

**THE NEW YORK CITY
ANNENBERG CHALLENGE GRANT**

What It Means for New York's School Children

**A Statement by the
Center for Educational Innovation**

September 27, 1994

CENTER FOR EDUCATIONAL INNOVATION

Seymour Fliegel, *Senior Fellow*
Carlos M. Medina, *Senior Fellow*
Colman Genn, *Senior Fellow*
Reginald Landeau, *Senior Fellow*
Jeffrey Litt, *Adjunct Fellow*
John Elwell, *Senior Fellow and Field Director*
Midge Richardson, *Executive Director*

Advisory Board

Judy Roth Berkowitz, *Chairman*
Richard Gilder, *Partner, Gilder, Gagnon, Howe & Co.*
Roger Hertog, *President & Chief Operating Officer, Sanford C. Bernstein & Co., Inc.*
Professor Nathan Glazer, *Harvard University*
Professor Bruce Williams, *Hunter College*
Professor James Coleman, *University of Chicago*
Steven Klinsky, *General Partner, Forstmann Little & Co.*
Frank J. Macchiarola, *Dean, Benjamin N. Cardozo School of Law*
A. Wright Elliott, *Executive Vice President, The Chase Manhattan Bank, N.A.*
Lewis W. Bernard, *Advisory Director, Morgan Stanley & Co., Inc.*
Anton Klein, *Executive Director, New York Alliance for the Public Schools*
Denise Saul, *New York City*
Alan S. Rosenberg, Esq., *Partner, Proskauer, Rose, Goetz & Mendelsohn*
Thomas W. Evans, Esq., *Partner, Mudge, Rose, Guthrie, Alexander & Ferdon*

Center for Educational Innovation
A Division of the
Manhattan Institute for Policy Research

52 Vanderbilt Avenue • New York, NY 10017
Telephone 212-599-7000 • Facsimile 212-599-3494

THE ANNENBERG CHALLENGE

At a City Hall ceremony hosted by Mayor Rudolph Giuliani on September 22, 1994, Brown University President Vartan Gregorian formally announced the award of a \$50 million challenge grant from the Annenberg Foundation to help create a new generation of New York City public schools. Also attending: Schools Chancellor Ramon Cortines, Deputy Mayor Ninfa Segarra, Board President Carol Gresser and other members of the New York City Board of Education. The event capped a months-long review and selection process carried out under the auspices of Dr. Gregorian and Dr. TheodoreSizer, Director of the Annenberg Institute at Brown University. The gift will be divided into two parts, with \$25 million awarded to four nonprofit organizations charged with establishing new elementary, junior and senior high schools, and \$25 million earmarked for school improvement projects throughout the city. Matching funds are expected to come from the city's philanthropic and business communities.

WHAT IT MEANS FOR NEW YORK'S SCHOOL CHILDREN

The Annenberg program rests on a firm commitment to smaller, more autonomous schools which provide children with a sense of community and enhanced opportunities for learning. This institutional model is closely identified with the "alternative schools" movement which successfully evolved in New York's East Harlem School District 4 over the past two decades. Two of the four groups selected by Annenberg to carry out the new school formations, in fact, trace their roots to East Harlem: the *Center for Collaborative Education*, directed by Deborah Meier, and the *Center for Educational Innovation* (CEI), whose fellows provided the leadership for District 4's transformation.* But city-wide replication of these successful schools has proven heartbreakingly elusive -- until now. The Annenberg grant thus provides the catalyst for what could become the most significant advance in public education this century.

Since its founding in 1989 the CEI has been actively engaged in helping to originate and shape such schools. These vigorous educational programs (several of which are outlined below) are now ready to serve as prototypes. To judge the potential impact of the Annenberg grant on the lives of the city's children, multiply the successes of these schools by a factor of fifty or more!

APPRECIATION...AND ANTICIPATION

Many of these small -- yet urgently needed -- victories might not have occurred had not a handful of foundations kindled the CEI spark by providing funding, and we proudly list them here:

The Gilder Foundation, The Starr Foundation, John M. Olin Foundation, J. M. Kaplan Fund, Smith Richardson Foundation, Leon Lowenstein Foundation, Pinkerton Foundation, Charles A. Dana Foundation, Bodman Foundation, Greenwall Foundation, Robert Sterling Clark Foundation, William H. Donner Foundation, Smart Family Foundation, and Richard Lounsbery Foundation.

We thank these foundations for the early trust they put in us, and invite them -- and the many other philanthropic institutions of New York -- to seize the moment by meeting the Annenberg Challenge. An opportunity such as this may never come again. A consensus exists that our city's schools need to be restored to their former greatness. Both the Mayor and Chancellor are on board: we know what works -- and what doesn't -- and now, thanks to Ambassador and Mrs. Annenberg, we have the means.

On behalf of all New Yorkers, we thank Walter and Leonore Annenberg for presenting our city with this opportunity. Their assiduity in focusing on the causes rather than the symptoms of contemporary problems points the way for all charitable giving as we enter a new century. Future generations of Americans will be in their debt.

* See MIRACLE IN EAST HARLEM: The Fight for Choice in Public Education, by Seymour Fliegel (published by Manhattan Institute/Times Books, 1993), \$12.00 (paper); and "Debbie Meier and the Dawn of Central Park East," by Seymour Fliegel (published in *City Journal*, Winter 1994), Reprints available @ \$2.00.

CEI PARTNERSHIP SCHOOLS

The schools listed below are some of the members of the CEI's Innovative Schools Network, receiving counsel, encouragement and, in many cases, financial support to help them achieve their goals.

Frederick Douglass Academy

Lorraine Monroe, Principal

Harlem

Founded by Dr. Monroe in 1992, the Academy's goal is to provide students with an academic foundation necessary for success in college. The Academy is modeled along the lines of a private prep school and all students are expected to pursue higher education after graduation.

The Beacon School

Ruth Lacey and Steven Stohl, Co-Directors

Upper West Side of Manhattan

Founded by two middle school teachers determined to provide a strong academic education for students, the Beacon School offers a college preparatory program with a strong focus on the arts and computer technology. It is housed in Fordham University's midtown campus.

Wildcat Academy

Ronald Tabano, Headmaster

Amalia Betanzos, Founder

Lower West Side of Manhattan

A high school founded in 1992, the Academy seeks out students who have failed at other schools -- often due to disciplinary problems -- and provides them with a supportive and engaging learning environment. The Academy's first graduates received their diplomas in June 1994.

EBC High Schools for Public Service

Genevieve Wright, Project Director

Brooklyn

EBC has established two alternative high schools in the East Brooklyn area. The target areas are Brownsville/East New York (Community School Districts 19 and 23) and Bushwick (Community School District 32). The schools offer youngsters rigorous academic, college preparatory programs with a thematic focus on public life, using the city as a laboratory while also preparing a generation of young adults who will understand and value the importance of community, public service and the common good.

The Educational Complex at J.H.S. 99

Leslie Moore, Principal

East Harlem

The Educational Complex consists of four schools of choice: the Academy for Environmental Science, The Eugenio Maria de Hostos Academy, the Julia de Burgos Bilingual School and the Manhattan East School.

The Family Academy

David Liben, Director

Harlem

Adopting a comprehensive approach to education, the Family Academy offers an extended day and an eleven-month academic year and provides an imaginative curriculum and an array of on-site programs. Students, who are drawn from a fifteen block radius, are offered a sense of community which insulates them from the often chaotic world beyond the school's walls.

The School for Writing and Publishing

Susan Winston, Director

Harlem

SWAP inculcates an appreciation for the written word by immersing its students into an imaginary world of publishing, teaching them the value of team work, dependability and initiative in the process.

