

ONLY COPY TO

EARLY DIVERSION PROJECT

October 2, 1967

**TO:** Mr. Seymour Brandwein, Director  
Office of Special Manpower Programs  
United States Department of Labor (Room 40  
1730 M Street, N.W.  
Washington, D. C.

**FROM:** Herbert J. Sturz  
Vera Institute of Justice

**SUBJECT:**

1. FINAL REPORT  
OMPER GRANT 92-34-67-15
2. PROPOSAL FOR FIRST PHASE OF AN  
EXPERIMENTAL PROJECT DESIGNED  
PURSUANT TO OMPER GRANT 92-34-67-15

OMPER planning grant number 92-34-67-15, was awarded to the Vera Institute of Justice effective June 1, 1967 to develop and prepare a demonstration project to provide employment and related supportive services for selected persons arrested but not yet tried, in the Borough of Manhattan. The project hopes to demonstrate that early diversion from the criminal process to employment and/or job training will combat recidivism; reduce court backlogs; reduce expenditures for prosecution, trial and incarceration; increase the supply of skilled labor; and provide a tax-paying, trained asset to the community in the form of a law-abiding employee, rather than a liability in the form of a prisoner. The project and its goals have received the active support of Mayor John V. Lindsay, Senator Robert F. Kennedy and New York City's Criminal Justice Coordinating Council. Planning and implementation will be coordinated with the Human Resources Administration of the City of New York.

The Early Diversion Project is premised on the fact that while there is a wide range of employment services in New York City, there are no such services specifically geared to the problems of persons involved

in the criminal process. The need for such services is becoming increasingly clear: the traditional criminal process has had demonstrably little impact in converting persons involved in criminal acts into useful members of society.

In the project proposed herein, Vera will attempt to provide the system with an alternative response to arrested persons. It will select persons who it appears would profit from an employment and human services program. Application will be made to the Court to defer prosecution in order that these persons might be placed in jobs and/or job training and provided with counseling and related services designed to assist them to discover, develop and enable themselves to achieve their employment potential. At the conclusion of a trial period, the defendants' progress will be reported to the Court. If they have succeeded in the program it is anticipated that the Court will dismiss the pending charges.

The proposed project has two phases. This report will detail the plan for the first phase, which will run for 16 months. During this period selection criteria will be examined and tested, and procedural

rules will be adjusted to allow for maximum efficiency. In the second phase, the project will attempt to expand its coverage; an effort will be made to adjust initial selection criteria in order to include the widest range of persons possible. In addition, the staff will develop a comprehensive plan for the establishment of a permanent governmental agency to assume responsibility for the program.

TARGET POPULATION TO BE SERVED

- A. Criteria have been developed for selection of participating defendants.

During the sixteen month first phase of the project approximately 800 persons will be selected for participation in the Early Diversion Project. The planning staff has tentatively concluded that selection criteria for participation should be broad. Arrested persons will be considered for participation except those included in one or more of the following categories:

1. Chronic alcoholics, pathological sex offenders or drug addicts. Services the Early Diversion Project proposes to offer are not designed to alleviate problems confronting persons accused of these crimes or possessing these characteristics.

2. Persons arrested on charges of homicide, forcible rape, armed robbery, and assault wherein the victim is critically injured will be initially excluded from participation in the project. Fear of potential danger from such persons limits the likelihood of official acceptance of their participation.

3. Persons accused of occupational crimes (e.g. safecracking, embezzlement, organized crime, narcotics sales) will be initially excluded. It is unlikely the project staff will be able to interest, train and/or place persons so charged in jobs as remunerative as those in which the arrested persons were allegedly engaged.

4. Persons who have previously been convicted and have served time in prison. The staff has been urged to limit participation to first offenders. Planning staff concluded that exclusion of all persons other than first offenders is unjustifiably restrictive. Many persons have received specialized treatment after prior conviction because of their age; others' charges were dismissed;

still others were found guilty and thereafter received suspended sentences. To limit the project to first offenders would exclude these persons although they may well benefit from participation in the project. The broader exception - persons who have previously been arrested, convicted and thereafter incarcerated - has been tentatively adopted by planning staff as a more rational basis for exclusion based on a past criminal record.

5. Employed persons. Employment status will be considered as of the time the person's eligibility is determined. (A person who loses a job because of his arrest is unemployed for the purposes of the project.) The planning staff recognized that many persons employed at the time of consideration for participation in the project are underemployed, displeased with their work or are capable of being trained to perform more satisfying or remunerative jobs. Employed persons were nevertheless determined to be less in need of the limited project resources than unemployed persons and a decision was made to initially include only the unemployed.<sup>1</sup>

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1. It is anticipated by planning staff that employed persons will be considered for participation shortly after the project is commenced. A proposed basis for inclusion follows: Persons who are employed at the time of initial screening will be asked if their job is in jeopardy because of the arrest. Persons answering yes and otherwise

6. Arrested persons represented by private (as distinguished from Legal Aid Society) counsel. Very limited information is available for these defendants because only an abbreviated interview for ROR and Legal Aid Eligibility is conducted. Since these interviews provide the primary data source for screening, the project staff will be without necessary information. Moreover, it is probable that persons represented by private counsel are employed and/or have alternative sources of income, rendering them less in need of assistance than unemployed impecunious defendants represented by the Legal Aid Society.

Once the project is implemented and the techniques and services are tested, the planning staff anticipates that eligibility will be expanded to include persons within the above categories.

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1. contd.

eligible to participate in the project (see subparagraphs 1 - 3 below) will be offered the services of Vera staff to communicate with their employers in an attempt to save their jobs. If the job is saved the persons will be accepted for participation in the project; if the job is lost and the person is otherwise eligible and requests to participate he will be accepted for participation in the project and responded to in the same fashion as other participants.

Persons not excluded by the criteria above may nevertheless be excluded from participation. The following individual bases for exclusion will serve to disqualify a person otherwise eligible to participate.

1. Persons who do not choose to participate in the project. All persons considered for participation in the project will be informed of their right to stand trial, of the voluntary nature of participation in the Early Diversion Project and of the obligations imposed on persons participating in the project.

2. Persons selected for participation who are not permitted by the court to participate.<sup>2</sup>

3. Eligible persons whom project staff cannot place in suitable job or job training openings. Project staff will select only those eligible defendants for participation for whom jobs or training opportunities are immediately available.

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2.

The acquiescence of the District Attorney is desired but not necessarily determinative. Suspension of prosecution and deferral to the Early Diversion Project was opposed by the Prosecutor in one of the three cases which Vera has undertaken. Notwithstanding this opposition the accused was allowed by the Court to participate.



B. Procedures have been established for identification and selection of eligible participants for the Early Diversion Project.

The planning staff has established tentative procedures for identification and selection of persons meeting the criteria for participation set out in Section A, above. The staff analyzed procedures presently followed by the Police Department, Criminal Court, Office of Probation and prosecuting and defense attorneys to determine how arrested persons are processed from the point of arrest through arraignment, and what information pertinent to the project is collected. The staff then determined how Vera could best perform the functions of identifying and selecting persons to participate in the Early Diversion Project by using the data collected by these other agencies, but without interfering with their work.

