

Family Justice Technical Assistance Services Join Vera

By Jules Verdone



Family Justice Program staff, from left: Ryan Shanahan, Niloufer Taber, and Margaret diZerega.

Despite efforts to secure more funding and survive in the troubled economy, the independent nonprofit organization Family Justice

closed its doors in November 2009. Fortunately, instead of its mission being extinguished, the agency's training and technical assistance work is continuing as the Family Justice Program at Vera.

"It would have been a shame to see this work become yet another casualty of the recession," says Michael Jacobson, Vera's director. "There's a great need for its services across the nation, so I'm glad we could provide them a home. The program also complements Vera's work, especially in juvenile justice and corrections reform."

Family Justice is no newcomer to Vera; it evolved from the demonstration project La Bodega de la Familia, which started in 1996. (Family Justice founder Carol Shapiro is now an associate research scholar at Columbia University's Institute for Social and Economic Research and Policy.)

Research has long shown that incarcerated people who maintain contact with supportive loved ones have better parole outcomes, such as stable housing, employment, and reduced drug use. (Vera's 1999 study *The First Month Out*, for example, showed a strong correlation between family support and the success of individuals returning to the community from jail or prison.) Yet the process for cultivating these connections is not always obvious or easy. "It makes sense for staff in corrections, probation, and parole to routinely ask about supportive family members, but that doesn't always happen," says Margaret diZerega, director of the Family Justice Program. "We help our partners to incorporate simple, effective practices for leveraging resources within the family and social networks of people who are involved in the justice system."

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Vera Advancing Cost-Benefit Analysis for Criminal Justice Planning

By Nicole Lemon

Although practical, data-driven cost-benefit analyses are common in many parts of government planning, they are rarely used to help determine criminal justice policy. Vera's new Cost-Benefit Analysis Unit (CBAU) is intended to change that. "Criminal justice organizations and practitioners have expressed great interest in cost-benefit analysis," says Tina Chiu, Vera's director of technical assistance, who is spearheading the initiative. "This is an opportune time to begin working with these audiences to fill the gap."

The CBAU, which debuted in 2009, seeks to provide clear, accessible information that will help officials determine the immediate social and fiscal benefits that can result from criminal justice programs or policies

and weigh those benefits against the costs needed to produce them. The program focuses on performing

cost-benefit analyses for its partners, providing assistance to jurisdictions conducting their own studies, and carrying out research to advance cost-benefit analysis in the justice system generally. Although the program is in its beginning stages, a number of jurisdictions have



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From Vera's Director



Progress Shows Reform Is Possible

About three years ago, Vera was invited to New Orleans to assess and then help reinvent the city's troubled criminal justice system. "There is so much pressure to rebuild here," said James Carter, a first-term New Orleans city councilman who became politicized after Hurricane Katrina and headed the council's Criminal Justice Committee. "But we're not rebuilding our criminal justice system to look like it did pre-Katrina, we're going to fix this system and build it back to something that New Orleans can be proud of."

Although cynics may consider such talk the rhetorical flourish of politicians, James meant what he said, and after months of preparation we opened our New Orleans office in 2008. Vera had never before made this kind of sustained commitment to a city beyond New York, and the decision to do so wasn't easy. New Orleans was widely seen as corrupt, lacking in leadership, and a place where the politics would always trump substance. Personally, I was nervous about placing Vera in a position where we could never make a difference despite a serious commitment of resources and staff. In the end, though, James's ability to form a coalition of justice leaders around our original reform recommendations, along with the sustained involvement of Baptist Community Ministries, a respected local foundation, convinced us that this was something Vera needed to do.

New Orleans has unbearably high murder and crime rates, arrests three times as many people per capita compared to most other cities, and has a jail incarceration rate four times the national average. One reason so many people were in jail there is that the district attorney can take up to 45 days to file a formal charge for a misdemeanor offense and 60 days for a felony. I have never run across a city that took so long to charge and that, as a result, had a jail full of *pre-charge*—not pre-trial—detainees. After a year and a half of planning, last March a pilot project designed to speed charging for drug cases (almost 40 percent of all cases) went into effect, causing police and prosecutors to completely change the way they do business, file paperwork, and communicate with each other. As of January, the time to charging for drug cases had decreased from 61 days to six days—which, while not yet ideal, means thousands of people will spend far less time in jail awaiting a charging decision.

