bail and for magistrates' outright refusal of bail.

(4) Vera Collaboration, with Home Office Policy-makers, on Administrative and Legislative Reforms.

In mid-June, the Vera staff was invited to participate in a series of meetings at which an internal Home Office Working Party developed a national program of bail reform. The policy team included, in addition to the Vera staff and Professor Freed, representatives of the Criminal Policy, Probation and After-Care, Police, Prison, Statistical and Research Departments, and the Home Secretary's Private Office. Vera was able to bring to their deliberations its first-hand knowledge of the workings of the British system and, equally important, the Vera team was able to use this knowledgeable

forum as a sounding board for testing perceptions and questions formed over the months of research and project involvement. Vera was also able to suggest ways of structuring the procedural reform to take maximum advantage of the information potentially available in the British process for systematic analysis, monitoring and evaluation. In particular, Vera was able to make a case for reforms which would permit understanding of the utility and accuracy of the predictions implicit in the British practice of police opposition to bail and judicial refusal of bail. A general agreement was reached that this was as important to the Home Office as it was to Vera's need for more refined evaluation of the British procedures.

Some of the Vera recommendations were accepted as administratively feasible (e.g., attaching Bail Information Forms, generated by schemes such as the Vera/ILPAS project at Camberwell Green, to warrants of committal when bail is refused so that Bail and Legal Aid Units might be introduced to all remand prisons to follow up on individual cases). Others (e.g., requiring written statements of magistrates' reasons for refusing bail, in a form to be prescribed, to be forwarded as well with the warrant of committal) were accepted for inclusion in new legislation which the Home Office propose to introduce next year.*

* * *

In a widely-reported speech on July 21, the Home Secretary announced the proposed Home Office initatives, described the pilot Vera/ILPAS program at Camberwell Green and the Vera/Brixton Bail and Legal Aid Unit pilot, and acknowledged Vera's contribution. The Home Secretary's speech is attached as Appendix F .

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* The Vera contribution to Home Office thinking on legislative matters is summarized in the Project Director's letter to the responsible Assistant Secretary, dated 13th October and attached as Appendix E .

On September 3 the Inner London Probation & After-Care Service held a press conference to announce its plans for replicating the basic Bail Project at other Inner London courts, using rotas of probation volunteers, and its plans for developing a capacity to secure "conditional bail" for those not aided by the mere provision of verified community ties information. The press release is attached as Appendix G , and the major press clippings are included in Appendix H .

On October 8 Home Office Circular 155/1975, drafted in collaboration with the Vera staff, was issued to all courts, probation and police services in England and Wales. It urged the general adoption of schemes based on the Camberwell pilot and provided some operational detail from that project as well as copies of the forms designed by Vera for it. HOC 155/1975 is attached as Appendix I .

On October 9, the Home Secretary addressed the Magistrates' Association urging compliance with the circular and suggesting, pursuant to Vera's recommendations, more creative use by the magistrates of their powers to create conditions of bail that would meet police objections. This speech is attached as Appendix J . Vera's role was again acknowledged, and the Vera staff has been contacted by courts and legal societies in different parts of the U.K. to assist in their efforts to respond. Particularly intriguing to the Vera staff are tentative invitations to play a consultant role in the development of bail schemes in cities such as Birmingham and Manchester. In those large cities, the magistrates' court is centralized and staffed with duty solicitors under a legal aid scheme. Closer in structure to the criminal justice systems of major U.S. cities than is London, one of these northern cities would be a useful additional laboratory in which to test out some of the Vera staff's thoughts on applying the British experience to the U.S.

Because of the volume of requests for information and for viewing of the Camberwell pilot in operation, Vera and ILPAS are holding a one-day conference on December 10, at which an attempt will be made to transfer the technology, developed by the Vera/ILPAS collaboration in London, to most of the Chief

Probation Officers from the major jurisdictions, and to some of the Chief Magistrates' Court Clerks.

(5) Evolution of the Vera/ILPAS Pilot from ROR to "Supervised Release"; Replication of Community-based Corrections in Des Moines - an NILSCJ Exemplary Project.

During the late summer, as the effort to reduce "wastage" in the Camberwell pilot began to meet with success, the Vera staff added an additional element to the pilot scheme. Section 21 of the Criminal Justice Act, 1967, provides:

> "The conditions on which a person is admitted to bail may include conditions appearing to the court to be likely to result in his appearance at the time and place required or to be necessary in the interests of justice or for the prevention of crime".

This section, an expression of the general policy preference against custody, is analogous to sentencing provisions specifically providing various non-custodial alternatives of varying degrees of security (intensive probation supervision, conventional probation orders, attendance at Day Training Centers, weekend submission to attendance centers, completion of Community Service orders during leisure time, etc.). But the non-specific mandate of Section 21 has not led to the development of a similar range of non-custodial alternatives to pre-sentence imprisonment. At police request, magistrates rather routinely impose as a condition of bail that the defendant report to the local police station weekly, daily, or even twice a day. The police have come to doubt the value of this condition for most cases. On the other hand, the Home Office does provide a per capita grant to certain approved hostels that accommodate a defendant bailed on condition that he reside there. The magistrates were observed occasionally to ask whether such a hostel placement could be made for a defendant without community ties. The Bail Project staff began to identify defendants whose lack of community ties suggested bail would be refused, and to arrange hostel placement for them before the first appearance. If it was arranged, the Bail Information Form would carry a notation to the effect that the defendant would agree to such a condition of residence and that the hostel would accept him.

The success of this modest attempt to expand and rationalize the use of

S.21 powers led the Home Office to shift resources into the provision of more bail hostel places. (See Appendices I and J .)

The Vera staff discussed with the magistrates and with the ILPAS management an outline for an experiment in developing individualized plans for "conditional bail", for cases appearing at Camberwell, in which the weakness of community ties tends to discourage a grant of bail or in which the police objections are not well met by evidence of community ties. ILPAS and its 600 accredited voluntary associates are experienced at community supervision of persons (already convicted) who present risks similar to those cited by the police in opposition to bail. They are also accomplished at marshalling resources (counselling, psychiatric, employment, housing) that are necessary to support persons under their supervision.

Vera pointed out that, if the "pretrial probation" experiment proved helpful in reducing custodial remands, the services that would be necessary to support conditional bail might be consolidated in several London "Bail Centers". Bail Centers, staffed by volunteers working with experienced senior probation officers, would be able to devise individualized bail conditions, work up a contract with the defendant, and supervise him during the remand. At this point, magistrates would be able to grant bail on condition that the defendant "be under supervision of the Probation Service." The Home Office agreed that such a condition would be possible without a change of law, and authorized an experiment of this sort at Camberwell. From the viewpoint of the probation service, this "pretrial probation" might be fruitfully integrated with its preparation of pre-sentence reports and it might flow naturally from crisis intervention to conventional post-sentence supervision of persons ultimately placed on probation. ILPAS was particularly attracted to the thought that the conduct exhibited and the problems uncovered during a period on conditional bail would be a help in the preparation of useful post-sentence reports; it would certainly be more useful than preparing these reports while the defendant is remanded in custody and thus out of context.

The Vera staff drew up a proposal along these lines, and it was approved

by the Chief Probation Officer on August 29. A copy is attached as Appendix K .

At the beginning of October, a new Assistant Chief Probation Officer was appointed and Vera ceded to him the primary responsibility for administering the basic Bail Project scheme and for replicating it in other courts with volunteer staff. Vera began analyzing the data on persons remanded in custody, produced since March by the Camberwell Green and Brixton projects, in order to identify groups of cases in which proposal of conditions might make a difference, and types of conditions that would be appropriate to those groups.