The arrest-arraignment process operates as follows. All persons arrested in Manhattan are processed by the Police Department, which obtains "pedigree information" (age, sex, address, data on mental and physical condition, etc.), and in more serious cases, the defendant's criminal record. After police processing, the

defendant is interviewed by representatives of the Office of Probation, who obtain information relating to his employment history, financial condition, and roots in the community (family ties, etc.). The defendant is then interviewed by a representative of the Legal Aid Society, who reviews the formal charges which have been prepared by the District Attorney's Office, and advises the defendant. The case is then placed on the calendar and, within 2 - 10 hours from the time of arrest, the defendant is arraigned before a judge in the Criminal Court. The shortness of time between arrest and arraignment and the availability of much useful data collected by other agencies have led the planning staff to conclude tentatively that it would be most feasible and most efficient if initial contact between Vera Early Diversion Project staff and potential participants occurred shortly after arraignment. At that time, project staff will collate and evaluate the information described above to determine which persons are eligible to be considered for participation in the project.

#### LEGAL PROCEDURES

An application will be submitted to the court requesting suspension of prosecution and assignment

to Vera of persons selected for participation. If the court approves, prosecution will be deferred for a definite period of time, most probably three months.<sup>3</sup> On the return date the case will be reevaluated by the court and the District Attorney's Office, both of which agencies have agreed in principal to dismiss charges against persons who successfully participate in the project.<sup>4</sup>

The planning staff has explored the legal issues involved in the proposed dismissal procedure. In summary, the staff has concluded as follows:

-Dismissal on motion by the District Attorney - The District Attorney will be encouraged to initiate motions to dismiss criminal charges against participant-defendants who have successfully participated in the Early Diversion Project. In both the New York City Criminal Court

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3.

Some of the defendants selected for the project will be in detention after arraignment, because of their inability to post bail. If the court agrees to have the defendant participate in the project, the bail decision will necessarily be revised to permit release.

4.

In a pre-test of this procedure, charges have been dismissed against two of three defendants assigned to the project during the planning phase. The third defendant's hearing has been set for October 19, 1967. (See attachments B and D.)

(jurisdiction over misdemeanors and lesser offenses) and the Supreme Court (jurisdiction over felonies), dismissals must be approved by the Court. Motions by the prosecutor to dismiss cases are usually granted by the courts.

-Dismissal by the court - Section 33(9) of the New York City Criminal Court Act vests authority in the Criminal Courts to dismiss charges notwithstanding objections by the District Attorney. In the Supreme Court dismissal can similarly be effected pursuant to Section 671, Code of Criminal Procedure, authorizing the Court, on its own motion, to dismiss an action "in the interest of justice."

-Discharge - Should a motion for dismissal not be granted, efforts will be made to gain unconditional discharge, conditional discharge or probation treatment under Article 65 of the Revised Penal Law, effective September 1, 1967.

Participants who voluntarily leave the project, who are dismissed from the project or who otherwise fail to successfully fulfill their obligations will be remanded to the normal trial procedure for disposition as if they had never participated in the project.

JOB DEVELOPMENT

The project is designed to prove that a person who has an economic stake in the community will be deterred from risking that stake through a criminal act. Thus, the effective and timely provision of such an economic stake - career jobs and opportunities - is central to the project. If a man has at hand or in sight a job which can fulfill his potential, the underlying assumption of the project is that he will find it more in his interest to keep working as an alternative to criminal activity. Through initial testing and continuous vocational counseling, the project will attempt to place each individual in work, a training program or a combination of the two that best fits his vocational aptitudes, interests and needs.

A. Development of opportunities for project participants

The job development within the project will be structured with the objective of utilizing existing public and private career development programs. Primary emphasis will be placed upon developing effective coordination and referral procedures - procedures which can easily be assumed by one or more city agencies which

will assume responsibility for the action research project at the completion of this second phase. Two advantages follow from this approach: duplication of existing activities will be avoided, eliminating the need to create and subsequently dismantle a job development apparatus; and, a model will be created out of existing resources (welfare; anti-poverty organizations; private institutions) which exist in New York (and most urban areas) and which can hopefully be duplicated with a minimum of investment and expansion.

The planning staff has thoroughly investigated the resources of the community and has established working relations with all known sources of jobs and job training potentially open to project participants. Many, both public and private, have contributed significantly to the development of the project and will provide assistance to it. Representative agencies include:

1. New York City Human Resources Administration.

HRA has been helpful throughout the project's planning phase, both in providing information to complete the survey of existing resources and in providing contacts with key members of HRA and other relevant agencies.

2. The Manpower and Career Development Agency of HRA.

MCDA has agreed to introduce Vera project participants

to a multitude of city-sponsored training and job opportunities. (e.g. the BEST skill-training program (oil burner repair, air conditioning repair, heavy vehicle driving, plant sanitation and general maintenance), RENTAR (training for truck and trailer operators, general mechanical and warehouse skills), Development and Training Center for the Distributive Trades, IBM training course, Open Industries Center, etc.) In addition the project has been designated a Neighborhood Manpower Center by MCDA, giving its participants equal access with clients of other neighborhood centers to jobs opened by MCDA's city-wide developers, to Neighborhood Youth Corps, OJT arrangements, Concentrated Employment Program and other work experience programs, and to a number of skill training programs now being initiated by the agency. Because of its network of physical facilities, an additional advantage of the tie with MCDA is the opportunity for Vera court liaison aides (discussed below in section captioned Human Services) to work out of the Neighborhood Manpower Centers in those areas where participants live; this arrangement might expedite placement of participants in MCDA jobs or training programs, as well as reducing travel time for aides. An additional group of facilities is thus made available for staff away from the Court atmosphere at a time when it is important to establish a project identity apart from the courts.

3. Job Counseling Centers. Four centers are operated by the Board of Education in high school facilities between the hours of 5:00 and 8:00 P.M. every weekday. High school dropouts under 24 years of age may elect training in typing, use of business machines, metal working shop. Excellent preparation for the high school equivalency examination is also provided. No stipend is given, but class timing permits trainees to hold regular jobs. Outstanding vocational counseling and placement is offered. A maximum of about 50 Vera project participants could be accommodated in the first 16 months.

4. Scheuer Training Program for Careers in Public Service. Starting October 1, the Scheuer program will begin training 1,000 persons over 22 through on-the-job training in public agencies for career jobs as nurses' aides, teachers' aides and welfare case aides. Applicants, referred by the Neighborhood Manpower Centers (including the project) are screened in group interviews by Scheuer program counselors. Trainees receive a stipend of \$300/month and are guaranteed jobs on completion. Trainees must have a reading level of sixth to eighth grade or above, be able to meet the Federal poverty criteria, and demonstrate an interest in public



service. It is estimated that 25 places will be available for Vera clients who will be referred directly to the Scheuer admissions committee.