There is still much more to do, of course. But this significant achievement demonstrates that reform is possible in even the most difficult circumstances if the will and commitment are present. Although James Carter will be leaving the city council in May, the alliance that Vera staffed has demonstrated itself to be a successful platform from which to launch any number of reform efforts and is doing so as I write.

A handwritten signature in black ink, appearing to read "MJ", written in a cursive style.

Michael P. Jacobson
Director, Vera Institute of Justice

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ABOUT JUST 'CAUSE

The Vera Institute of Justice is an independent nonprofit organization that combines expertise in research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety.

Just 'Cause is produced by the Communications Department: Robin Campbell, Abbi Leman, Nicole Lemon, Michael Mehler, and Jules Verdone.

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Fourth Annual Benefit Pays Tribute to Morgenthau and Carter

By Abbi Leman

Nearly 300 guests attended the Vera Institute of Justice's fourth annual benefit, "Public Service, Public Trust," on October 8 at Jazz at Lincoln Center in New York City. As in years past, the generosity of sponsors like The Starr Foundation; Wachtell, Lipton, Rosen & Katz; Sullivan & Cromwell LLP; and the Charles and Mildred Schnurmacher Foundation will help to fund new initiatives at Vera and cover general operating expenses.

"Everyone knows that 2009 was not great for non-profit fundraising," says Joel Levy, Vera's director of development. "As a relative newcomer to Vera, I was delighted to see such a strong level of commitment. It really underscores Vera's place as the nation's premier independent justice reform agency."

This year's event honored Robert Morgenthau for his decades-long service as U.S. attorney and district attorney of New York County. "He is the one person, above all others, who has had the longest and most meaningful and lasting impact on the law enforcement community in this city," said Alan Vinegrad, who introduced Morgenthau at the event and also served as co-chair of the benefit, along with Karen Seymour, Vera trustee, and John Savarese, chair of Vera's board.

In accepting his award, Morgenthau recalled turning to Herb Sturz, Vera's co-founder, for ideas about how to improve the criminal justice system and then asking

Michael Jacobson, Vera's current director and former deputy budget director for New York City, for the money to support the programs Sturz recommended.

Along with honoring Morgenthau, Vera also recognized New Orleans City Councilmember James Carter and the New Orleans-based law firm Stone Pigman Walther Wittmann, both of which have been instrumental in Vera's efforts to help reform their city's criminal justice practices.

"As an attorney, I knew firsthand the tolls the criminal justice system had taken on the very psyche and soul of our city," said Carter, who initiated Vera's involvement. "I fervently believed that criminal justice reform had to be the cornerstone of any meaningful, post-Katrina New Orleans recovery. With Vera's guidance and expertise on the ground, we have made significant strides." Jennifer Borum Bechet accepted the recognition for Stone Pigman, which has provided New Orleans-based staff with office space, supplies, and support services.

"This year's benefit was truly an opportunity to reflect on both the accomplishments of the past and the opportunities for further progress in the future," says Michael Jacobson, Vera's director. "It was also, as always, a great time to catch up with folks and celebrate an institution of increasing national importance. I'm deeply grateful to everyone who participated."



Clockwise from left: Karen Seymour, Jennifer Borum Bechet, Michael Jacobson, John Savarese, Robert Morgenthau, Alan Vinegrad, James Carter; Master of Ceremonies Charles Grodin; Sandra Lamb; Lucy Friedman, Dean Esserman, Herb Sturz; Sally Hillsman, and James Carter. All photos by Kevin Fox.



Q&A

With Peggy McGarry Director, Center on Sentencing and Corrections

Peggy McGarry joined Vera in March 2009 after working as director of criminal justice programs at the JEHT Foundation. Previously, she had worked for more than 20 years with the Center for Effective Public Policy, where she provided technical assistance, research, consulting, and training to government agencies and civil society leaders on policies related to issues such as corrections and community corrections, prosecution and policing, sentencing, and violence against women.

Interview by Jules Verdone



The JEHT Foundation had a legacy of supporting justice reform but was forced to close last year. In this economy, is there any good news about funding for work in our field?