Beginning With Children School

Sonia Gulardo, Director

Carol and Joseph Reich, Founders

Williamsburg Section of Brooklyn

Established in 1992, in the former executive offices of the Pfizer Corporation, this elementary school provides a quality education for children of this troubled inner-city community.

The Hurston Academy

Evelyn Gonzalez, Director

East Harlem

One of four schools of choice in the John S. Roberts Educational Complex, the Academy reaches out to students who have performed poorly throughout their elementary school years by providing them with proper motivation and support.

The Mohegan School

Jeffrey Litt, Principal

Tremont Section of the Bronx

This once-failing elementary school, in one of the most desolate urban landscapes imaginable, was restructured in 1992 and imbued with a culture of excellence that now characterizes every square foot of its massive five-story presence. Students in its Renaissance Academy are offered what has become known as the "Mohegan Core Knowledge" curriculum, a blend of traditional and contemporary subjects that equips inner-city children to compete academically.

Central High School

Norma Fair Brown, Principal

Newark, NJ

CEI was retained by a Newark Consortium of business, educational and community leaders to redesign an urban high school in the Central Ward. Central High School will be redesigned into an educational complex housing three thematic concept schools, focusing on science, computer education and entrepreneurship.

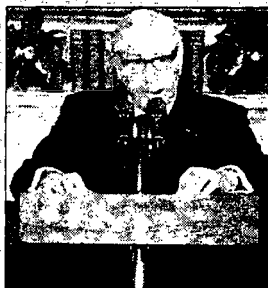
P.S. 53

Donette Ruffin, Principal

Buffalo, NY

The CEI was retained by the Varsity Corporation to assist them in creating a partnership with a Buffalo public school. P.S. 53, a pre-K grade 8 school, was selected, and a unique partnership was developed with Varsity's executive staff and their families in the extended twelve-month, full-day and evening programs. P.S. 53, with the assistance of CEI, will continue to develop into a community concept school which will offer an array of support services for students and their families.

A Class Gift



Walter Annenberg: \$500 million for public education.

Mr. Philanthropist

The \$50 million the city school system is getting from billionaire Walter Annenberg is just part of the \$500 million he pledged for public education at a White House ceremony in December. Other Annenberg gifts over the years have included:

- \$120 million each to the University of Pennsylvania and the University of Southern California.
- \$57 million to the Metropolitan Museum of Art to acquire Van Gogh's "Cyresses." He has also promised his billion-dollar Impressionist collection to the museum.
- \$100 million to the Peddie School in Hightstown, N.J., a boarding school from which he graduated.
- \$25 million to Harvard University.
- \$50 million to the United Negro College Fund.
- \$10 million to the Los Angeles County Museum of Art.

— Tom Collins

\$50M grant helps build new schools

By Michael Powell and Liz Willen

STAFF WRITERS

A coalition of New York groups will get \$50 million in part to start up 50 new public schools with unprecedented control over their budgets and education, school officials said yesterday.

The Annenberg Foundation selected New York City as the first of five cities nationwide to receive money over five years aimed at shaking up and reworking a failing urban education system. The first check could be delivered by Jan. 1, a welcome boost to a system plagued by budget cuts, overcrowding and poor morale.

Money from the foundation would go toward the creation of charter schools, run by non-profit organizations, and would give principals, teachers and parents unprecedented control — and accountability — for education. In return, the Board of Education and the United Federation of Teachers have agreed to waive many controls and work rules.

The Annenberg Foundation plans to donate \$25 million to underwrite the new elementary, junior and senior high schools. The new schools will serve about 50,000 of New York's 1.2 million school children.

"We want to cut out rules and regulations and create a system that supports innovative schools," said one school planner.

The foundation, started by publishing magnate Walter Annenberg, also pledges another \$25 million to shore up 50 existing, innovative school projects, including arts education.

A group, called the Networks for Renewal, will receive the money to help



Walter and Leonore Annenberg, shown at Gracie Mansion in 1991, have donated \$50 million for New York City public schools through their Annenberg Foundation.

AP File Photo

start the new schools, through a coalition spanning the ideological spectrum from the liberal Center for Collaborative Education to the conservative Manhattan Institute. The group, in turn, must raise \$50 million from corporations and foundations. Time-Warner yesterday was the first corporate donor, announcing a \$5 million gift.

Union officials acknowledged yesterday that some of the proposals may be a hard sell for members, particularly when the schools want to skirt hiring regulations and hand-pick teachers.

But UFT president Sandra Feldman

expressed enthusiasm for the new schools, and was on hand when Brown University President Vartan Gregorian announced New York's selection at a meeting at the Ford Foundation yesterday. "We will make every effort to collaborate with plans to establish innovative schools," said UFT spokeswoman Susan Amlung.

The Giuliani administration also has pledged its full support.

"The timing is critical, because it means we can stretch our dollars, double and quadruple them," said Deputy Mayor and Board of Education member Ninfá Segarra.

More than half of the new schools — many small and sharing space in existing buildings — are middle and high schools.

School Official Slapped Over Contract Bid, Page A56

THE NEW YORK TIMES

EDITORIALS

FRIDAY, SEPTEMBER 23, 1994

The Annenberg Gift to New York Schools

In the next five years, New York City will receive \$100 million to start 50 experimental schools. A \$50 million grant from the Annenberg Foundation, to be matched by grants from public and other private sources, should help entrench some important reforms that are now exceptions.

Most of the money will go to high schools, to replace or break up existing large schools. Many of those schools resemble factories. Students often feel anonymous and become apathetic; many perform poorly and eventually drop out.

Former Chancellor Joseph Fernandez pushed for the creation of about 50 smaller high schools, focused on themes ranging from the environment to community service. Most of these schools opened only a year ago, but they are off to a promising start.

The new money will finance 50 more schools.

Four reform-minded nonprofit groups will be responsible for creating the new schools. They will also create their own independent networks of support, allowing the new schools to learn from each other and hold each other accountable.

Big decisions on budgets, teacher hiring and curriculum will be made at each school, mostly by faculty and parents. The new schools will work closely with the school board, the Chancellor and unions. But their success will depend largely on their ability to break old patterns. To that end, the new schools will be exempted from many rules and regulations to give them more flexibility.

Ultimately, the new schools should encourage change throughout the system. The real challenge of the Annenberg grant is for the Board of Education to make innovative, smaller schools available to more and more students.



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Office of Law Enforcement
New York Field Division
90 Church Street, Room 1016
New York, New York 10007

10/18/94

LE:NY:NJR
1200

MEMORANDUM TO: Treasury Representative
John Malone

FROM: Special Agent in Charge
New York Field Division

SUBJECT: Treasury Issues Affecting the
President

In response to your request regarding the above cited subject, the following information is provided for your review.

The New York Field Division is actively involved in a wide variety of enforcement strategies, several of which are highlighted below:

Project Uptown: this project is co-sponsored by ATF and the New York City Housing Police Department (NYCHPD), and seeks to ameliorate the rapid escalation of violent crime in the city owned housing projects in upper Manhattan. The exceptional results achieved by Project Uptown can be largely attributed to the excellent cooperation that exists between the participating agencies. Project Uptown has been widely successful and is considered by many as a prototype for similar projects in other cities.

Project Lead: Project Lead was established as a tool for developing leads pertaining to firearms trafficking in New York City. Project Lead's primary objective is to gather information from the recovery of firearms, with a focus on major firearms trafficking operations. Because of its success, the New York Field Division has increased the staffing of this project by assigning Police Officers from NYPD and NYCHPD, and by creating an intelligence staff to administer Project Lead.