5. FREP III. This program, operated by the Division of Employment and Rehabilitation (DER) of the Department of Social Services (formerly Welfare), provides tuition for welfare recipients attending private vocational schools. Participants eligible for public assistance who can demonstrate aptitude for a skill taught by a private vocational school (e.g. printing or truck driving) are provided tuition in addition to regular welfare payments for the duration of the course; the schools routinely guarantee placement in a job after completion of training. The Department of Social Services has offered to outstation one or more case workers to the Vera project. This caseworker could facilitate admission of participants to the PREP III program.

6. State Employment Service (SES). Staff members explored job opportunities through the New York State Employment Service (SES). Opportunities appeared to be limited with few exceptions to laborer and related menial jobs. Placements are made simply by referring a succession of applicants whose work experience fits

the description of a job opening supplied by the employer. The regular SES program will most probably not be relied upon as a source of jobs for participants because of these limitations. However, the SES also administers a variety of MDTA training programs in skills ranging from meat cutting to auto repairs, specifically geared to manpower shortages in the state. These programs pay stipends ranging from \$20 - \$70 per week and have been demonstrably successful in placing graduates in skilled occupations. The staff has learned that there are a number of unfilled slots in each class formed under MDTA. Efforts are presently being made to facilitate project referrals to these slots.

SES also administers the Correctional and Vocational Rehabilitation Service (CVRS) which offers sensitive vocational counseling and effective placements. This division is prepared to provide job training and job referrals for a limited number of participants. An SES-Vera relationship providing for outstationing of SES personnel at project offices is now being explored. If developed, participants may be afforded improved interview and placement opportunities through SES.

7. On the Job Training (OJT) - A variety of OJT possibilities may be useful to the project in assisting participants - persons who will typically possess unreal ideas of what a job demands in the way of attitude and performance and only vague notions of what kinds of work they might be able to perform. Even with careful vocational counseling, immediate exposure to a real job is often a prerequisite for learning. On-the-job training situations can provide excellent vocational orientation when carefully structured to respond to such persons. The staff is currently investigating opportunities for participants in OJT programs including the feasibility of becoming an OJT Prime Contractor (which would provide Vera job developers with funds to reimburse an employer for part of the cost of setting up training opportunities for project participants).

Other sources of on-the-job training which the staff has explored include unions and private industry, particularly in large companies which routinely upgrade unskilled workers to semi-skilled and skilled positions.

8. Unions. A survey of local unions has shown several to be willing to accept participants in apprentice programs. The Joint Apprenticeship Council of the Workers' Defense League will tutor any participant

who wishes to prepare himself for the aptitude tests given to applicants for apprentice programs by many unions.

9. Management. The American Management Association and the National Association of Manufacturers both supply information and assistance to member companies interested in beginning OJT programs of their own. While many of these programs are limited to present employees, both organizations have agreed to supply the project with names of members who offer such training. Project representatives have also met with one major New York-based corporation which has expressed interest in hiring and training a group of participants as part of its community relations program. Contacts with individual companies have been kept at a minimum, however, to avoid the problem of overselling employers who have already been approached by existing programs which may be available to project participants.

10. Private vocational schools. These facilities provide highly effective but expensive job training and placement. It is contemplated that special arrangements will be made with private training institutes for reduced rates. Tuition refunds through MDTA funds, through a New York State program for vocational education (SAVE),

and through Title V programs run by the New York City Department of Social Services are anticipated.

11. Temporary Employment. Part time and temporary jobs for participants awaiting placement in permanent job opportunities or skill training programs have been developed with employment agencies specializing in temporary help.

12. The Job Corps. At present, the Job Corps does not knowingly admit an applicant with a pending court case, although a visit to the Camp Kilmer Job Corps site revealed that a number of trainees had cases pending. An attempt will be made to modify this restriction with respect to project participants whose family and neighborhood situations make getting out of New York City a prerequisite for effective job training and for whom the Job Corps is otherwise suitable..

13. Community Organizations. Many community organizations engaged in basic education, training and vocational placement have been studied by the planning staff and relationships have been established with Mobilization for Youth and the New York Urban League. MFY runs exceptionally good vocational evaluation and training programs for 16-21-year-old residents of the Lower East Side. Participants meeting these qualifications are eligible for and in many instances will be referred. The Urban League will make all its facilities available to the project, including those of the Street Academies, Skill Bank,

and skill training programs set up in cooperation with private industry.

14. Other. Considerable relevant information on the problems of finding careers for the disadvantaged has been gathered from projects in New York and other cities. Staff planners have talked to the staffs of projects such as the Vocational Foundation and the Osborne Association in New York, Bonabond and EFEC in Washington, D. C., all specifically set up to solve the problems of ex-convicts. In addition much has been learned from visits to the Work Release Program at the Federal Correctional Institute, Danbury, Conn.; Project Challenge at the Lorton Youth Center, Lorton, Va.; from talks with the staff of the Offender Rehabilitation Project in Washington, D. C.; and good technical assistance has been offered by the Placement Officer of the Federal Bureau of Prisons in New York City.

The avenues outlined above together provide a sufficient number of different paths leading to the ultimate goal for each participant: a good job.

B. Obstacles to Employment Confronting Arrested Persons.

Placement of participants in the Early Diversion Project will undoubtedly present many unique difficulties, some of which have been anticipated by the planning staff. Two such potentially difficult problems are:

1. Bonding. Many employers require, as a condition

of employment, that a job applicant be bondable. Persons with arrest records are frequently not bondable. The NYSES will provide bonding at no cost to either the participant or his employer under a program sponsored by MDTA. Coverage to \$10,000 is available. Short term coverage is also available, and bonding will be provided to persons rejected by an employer's bonding company where a bond is a condition of employment. Often the knowledge that bonding is available is sufficient to overcome an employer's resistance to hiring an ex-offender. A member of the Early Diversion staff has been designated a bonding agent by the NYSES.

2. Ineligibility for Public Employment. As of January, 1967, a record of arrest or conviction will not disqualify an applicant from taking a New York City civil service examination; however, individual agencies are free to disqualify otherwise qualified applicants with a record. Vigorous effort will be made to remove this impediment to employment in civil service positions. In this regard, discussions have been initiated with the New York City Department of Personnel to work out arrangements for provisional appointments of participants.

C. Job Development, Staffing and Operating Procedures.

Job development within the project will be performed by persons designated Job Developer-Interviewers. These persons, as a group, will be directly responsible for

developing jobs, training opportunities, and academic openings for all project participants. They will function as both job developers and vocational counselors.

Development will be undertaken for project participants as a group; except in highly unusual cases no development will be undertaken on an individual basis. Opportunities thus developed will be made known to all developer-interviewers shortly after assignment to the project.

Each participant will be interviewed by a job developer-interviewer. The job developer-interviewer will evaluate the participant's abilities, interests and experiences and then make placements against opportunities that have been created by all job developer-interviewers.

One staff person will be hired to develop, administer and evaluate tests -- written, verbal, work samplings, etc. -- the results of which will be available to the job developer-interviewers.