Of primary concern is the danger of attaching conditions to persons who might otherwise be bailed outright. It is felt that this would be unduly burdensome to defendants - possibly resulting in their incarceration for failure to comply - and an inefficient use of scarce probation resources.

The Vera staff has corresponded with diversion programs in the U.S., where problems of this sort have cropped up in recent years, in a search for devices to guide project discretion. With the assistance of Vera's Director of Research, from the New York office, the London staff has begun to construct a weighted points score system for predicting the outcome (bail or custody) in the absence of conditions. Because the British system is open and candid, by American standards, it is possible to subdivide expectancy of custody by type of police objection. If plans for "conditional bail" are brought forward to the magistrates only in cases with more than, say, an 80% chance of remand in custody, the numbers granted bail on proposed conditions would be fewer - but they would be the "right" cases. The results, if they prove helpful to the evolution of a well-targetted supervised release program in the U.K., should be of widespread interest in the U.S.

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In the course of less than a year, the Vera staff appear to have established collaborative working relationships, based on action-research, with all points of the British pre-trial process. The direction that collaboration is taking falls naturally into line with much of what is going on now in some U.S. jurisdictions. The constellation of London pilots has begun to resemble, for instance, the NILECJ Exemplary Project, Community Based Corrections in Des Moines.* Attempts to replicate the Des Moines package, already underway in several U.S. cities, should be enriched by learning and ideas coming out of the London parallel, just as the London demonstration is in large part based on perceptions of the process growing out of the American experience.

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* Community Based Corrections in Des Moines was the first of the criminal justice programs designated for the "Exemplary Project Program" sponsored by LEAA's National Institute of Law Enforcement and Criminal Justice. The Institute's Office of Technology Transfer has succeeded in generating several U.S. replications of the Des Moines model.

The Des Moines project brought together, under the Polk County Department of Court Services, a number of functions and facilities made available between 1964 and 1972 for pretrial services. The 1964 Pretrial (ROR) Release program, modelled on Vera's original Manhattan Bail Project, was supplemented in 1970 by a Supervised Pre-Trial Release program (called "community corrections") designed to secure the release of those not qualified for the ROR program. The staff of the new component offered counselling and some job referral and placement services, and it offered by referral to other agencies: vocational rehabilitation, specialized (family or psychiatric) counselling, job placement, remedial education and psychological diagnosis and treatment. The primary goals were to secure the pre-trial release of defendants who could, with supervision, remain in the community without undue risk of absconsion or further offences, and to assist them in the period before trial to improve their prospects for getting (and succeeding on) a non-custodial disposition. The visit of the Polk Co. Department of Court Services that administers Supervised Pre-Trial Release also conducts pre-sentence investigations. These elements now exist in the Vera/ILPAS Bail Project.

In 1971, a non-secure custodial facility (Ft. Des Moines) was added to the existing pair of programs. For the pre-trial residents among its population of 52, the correctional staff helps maintain and improve community adjustment - through programs outside the institution - in roughly the same way and to the same end as in Supervised Pretrial Release. A similar, 6-bed residential facility for women was added in 1972 to complete the constellation of pretrial services that was designated an Exemplary Project, worthy of widespread replication, by OTT. A number of ILPAS half-way hostels are now being converted to bail hostels, similar in program to Ft. Des Moines.

OTT cited the Des Moines project as a demonstration of institutional change, as well as an exemplary comprehensive program. The evolution of pretrial services in London is different in some respects (institutional change is telescoped in time) but similar in other respects (the comprehensive program seems to be a natural outgrowth of initial experience with an ROR-type program that exposes the comprehensive need at the same time as it begins to meet it). Both programs, and their formats, are responsive to local needs.

(6) Final Note on Technology Transfer Benefits to the U.S. from Vera's London Bail Project Work.

Technology transfer involves more than lifting a model from one jurisdiction and inserting it in another. Certainly the criminal justice process is too complex and its structure too variable from place to place for such a straightforward technique. And for reform to have a continuing impact, the adaptation of innovative programs to new surroundings should yield insights that can be fed back to further modify the original. By adapting programs from the U.S. to suit the U.K. context, the Vera staff hope to contribute to an inquiry into the process of technology transfer (what works? why?) and to find ways to make technology transfer a two-way learning process.

The Vera/ILPAS Bail Project, and the research that has gone with it, provide an extraordinary access to and understanding of the British pretrial process. In order to devise a bail service appropriate to the U.K., and to generate British commitment to it, the Vera staff needed to become intimate with the British decision-making process by actually working in it. Just as Vera's essentially American viewpoint - perhaps only because it is a fresh one - has opened up for the British authorities new possibilities for rationalizing and using their existing system, daily exposure to the workings of the British system has provoked some re-thinking of the American. For the Vera staff and its consultant, Professor Freed, aspects of the American system that had been taken for

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There are differences, of course. ILPAS is a case-work and therapeutically oriented service; its Supervised Pretrial Release program is likely to depend more than Des Moines' on this traditional approach. And, with the average duration of Supervised Pretrial Release in Des Moines at almost four months, the techniques are bound to be different than London's, where the average time to disposition is nearer one month. On the other hand, special projects within ILPAS have been experimenting with intensive supervision/contract case-work and there is a general grass-roots shift in the service towards techniques more familiar in Des Moines, such as crisis intervention and non-"treatment" assistance in overcoming disabilities.

One particularly important difference is, of course, in the project philosophy which grows out of the jurisdictions' law and practice. The Des Moines project naturally adopted, as operational philosophy, the judicially consecrated mythology that offenders are incarcerated pretrial to assure their subsequent appearance, and that this is the only purpose of pretrial custody. In its subsequent development, the Des Moines project has adopted devices designed to assure much more than mere appearance at court; but in London the context of law and practice mandated, from the beginning, that a project to rationalize the use of bail and custody must provide services (supervision) expressly designed to assure magistrates of protection against further offences and interference with witnesses, as well as absconsion.

granted appear - in the light of British practice - to be "problems". This is particularly the case with our failure, in the U.S., to surface at bail hearings the legitimate law-enforcement and public safety considerations that in fact prompt "bail" decisions designed to result in custody. Our judges, and our Pretrial Services programs, appear from this perspective to be working in an unnatural darkness. Whether or not the U.K. system offers any "solutions" to this dilemma, it does provide a starting point and a laboratory in which to test plausible program hypotheses about how decisions made on these grounds can be better-made and the use of custody reduced.

The transfer of technology back to the U.S. has to some extent already begun. The Research Department of Vera in New York is exploring a possible project in which open discussion of the hidden objections to bail (likelihood of further offences, interference with witnesses, etc.) will be held between the judge, prosecution and defence before proceeding with the granting of bail and setting the amount. The Research Department would monitor the discussion and analyse the information presented, the arguments advanced and the decisions taken to see whether the open discussion (and the resulting ability of defence counsel to propose specific conditions that meet law-enforcement concerns) is itself an inducement to lower bail being set and more frequent release. An attempt would also be made to determine to what extent the real objections, the possible conditions, and the decisions that emerge in this American context follow patterns similar to those uncovered by the Vera/ILPAS work in London.