Project FLAIR: this program, the Firearms Licensee Application Inspection Review, was started in February of 1993 and is worked jointly with ATF Regulatory staff and the NYPD in an effort to reduce the number of

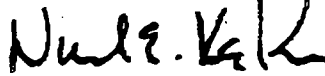
Treasury Representative

-2-

Federal Firearms Licenses (FFL's) in New York City. In August of 1992, there were 570 FFL's operating in New York City, in August of 1994, as a result of FLAIR, the number had dropped to 348, a decrease of 39 %.

Alcohol Diversion Task Force: this Task Force is operated out of ATF's Buffalo, New York Field Office, and is worked jointly with the New York State Police, the New York State Department of Taxation and Finance, and Canadian Law Enforcement, in an effort to stem the illegal smuggling, diversion and evasion of taxes relating to the export and import of liquor and tobacco between the United States and Canada. There have been significant seizures of diverted alcohol, and a number of multi-defendant prosecutions in Federal court as a result of this Task Force.

If additional information is required, please contact Assistant Special Agent in Charge Neil Kern at (212) 264-4655.



C Henry J. Ballas

CLEVELAND, MONDAY, AUGUST 15, 1994

Policeman is killed; 3 others wounded

Man who lost job holds officers at bay

By MICHAEL SANCIVIC MO,
KATHA JOHNSON
and HILL SAMMON

PLAIN DEALER REPORTS

GARFIELD HEIGHTS — A Garfield Heights policeman was fatally shot and two other policemen injured last night by a gunman who held police at bay for more than five hours.

A bystander also was reportedly shot, but rescue workers were unable to reach him without exposing themselves to gunfire. The gunman had not been apprehended by midnight.

The dead policeman was identified as Lt. Dennis Glivar, 40. A second Garfield Heights policeman, Sgt. Thomas Kaiser, 38, and Maple Heights Patrolman John Mackey, 38, a member of a suburban SWAT team, were taken by helicopter to MetroHealth Medical Center in Cleveland.

Kaiser was shot in the right hand, left arm pit and left upper

arm. A hospital spokeswoman said he was alert. He was admitted to the hospital. Mackey was shot in the left leg, according to a spokeswoman for MetroHealth. He was expected to be released after treatment.

Police declined to release information about the incident.

The shootings started about 7:45 p.m. at the Hillcrest Apartments, a four-apartment building complex on E. 88th St. Neighbors said that the gunman's first name was Frank and that he had lived in a first-floor apartment about four years.

Terry Rhone, 29, said he and his brother-in-law, Jeff Walters, 26, were moving furniture into an apartment when they heard shots.

They said they saw a man get hit in the chest and fall.

As they tried to reach the wounded man, the gunman spotted them and fired at them.

SEE SHOOT/6-A

Policeman killed; 3 others wounded

SHOOT FROM 1-A

"The shots came really close," Rhone said. "One went right by my ear. We pulled the wounded guy into the building. He had stopped breathing. We gave him CPR, but it didn't help. He was bleeding from the mouth."

Rhone said he yelled for someone to call police.

When police arrived, they knocked on the door of the apartment where the gunman was hiding, Rhone said.

The man fired through the door, hitting the two policemen.

Within minutes, dozens of policemen and hundreds of spectators converged on the area. Police cordoned off the area and asked nearby residents to leave their apartments.

Police still had the building surrounded at midnight.

Scott Stannard, who lives in the apartment across from the gunman's, said he and his date, Joanna Selsie, 23, and her son, Jacob, were assisted from the apartment by police after he kicked out a screen.

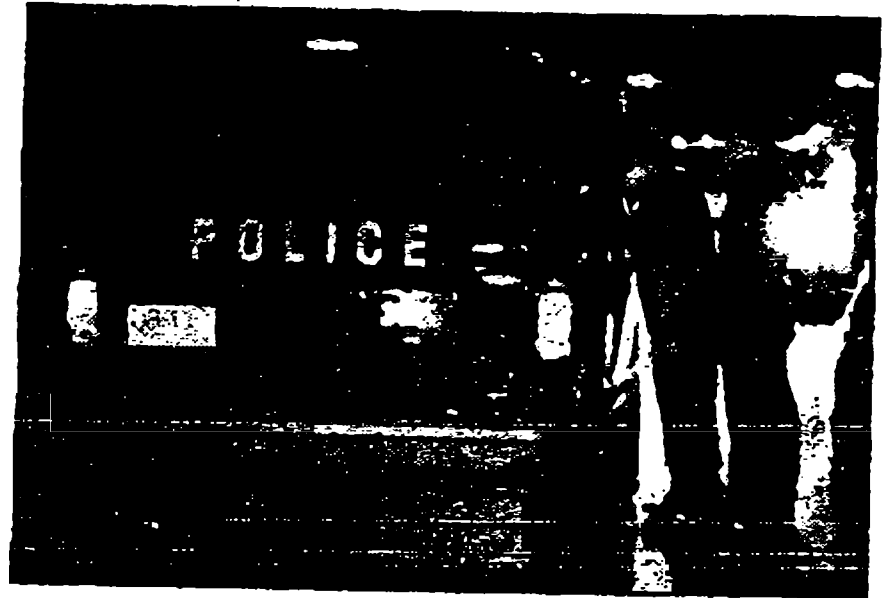
Selsie was slightly injured when she fell into a bush after jumping from a bedroom window.

Stannard said, "It's just like you hear about serial killers — he seemed like a nice guy."

Stannard said, "I kicked out the screen to the window. We threw Jacob to the police waiting below."

Selsie said, "I jumped out of the window, hit the bushes and they (police) dragged me away."

"It was very frightening," she said. "We heard the shots. We heard screams, and there was nothing we could do. It was really crazy."



Police confer outside a Garfield Heights apartment building where a man was holed up early today after allegedly shooting a policeman to death and wounding two other policemen late last night.

Garfield Hts. Police Dept

5555 Turney Road

Garfield Hts, OH

(216) 775-1234

* (automatic weapon.)

Killed - Lt. Dennis Glivar 40 yrs old / 17 years on force
Shot - Sgt. Tom Kaiser 38 yrs old / 14 years on force
Shot - PO. John Mackey of Maple Hts.



William J. Bratton
Police Commissioner



Police Department
City of New York

1 Police Plaza
New York, N.Y. 10038

Telephone: (212) 374-5410
Fax (212) 227-8861

Facsimile Message

Date:

8/16/94

Time Sent:

1030

To:

Jose Corda

Office:

Fax:

202 456 7028

Number of Pages including cover sheet:

8

From:

John Brody

Office:

PCM:

Special Instructions/Notes:

F.Y.I.- Talk to you soon.John

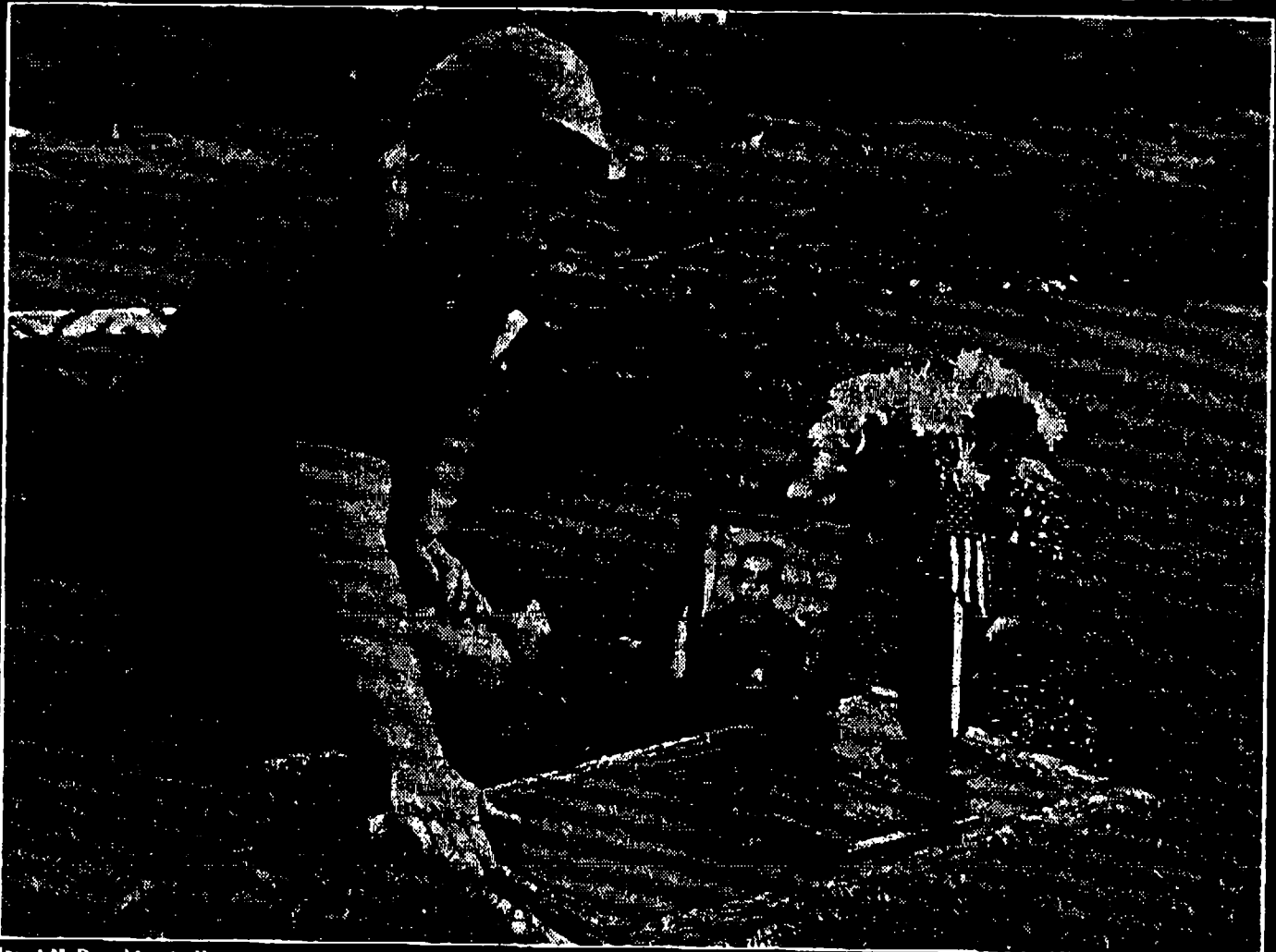
Thank You

DAILY NEWS

NEW YORK'S HOMETOWN NEWSPAPER

Tuesday, August 16, 1994

COP WIDOW'S PLEA ON CRIME BILL:



Janet McDonald puts flowers on husband Sean's grave.

BY MARY HANBES

'Please let the death penalty go through'

Endless river of tears

Cop's widow cries for killers to die

By AL BAKER

Daily News Staff Writer

The widow of slain Police Officer Sean McDonald is not done crying. The numbing pain is always there.

But after five harrowing months, Janet McDonald is finally able to speak through her anguish about that cold night in March that saw her husband gunned down in the Bronx.

She is also speaking out — about the need to pass the anti-crime bill in Washington and a death penalty law in New York.

"Sometimes I feel like I'm drowning," she said yesterday in her first interview, her green eyes moist with tears.

"I feel like I'm going to crumble, but then I remember, that's not what Sean would like. That's not what I'm like. I have to be strong for little Sean and Kerry."

To get through each day, she tries to keep busy.

"I feel like he's with me when I feel low, and I know he wouldn't want me to feel that way. He's my guardian angel in a sense."

"I just try to keep busy and not think about that night."

"When you are married to a police officer and know they are in danger every day," she went on, "you pray to God nothing like this would happen."

"But this was my worst nightmare come true. My worst nightmare."

In her bedroom closet, she keeps a stark reminder of that nightmare — the white ski jacket she was wearing on March 15 when she got word that her husband had been shot and killed interrupting a clothing store robbery. Flown by police helicopter from upstate Cold Spring, she went to Columbia-Presbyterian Medical Center to see his body, lifeless but still warm.

"I just wanted to see exactly what they did to him, how

DAILY NEWS
EXCLUSIVE

they hurt him," she said. "I held him and I told him I loved him and said I was going to miss him, and I kissed him a few times on his forehead. . . . There was a pretty deep gash from when he fell to the cement."

Sean McDonald had been shot twice behind his ear, and his blood was still flowing.

She cradled his head, and when she was done whispering "I love you" to him, she had blood on her hands and didn't know what to do. She wiped them on the front of her jacket.

"I'll never wash that jacket again as long as I live," she said yesterday. "It's there for life."

In the last week, Janet McDonald has finally had the strength to face — for the first time — her husband's accused killers in court.

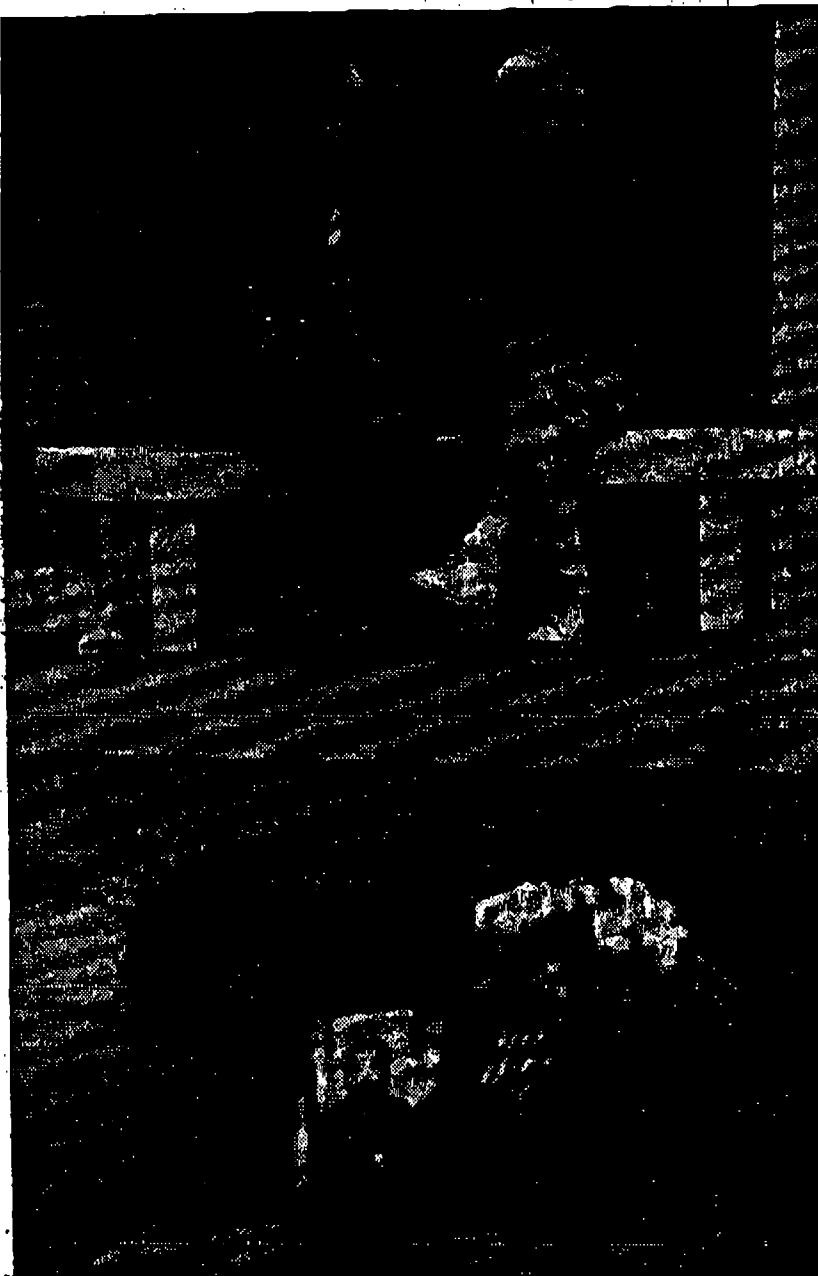
As she sat in Bronx Supreme Court last Thursday and looked into the "unfeeling" eyes of Javier Miranda and Rodolfo Rodriguez, she prayed: "Please, God, please let the death penalty go through. They have to have some kind of fear."