Responsibility for job development and interviewing has been combined in one job for several reasons. The planning staff observed that developers in most programs identified with employers and had little to no involvement with the persons on whose behalf jobs were being developed. They were ill prepared to discuss knowledgeably the characteristics of the group for whom they were developing



jobs. On the other hand, vocational counselors observed often had limited or no actual knowledge of the nature of the jobs and related working conditions in which they were placing their clients. Combination of these two functions hopefully will eliminate these problems.

An impressive number of opportunities -- many described above -- have been identified by the planning staff. The project should not and will not duplicate these efforts. Yet, significant additional opportunities -- in number and variety -- must be developed if participants are to be adequately served. The focus of development will be on:

1. Developing and maintaining contact with agencies to which successful referrals can be made;
2. Opening training opportunities and career ladders to participants in fields which have traditionally excluded persons with arrest records; and
3. Acquiring new techniques which will be useful to the project and existing agencies, e.g., combining private and governmental programs; reaching small to medium sized employers not reached by existing agencies; and acquainting such employers with governmental programs which might be relevant to their operation.

Human Services

Court records indicate that most defendants selected to participate in the project will be residents of ghetto neighborhoods, members of minority groups, poorly educated and often without work experience, marketable skills or knowledge of vocational opportunities existing in the community. The experience of existing manpower projects amply demonstrates that the mere provision of a job without additional supportive services would have little impact on the participants' lives. A complex of legal, social, familial, emotional and other problems surrounds the disadvantaged person, threatening his ability to function successfully as an employee and otherwise reducing his chances for rehabilitation. A variety of "human services" designed to meet these problems must be offered to participants to assist them in successfully adjusting to their new vocational experiences.

Human services are defined here as those bearing directly upon the participant's ability to perform as a trainee or employee, and indirectly on his other roles (e.g., member of a family, peer group, citizen, consumer, tenant). Often the need for these services does not become apparent until after a man has been placed in a job or training; therefore, contact between participants and staff will be necessary beyond initial placement in a job or training.

Human services will be provided through Court Liaison Aides - staff members who will initiate and maintain personal contact with participants on behalf of the project. As a group, these Aides will possess backgrounds similar to those of project participants: e.g., familiarity with ghetto areas and life; minority group membership; limited formal education; and past involvement with the criminal process.

When employed in similar programs, indigenous personnel have been found to possess a significant advantage in relating to and communicating with persons to be helped. Their personal familiarity with many of the problems a participant faces in his day-to-day life, when combined with specific skills described below, will permit them to make a meaningful contribution.

Each participant will be assigned to a Court Liaison Aide as part of the intake procedure. Thereafter, the aide will be responsible for obtaining and recording data regarding the participant, including vocational interests and talents, known obstacles to employment, health problems, family and related information, educational background, etc.

The Court Liaison Aide will be responsible, in cooperation with the participant's Legal Aid attorney, for explaining the goals and objectives of the Early Diversion Project, and the obligations of those who participate. Furthermore, the Aide will be responsible for appearing in court at the

time of the adjourned hearing to report on the defendant's performance during his period of participation in the project.

Liaison Aides will be trained by project staff. The Aides will be taught to identify and solve a variety of problems that will confront the participants. They will learn to conduct interviews; to analyze data obtained from or relating to participants; to keep informed about resources available to project participants; and to keep records and prepare reports related to their appearances in court. A thorough knowledge of the criminal process will result.

The curriculum and training of Liaison Aides will be developed and administered by the Court Liaison Supervisor-Trainer. An initial concentrated training program will be held, to be followed by periodic training sessions given throughout the program. These activities represent a new career for non-professionals as Court Liaison Aides and will require experimentation in training methods and curriculum. It is anticipated that the methods and curriculum developed will serve as a model for future programs training non-professionals to work in the criminal process.

Beyond the Court Liaison Aide Supervisor-Trainer, staff will consist of three Supervisors, each having responsibility for five Aides.

Individual case loads can only be approximated given

the differentiated needs of any group of participants. The planning staff presently envisions each Aide being responsible for approximately fifty participants during the first phase of the project. It is estimated that most participants will require intensive assistance initially and that services will taper off as the adjourned hearing approaches. The present estimate, which may require modification, is that a case load will not exceed ten newly enrolled participants at any one time plus follow up of forty previously enrolled participants.

The planning staff has concluded that volunteers will make a significant contribution to the program by increasing the efficiency of paid staff, building community acceptance and gaining access to channels that might not otherwise be available to staff. Volunteers can be particularly useful in supplementing human services. Specific functions that can be performed by properly trained volunteers would include: developing community resource contacts and assisting in referrals (medical exams, mental health services, temporary housing, etc.); assisting job developers by utilizing personal contacts; increasing the staff available for evening and weekend consultation in neighborhoods; helping to make contacts with families; assisting in remedial work, preparations for tests and job upgrading; and providing legal assistance both to the project staff and to the participants.

Sources of volunteers include groups such as VISTA volunteers, women's service organizations, professional associations, graduate schools of law and social work, local political clubs, church and other civic groups in the ghetto areas. Persons who have had prison experiences have offered to provide counseling on a voluntary basis.

A coordinator of volunteer activities will recruit and screen volunteers and, as part of the project's planning staff.

He will determine how volunteers will be trained and how their activities can become an integral part of the work of the project staff. The coordinator also will develop relationships with community resources that can provide other than vocational services so that both volunteers and Court Liaison Aides can utilize these supplementary services for the benefit of participants. A survey of temporary housing services and health services for participants has already been initiated.

An intensive program of volunteer services will not begin for several months after the program becomes operational. Delay will be in the best interests of the volunteers who will have limited time to give and to the operating staff who will be too preoccupied with their primary responsibilities to train others. The coordinator of volunteer services will work closely with both the job development staff and the court liaison staff in determining how best to define the duties of volunteers so that they will in all cases be a valuable supplement to the project's design.

Early Diversion Pilot Project with Three Defendant-  
Participants.

In order to obtain practical experience with the early diversion procedure, the staff accepted the assignment of three defendants during the planning phase. These cases provided the staff with considerable experience and insight into concrete problems which will confront the project and the participants. A brief description of each case follows.

1. Defendant A, an 18-year-old Puerto Rican resident of East Harlem, was charged with "impairing the morals of a minor" for allegedly having served two drinks of rum to a 13-year-old girl. The defendant had been arrested four years previously on a charge of carrying a knife and was placed on probation by the Family Court.

The defendant's Legal Aid Society counsel contacted Vera and requested that the Early Diversion Project assume responsibility for the youth. Vera was also informed that the defendant was employed as a delivery boy in a dry cleaning shop in his neighborhood and that his employment was not in jeopardy because of his arrest.