The Bail and Legal Aid Unit concept, developed at Brixton and now being replicated throughout the U.K., has also struck a responsive chord in the U.S. The New York Department of Correctional Services is considering an adaptation of the Brixton project for its pretrial and presentence prisoners at Sing Sing. It is also studying its possible application to the problems of the Department's 5000 sentenced prisoners with open parole dates, who need assistance in linking up with outside resources in order to secure their release. The problem is only slightly different from the problem of Brixton prisoners needing assistance in locating sureties. And the benefits to prisoner and prison officer morale could

be much the same.

In the longer term, it is hoped to facilitate technology transfer back to the U.S. through publication and direct communication with relevant U.S. agencies. Professor Freed, who was able to share with the Vera staff its access to data and experience of working within the system, is completing a manuscript for publication in book form. It will offer a detailed analysis of U.K. pretrial law and practice from a technology transfer perspective. He will use the British experience to examine afresh the American practice, its rationales, its shortcomings and its virtues. The possibilities for adapting to the U.S. certain elements of the British system will be presented, but qualified by the differences in historical and practical context that should color thoughts about replication.

On December 24, Professor Freed will be giving an all-day seminar to the ten directors-designate of the pretrial services agencies established pursuant to Title II of the Speedy Trial Act. He intends to use the British experience, made available to him through the Vera staff, to provoke creative thinking in that key group as well.

It is expected that there might be a steady flow of technology transfer back to the U.S. during the course of the Vera project, and that the pretrial process would be one of several areas. Further along, the Vera staff would expect to generate a number of publications, in the comparative research field, to bring as much of the learning as possible to the American criminal justice community.

B. Supported Work: Reintegrating "Unemployable" Recidivists:

The Inner London Probation and After-Care Service, unlike all but a few of its American probation counterparts, is responsible not only for supervision of sentenced persons in the community, but also for welfare work in prisons and the "after care" of prisoners released on parole or discharged at the end of their sentences. This "through care" concept itself deserves careful study from a U.S. perspective. Because of its experiences with after-care clients, ILPAS expressed an early interest in Vera's Wildcat Service Corporation, a non-profit, general contracting company that provides supported, transitional employment to ex-addicts and ex-offenders who lack work histories, work habits, and the experience of success on a job that can encourage an individual to play a full and productive part in the community. The very scope of ILPAS's responsibilities has made it particularly sensitive to the insufficiency of mere supervision and one-on-one casework for the cyclically unemployed and institutionalized among its clients.

During the latter part of the first quarter, and in a more concentrated fashion early in the second quarter, the Vera staff interviewed probation officers, surveyed caseloads, interviewed prisoners with poor employment histories, reviewed existing employment programs of government and private agencies, and searched for possible funding sources to subsidize the expected operating losses of any probation-created enterprise offering a rehabilitative* employment experience and training to those clients identified as needing it.

In the second quarter, it became apparent that, although ILPAS management would welcome a supported work program to fill the gap in its client services, there was division about its value in the ranks of the

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* "Rehabilitative" is used throughout to mean "facilitating integration of the offender with his community", and not "coercing changes of character".

probation service. And there were, in the Central Government Departments that might be expected to provide funding, reservations expressed about the amount of subsidy it would require.

From discussions with groups of probation officers in London, Manchester and Liverpool, the objections in principle to a Wildcat-type supported work scheme became clearer and they suggested that a supported work scheme which took account of these dissident British views might be instructive to both sides of the Atlantic. If an inadequate recidivist sticks with a job in the States, the rehabilitative potential of his position might well be applauded even if he were socially isolated and spending nights in the back seat of a junked auto. Making a success of work, it might be thought in the American context, builds up self-esteem and internal strengths until the rest -- decent accommodation, the support and supporting of a family, etc. -- follows from it. In the U.K., the same type of inadequate is thought to need, above all, a home and the emotional support that goes with it. Shoring up past deprivations and rootlessness (by the right sort of half-way hostel, for instance) is thought necessary to build the self-esteem and internal strength that might lead to making a success of work.

Although deep cultural commitments could be seen reflected in these fundamentally different approaches, the complex needs of inadequate recidivists appear much the same in both societies, and will not always be wholly met by reference either to the work ethic or to a loving home-like environment.

In various pilot projects that preceded Vera's Wildcat model for supported work, expressly therapeutic supports (group counselling, individual casework, etc.) had been planned into the work setting on a regular basis. These attempts to meet all the clients' needs within a single program had proved contradictory; when the program became to obviously a therapeutic, participants ceased to think of the work as "real" and viewed their gradual development of solid habits of work and acceptable levels of productivity as signifying the

importance of the "treatment" rather than evidencing their own strengths. Wildcat was therefore structured as much as possible as a "real" work setting, and support services were provided by referral (other than those given at the job: e.g. group working, graduated stress, and constant supervisory feedback on performance). Although Vera's controlled research on Wildcat shows significantly better improvement in the type of accommodation, family reintegration, and social habits (as well, of course, as enhanced employability) among those in the supported work program, Wildcat's emphasis on work-as-therapy and the difficulties it encounters in delivering social work services at the right time to those in need have continued to frustrate the rehabilitation of a significant number of its participants.

On the other hand, British probation programs providing supportive halfway hostel settings to the same sort of client have been largely unsuccessful in winning compliance with the rule that those who are able to work should do so and contribute toward room and board until they are able to make a way for themselves in the real world. The supportive hostel setting seems to encourage dependency, acceptance of a continuing semi-institutionalized life and permanent unemployment.

It became increasingly intriguing to the Vera staff to place a reality-based supported work program <u>into</u> the integrated support structure of the probation service. If intake were directly from the individual case-working probation officers and the referring officer carried on with his treatment program, if the supported work supervisors were probation-trained but restricted themselves to coping with clients' work-related problems, and if close contact were maintained between the supported work program and the referring probation officer (through case conferences, etc.), an ILPAS supported work scheme might provide answers to a problem shared by both the U.S. and the U.K. — that is, how can we meld the conflicting - but equally strong - needs that inadequate recidivists have for social-work help and for the experience of success and self-sufficiency in the context of work?

The Vera staff initiated a case-load census of all Inner London Probation offices, to determine the volume of clients flowing through the care of ILPAS that might need a transitional supported work scheme.

The results suggested that a scheme with a capacity of 200-300 places (assuming an 8.5% monthly termination rate, as experienced by Wildcat) would be about right. Detailed plans were drawn up for such a program, and Vera began looking in earnest for work projects that would be suitable for the supported work method, and for funding to subsidize operating losses. Vera approached the relevant Central Government departments: the Department of Health and Social Security (responsible for payment of Supplemental Benefits (welfare) to these unemployables), the Employment Service Agency and the Employment Training Agency of the Manpower Services Commission (charged under 1973 legislation with providing employment rehabilitation to all in need of it - particularly the "disabled") and the Home Office Probation and After-Care Department (responsible for the rehabilitation generally of offenders).

The Probation and After-Care Department is the funding agency for Britain's extensive hostel system, and was initially opposed to the supported work scheme both on principle and because of the large cash-flow required to pay realistic wages. Basically, such a scheme seemed too remote from traditional probation practices for it to attract funds from this source. The Home Secretary and the Permanent Secretary of State for the Home Office, who had both accepted invitations to tour Wildcat while in New York earlier in the year, directed the Assistant Under-Secretary of State for Probation and After-Care to make an approach, parallel to Vera's, to the Manpower Services Commission.

The M.S.C. had just proposed to the Cabinet a huge public expenditure scheme for job-creation to provide work for those laid off during the continuing economic decline. Although the 1973 Act, which provided a basis for the MSC proposal, mentioned the "socially disabled" and might be read to authorize funding of the Vera/ILPAS supported work scheme out of the general job-creation monies, MSC and its subordinate agencies (ETA and ESA) thought it

the wrong time politically to divert any monies from the general emergency program to the specialized, offender group. Vera therefore approached the Department of Health and Social Security which, through welfare payments, was already spending considerable sums on this group just to maintain them in their unemployment.