"I'm a religious person," she went on, "but read them their last rites, let them go to confession, let them ask God for forgiveness, and then give them a lethal injection."

"I have to pay twice, first with my pain and second with my tax dollars, supporting them in jail. And why even take the chance of them getting out and causing someone as much pain as I have to feel?"

"Especially since my husband was in uniform. They have a police officer."

"For \$70, my husband lost his life. I have to feel this



ANGUISH: Widow and father of slain Officer Sean McDonald visit his grave in Long Island yesterday, five months after he was killed. Janet and John McDonald call for death penalty for accused killers.

Prez tugs at heart of crime

By TIMOTHY CLIFFORD
Daily News Washington Bureau Chief

WASHINGTON — President Clinton brought relatives of three well-known crime victims to the White House yesterday for an

week by a 215-to-210 vote — could come up again: 1995 or Thursday.

The President sought to pound his point home by naming the bill after three victims of notorious cr — James Darby, Polly Klass and

First Lady said. Meanwhile, the President worked the telephones to try to find votes — including speaking to Rep. Charles Rangel (D-Manhattan).

For the first time yesterday, White House chief of

devote to social programs. And though Panetta and Foley indicated that reductions might be made there, Capitol Hill staffers doubt that the effort is serious.

Besides the Senate's resistance to rewriting the

DAILY NEWS

tional call on Congress to pass the \$38 billion anti-crime bill.

"We have asked the Congress nicely long enough," said Clinton during the Rose Garden press conference. "There should be no more excuses, no more tricks, no more delays."

Meanwhile, congressional aides said that the bill is blocked in the House last

Jody () - while their relatives named.

On the fourth day of the White House campaign to pass the bill, Vice President Gore and First Lady Hillary Rodham Clinton also voiced their support for the measure.

When it comes to violence, enough is enough and America will act now, the

staff Leon Pi and House Speaker Tom (D-Wash.)

their willingness to compromise on the bill. But both insisted that such "key elements" as the assault weapons ban and funding for 100,000 more police officers are not negotiable.

Republicans have complained about "pork" in the bill, but the bill will

sure, any changes and both lose and gain votes, the bill still bottled up.

Instead, several sources suspect that the talk about cutting the social programs is aimed at persuading the 10 members of the Congressional Black Caucus who voted to block the bill to change their votes to protect their funding.

side will feel it. For \$70. It's soiless. Crimes are so

If the death penalty is not enacted, Janet McDonald said, she thinks she'll take to writing letters to his accused killers in jail - "Just to remind them of what they've done and how they've

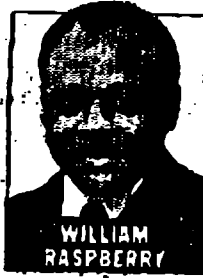
END

Crime bill's 'Ounce of Prevention' is worth tons

Long before the omnibus crime bill was derailed in the House Thursday night, Sen. Chris Dodd had been listening to the debate over what the bill should include. There had been, the Connecticut Democrat recalls, a competition to see who could come up with the harshest punishments — "get tough" measures that seemed unlikely to have much effect on serious crime. And nowhere had he seen any effort to help those people and organizations that were in fact preventing crime, by turning young people away from criminal activity. It wasn't even clear how to help them.

So one day last November, Dodd called his friend Marian Wright Edelman, who heads the Children's Defense Fund, and asked her to put together a dinner party for youth-program activists to try to figure out what might be helpful.

Dodd recalled the other day: "These were people who run programs like Big Brothers and Big Sisters, the Police Athletic League, Boys and Girls Clubs, organizations like that. All of them felt they



WILLIAM RASPBERRY

were making a difference, but all of their programs were operating on the edge."

Then Dodd had a thought: "Wouldn't it be nice to get just an ounce of all the money that's going into the crime bill for one-stop shopping for youth programs that are trying to reach kids before the gangs reach them? The following morning, he introduced his "Ounce of Prevention" amendment to the

crime bill.

The legislation, a \$1 billion addendum to the \$30 billion bill, would provide funding for a variety of after-school programs. Dodd believes it might do more to reduce crime than many of the far more costly pieces of the bill.

"There's a crime emergency in our streets, and we must respond with stiff jail terms and a more effective prison system," he said. "But there will be no peace, no security, if we do not strike at the root causes and seek to prevent crime and violence before they happen."

Opponents have been quick to label Dodd's proposal "weak," or to ridicule it

as the "midnight basketball bill." And, as the senator acknowledges, it does sound needy to talk about recreation and PAL clubs when the Congress is awash with talk of bigger prisons, tougher sentences and thousands more police officers.

But the fact is, there's not likely to be much crime-reduction pay-off from all that get-tough legislation — partly because few of the crimes that make our streets so unsafe are federal offenses and therefore reachable by federal statute, and partly because the tough talk simply doesn't bother the hard-core youngsters who are at the heart of the violence.

More police officers could help, both by preventing street crime and by catching more criminals. And I have no problem with toughening sentences.

But is leniency really the source of our crime problem? The fact that we have both the highest incarceration rate and the highest crime rate in the civilized world suggests it isn't.

The more likely source? The broken families and communities that are spawning out young people who are angrier than some of us are prepared to believe. Ratcheting up punishment for these remorseless ones only catches up their anger — and their dangerousness.

FOCUS ON: Midnight Basketball League

It's Not Just Pork

Program has a real impact

By Juan Forero
STAFF WRITER

THEY STEAL with reckless abandon, shoot with deadly accuracy and then run like the wind.

And on this night at Riverbank State Park in upper Manhattan, they're cheered for their sterling play. They're ballplayers through and through — some tall and thin with remarkable leaping skills, others small but lightning fast on the dribble — and they're doing what they like doing most, playing a gritty, tenacious game of basketball in a new league.

Like other leagues, this one draws young players intent on having fun and showcasing their skills. But that's where the similarities end.

This is the New York State Midnight Basketball League, the nation's first statewide program that combines hoops with intensive workshops on everything from conflict resolution to job-hunting techniques to AIDS awareness.

Funded through donations and corporate sponsorships, the league's immediate purpose is to keep 800 men and women, ages 17 to 26, off the streets between 10 p.m. and 2 a.m., when the chance of getting in trouble increases. Participants are enticed with donated uniforms and sneakers and the opportunity to play in state-of-the-art facilities



Democrats — have blocked the bill so far, criticizing a proposed ban of 19 types of assault weapons and the funding of "pork-barrel" programs that do little to address crime. And midnight basketball, characterized by opponents as public sponsorship of pickup games for deadbeats, has come under particularly sharp attack.

The allegations make organizers bristle.

"If the congressmen came down here, if they sat face to face with some of these young men and women in this program and they saw some of their intelligence and thoughtfulness, they would not complain about this program," said Kris Watson, a defense attorney and former Manhattan assistant district attorney who heads some of the workshops.