A Vera representative appeared at the hearing in Criminal Court and offered to include the defendant in the Early Diversion Project. The Court released the defendant to Vera and deferred further prosecution until



early September. (See attachment "A")

While the defendant initially alleged that he enjoyed his job and that he had no desire to change work, further discussion with him revealed that, to the contrary, he had been working sporadically and that he was highly dissatisfied with his job and was most anxious for a change. It was further learned that the participant was quite intelligent, highly verbal and anxious to obtain work from which he could learn and which would provide an opportunity for career advancement. The staff spent considerable time with the defendant - gaining his confidence and learning a great deal about him. Ultimately, the defendant was placed in a bookbinding apprenticeship training program which offers advancement, union affiliation, and a chance to learn a valuable trade.

On September 14, based on participation in the project, charges against Defendant A were dropped in Manhattan Criminal Court. (See attachment "B") Equally important, the defendant is actively learning a trade which interests him.

2. The defendant, a 17-year-old Negro male resident of Harlem was arrested for purse snatching. The defendant had no prior criminal record. He was unemployed and had indefinite plans about returning to high school.

Pursuant to a request from the Legal Aid Society, a Vera staff member appeared in court and requested deferral of prosecution and assignment of the defendant

to the Early Diversion Project. The District Attorney's office opposed deferral and stated that it would not consider dismissing charges under any circumstances. (See attachment "C"). Notwithstanding this opposition, the Court deferred further proceedings and assigned the defendant to the project.

The defendant was referred by the planning staff to an Urban League Streetfront Academy project in Harlem, where, as a Neighborhood Youth Corpsman, he tutored youngsters during the summer. The staff remained in contact with him and learned that he had an interest in attending the Laurinburg Normal and Industrial School, Laurinburg, North Carolina, the school from which his brother had been graduated. The school was contacted on behalf of the defendant regarding admission and financial arrangements. The project director secured a reduction in tuition and arrangements were made with the defendant's family to provide the remainder of the tuition on a monthly basis.

Based on his participation in the project, charges were dismissed against Defendant B by the Court on August 30, 1967. The District Attorney supported this disposition. (See attachment "D").

3. The third case involved a 19-year-old boy from Harlem who was arrested for possession of "eight sticks of marijuana". The defendant had no prior arrests, and

was unemployed at the time of arrest. A request was made by the defendant's Legal Aid attorney to include the defendant in the Early Diversion Project. A Vera representative appeared at the hearing, prosecution was deferred and the defendant was permitted to participate in the project. (See attachment "E").

The defendant had no skills, no work experience and no prospect for employment. Attempts to place the defendant in apprenticeship training situations were unsuccessful due to several factors including limited and inopportune openings and present inability of defendant to pass entrance exams.

Several temporary positions have been obtained, but, in most instances the defendant did not meet his obligation to report for appointments arranged for him or follow up on requests of the project staff. These failures seem likely to have followed from the defendant's enormous personal and psychological problems. He appears to be a heavy drinker and to use narcotics; he has been severely disturbed by the incarceration of his girl friend in the semi-violent ward of Bellevue Hospital; and has been totally rejected by his relatives.

At the present time the defendant remains unemployed. He is due to appear in court on October 19.

This defendant most probably would not have been

selected for participation pursuant to the screening criteria developed during the planning phase. Moreover, resources which will be available to participants once the project is operational -- trained counselors, medical and other social services, and training opportunities designed for hard-core, low-motivated persons -- were not available during the planning phase. The case provided great insights into the variety of services which must be available to the project staff.

Proposed Analysis and Evaluation of the  
Early Diversion Project

Three kinds of analyses -- a descriptive report, an experimental study, and a cost-effectiveness analysis -- are planned for evaluating the Early Diversion Project. The following discussion is intended as an outline of the approach and not a definitive statement of the ultimate design. The experience of the Vera Institute strongly suggests that a more meaningful assessment of the analytic and evaluational needs of an action-oriented demonstration project can be made after some operational experience is gathered.

Descriptive

Throughout the life of the project, the staff will record the following data:

1. The number of defendants who are screened.
  - a. The number of defendants found ineligible with the reasons for their exclusion.
  - b. The number of defendants found eligible but not accepted for inclusion in project with reasons for nonacceptance.
  - c. The number of defendants recommended for inclusion but rejected by the Court.

2. The number of recommendations accepted by the Court, with the following information:

- a. Description of the case.
- b. Description of the charge.
- c. Recommendations of District Attorney.

- d. Description of services (employment, training, counseling, etc.) provided the participant.
- e. Employment or training status after 3 months, 6 months, and one year.
- f. Social and criminal history of defendant.
- g. Other changes in social characteristics: Marriage, residence, family attachments, income, savings, etc.

### Experimental Research

The objective of the experimental research program is to determine whether defendants who participate in the Early Diversion Project adjust better to society than those who are tried, convicted and incarcerated. To accomplish this, eligible clients will be randomly assigned to either an experimental or a control group. The Diversion service will be provided to the experimental group, but denied to the control group. The random assignment will continue until there are 100 cases in each group.

The following illustrates the comparative data which will be examined during the experiment:

1. Employment status (unemployment, employment and length of employment).
2. Income of the employed.
3. Skill level of the employed (holding constant skill level prior to arrest).
4. Recidivism (no re-arrest, and re-arrests by seriousness of charge).
5. Social characteristics such as marriage stability, relations with family and friends, and residential stability.

### Cost-Effectiveness Analysis

An analysis will be undertaken to determine the cost

of an institutionalized early diversion project as compared with the costs involved in processing the defendant through the traditional criminal process.

CRIMINAL COURT OF THE CITY OF NEW YORK

PART 3 : COUNTY OF NEW YORK

-----X

THE PEOPLE OF THE STATE OF NEW YORK	:	Docket:
		Y2297
- against -	:	Charge:
FRANK BAERGA,	:	Youthful
	:	Offender
Defendant.	:	Hearing:

-----X

100 Centre Street,  
New York, New York.  
June 16, 1967

B E F O R E:

HONORABLE VINCENT P. RAO, (A.M.)  
HONORABLE HYMAN SOLNIKER, (P.M.)

Judges.

A P P E A R A N C E S:

Attorney for the People,  
JERRY SLATER,  
Assistant District Attorney.

Attorney for the Defendant  
DIANNE SCHULDER,  
Legal Aid Society.

Harold Kampe,  
Court Officer.

Alan C. Finkelstein,  
Official Court Reporter



COURT OFFICER: Case number 72 on the calendar, Docket numbers Y-2297 and YO 488, Frank Baerga, charged with youthful offender. The Legal Aid represents the defendant.

THE COURT: All right. Miss Schulder, what is your desire in this? You ready?

MISS SCHULDER: Your Honor, the case involves some rum.

THE COURT: What?

MISS SCHULDER: The case involves some rum.

THE COURT: I understand that.

MISS SCHULDER: Allegedly was sipped by this young lady. (Indicating.)

THE COURT: Yes.

MISS SCHULDER: On the last occasion the Children's Society recommended Youth Council Bureau to this defedant. For some reason it was denied at that time. However, it was the initiative of the Children's Society that recommended

it. The boy has no prior convictions, and involved, as I say, this rum. No serious injury, Judge.