An important feature of Vera's Wildcat experiment has been the use of the participants' welfare grants as part of the funding for a program to remove the recipients from welfare altogether. Forty per cent of an average Wildcat participant's salary is provided by diverting his welfare check to the program. In the long run, the public purse benefits when the "unemployable" welfare recipient moves over to unsupported work and off the dole. In the short run, the welfare funds are put to work, providing needed public services as a by-product of the program of transitional work and training. Ordinarily welfare benefits would be withdrawn altogether in the case of anyone engaged in income-producing work - whether "supported" work or not - on the statutory assumption that he was no longer in need of public assistance. The "welfare diversion" feature of supported work experiments in the U.S. is made possible only by special provisions of law permitting waiver of the conventional administration of welfare for demonstration programs. It is hoped that the Wildcat demonstration, and those now being launched by a joint Ford Foundation/Labor Department effort in twelve U.S. cities, will lead to major revision of the underlying U.S. welfare laws, to institutionalize this more realistic approach. The laws governing the British welfare system, like those in the U.S., assume that long-term income maintenance through the dole is necessary only for the aged and infirm; others are assumed to be employable and provision is made only for their temporary maintenance until they find any sort of work. Then it is cut off. But in the U.K., as in the U.S., there is a growing awareness that the system built on those assumptions takes no account of the real situation of other "unemployables" - the ex-offenders, the teenage drop-outs, the former addicts and drunks, the

partially disabled, and others who, for lack of skills, training and the habit of work, are unable to hold a job even if the economy provides one. The U.K. welfare system, like the U.S. system, tends only to maintain these persons in their unemployment and is so regulated that there is little incentive for them to face the stresses of the labor market, making them permanently welfare-dependent.

There was interest at the DHSS Supplemental Benefits Commission (SBC), but traditional bureaucratic arrangements stood in the way, as did the absence in the British welfare statutes of any power to "waive" requirements for demonstration projects. From the DHSS perspective, the reabilitation of offenders is the responsibility of the Home Office, their needs for employment services is the responsibility of the MSC, and the benefits of work done for the community as a by-product of a supported work scheme should be of interest to the Department of the Environment - which should pay for them out of its budget rather than getting them gratis, from novel uses of DHSS money.

But, in late April, interest in funding a Vera/ILPAS supported work program was sparked in the Home Office Urban Deprivation Unit. This small unit has research and program funds to develop a coordinated approach by all Central Government Departments to the problems of decay and deprivation in the cities. Although the UDU had no prior interest in the offender group as such, it was attracted to the scheme as a possible model for providing needed public services, which local governments can no longer afford to purchase commercially, through a work-rehabilitation technique that might be equally applicable to other chronically unemployable sub-populations of the decaying inner cities.

In May the Urban Deprivation Unit circulated a note*on the proposal to all other departments, and Treasury approval seemed certain for a four-year demonstration program subsidized by £1.4 million of research funds.

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* Attached as Appendix I.

ILPAS detached an Assistant Chief Probation Officer as director-designate of the supported work program, and he spent two weeks working with Wildcat in New York.* The Home Office Research Unit seconded another research officer to Vera/ILPAS, to evaluate the rehabilitation elements of the scheme, and the UDU committed the time of an economic planning officer to work with the research team on a cost/benefit analysis. Vera began co-ordinating these researchers and made arrangements for selection of a control group. The Department of the Environment and London local authorities were approached in an effort to identify work projects that would benefit the community but for which there was only enough money to pay a portion or labor costs. Vera assisted in the creation of a limited company which would actually employ the unemployable ILPAS clients and worked through the requirements of a contract of employment which, while meeting the requirements of protective British labor laws, would permit the company to offer employment on a transitional basis.

But the pound began to slide drastically and unemployment and inflation continued to rise; a series of freezes on public expenditure and selected cuts in Central Government budgets followed. Vera and ILPAS struggled, throughout the summer, to keep alive the interest of the probation service and of those who had already been approached as potential consumers of the scheme's services.

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* This ACPO had been responsible for developing and administering ILPAS's Community Service by Offenders sentencing scheme; while in New York, he devoted part of the time to explaining the pros and cons of the scheme to the New York Probation Service and judiciary.

It was finally decided that, although the Home Office wished to fund the experiment, it would at this uncertain time be able to commit only enough funds for one year of subsidy. On September 4, one hundred thousand pounds were made available from the Urban Deprivation Unit's research budget for Vera/ILPAS to operate a twelve-month pilot program, with a participant capacity of 30-50 clients. Through Vera, ILPAS has secured for this demonstration the full time management assistance of a junior executive of the Esso Corporation, and the day-to-day involvement of a staff member of the Employment Services Agency in evaluating participants' progress and facilitating transition to non-supported jobs. The research arrangements have been carried forward from the more ambitious scheme proposed in the Spring; in addition, Vera and the Urban Deprivation Unit are attempting to involve economists from the Supplemental Benefits Commission on a research advisory board for the cost/benefit analysis. The hope is that by such direct involvement in this first, feasibility year, the SBC might appreciate the potential of diversion of supplementary benefits for part funding of supported work. If the results are similar to those found in cost/benefit analysis of Vera's Wildcat program, it can be hoped that the DHSS will consider introduction of a legislative amendment to permit "welfare diversion".

The project, "Bulldog Manpower Services Ltd." has been established and its Board of Directors includes the Chief Probation Officer, representatives of the unions, the business community, the judiciary and the probation service. A Vera staff member will maintain a close relationship with the project by membership on a four-man management group based at ILPAS headquarters. The first participants were taken on in the week of October 13-17.*

If all goes well, further funding will be sought after six months for a four-year project with the capacity (after 15 months' build-up) to provide fully-paid transitional work and job training to 150 "unemployable" ILPAS clients at a time.**

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* The characteristics of the first clients are colorfully reported in App. M, an extract of remarks made to the 92 Senior Probation Officers in meeting, after the first week of Bulldog's operations.

** Proposal attached as Appendix N.

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The part being played by the Vera Institute's London staff, in the design and operation of a Vera/ILPAS supported work program, should carry with it a potential for learning that can be important to developments in the U.S. One of the critical questions in the development of supported work models is how best to meld the often conflicting - but equally strong - needs participants have for social work assistance and for the experience of self-sufficiency in the context of work. Whereas Wildcat's design introduces a system of social and personal supports to a program of transitional public service jobs, ILPAS's Bulldog program design is the reverse. Onto the existing ILPAS system of individual case-work and support there has been added a program of transitional public service employment. From compatible research designs, the Wildcat and Bulldog programs together may offer important insights into the problem of how best to provide social work "supports" in the thirteen U.S. supported work progams initiated by the Manpower Demonstration Research Corporation, operating under a joint Ford Foundation/Labor Department aegis; several of these are funded in part by LEAA.

C. Juvenile Justice.

The juvenile justice systems in both England and Scotland have recently undergone substantial revision, as a result of the Childrens and Young Persons' Act of 1969 (England) and the Social Work (Scotland) Act of 1968. After reviewing the legislation and literature and discussing these innovations with experts in the field, the Vera staff concluded that both systems merit further examination, but that exploration of the Scottish system should be a priority.