Organizers say the typical participant is about 20 years old, out of high school and holding down odd jobs but looking for more permanent, rewarding work. Many lack high school diplomas, but a few are on their way to college.

"These are not bad people," said Klein. "These are good people. But they're detached. They need some direction."

Several players said the lure of new athletic shoes and organized play prompted them to participate. But Wilson Lajara, 21, of 139th Street, said that once they attend the workshops, participants realize they can get something else out of the program. Organizers say that in addition to the workshops, they'll help participants prepare and take their high school equivalency test.

Lajara said he learned a lot from

This is the New York State Midnight Basketball League, the nation's first statewide program that combines hoops with intensive workshops on everything from conflict resolution to job-hunting techniques to AIDS awareness.

Funded through donations and corporate sponsorships, the league's immediate purpose is to keep 800 men and women, ages 17 to 28, off the streets between 10 p.m. and 2 a.m., when the chance of getting in trouble increases markedly. Participants are enticed with donated uniforms and sneakers and the opportunity to play in state-of-the-art facilities like Riverbank's indoor courts.

"I got involved because I wasn't really doing anything," said James Ferreira, 22, of the Bronx. "From 10 to 2 is a good time to be here. I'm usually doing nothing; I'm usually standing on the corner."

Added Thomas Atkins, 18, of 115th Street: "After I play here, I'm so tired I go straight home and fall into bed. I don't even watch TV."

But the long-range goal is providing direction for the players, 480 of whom are from New York City. Program participants, playing on teams sponsored by private investors who pay \$2,000, must attend the workshops, held before games and typically run by lawyers, dentists, cops or counselors.

"It is a jobs program, it is an educational program. Basketball is the hook, a way to lure people into a place," said Michael Klein, Gov. Mario Cuomo's Manhattan representative and statewide director of the league. "We will give you lots of goodies, but you have to do these workshops for us. If you don't, you'll be bumped out of the game and out of the league."

On Tuesday night, shortly before midnight, organizers and players watched as the Malachi Enterprises Pistons took the WBLS Radio Hornets to school, racking up points with ease. Suddenly, one young man grabbed a pass, sliced between two opponents and jammed the ball with two hands. His teammates and spectators hooted and hollered, acknowledging the spectacular play.

"Everyone screams and goes crazy," observed Nestor Rodriguez, 24, a coach watching from the stands. "But in a co-



MIDNIGHT MOMENTUM. D. Allen of the Malachi Pistons dunks a shot past the WBLS Hornets' Tye Barber.

ple of years, those jumping abilities are gone. . . . What we want him to take out of here are some educational skills."

Inaugurated with fanfare in May by Cuomo, who himself is known for a mean game of b-ball, league play began last month after participants attended a week of "boot camp" where they learned about the workshops and a second week of practice. League play ends with the championship in early October and organizers hope to have a winter league up and running by February.

In New York City, 48 teams in six leagues play games at Medgar Evers College in Brooklyn, Roberto Clemente State Park in the Bronx, the Future Vi-

sion Beacon School in Queens and Riverbank, the largest single site with 160 men and 80 women. Teams also play in Buffalo, Albany and Niagara Falls. The league is in session up to three nights a week, with each team playing one game.

Organizers would like to expand, a definite possibility if the proposed \$33-billion crime bill wins congressional approval. The bill includes \$7 billion for crime prevention programs, and midnight basketball in New York and beyond could receive \$40 million in funding.

But opponents of the measure — mainly Republicans and conservative

Klein. "They are good people. But they're detained. They need a direction."

Several players said the lure of new athletic shoes and organized play prompted them to participate. But Wilson Lajara, 21, of 139th Street, said that once they attend the workshops, participants realize they can get something else out of the program. Organizers say that in addition to the workshops, they'll help participants prepare and take their high school equivalency tests.

Lajara said he learned a lot from last Friday's session at the state Department of Labor, where he and others received tips on how to look for work, how to prepare for interviews, how to write resumes and other job-hunting techniques. He was ready, he said, when he went for an interview this week for a job at United Parcel Service.

"When I went to the interview, I was pumped up, confident and looking forward to it," said Lajara, who is waiting to hear whether he will be hired.

During a typical workshop on Tuesday, Manhattan attorney Mark Fant fielded questions about job opportunities and coached participants about how to prepare themselves before applying for work.

'EVERY ONE of you needs to have that resume, I don't care what you have or have not done," he said. "It's a critical tool because that's the first thing they'll want from you."

Ten young men, decked out in black high-tops and baggy shorts, listened intently. But, as organizers readily admit, there are some hitches with the pilot program. At Fant's talk, for instance, 10 were absent. A couple of others were late.

Everyone paid the price.

Two games were canceled to punish those failing to attend workshops. Relatives and friends of players, who normally jam the gyms to watch games, were also barred — until attendance at the workshops goes up.

"The ones we want to grab by the collar are the ones who are school-phobic," said Michael Harrigan, director of the workshops. "I guarantee you those kids will be at the next workshop."

NEW YORK FORUM

ABOUT THE CRIME BILL

Fast Breaks, Not Felonies

By Richard J. Davis

CRITICS OF THE embattled federal crime bill have constantly referred, often in chortling tones, to the inclusion of programs such as midnight basketball as proof of the frivolity of the prevention aspects of the proposed legislation. They are wrong. Indeed, such criticism bespeaks an ignorance both about the nature of these programs and the importance to any crime prevention effort of trying to deal with those young people most at risk of becoming

perpetual members of the criminal class. They are engaged in playing basketball, they are encouraged to participate in other programs offered by the sponsoring agency — classes toward obtaining a high school equivalency diploma, drug treatment, job counseling and the like. The goal is to begin the process of providing a measure of hope and meaningful alternatives for these young people.

President George Bush recognized the importance of such work when he honored the concept as one of his thousand "Points of Light" in 1990.

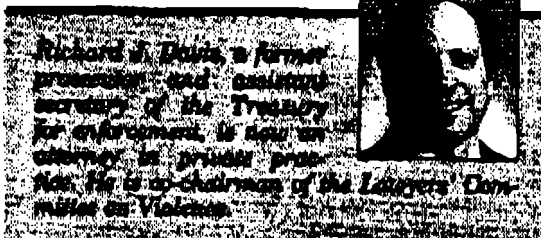
Midnight basketball is not a generalized social welfare program. It is a program designed to prevent crime. And it reaches out, as we must, to deal with young people who are on their way to becoming "lost." As such, these programs are a proper component of any comprehensive anti-crime effort. In fact, when one considers the costs to victims of criminal acts, the costs of detection, prosecution and incarceration, these programs do not have to divert many young people from a life of crime for them to be cost-effective.

Sadly, the highly praised Boys Harbor program, which has involved as many as 120 boys and 80 girls at a time, has been suspended for the summer because of a lack of money.

Their cost-effectiveness does not mean that programs such as these are sufficient. They must be accompanied by other measures, including:

- More police officers on the streets performing the kind of aggressive community policing being implemented by Commissioner Bratton;
- A criminal justice system capable of producing speedier and more effective justice;
- Sensible criminal procedural rules that avoid making the criminal justice system an overly technical maze for police and prosecutors;
- Vastly expanded drug treatment programs to accompany tough penalties for drug trafficking;
- Sentencing that provides clear and predictable punishment;
- Adequate prison space; and
- A meaningful assault weapons ban, and a licensing and registration system for handguns.

The difficulty is that reasoned calls for preventive programs lack the rhetorical simplicity that so often catches the public's ear in the debate over crime. The reality is that neither tough enforcement measures nor targeted prevention programs standing alone can do the job of dealing with crime. Real, sustainable progress requires that we do both. The current crime bill — while it certainly has imperfections, such as the questionable inclusion of Rep. Jack Burke's plan for a law-enforcement training center on his Texas alma mater's campus — adopts as a matter of policy this needed, coordinated approach, and it should be passed.