THE COURT: Involved this rum?

In what way?

MISS SCHULDER: Apparently, this girl is alleged to have drunk some rum on a particular day, and in the presence of this young man. Youth Council interview, please?

MR. SLATER: All right.

THE COURT: All right.

MR. SLATER: He's been arrested before.

THE COURT: Was he interviewed last time?

MISS SCHULDER: I'm sorry?

THE COURT: Was he interviewed?

MISS SCHULDER: Pardon me, your Honor. I'll withdraw that. I withdraw that application.

THE COURT: All right.

MISS SCHULDER: Well, I suppose we're

ready to proceed.

THE COURT: Are you ready?

MR. SLATER: People are ready.

THE COURT: All right. Mark it ready for trial.

MISS SCHULDER: But, your Honor, we are expecting a witness in this case.

THE COURT: Well, that's fine.

MISS SCHULDER: Yes.

THE COURT: Yes. Sure. We'll not proceed without the witness.

(Case laid aside; later recalled. on p.m. calendar.)

COURT OFFICER: Recalling case number 72 on the calendar, Docket numbers Y-2297 and Y0-488, Frank Baerga, charged with youthful offender. The Legal Aid represents the defendant.

MISS SCHULDER: Your Honor, I have an application in this case.

THE COURT: What is the application?

MISS SCHULDER: The application, your Honor, is for a long adjournment, until sometime

in September. The charge here involves drinking of some rum by a young lady in the presence of this young man. The application, your Honor, is in connection with a new Manpower Development Program by the Vera Institute of Justice, and Mr. Catalina is here as a representative of the Institute, and he would like to make a statement.

MR. CATALINA: Your Honor, the Vera Institute of Justice is prepared to take judicial charge of this defendant and place him on a job training program and see that he edges himself into good behavior, if the Prosecution would suspend, and if so --

THE COURT: What date?

MR. SLATER: May we approach the bench?

THE COURT: Yes.

(Discussion off the record.)

THE COURT: All right. What date shall we put it over to?

MISS SCHULDER: Any time

THE COURT: Officer, what date in

September?

OFFICER JOHNSON: Any date after  
Labor Day.

THE COURT: All right. How about  
September 14th.

MR. SLATER: May we have the papers  
marked complainant subject to telephone call?

THE COURT: All right. Parole  
continued.

\* \* \* \* \*

CERTIFIED TO BE A TRUE AND CORRECT  
TRANSCRIPT OF MINUTES IN THIS CASE

Alan C. Finkelstein

Official Court Reporter

1 CRIMINAL COURT OF THE CITY OF NEW YORK  
PART 3, COUNTY OF NEW YORK

2 -----X  
PEOPLE OF THE STATE OF NEW YORK :

3 ON THE COMPLAINT OF :

4 OFFICER :

DOCKET: YO-488

5 VS :

6 FRANK BAERGA, :

CHARGE: YOUTHFUL  
OFFENDER

7  
8 DEFENDANT :

9 SEPTEMBER 14, 1967

10  
11 B E F O R E:

HON. HYMAN SOLNIKER, JUDGE

12  
13 APPEARANCES:

14 FOR THE PEOPLE:

FRANK S. HOGAN, ESQ.  
DISTRICT ATTORNEY  
NEW YORK COUNTY

15  
16 BY:

EDWARD PERRY, JR., ESQ.  
ASSISTANT DISTRICT ATTORNEY

17  
18 FOR THE DEFENDANT:

ANTHONY F. MARRA, ESQ.  
LEGAL AID SOCIETY

19 BY:

MARTIN MAYER, ESQ.  
(of counsel)

20  
21 COURT OFFICER:

HAROLD KAMPE

22  
23 MARTIN BOXENHORN  
24 OFFICIAL COURT REPORTER  
25

1 COURT OFFICER: YO-488, Frank Baerga, 2  
2 Youthful Offender; Legal aid.

3 MR. MAYER: If your Honor pleases, as to this  
4 case the defendant has been under supervision, and  
5 has been working with the Vera Institute of Justice  
6 on the new program.

7 There is a representative from the Vera Institute  
8 present in Court today, and I would request permission  
9 of the Court to allow her to make a statement.

10 THE COURT: All right.

11 ELIZABETH TROUBH (representative from the Vera  
12 Institute of Justice)

13 Frank Baerga is the first participant in  
14 our project which was known as the "Manpower  
15 Project," and is now known as the "Early  
16 Diversion Project" which will select certain  
17 defendants and place them in jobs or job training  
18 programs between the time of their arraignment  
19 and trial. Frank Baerga has been placed with  
20 Clark & Way Bookbinding firm. His employer,  
21 Mr. Merit is so pleased with him that he wanted  
22 to appear in Court this morning; but I suggested  
23 that it wasn't necessary, that he could send a  
24 letter recommending Mr. Baerga, and stating the  
25 firm is pleased with his employment. We were

1 very pleased with his cooperation with Vera 3  
2 during the time he has been with us.

3 DISTRICT ATTORNEY: In view of that  
4 statement, people move to dismiss all charges  
5 in the complaint against the defendant in this  
6 case.

7 THE COURT: Any opposition by counsel  
8 for the defendant?

9 MR. MAYER: None whatsoever.

10 THE COURT: Stipulation.

11 MR. MAYER: In light of the dismissal by  
12 the People, the defendant agrees to hold harmless  
13 the arresting officer, City of New York, any and  
14 all parties involved in his arrest.

15 \*\*\*\*\*  
16  
17  
18

19 CERTIFIED TO BE A TRUE  
20 AND CORRECT TRANSCRIPT

21   
22 Martin Berkson  
23 OFFICIAL COURT REPORTER  
24  
25



CRIMINAL COURT OF THE CITY OF NEW YORK

PART 3, Borough of Manhattan

----- x  
 :  
 THE PEOPLE OF THE STATE OF NEW YORK : DOCKET: Y2584  
 :  
 -against- : CHARGE: Grand  
 : Larceny  
 LEONARD JOHNSON :  
 :  
 Defendant :  
 :  
 ----- x  
 :

June 21, 1967  
100 Centre St.  
New York, N.Y.

B e f o r e:

HCN. HYMAN SOLNIKER  
Criminal Court Judge

A p p e a r a n c e s:

LAWRENCE GOLDMAN  
ASS'T DISTRICT ATTORNEY  
For the People

DIANE SCHULDER  
LEGAL AID SOCIETY  
For the Defendant

CHESTER ROBINSON  
Senior Probation Officer

FRANK GILSTON  
Court Officer

FRANK CATALINA  
Vera Institute of Justice

Ralph Dublinsky  
Official Court Reporter

COURT OFFICER: Number 32 on the calendar, Leonard Johnson, Docket Y2584; Miss Schulder, Legal Aid.

MISS SCHULDER: May I approach the bench?

THE COURT: Yes.

(conference at the bench)

THE COURT: Have you discussed it with Mr. Stone?

MR. GOLDMAN: I believe Mr. Stone -- I believe this is a new project which as of September is going to be more widespread. Is that correct?