(1) Scotland's Children's Panel Hearings. The Scottish Children's Panel Hearings are conducted by lay men and women who meet in an informal setting with the child, parents and social worker. Most juvenile cases are now dealt with in these Children's Hearings, although the most serious cases still go through the courts. Cases are referred to a Children's Hearing by a "Reporter", who in turn received referrals from the police, schools, parents or any person. The Reporter, whose background may be in law, social work, police work, etc., screens out cases which he finds not warranting compulsory care or treatment (i.e.

supervision in the community or placement in a residential facility). The Reporter makes this initial decision on the basis of the police report and a social work report, if he calls for one. If he does not refer the case to a Hearing, he may arrange a program of voluntary supervision (usually where a social worker is already involved with the family), he may refer it back to the police for imposition of a formal caution, or he may do nothing at all. Reporters refer about half the cases to Children's Panel Hearings.

There are provisions for pre-hearing custody if necessary. At the commencement of the hearing, the child is asked if he accepts the charges against him; if he does not, the case is sent to Sheriff's Court where the merits of the case are adjudicated with the Reporter presenting the charge and the child having full legal aid representation. Whether the charges are proved in Sheriff's Court or admitted at the Children's Hearing, the disposition takes place at the Children's Hearing. The Hearing is designed to promote informality and free discussion among parties, and to arrive at the disposition which will be in the best interests of the child. The Reporter's role here is to advise the Panel members on legal and procedural matters. The child or parents may be accompanied by a representative (who may be a lawyer), so long as his presence does not "disrupt proceedings." Genuine efforts are made to draw out reticent and inarticulate parties and to arrive at mutual understandings.

In June one of the Vera staff went to Scotland for the purpose of observing at first hand the Scottish juvenile justice system. Children's Hearings in Glasgow were observed, and discussions followed with the Hearing Panel members and, more extensively, the Reporter. A final training session for a new group of panel members was observed and Mrs. Kathleen Murray, who has responsibility for the training of panel members in the west and south-west of Scotland, was interviewed at length. Further discussions ensued with

Mr. R. Macgregor, the Regional Reporter for Strathclyde region (which takes in about half the population of Scotland); Mr. J. Gregory, Director of Social Services for the Strathclyde region; Mr. D. J. Cowperthwaite, Under-Secretary of the Scottish Home and Health Department and one of the chief architects of the Children's Hearing system; Mr. George Murray, head of Social Work Services Group for all Scotland; Sheriff Aikman-Smith, one of the four Sheriffs of Edinburgh; and Mr. T. Wilson, deputy procurator fiscal (prosecutor) in Edinburgh. Those conducting research of the Scottish system were also interviewed, including Professor Fred Martin, Chairman of Department of Social Administration at University of Glasgow; John Mack, Senior Research Fellow, University of Glasgow; Professor McClintock, Chairman, Department of Criminology, University of Edinburgh; Mary McIsaac, Research Fellow, University of Edinburgh; David May, Research Fellow, University of Aberdeen, and Peter Didcott and Monica Rushforth, Home Office Research Unit, Scottish Section. The potential for drawing lessons from the Scottish system that might be useful in the U.S. was discussed with Professor Sanford Fox of the Boston College Law School, who has been studying the Scottish system for several years.

Certain aspects of it are appealing for possible adaptation in an American context: the informality of the Children's Hearing set-up; the fact that the hearing is composed not of judges, but of ordinary citizens; and the fact that the hearing has the flexibility to consider each case in as much depth as the case requires. Children's Hearings often go on for an hour or longer in an individual case, and there is usually a feeling that no one who has something more to say will be cut off. The hearing panels observed seemed genuinely interested, in a way that would be uncommon among professional, legally trained and overworked juvenile court judges, in the people coming before them and in drawing out reticent children or parents.

The Scottish panels that were observed were nearly uniform in their middle-class composition, and therefore not really "representative" of the largely working-class families with which they dealt. The fault must be laid mainly to recruiting efforts, as few working-class persons applied. While the middle-class composition of panels has been defended by some (on the grounds that working-class panel members would not have the verbal skills necessary to elicit participation from reluctant parties, would not be able adequately to read and understand social workers' reports, and would be too punitively oriented to put the interests of the child first), any attempt to create a Scottish Children's Hearing-type system in the United States might best focus on recruiting persons who are genuinely representative of the community within which they must deal with authority and understanding. One of the strengths of the Scottish system is its potential for reducing the tension, often racially-based, between judges and juvenile respondents and their families in large American cities. The Children's Hearing system offers an opportunity, after questions of guilty or innocence have been resolved, to bypass the traditional judicial mechanisms and to effectuate judgement by persons who have an organic relationship to the community.

Adapting the Scottish juvenile system in the United States would not, however, be without serious difficulties, stemming primarily from the American concern with providing legal representation and safeguarding legal rights in juvenile proceedings. The American system would not tolerate, for instance, the Scottish procedure whereby a juvenile charged with an offence enters his plea of guilty or not guilty at his first appearance before the Children's Hearing, without the benefit of legal representation. Only if he contests the charges does he get a lawyer appointed to represent him at the trial on the merits in Sheriff's Court. If the Sheriff finds him guilty he refers the case back to the Children's Hearing for disposition and legal representation ceases (unless the lawyer is privately retained, which apparently happens very rarely).

An American version would certainly require legal representation when the plea is entered. The "not guilty" plea rate in the United States is bound to be higher than the 10% rate in Scotland, thus producing a less "efficient" system; but that in itself should not be fatal. The more crucial question centres on what would be found an acceptable level of legal representation in the Children's Hearing at its dispositional stage. Vigorous defence advocacy would undoubtedly tend to inhibit the free flow of discussion which is a key goal of the Children's Hearing set-up; lawyers are reluctant to let their clients talk on and on when they are not sure what will be said. On the other hand, it is hard to imagine that the American system would fail to provide legal representation where loss of liberty is at risk, as it is where the Children's Hearing has the power to order residential placement.

One possible solution to this dilemma might be to limit the powers of the panels, modelled on the Scottish Children's Hearing, to dispositions which do not involve taking the child from the home. Such a Children's Hearing would have the power to order various forms of supervision within the community, restitution, or fines. It could make "creative" orders, based in part on the possibilities emerging in a genuinely free discussion at the hearing between all parties.

Denying the Children's Hearing the power to take the child out of his home might have the effect not only of eliminating the need for lawyers at disposition, but also keep down the proportion of cases which are contested on the merits. Of course, for a lawyer to advise his client not to contest the merits, he must know at that early stage exactly what the consequences would be. A dual decision would therefore have to have been made by a Reporter (or someone) that some kind of intervention is necessary, but that a custodial disposition is not necessary. If a custodial disposition is thought to be possibly necessary, the case would have to proceed through a route other than a Children's Hearing, and the child and his attorney would have to be advised of this before the plea is taken. What the non-Children's Hearing procedure would be and

which children could or would be processed through it, would have to be thought through carefully and spelled out in detail if any legislation established a Children's Hearing system drawn from the Scottish experience.

From August 29th through 31st a member of the Vera staff attended the Children's Panel Summer School in Falkirk, Scotland, at the invitation of Mrs. Kathleen Murray, Director of Panel Training, and Professor F.M.Martin, Chairman of the Department of Social Administration and Spcial Work at the University of Glasgow and the principal speaker at the Summer School. The three-day training program was attended by Children's Panel members from all over Scotland.