The Public Welfare Foundation comes to mind as having dedicated a larger portion of its grant making to criminal justice. The Ford Foundation has re-constituted its criminal justice program. And, of course, there is the Bureau of Justice Assistance at the Department of Justice and other federal funders who have shown increased interest and appear to have greater resources than in recent years. I think there is greater understanding of the connection between the impact of the justice system and economic well-being and the health of communities.

What highlights can we expect from the Center on Sentencing and Corrections this year?

We are doing a number of things to change how people go through the prison system and what happens to them when they come out. For example, at least in some pilot sites, New York State should be implementing a parolee behavior response guide that we helped them develop.

We did original research on 70,000 parole cases in the state and found that the only thing that reduces revocation or recidivism is programming. So reducing these rates is a matter of getting parole officers to look at underlying problems or issues—whether it's, say, a family that's not

particularly supportive or a lack of job skills, education, or stable housing. The idea is to have the parole officers deal with those things rather than respond to behavior as just a rules violation. The guide also asks parole officers to recognize and respond to parolees' achievements and positive behaviors and to take these into account when responding to overtly negative behavior. In many ways, then, this is a huge departure from anything that's been done before.

What trends are you seeing in policy development and reform?

Leaders in the criminal justice system across the country are orienting toward making policy recommendations and changes based on evidence. And I would say that's very hard because the justice system is based on law, and law is based on some notion of right or wrong—or on some vague sense of moral correctness. And evidence is really about the study of human behavior and what influences it. We know from the research, for example, that positive reinforcements are far more effective in changing behavior than negative ones. And yet, even people who want to be doing things on the basis of evidence have a hard time accepting that one should reward parolees for showing up on time for their appointments three months in a row or that they should be thanked when they come into an office.

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An *Idaho Law Review* article you coauthored in 2006 about community justice referred to imagination a number of times. Can you talk about the role imagination plays in sentencing and corrections?

It goes back to a very old truism in corrections: If all you have is a hammer, everything looks like a nail. So if all you have is arrest and incarceration as your primary responses to crime, then you're going to find a justification for why it works.

If you look at teenage criminality, for example, you can respond to the overt behavior or you can ask, "What could we reasonably conclude is a big part of the problem?" And you'd have to say parental involvement. So you create responses that force parents to participate. Imagination means you go deeper than the overt problem, you draw on your own experience, and you look at ways of solving problems other than thinking that arrest and incarceration are the best responses. Because they're usually not. The safest communities are not the ones that have a heavy police presence.

FAMILY JUSTICE – *continued from page 1*

Family Justice Program staff are currently involved in two major reentry initiatives funded by the U.S. Department of Justice's Bureau of Justice Assistance: the Reentry Is Relational project, which focuses on prison and community-corrections settings, and Close to Home, which will adapt this work for jails.

Bernie Lieving oversees reform and reentry for the New Mexico Corrections Department, where Reentry Is Relational is helping corrections and community corrections strengthen partnerships to involve families and social networks in reentry planning. "I was thrilled when Vera stepped up and absorbed Family Justice," he says. "Family Justice has been a wonderful partner." Vera's other partner in Reentry Is Relational is the Oklahoma Department of Corrections. "Family Justice's work is based on common sense combined with operational aspects related to families," says its director, Justin Jones. "It's hard to argue against that."

The Close to Home initiative will adapt Family Justice's methodology for jails in Montgomery County, Maryland, and Green Lake County, Wisconsin. The two sites present a striking contrast: Montgomery County represents a

Vera's new Family Justice Program (see article on front page) will work closely with CSC. How do you think social networks can help improve justice-related outcomes?

The research says they do. Some of the research on adolescents—returning to the same example—says that peers have far greater influence over their behavior than anything else. And families are also incredibly important, to the extent that young people feel safe in their family and respected. It seems to me that families are what provide a sense of worth apart from what you own, what you drive, or what you wear. Without that, I don't see how people who end up trapped in the criminal justice system stand any chance of escaping it.

On a different note, I hear that you're an avid runner.

I love running. I started when I was 48, and I run in Central Park, usually four times a week.