MR. CATALINA: Yes. We are informed by the Urban League that the defendant has a position open to him immediately, that he could go into employment.

THE COURT: Do you want an all-purpose adjournment for a lengthy period of time? Is that your application?

MISS SCHULDER: Yes.

MR. GOLDMAN: I would like a second call in about five minutes. I would just like to check with the office.

THE COURT: Check it out. We will recall it in a few minutes.

COURT OFFICER: Recall number 32, Leonard Johnson, Y2584.

THE COURT: What's your application now, counselor, on number 32?

MISS SCHULDER: First application is for Youthful Offender treatment for Mr. Johnson.

THE COURT: Youthful offender treatment is granted. How does he plead?

MISS SCHULDER: The plea is not guilty. At this time, Your Honor, Vera Foundation has a request to make to the Court. Mr. Catalina represents the Vera Foundation.

MR. CATALINA: I would like to speak in behalf of the deferred prosecution. Mr. Johnson has a position with the Urban League which will be open for him immediately. We think this young man should have been given a chance to work during the summer and demonstrate his good behavior. We were prepared to take charge of the defendant, to supervise, take care, to see that in all respects his employment experience runs well. We also have -- with Your Honor's permission -- could I show you a letter of recommendation from Mr. Miller of the Urban League. He has informed me this position will be open for him.

THE COURT: What date do you want this to be

put over?

MR. CATALINA: We suggest a week or two in September, since the defendant has to be back in prep school in September.

MR. GOLDMAN: Mr. Zinkin, who was Mr. Stone's assistant in the Criminal Court Bureau, is familiar with this case. He has seen also the recommendation for Mr. Johnson. Now, I believe this Vera project is something similar to Youth Counsel Bureau, for those who are for various reasons ineligible for YCB. I believe the purpose of their seeking an adjournment as a Youth Counsel case is that the case will eventually be dismissed on the person's good conduct. I have spoken to Mr. Zinkin. It's his opinion and our office's opinion that at this time we will not in any purse snatching case grant this kind of treatment and we do oppose.

THE COURT: Oppose what?

MR. GOLDMAN: We oppose the adjournment for two months and so on. I see no reason --

THE COURT: I don't know how far this project has developed. I know nothing about it. I understand -- they tell me Mr. Hogan, Mr. Stone is familiar with it. You spoke to Mr. Zinkin.

MR. GOLDMAN: Mr. Zinkin is Mr. Stone's assistant.

THE COURT: I can see no harm in it. In the time between now and the end of August they may finalize a program that your office may go along or may not go along with it. No one can be hurt by adjourning it until that day; because if the program is formulated, then let him get the benefit of it. If there won't be a program that your office will go along with, then nobody lost anything by it. Where is the fire?

MR. GOLDMAN: Just make it clear that as far as our office is concerned our office will not grant --

THE COURT: You are not committing yourself. By the end of August your office may go along with the program. If he can be the beneficiary, fine. If your office doesn't go along with it -- what harm can be done?

PROBATION OFFICER: We are introducing a new program at the same time; we have Youthful Offender treatment which generally involves the Probation Dept. I am not going to make any complaint with respect to the involvement. However, at this point I am wondering whether or not on the 30th we are going to have a trial or what.

THE COURT: I don't know. All purpose adjournment. I don't know what will happen on the 30th. By then

the program may be expanded and the DA's office and Vera may have a program finalized and we will know exactly how it shapes up.

\* \* \* \*

The above is a correct copy of the minutes of this proceeding

*Ralph D. ...*  
Official court reporter

CRIMINAL COURT OF THE CITY OF NEW YORK

PART 3 : COUNTY OF NEW YORK

X - - - - - X

PEOPLE OF THE STATE OF NEW YORK : Docket Nos.  
YO 729  
- against - : Y 2584

LEONARD JOHNSON :

Defendant :

X - - - - - X

August 30, 1967

100 Centre Street  
New York, New York

B E F O R E:

HON. WALTER GLADWIN,  
Presiding Judge

A p p e a r a n c e s:

HENRY ARONSON  
Vera Institute of Justice  
30 East 39th Street  
New York, New Yor,

DAVID MARKOWICH, ESQ.  
Assistant District Attorney  
New York County  
For the People

MARTIN MAYER, ESQ.  
Legal Aid Society

Olaf Jacobson,  
Court Officer

Phyllis Hope,  
Court Reporter

COURT OFFICER: Calendar number 42.  
Leonard Johnson, Bartley, Transit Authority.

MR. MAYER: Your Honor, we have here with regard to this case a representative from the Vera Institute of Justice. This is a disposition of its kind, although I'm not sure, but I think it's an experimental case under the new work program of Vera. This representative would like to identify himself and address the Court and I think we may be able to dispose of this matter.

MR. ARONSON: Your Honor, my name is Henry Aronson. I represent the Vera Institute of Justice. Leonard Johnson came before this Court on June 21st. At that time he was released to the Vera Institute of Justice.

THE COURT: June 21st or May 5th?

MR. MAYER: May 5th is the original arrest. Vera became involved on June 21st.

MR. ARONSON: I'm sorry, Your Honor, what I meant to say was that the defendant was assigned to the Vera Institute to participate in what we call the Early Diversion Project on June 21st. The



project is a project which is supported by Mr. Hogan's office and by Judges Botein and Dudley, wherein a a selected number of defendants are going to be assigned to Vera after arrest to see if we might not be able to assist them to work in academic and vocational training, to engage in rehabilitation before the person is incarcerated. Leonard Johnson, the defendant before you today has been working with us since June 21st. He has been tutored on behalf of the Urban League. He is going to start prep school in Laurinburg, North Carolina on September 12th, and we respectfully request the Court to accept the recommendation of the District Attorney and we will continue to work with this man. We think we have been successful with him.

THE COURT: This is independent of YCB?

MR. ARONSON: Yes, Your Honor.

MR. MARKOWICH: This is comparable to YCB, in that I gather the Vera Institute is urging a favorable termination on the case at this point.

THE COURT: I agree with all of these

programs, but if they're teaching anything, they should teach all of these boys that they have to respect law and order, because there is no sense in teaching them everything and you don't instill in them what it is to be respectful, that's very essential and very important.

MR. ARONSON: Yes, Your Honor.

THE COURT: I think you should take that message back to your agency.

MR. MARKOWICH: The people would accept the recommendation of the Vera Institute of Justice. It would request, however, that a formal written report be prepared by the Vera Institute and attached to the court papers.

THE COURT: Do you have it?

MR. MARKOWICH: We don't have it right now. We would move to dismiss. I suppose the papers should be marked dismissed on recommendation of Vera Early Diversion Program.

THE COURT: Granted. You will submit the papers later, right?

MR. ARONSON: Yes, Your Honor. Thank you.

THE COURT: You're welcome.

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CERTIFIED TRUE AND CORRECT  
TRANSCRIPT OF MINUTES IN  
THIS CASE TAKEN BY ME.