Richard J. Davis, a former prosecutor and assistant secretary of the Treasury for enforcement, is now an attorney in private practice. He is co-chairman of the Lawyers' Committee on Violence.

ing perpetual members of the criminal class.

First, what is a midnight basketball program? As run by places like Boys Harbor in New York, a social service agency that focuses on the problems of young people in East Harlem, they involve far more than arranging late-night basketball games. Rather, they are programs that target young people who are out late at night when they plainly should not be, and, absent intervention, are apt at some point to engage in criminal activity. These youth are often school dropouts, jobless and lacking in prospects for employment. In short, they often are the tough young people their neighbors are most concerned about, and whom many programs are reluctant to address.

Street workers seek out these young people for participation in basketball leagues affiliated with an agency capable of providing broader services. The initial benefit of getting them off the streets at a potentially dangerous time is, however, only the beginning. More important, once these young peo-

Dealing With Drug Dealers: Rehabilitation, Not Jail

Hynes Tries Alternative Approach Intended to Stop a Problem by Curing an Addiction

NYT B1 Wedn 1/70/93

By FRANCIS X. CLINES

In 15 years of selling cocaine and heroin in the doorways and abandoned buildings of Brooklyn's pervasive Borough Park narcotics mart, Guillermo Rios developed an entrepreneurial sense of a good deal, even as he indulged his own deep addiction.

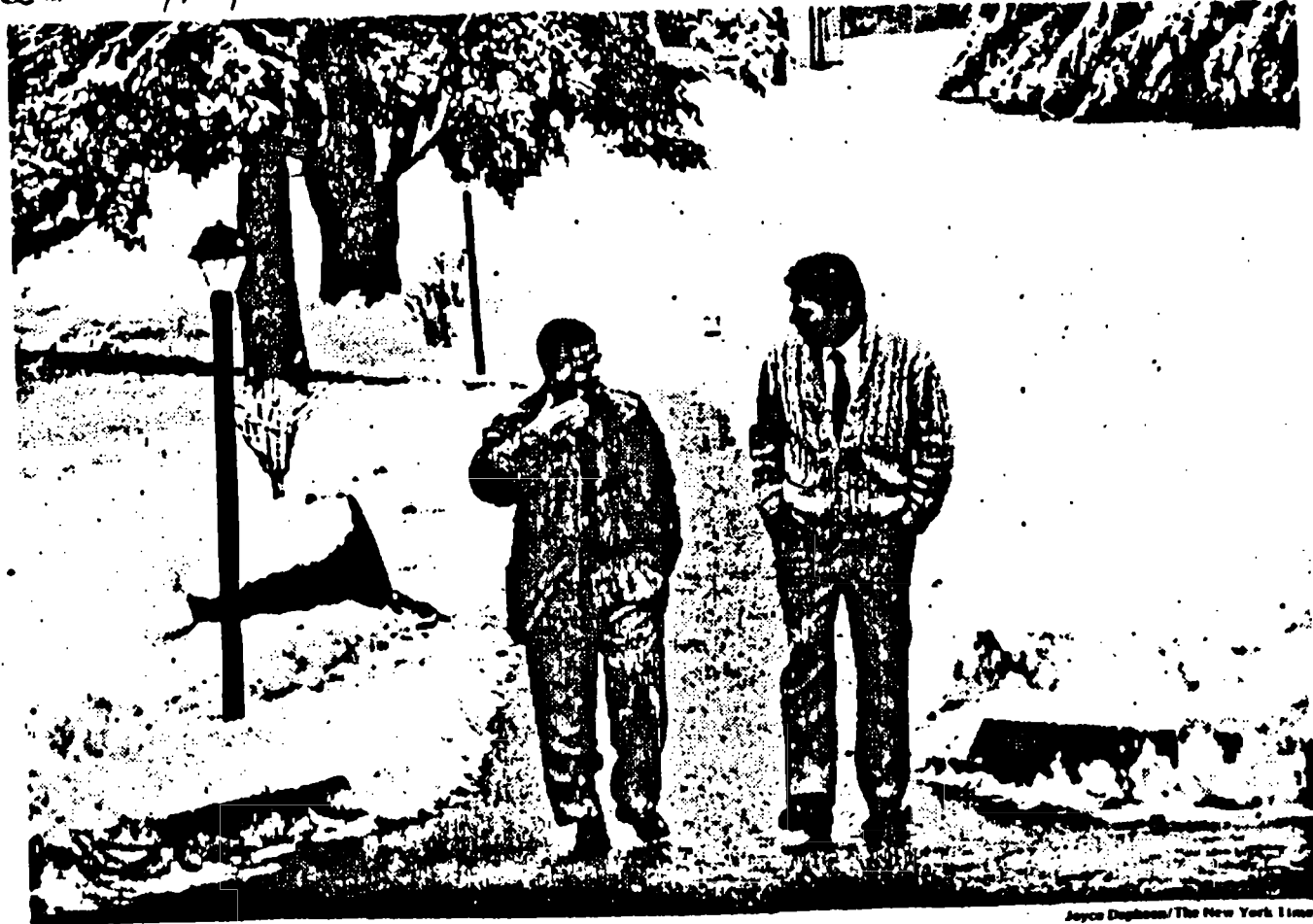
Mr. Rios, who once managed seven tidy street outlets, had to hurriedly put his deal-maker's sense to good use 20 months ago when he was caught, fix in hand, selling drugs to undercover detectives. At the arraignment, District Attorney Charles J. Hynes of Brooklyn offered him a deal he never expected:

Either complete an experimental long-term rehabilitation program and be treated like an addict with all the struggle of self-reform, or face mandatory prison time as just another common criminal with all the attendant lost freedom and wasted life.

Limited Experiment

It was a deal that Mr. Rios and more than 200 other addicted drug dealers in Brooklyn have taken gladly but warily over the last two years in an unusual program that is attracting attention from other law-enforcement officials who are intent not so much on declaring a truce in the war on drugs as in attempting a little creative triage.

The Brooklyn program is a limited experiment, but it is showing enough progress at retaining phlegmatic addicts in long-term treatment in lieu of prison that the state has decided to extend it to the other city prosecutors' offices this



Joyce Dagboon/The New York Times

"What I am learning is to finally begin valuing my life," said Guillermo Rios, left, who chose an experimental rehabilitation program after being caught selling drugs. He talked with Ed Hill of Daytop Village in Swan Lake, N.Y.

Continued on Page B2

Dealers' Deal: Rehabilitation, Not Jail

NYT 132 WED 3/9/93
Continued From Page B1

year. Mr. Rios, who is finishing his first year in rigorous rehabilitation, said, "I had already been in jail and that just made me a little crazier."

He remains free, as ever, to walk away from the deal. But if he does, a special pursuit team will try to track him down and put him back on the narcotics court treadmill toward the overwhelming likelihood of serving long years in prison, with no second chance at mercy from Mr. Hynes.

The program is intended to deal with the legions of drug dealers who basically underwrite their own addiction with the money they make selling. Second offenders like Mr. Rios face very tough laws providing mandatory prison time and no easy plea bargains. Prison reformers say such second-felony laws are unrealistically harsh, but Mr. Hynes is exploiting the harshness, in effect, in his new carrot-and-stick program.

Half the states have comparable drug crackdown laws mandating prison time for repeat offenders and these have been instrumental in the mushrooming of prison populations and expenses across the nation through a high turnover in drug arrests. This growth has not necessarily focused on the more violent criminals who are at the heart of the public's alarm and the politicians' enactment of harsh remedies.