Contact Peggy McGarry at pmcgarry@vera.org for more information.

large urban area (Washington, DC) and the Green Lake County Jail is in a rural setting and has the capacity for about 37 adults. One of the project's main goals is to help jails collaborate with community-based organizations. Staff from facilities and local agencies will participate in work groups responsible for reentry planning and implementation. Family Justice staff will then train a broader group of employees at jails and in the community on using a family-focused approach that builds on people's strengths. Ryan Shanahan, senior program associate, oversees Close to Home; she and Niloufer Taber, research analyst, also joined Vera's staff in the fall.

In February, the Public Welfare Foundation awarded Vera an additional grant to build on the Family Justice Program's partnership with the Ohio Department of Youth Services. More information about this work and the other projects is available on Vera's web site, including a podcast with Margaret diZerega and Michael Jacobson discussing the Family Justice Program in greater detail.

Contact Margaret diZerega at mdizerega@vera.org for more information.

expressed interest in its work, including justice stakeholders in a number of states and overseas.

The CBAU's first project, part of New York State's efforts to transform its juvenile justice system, was a cost-benefit analysis of alternative to incarceration programs for court-involved youth. According to the analysis, family-focused programs that provide intensive therapy, training, and guidance can reduce recidivism rates by up to 18 percent and produce net benefits (benefits minus costs over time) of up to \$96,000 per participant. So if some of the youth who are currently in juvenile facilities were instead served by these programs, New York State could reduce crime and save taxpayer dollars.

Like most new data-driven ventures, CBAU faces challenges. "For starters, finding, obtaining, and analyzing data is always difficult, and it was particularly challenging for our first project," says Valerie Levshin, research associate. "Because New York's justice system is so fragmented, data about delinquencies and convictions reside in a dozen different agencies."

Communicating the results of a cost-benefit analysis can also be difficult. "There's a fine balance that we have to strike," Chiu explains. "If we tip too much in the direction of communicating the nuts and bolts of cost-benefit analysis, we risk having someone say that our work is too complex to be helpful. But if we don't tip enough in that direction, we risk having someone say our method isn't rigorous enough, and that jeopardizes our credibility."

In working through these concerns, CBAU staff have access to the field's leading experts, some of whom serve on the unit's advisory board. One of these board members is Steve Aos, associate director of the Washington State Institute for Public Policy. The key to cost-benefit work, Aos says in a recent Vera podcast, is being able to accommodate two different worlds. "There's the world of research, where you have to wait for outcomes before you can evaluate anything. Then there's the business and policy world, where you can't wait for all the information to come before you make a decision.... Engaging both worlds

requires constant dialogue."

Chiu plans to encourage this dialogue by creating a community of cost-benefit practitioners and users. With funding from the U.S. Department of Justice's Bureau of Justice Assistance, the CBAU is developing an online clearinghouse of information called the Knowledge Bank for Cost-Benefit Analysis in Criminal Justice. "We want to help people get the information they need and to connect them to a larger group of people who have expertise or interest in this work," she says.

With so many states confronting fiscal crises, criminal justice-focused cost-benefit analysis may seem like an especially timely program. But Chiu notes that this work is crucial in any fiscal climate. "People need good decision-making tools regardless of budgetary pressures," she says. "We should be thinking about which programs and policies give us the best results for our money no matter when we're paying for them."

For more information on Vera's Cost-Benefit Analysis Unit, including the program's first podcast, visit Vera's web site.

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NEW PUBLICATIONS

Rethinking Educational Neglect for Teenagers: New Strategies for New York State,
November 2009

Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State,
December 2009

The United Nations recently listed Vera as a non-governmental organizational resource on a new web site that collects and connects resources and databases from different parts of the UN that have worked on rule of law projects. For the past year, Vera staff have been testing indicators—data used to measure the effectiveness of a country's justice system—in Liberia and Haiti as part of the United Nations Rule of Law Indicators project. The site is available at www.unrol.org.

NEW GRANTS

Vera's Center on Immigration and Justice will begin a three-year partnership with Legal Momentum, the nation's oldest legal defense and education fund dedicated to advancing the rights of women and girls, including immigrant victims of violence. In October, Legal Momentum and Vera received a three-year grant from the U.S. Department of Justice's Bureau of Justice Assistance to help law enforcement agencies work with immigrants to increase cooperation and reporting of crimes. The partnership will train agencies to more effectively use the U-visa, which provides legal immigration status to immigrants who are victims of crime.