*Phyllis Hope*  
\_\_\_\_\_  
Phyllis Hope, O.C.R.

CRIMINAL COURT OF THE CITY OF NEW YORK

PART 3 : COUNTY OF NEW YORK

----- x

THE PEOPLE OF THE STATE OF NEW YORK : Docket:

Y 685

: Y686

-against-

B 1176

: Y 687

JAMES JONES, CURTIS PRINGEL and : Charge:

LAWRENCE BRADLEY, : Dis. Cond.

Defendants. : 3305

----- x ARRAIGNMENT.

100 Centre Street  
New York, New York

July 26, 1967

B E F O R E :

HON. THOMAS E. ROHAN,  
Presiding Judge

A p p e a r a n c e s :

JERRY SLATER, ESQ.

Assistant District Attorney,  
For the People.

Court Officer  
Frank Gilston

ANTHONY F. MARRA, ESQ.,  
Attorney for Defendants,  
100 Centre Street  
New York, N.Y.

by: LYNN ADELMAN, ESQ., of Counsel

Harvey Krauss  
Official Court Reporter

COURT OFFICER: Lawrence Bradley,  
James Jones and Curtis Pringel, numbers 1, 2 and  
41 on the calendar.

Legal Aid, please.

MR. ADELMAN: Yes.

COURT OFFICER: Patrolman Misha.

Who is Lawrence Bradley?

DEFENDANT BRADLEY: I am.

COURT OFFICER: Who is James Jones?

DEFENDANT JONES: I am.

COURT OFFICER: Who are you?

DEFENDANT PRINGEL: Curtis Pringel.

COURT OFFICER: Curtis Pringel, that's  
right.

MR. ADELMAN: Your Honor, first of  
all, this case was adjourned so that the Vera  
Institute of Justice could investigate the possibilities  
of getting defendant Jones into the Job Corps, and  
there is a gentleman from the Vera Institute here  
today to tell the Court the results of that  
investigation.

THE COURT: All right.

MR. CATALANA: I am Frank Catalana

from the Vera Institute of Justice. As you may recall a two-week adjournment was granted, during which time Vera was to find a job training program to place the defendant James Jones into.

We can now report to the Court that the defendant has been placed into a job with Empire Carriers, 34th Street in Manhattan, and furthermore, the Workers' Defense League is placing the defendant in the machinist union in the apprentice training program. For this reason we believe that the defendant should be given a chance under the Manpower Project run by the Vera Institute of Justice to show by his performance on the job and job training both his good faith and --

THE COURT: You are speaking about whom, now?

MR. CATALANA: James Jones, your Honor.

THE COURT: Well, now, do we have somebody else? Is this supplanting the Legal Aid?

MR. ADELMAN: This is a new program, your Honor, that is not supplanting but

supplementing.

THE COURT: We are dealing here with criminal charges. Now, is Vera recommending that the criminal charges be dismissed, or something?

MR. ADELMAN: May we approach the bench, your Honor?

THE COURT: No. Let's all find out about it.

MR. CATALANA: May I be heard?

THE COURT: Yes.

MR. CATALANA: This is a program which was begun by Mayor Lindsay with the full approval of Mr. Hogan. What it involves is asking the Court to defer prosecution for a period of usually three months, during which time certain selected defendants would be placed in a job -- job training program; their performance to be used as a final disposition of the case by the Court.

THE COURT: Was the Court consulted on this in any way? I mean, the administrators of the Court, or was this --

MR. CATALANA: Yes, your Honor.

THE COURT: I don't recall seeing

anything on that. You mean, the administrators of the Court was consulted on this?

MR. CATALANA: Yes, your Honor.

THE COURT: I don't remember seeing anything on that.

What is the application now, for an adjournment or what?

MR. CATALANA: Yes, your Honor. It would be an all purpose adjournment for three months.

THE COURT: Well, I think in the interest of orderly procedure, if Mr. Hogan endorses such a program of this nature, instead of using up all this time of speaking about it to me, I think if you would take these things up with the District Attorney in the part, and if he recommends an adjournment for three months, then --

MR. SLATER: What Mr. Catalana has just stated --

THE COURT: Why don't you discuss this privately, and just put a request on for a three-month adjournment.

MR. SLATER: That is the application.



THE COURT: Give us a date,  
Mr. District Attorney.

MR. SLATER: What date do you want?  
October.

THE COURT: Is this program  
to be held in any way with the Youth Counsel Bureau  
Program?

MR. SLATER: No, your Honor.

THE COURT: Completely separate?

MR. SLATER: Yes.

THE COURT: It may be a wonderful  
idea, but I was unaware of it.

MR. ADELMAN: October 19, for  
Jones, your Honor.

THE COURT: All right. October 19.  
I would prefer this on a motion by the District  
Attorney.

MR. SLATER: The People would  
consent to an adjournment on that date, your Honor.

MR. ADELMAN: Your Honor --

THE COURT: That is between you  
and --

MR. SLATER: October 19, is requested

by both sides.

THE COURT: Parole continued.

MR. SLATER: May we have --

MR. ADELMAN: Now, as to Bradley and Pringel the situation is this --

THE COURT: How many do we have here?

COURT OFFICER: Four.

MR. ADELMAN: There are three defendants. Jones has two charges, your Honor.

THE COURT: This is as to Jones that we have been talking about.

MR. ADELMAN: Now, originally in this case Bradley and Pringel were interviewed by the Youth Counsel Bureau. I have a notation here that they were acceptable to the Youth Counsel Bureau, but for the fact that Jones, who is older, and had two charges, was not acceptable, and the Youth Counsel Bureau chose not to sever the case, which is their policy.

In view of the fact that Jones is going under Vera's program, it would seem to me that the defendants Pringel and Bradley, who have no record,

would be eligible for the Youth Counsel Bureau, and I would ask the Court to have the Youth Counsel Bureau talk to them, and then we could, perhaps, dispose of their cases.

THE COURT: This is going to require the setting up of a separate part for this program -- for these programs. I don't know why they can't be combined.

Do you know if the Youth Counsel Bureau representative is here?

MR. ABLESSER: Yes, sir.

THE COURT: Are you familiar with any part of this case?

MR. ABLESSER: We'll have to talk to both of them first.

THE COURT: Second call for Youth Counsel Bureau.

(Case laid aside; later recalled)

THE COURT: Bradley and Pringel, come up here again.

COURT OFFICER: The officer gave us

8-17.

MR. ADELMAN: Fine.

THE COURT: As to Pringel, August 17,  
parole continued; notify officer. Where is the  
other matter?

COURT OFFICER: Here you are.

THE COURT: As to Bradley,  
August 17, parole continued. Each defendant should  
bring one parent with him. Bring one of your  
parents with you. Let them in on the secret as to  
what is happening here. All right.

MR. ADELMAN: One parent is here  
today.

THE COURT: All right. Then the  
other one should come in.

\* \* \* \*

The above is certified to be a true and correct  
transcript of the testimony.

*Howey Koons*  
Official Court Reporter