Training of Panel members is intensive and thoroughly planned, perhaps because the Panel system is no longer a pilot "experiment" but is the exclusive method for processing most juvenile cases throughout Scotland. At the Summer School, lecture and discussion sessions, led by psychologists, sociologists and lawyers, were designed to assist Panel members in analyzing what they were in fact doing in their hearings and how they could more effectively promote free discussion among the parties and devise solutions that would "work". The training program was geared to stimulate self-critisism and to provide Panel members with techniques for more refined self-analysis. Audio-visual material presented different approaches to the same "case" by different Panels (composed of actual Panel members). These hearings were analyzed in terms of flow and content of communications (e.g., how much of the communication was initiated by the Panel or "authority" figures? What was the nature of authority-initiated talk? Questions? Lecturing? Giving direction? To what extent did the authority figures respond to, accept or use the ideas of children or parents? To what extent were Panel members sensitive to non-verbal cues?). Attention was focused on ways to remedy communication imbalances and to increase self-awareness. Subtle problems, such as the distinction between "setting boundaries for conduct" and "moralizing", were explored at length.

It is expected that some of the training techniques used at the Summer School might be fruitfully transferred, initially to the training of lay "Forum" members for Vera's Bronx Neighborhood Youth Diversion Project (which, like the Scottish system, has as an important component a hearing conducted wholly by lay members of the community), and eventually to other American community mediation efforts - whether targetted at juveniles or adults.

(2) England. There has also been substantial recent revision in the juvenile justice system in England; after reviewing the legislation (the Children and Young Persons' Act, 1969) and interviewing magistrates, police, and researchers concerned with a growing debate about its impact, the Vera staff concluded that the English system, for reasons different from the Scottish, merited further examination.

There is widespread belief that the 1969 Act, by removing the conventional range of secure institutional dispositions from the magistrates in juvenile cases, by removing the Probation Service from juvenile courts, and by placing the dispositional decisions on the shoulders of local Social Services departments which are not trained or equipped to deal with delinquents, the Act has rendered the system powerless to contain large numbers of "violent" young delinquents. On the other hand, there are claims made that imprisonment and institutionalization of children is as widespread now as it was before passage of the 1969 Act - that its provisions are ineffective - and that there are, in fact, very few "violent" youths - far fewer than are actually imprisoned. This debate led to hearings this year before a subcommittee of the House of Commons, and various research projects were undertaken in conjunction with the hearings.

At the same time, Vera has been engaged by the Ford Foundation to explore the same paradox in the U.S. context -- that is, does the juvenile system overuse secure institutionalization or are there in fact large numbers of "violent" youths who slip through an ineffectively "soft" process? And Vera is involved with New York State officials who are considering adoption of revisions in the law that would introduce a juvenile justice system roughly resembling the post-1969 English system.

The Vera London Office, at the end of the third quarter, began channelling the British research on "violence" among youths and on the workings of the 1969 Act back to the U.S., and channelling the U.S. research (Massachusetts and New York) to those in the Home Office responsible for juvenile justice.

Additionally, a member of the Vera staff has begun sitting with an ad hoc Working Party exploring, at the request of a London local authority, the actual need for - and needed range of - facilities for juveniles thought to require "secure" settings.

D. Non-custodial sentencing alternatives for adult offenders.

Although it was hoped that the Vera project involvement reported above would, have long-term technology transfer implications for the U.S., the Vera staff has also looked for more immediate transfer possibilities among Britain's existing innovative experiments in the sentencing field.

(1) Community Service. The most intriguing such experiment examined was the "Community Service by Offenders" sentencing scheme. The Criminal Justice Act of 1972 mandated the experimental introduction of these schemes in a limited number of jurisdictions. It is intended to provide a non-custodial sentencing alternative for individuals who otherwise would have received custodial sentences. A community service order sentences the convicted offender to perform a specified number of hours of service for the community (not less than 40 or more than 240, to be worked within a period of twelve months) on an unpaid basis. The offender must consent to a community service order before it can be imposed. The London scheme, which was observed by Vera, provides variety in the sorts of community service tasks available to persons under such orders, and efforts are made to find tasks which meet offender preferences and use any skills; but the elements of retribution and restitution, as well as the compulsory nature of the sentence, are retained. Some examples of jobs performed under community service orders are: constructing children's playgrounds; canal clearance; household repairs; demolition of the perimeter wall of an over-secure mental institution - and, subsequently, directly assisting in the program on the wards; painting and gardening for the old and disabled; and assisting with Salvation Army's meals-on-wheels program.

A community service order permits the offender to live in the community, work, and support any dependants, while serving his sentence during time that would otherwise have been his own (usually weekends). It is administered, at least in the Inner London experiment, with a view toward enhancing the offender's self-image by showing him that he is someone capable of making a contribution to the public good, and with the hope of demonstrating to the

larger community that the offender group need not be wholly written off. The Community Service program, administered by the local probation services, began in six experimental areas in 1973. It is being heavily researched by the Home Office Research Unit. Early reports were sufficiently promising that a decision was made to extend it nationwide in January 1975. Following the first wide publication by ILPAS of details of its scheme's operation in the first year, the average number sentenced to community service by London courts climbed from 35 per month to almost 50.

The London scheme is seen as a possible Exemplary Project. The Vera staff has transmitted to NILECJ a draft brochure on the scheme, intended for circulation within the United States. During the joint Vera/ILPAS workshop in New York in September (pp. 50 above), a half day was devoted to exposing U.S. probation, correctional and judicial representatives, to the merits and problems of the scheme.

(2) Day Training. The Day Training Centre experiment is another non-custodial sentencing alternative. It, too, was introduced experimentally by the 1972 Act. Unlike the Community Service sentence, however, the Day Training Centre program focuses on recidivists who are too inadequate and "hopeless" to hold regular jobs or succeed on community service, and places them in an intensive, full time therapy program in a community setting. The program involves daytime attendance for a period of not more than sixty days

(five days a week over twelve weeks) at a center equipped with a variety of workshops and meeting rooms. A person sentenced to Day Training enters with a group of seven others and the eight remain together for the duration of the twelve weeks. A variety of therapies are used to encourage the men to examine their behaviour, to explore new activities and experiences, and through this to modify rigid patterns of perception and behaviour. The cycle of group and individual therapy is broken by educational and practical activities (e.g. music and art therapy, gardening, pottery, films, remedial classes) which are led by a specialist staff where appropriate. A probation officer is also involved in all activities. Emphasis is placed on constant and honest communication among participants. The staff and the participants, in the Inner London version which is the only one examined, report that the intensity of this sustained therapeutic contact is exhausting. The experiment (in Inner London, in particular) represents an effort to determine whether (with little regard to cost) the behaviour of this particularly inadequate recidivist group can be at all altered by very intense community-based "treatment". The Home Office Research Unit is attempting to research and evaluate attitude changes effected by the programs. The four existing Day Training Centres were established from late 1973 to early 1974, and they vary considerably in the design and intensity of their program.

E. Other U.K. Activities

(1) Diversion

The Vera staff has participated in the Working Party on Diversion of the National Association for the Care and Resettlement of Offenders (NACRO). The result of this Working Party's deliberations, a report relating the extensive U.S. experience with diversion programs to the U.K. context, was released in October.* It is an attempt by the Working Party, with the assistance of Vera and of Professor Freed (consultant to this office) to rethink the principles of diversion in light of difficulties that have arisen in the U.S. evolution. Vera has been asked to participate in its implementation.