During the next three years, Vera staff will work closely with officials from the U.S. Department of Justice's Office on Violence Against Women (OVW) to identify practices that have proven successful in addressing violence against women. Staff will review literature, convene discussions with practitioners and other experts from the fields of domestic violence, sexual assault, and stalking to identify promising practices and meet with staff to observe these practices in action. Ultimately, the project will create an online collection of practices that will assist practitioners—advocates, law enforcement officers, prosecutors, court personnel, and others—to enhance their communities' response to violence against women.

Through a second grant from OVW, Vera staff will provide training and technical assistance to enhance the capacity of supervised visitation programs to serve families that have experienced domestic violence. Victims and their children often face greater risk of violence during or after a separation from their abuser, including during divorce and custody proceedings. Supervised visitation programs must

therefore understand the dynamics of domestic violence and be prepared to intervene safely. Vera staff will provide intensive training and consultation to staff of these programs. They will also collect information about the emerging domestic violence-related needs within the field of supervised visitation to inform policymakers working in this area.

IN MEMORIAM

Daniel J. Freed, a national leader in sentencing reform and a Vera trustee for four decades, passed away on January 17 at the age of 82. Freed served for many years at Yale Law School as a clinical professor of law and its administration. He was a long-time editor of the *Federal Sentencing Reporter*, a publication which he and Marc Miller started at Vera in 1988, shortly after the federal sentencing guidelines took effect. We will miss his wise, generous, and ever-curious presence.

Judge Morris E. Lasker served as a Vera trustee from 1983 until 1998. He was then elected an honorary trustee, a position he held until his death in December 2009. First appointed as a federal judge in the Southern District of New York in 1968, he later sat in the District of Massachusetts by designation. Judge Lasker presided over the Legal Aid Society's lawsuits challenging conditions in New York City's jails and the implementation of the consent decrees that settled those suits. The knowledge about jail conditions and the bureaucracy's processes which he gained from his long involvement with these lawsuits, along with his moral commitment to justice for prisoners and others, made him an extraordinarily valuable member of Vera's board.

Sarah Lyon passed away in Lebanon, Tennessee, on December 9, 2009. She joined Vera in 1987 as the assistant to the director of the Institute, and she served three directors—Michael Smith, Christopher Stone, and Michael Jacobson—until she left in 2005. Sarah returned to Tennessee to reconnect with her many relatives and friends. Her community was unrestricted with no regard for race, ethnic group, religious affiliation, or social status. To Sarah, all people were truly equal and deserved the same degree of justice and compassion. Sarah was also the co-editor of the first issue of *Just 'Cause*, released in 1994. Sarah was as serious as she was funny, and we will miss her.

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➤ Upcoming Events

VERA LAUNCHES NEIL A. WEINER RESEARCH GUEST SPEAKER SERIES

This past summer, the Vera Institute began its Neil A. Weiner Research Guest Speaker Series, named in honor of the Institute's late director of research. The series invites prominent researchers to Vera to speak about their work on justice-related issues.

Recent speakers have included Sally Hillsman, Todd Clear, Jerry McElroy, Barry Krisberg, Lynn Chancer, Kimberly Cook and Sandra Westervelt, Mary Byrne, and Steve Penrod. Topics have ranged from the relationship between gender, crime, and media to the needs of people who have been exonerated from death row to the effect of prison nurseries on participating women and children.

Podcasts of some of the recent presentations, along with a list of upcoming speakers, are available on Vera's web site at www.vera.org/content/neil-weiner-research-guest-speaker-series.

UPCOMING SPEAKERS

MARTIN HORN, distinguished lecturer in the Department of Law & Police Science at John Jay College of Criminal Justice

April 29, 1 p.m. – 2 p.m.

"Five Research Questions I Want Answered"

SAUL KASSIN, distinguished professor of psychology at John Jay College of Criminal Justice

May 18, 1 p.m. – 2 p.m.

"False Confessions"

All events take place at the Vera Institute of Justice, 233 Broadway, 12th Floor, New York, NY 10279. For more information, visit www.vera.org/content/research or contact Siobhán Carney at scarney@vera.org.