The transfer to the British context of the largely American notion of "diversion from the criminal process " comes at a time when dissatisfaction is growing in the U.S. with the rapid proliferation of diversion programs, often modelled on Vera's still-evolving Manhattan Court Employment Project. The difficulty for U.S. programs has been that an unacceptably high number of persons who are "diverted", from the standard adjudication and sentencing system to short-term but demanding alternatives, might in fact only have been fined or given suspended sentences had the criminal process run its course. This raises fundamental questions about the allocation of resources and the distribution of burdens. While assisting in the thinking-through and design of diversion projects for the U.K., Vera has had very much in mind the possible lessons to be learned here that may assist re-evaluation and refinement of U.S. programs.

Vera's direct involvement in diversion programming in the U.K. will probably be limited to a possible ILPAS project which, in the view of the Vera staff, should grow organically from the still-evolving Bail Project. The expertise that must be developed in that project, to take advantage of the openness and candor of the British system to target cases really requiring supervised release and in marshalling the right kind of resources,

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* A copy is attached as Appendix O.

ought to lead naturally to an ability to design and operate a diversion program that avoids the pitfalls plaguing many American programs. The technology transfer benefits to the U.S. would be similar to those of the Bail Project itself. (See pp. 26-28 above.)

(2) Diversion of Drunks to Detoxification Programs:

The Vera staff has been working with the Department of Health, the police, and a number of private agencies to develop programs of detoxification and after-care as an alternative to arrest for derelict drunks. Momentum toward this reform has been building since publication of a government Working Party Report in 1971 which pointed to the success of Vera's Manhattan Bowery Project and other U.S. detoxification programs modelled on it. Vera has agreed to bringing onto the Bowery Project staff, for a limited period, the NACRO officer who is responsible for implementation of NACRO's proposal to the Department of Health for a detox program in Liverpool. There is general U.K. acknowledgment of the applicability of Vera's basic detox experience to attempts in a British context to remove chronic drunks from the criminal justice process; there may also be useful lessons for the U.S. - when Britain's detox system really gets underway - in the way the U.K. facilities are integrated with the after-care resource network.

(3) Miscellaneous

The Vera staff has assisted a variety of British agencies - the Home Office Departments, in particular - by obtaining specific information about and reports concerning U.S. programs, practices and procedures. The Vera/N.Y. Research Department has been helpful in this regard, surveying the American literature and interviewing American experts so that comprehensive responses can be given to the British enquiries.

The staff has also given addresses to: the Cambridge Institute of Criminology,* the Howard League for Penal Reform, regional NACRO conferences, and annual meetings of agencies linked in their work to the probation services. This professional exposure has been of assistance in broadening the office's

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* The Project Directors paper submitted to the National Criminology Conference is attached as Appendix P.

network of contacts, as has been the Vera staff's participation (in less formal ways) in workshops and conferences on particular topics.

F. Vera/ILPAS Workshop in New York, September 1975.

Between September 8 and October 3, the Chief Probation Officer of Inner London, two of his Deputy Chiefs and one of his Assistant Chiefs visited Vera and other U.S. agencies. The series of workshops, site visits and conferences was arranged with a view toward exposing the British delegation to work going on in the U.S. that is directly relevant to problems - some new and some old - confronting ILPAS, and to expose the federal, state and local probation, correction and parole agencies to the British concept of "through-care", the British alternative to custodial sentence called the community service order,* and the British pre-trial process.

These themes were brought together and focused at a Workshop in New York on September 18 and 19. Thirty representatives of relevant U.S. agencies and institutions attended, including top officials of the federal, state and city probation services, of the City courts, of LEAA, of the City police and budget departments, and of agencies interested in the dissemination of ideas about the administration of justice. In addition to the ILPAS delegation, the conference was attended by Lord Harris, Minister of State in the Home Office, whose responsibilities include probation and police policy. A summary of these proceedings will be distributed in the coming quarter to the participants and other interested parties.

The immediate short-term technology transfer benefits included: (a) a post-conference on-site visit by two British delegates with the delegates from an up-state New York probation service, where the fundamentals of an innovative contract technique for short term probation work were absorbed for replication in London; and (b) a commitment by a number of New York delegates to experimenting with the British "bail hostel" concept.

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* See pp.44-46 , above.

G. Building Relationships for Technology Transfer with the Federal Republic of Germany and with France.

The type of relationship established with the British Home Office and criminal justice agencies might, if it proves a useful model for technology transfer efforts, be applicable (on the international dimension) to other developed countries. The Vera London office undertook to make preliminary explorations of prospects for such applications of the methodology.

In September 1974, the director-designate of Vera's London office paid a visit to Germany to explore possible German interest in a sustained relationship with Vera, on the model of the U.S.-U.K. program or on some other basis. He reported that, although differences and similarities of the administration of criminal justice in Germany suggested good prospects for such a relationship, any arrangement should be approached incrementally. A criminal justice agency such as Vera was an unknown species in Germany, and familiarity with Vera's action-research work over the last fifteen years - which was found here and there in the U.S. - was not encountered in Germany both because English language literature is not widely circulated and because the surface characteristics of the criminal justice system are different enough from the U.S. to make Vera-type work appear to be of little relevance.

In November, the German Marshall Fund President and Vice President spoke about Vera's London project with Dr. Hans-Jochen Vogel, F.R.G. Minister of Justice. On November 19, Dr. Vogel communicated with all Länder Justice ministers expressing his interest. As a result, Vera received a range of invitations to visit Länder for talks about practices and innovations in the criminal justice systems there.

In March, the Vera project director met with officials at and visited the facilities of the Ministries of Justice in Hamburg, Weisbaden and Saarbrucken. The visits were, again, introductory and exploratory, but two major issues emerged as possible foci for the transfer of American technologies to the F.R.G. First, the admirable German system of open prisons depends to a large extent on the ready availability of employment in the economy for work-release prisoners. The drying up of this resource - a phenomenon outside the control of the criminal justice system - was acknowledged as endangering the open prison system itself. Discussions tended, therefore, to focus on Vera's supported work project,"Wildcat", and on techniques for direct management and funding arrangements for correctional supported work programs. The use of pretrial detention - and its possible overuse in a system that is remarkable for its recent replacement of custodial with non-custodial sanctions after trial - was another pertinent subject. The potential for pretrial release programs in the German context remains unexplored by Vera, but interesting.

On the other hand, a program at the Frankfurt women's prison for keeping mothers together with their infants for up to five years, in a realistic home setting fully separated from the rest of the prison, suggested that both the U.S. and U.K. prison systems could learn from this experiment. Similarly, certain aspects of intake and management at the Hamburg open prison suggest innovations for the U.S. and U.K. where the relationship with prisoners released to after-care is not so well established during the time immediately preceding release.

In March, at the Ditchley Foundation Conference on Non-custodial Treatment of Offenders held near Oxford, Vera made contact with Dr. Hartmuth Horstkotte who was then the relevant official at the Ministry of Justice in Bonn, and with M. Verin, whose responsibilities include French Ministry of Justice research. Both expressed an interest in Vera's work and offered to assist in the development of a continuing relationship with colleagues in their respective countries.

An April 10 letter from the Vera project director to Dr. Horstkotte, suggesting formation of a German delegation to visit with Vera in New York and making some basic inquiries about aspects of the administration of justice in Germany did not get a response until August because Dr. Horstkotte was meanwhile elevated to judicial office. His encouraging reply, dated August 25, was helpful on its face and indicated that Dr. Klaus Meyer would now be responsible at the Federal Ministry. G.M.F. Vice-President Livingston had written to Dr. Meyer on August 5, and when Dr. Meyer returned from his vacation he responded to that letter and Dr. Horstkotte's inquiries with a letter dated 19th September. His efforts to form a delegation and identify problems for discussion upon its visit to Vera were welcomed by Vera Director Sturz's letter of October 3. As this correspondence indicates*, it is hoped that a German delegation will visit Vera/N.Y. and Vera/London around the turn of the year.

Vera has, meanwhile, begun exploring the possibility of a continuing relationship with France. Vera Director Sturz has been in correspondence with M. Le Gunehec of the French Ministry of Justice about a possibility of a visit to Vera in New York, and the London office has been corresponding with M. Verin. M. Verin has supplied extensive information concerning the French use of pretrial probation as an alternative to custodial remands. Plans are in progress for a visit by him to Vera/N.Y. and Vera/London.**

At the end of the third quarter, an interest in forming a collaborative relationship with Vera emerged at the Vancresson Research and Training Center; a suggestion has been made by the Director (M. Jacques Sellose) and by the Director of Research (M. Peyre) that Vera send a small delegation from the London and New York offices to France in the Spring for joint consideration of specific common problems in violent juvenile delinquency and reintegration of adult offenders. The French delegation would be rather larger, bringing together criminal justice practitioners from various agencies in various parts of France.

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* Attached as Appendix C.

** M. Jacques Verin is "Le Magistrat Chargé du Service de Coordination de la Recherche, Ministere de la Justice, Paris." M. Christian Le Gunehec is "Le Directeur, Des Affaires Criminelles et Des Graces, Ministere de la Justice, Paris."

Link with the National Criminal Justice Reference Service.

On May 8, the Vera staff forwarded to NILECJ (for use by the Office of Technology Transfer or by NCJRS) a brochure describing the principles and operations of Inner London's Community Service by Offenders sentencing scheme, in terms useful to any American jurisdiction wishing to understand the program.

At the beginning of the year, the Vera staff began systematically to identify and communicate with those in Great Britain - whether associated with central or local government, research institutes, universities or independent ("voluntary") agencies - who could be interested in the services provided by LEAA's NCJRS and who might be potential suppliers of information and research for the NCJRS system. NCJRS already had links with the Home Office Research Unit and the Library of the Cambridge Institute of Criminology.

The Vera staff discovered that NCJRS would be alerted to most of the relevant published research through these sources, but Vera explored the possibilities of acquiring unpublished research on behalf of NCJRS. Difficulties arose from the understandable reluctance of researchers now to make available, to the public, research products which might some day be published. An alternative was suggested to NCJRS whereby it might include, in its data, summaries of on-going or unpublished research, together with information on how to contact the researcher. NCJRS rejected this possibility on two grounds: (a) it would deviate from the NCJRS policy requirement that the value of documents be assessed before they are entered into the data base; and (b) it might, if it resulted in widespread use by U.S. researchers and planners, generate a magnitude of inquiries beyond the capacity of British researchers - while their work is in mid-course - to respond adequately.

The Vera staff has formed working relationships with two groups presently planning national (U.K.) criminal justice information and library services - the National Association for the Care and Resettlement of Offenders and the Howard League for Penal Reform. Both groups were interested in exploring ways they might adopt elements of the NCJRS system for meshing information and interested subscribers, and ways they might make their systems compatible with NCJRS.

Future Plans: Publications; Compendium of Promising U.K. Procedures, Practices and Programs.

The Vera staff feel that the strategy for technology transfer, set forth at pp.1-3 above and narrated in some detail (pp.4-28) with respect to the pre-trial field, has gone rather well. The base in "action", and the undertaking of research and data-collection in conjunction with project action, would continue in the second and third years. There has been some discussion with the police about pilot project work, with them, in the manpower allocation and victim support fields.

The energy consumed in establishing a base and a wide credibility in the first three quarters, however, is an investment. In the second and third years, the office would focus to a greater extent on pulling the experiences, the data, and the comparative research together for dissemination in the U.S. (as well as in the U.K.).

It is hoped that Professor Freed's book, described at p. 28 above, will be but the first of several major academic publications that will be made possible by attachment of American consultants to the London office. The Vera staff itself will prepare papers and articles for dissemination in the U.S. criminal justice community. As a first step, work has begun on a "Compendium" of promising aspects of the British system. The Compendium concept is derived from the LEAA Office of Technology Transfer's recent Compendium of over 600 Exemplary and Promising LEAA-funded programs in the U.S. In general, the Vera staff plans a similar format, providing brief data about the programs' goals, staffing, method of operation, impact, and evaluation (if any). The Vera staff does not have, of course, an existing network for communicating, collecting and standardizing such data, because criminal justice administration and programming in the U.K. does not have an LEAA-type agency at its center.

To be of value to the U.S. practitioners (who, at present, lack any centralized source of information of this type), the Vera Compendium will cover rather a broad range of subject matter - elements of the conventional criminal justice process as well as innovative programming. The format and structure of Compendium entries might tentatively be sketched as follows:

1. Descriptions of discreet British projects which might be considered for replication in the United States.

This type of compendium entry will, where possible, follow the format of the American compendium. Where research or evaluation materials are available, these will be summarized in the entry. Copies will also be furnished to NILECJ. Entries in this category might include: Community Service by Offenders; the Bristol Victims' Support Scheme (a project designed to identify unmet needs of victims of crimes and to meet those needs with resources drawn, in part, from the offender group); the Hammersmith Teenage Project (a project experimenting with diversion of teenagers from the criminal justice system and working intensely with them in close liaison with their families and schools).

2. Descriptions of attractive general features of the British criminal justice system which differ from their American counterparts or which have no American counterparts.

Some are the result of recent statutory innovations and are being looked at quite closely here; these include the juvenile justice systems in England and in Scotland. Others are long standing processes which have no "experimental" component. Examples include: the bail/custody decision-making process in Britain; the use of lay magistrates for almost all criminal trials; the system for prosecution of criminal cases in England, including "cross-over" legal representation of both defence and prosecution by criminal practitioners. Other entries in this category would deal with narrower subject matters. Examples include the British statutory victim compensation schemes; the use of boards of lay visitors to penal institutions for oversight and for disciplinary hearings; the concept of "through care" as practiced by the Inner London Probation and After-Care Service; and integration of all social services under the Social Work Scotland Act, 1968.

3. Descriptions of action/research experiments in England which are based on, or similar to experiments than in the United States but which in some way advance the learning reached by the American counterpart.

The "IMPACT" (Intensive Matched Probation and After-Care Treatment) experiment undertaken jointly by the Inner London Probation & After-Care Service and the Home Office Research Unit, attempts to test the effect of matching certain types of probation treatment with certain types of probation clients

and has taken into account and corrected some of the methodological weaknesses of the matched treatment California Treatment Project in the mid-1960's. Results of the IMPACT experiment are expected to be available from the Home Office Research Unit in mid-1976. A search is on for other examples of this type.

With respect to any compendium entry, the Vera staff would expect to provide copies of any research and evaluation materials. The compendium entry would note the sources for obtaining such materials and the contacts for obtaining more information concerning operational aspects of the entry. With respect to the more general and non-experimental entries, a selected bibliography on the subject would be included.

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On November 4, the Home Office approved the request of the Inner London Probation and After-Care Committee to extend grant support to the Vera office for another twelve months, with a 20% increase over the first year, to allow for inflation. On November 5, the Board of Trustees of the German Marshall Fund of the United States approved a $100,000 grant to extend its support of the Vera program - for two additional years, beginning January 1, 1976, at the level of its first year grant.

Michael E. Smith
Nan C. Bases
November, 1975