Up to 3 Years

With prisons becoming glutted, some criminal-justice officials are looking for cheaper, more productive alternatives. Few new programs besides Mr. Hynes's Drug Treatment Alternative to Prison offer such a powerful combination of seduction and penalty to try to change addicts who have been carefully screened and not merely to detain them behind bars until they come out to deal again.

Under the program, arrested dealers who spend up to two years completing private drug-rehabilitation programs like Daytop Village and Samaritan Village are rewarded by having the drug charges for which they were arrested dropped; the arrested dealer is free to pursue a new drug-free life with one less felony blot.

But those who yield to the temptation to walk out on the rehabilitation program's rough self-examination, job training and other responsibilities immediately face the full force of New York State's predicate felony law, which mandates prison time for second-time drug offenders, with little leeway afforded sentencing judges.

For public officials, the cost of treatment versus incarceration of nonviolent drug offenders is increasingly important. The Brooklyn program costs about \$17,000 a year for each dealer in treatment, less than

half the cost of imprisonment, about \$40,000. But the real choice in public policy is not that simple, and alternative approaches to prison can prove risky for responsible officials.

'A Terrifying Experience'

An assistant district attorney, Susan A. Powers, recalled the initial anxiety that the program, rooted in Mr. Hynes's unusual use of his case-disposal powers, might prove to be a gamble that failed, with addicts scandalously fleeing to droves. "It was a terrifying experience," she said. "But the results so far have been rather amazing." Ms. Powers pointed out that 70 percent of the addicts admitted to the program have stayed, versus a rate of about 13 percent nationally in voluntary drug-treatment programs.

"Retention is the key to success, studies show, even if you're forced to enter a program," she said. "They can change you if they can keep you."

'This is the hardest thing an addict's going to do,' a director says.

providing the programs are as long term and experience proven as Daytop and Samaritan.

"This is actually a lot harder for them than jail," said Ed Hill, director of the privately run Daytop Village center in Swan Lake, in the Catskills, where Mr. Rios, ever a manager, has risen in 11 months to be the chief administrator for running the woodshop and its staff.

"This is the hardest thing an addict's going to do because it represents true and total change," Mr. Hill said. "No more the swaggering tough guy with the .45 pistol in his belt or the 9-millimeter in his boot. We're talking complete overhaul."

He stressed that society was right to want its streets cleaned of the plague of addict-dealers like Mr. Rios but that the real issue, finally faced fully by this program, was whether to try to change them or to merely guarantee a deeper problem with prison-toughened criminals.

Mr. Rios, a trim, watchful man with more than half his 30 years of life already invested in drugs, said pragmatism was as effective as idealism in Mr. Hynes's program. He conceded that he had jumped at the program mainly to avoid prison and had thought he could ease through and feign dedication when needed, as with other more casual programs that he had gone through inside prison and out.

Mr. Hill, a Daytop graduate from

Brooklyn's street-drug pathology of two decades ago, smiled, noting that avid peer-pressure is only one tool intended to root out routine fakery. Mr. Rios said he eventually found change and growth in himself necessary to stay in the program.

"Here, instead of doing 7 to 15 in prison, I'm not even doing time," he said gratefully. "I'm learning a lot about myself, what a threat I am to me and to others. What I am learning is to finally begin valuing my life."

Of the 30 percent in dropouts from the program, Mr. Hynes's pursuit squad, put together especially for this program, has arrested 95 percent to resume the court process. Of 64 returned to court, 61 received felony prison terms and 11 cases were pending as of the latest tally in November. Only two received misdemeanor treatment — a tribute to the original selection of firm second-felony drug cases by the District Attorney to guarantee the harsh stick needed to complement the program's luring carrot.

Long-range effects are yet to be measured since only the first 14 graduates have returned to their communities. "I had my hand on the door-knob several times, ready to walk," said Angelo K., a 30-year-old graduate who completed the program's residential and re-entry programs, learning to be a diesel mechanic in the process. Through the program he has obtained a job in his old neighborhood, Sunset Park, still as drug-infested as when he began dealing as a 14-year-old.

'Finally Be an Adult'

"It was like I was frozen in my childhood back then," Angelo said. "The program resumed my life. I feel like I lived the rest of childhood in a year and sped forward to finally be an adult. Basically, they taught me we're not bad people," he said of the Samaritan Village program and his fellow addicts aiming for change.

Despite the program's modest enrollment, its surprising retention rate among the notoriously unreliable addict community is encouraging enough to attract praise from the office of Gov. Mario M. Cuomo and a decision to expand it to the other city prosecutors. A \$700,000 state allocation of Federal anti-drug money will help finance 300 new residential treatment slots beyond the 200 in the Brooklyn program.

"The future of this approach is very dependent on the available treatment slots," Ms. Powers stressed. "There are only something like 15,000 full-scale residential slots available nationally — amazingly small — and maybe two-thirds of them are in New York and California. If the Clinton Administration is serious with its talk about changing the 70-30 approach of law-enforcement-to-treatment to something more of a 50-50 breakdown, then this program and others like it have a future."



PUBLIC INFORMATION OFFICE
(718) 802-2995

Office of the
DISTRICT ATTORNEY
Kings County

SEP 29 1992

CHARLES J. HYNES

DISTRICT ATTORNEY

They're graduating from drugs

By **BILL FARRELL** TKS12
Daily News Staff Writer

Graduation in September?

Well, there will be a graduation of sorts tonight in the offices of Brooklyn District Attorney Charles Hynes when he will honor the first 10 people who have completed a drug-treatment alternative program for first-time, nonviolent drug offenders.

Hynes introduced the program in the fall of 1990, providing drug treatment rather than jail for drug dealers.

"More jails are not the answer," said Hynes when he started the program that provided bed space at both Daytop Village and Samaritan House. "We needed a treatment alternative, because treatment is better, cheaper and smarter."

In other boroughs, too

There was some criticism of the program when first announced, but DTAP (Drug Treatment Alternative Program) has gone on to win the support of the Legal Aid Soci-

ety and has been expanded to the other boroughs.

"The introduction of the program was a signal to us that our clients were going to have a chance at something other than jail," said Susan Ketchum, coordinator of the program for Brooklyn Legal Aid. "We like DTAP."

Under the program, funded

by federal and state dollars, two-time nonviolent drug offenders are offered a chance to clean up.

A Business Advisory Council, which includes members of the Brooklyn Chamber of Commerce and other business leaders has pledged to help the graduates find jobs and housing.

"Until we use an all-out treatment component we as a society are not using all-out weapons in the war on drugs," Hynes said.

According to the District Attorney's office, it costs \$82,000 to imprison an inmate for 18 months. Under DTAP, the cost of drug treatment is less than \$25,000.



CHARLES J. HYNES
DISTRICT ATTORNEY

Drug rehab program offers second chance

By LISI DE BOURBON

Columbia News Service
DAILY NEWS SUN. 3/22/92

Adelaide Smith was eight months pregnant when she was arrested for selling drugs to an undercover cop in Brooklyn.

It was her second drug-related felony arrest. But instead of the usual mandatory 1½ to 3 years in state prison, Smith got another chance. She was allowed to enroll in a rehabilitation program at Daytop Village.

If Smith — which is not her real name — had been arrested in any other borough, she would now be behind bars in an upstate prison.

Brooklyn District Attorney Charles Hynes began the Drug Treatment Alternative-to-Prison program more than a year ago. It focuses on drug users caught selling dope in buy-and-bust operations — defendants who, like Smith, have already been convicted of a nonviolent felony.

While the state slaps those offenders with prison time, Hynes' plan offers them treatment.

Packed with proof

Most of the cases targeted by Hynes are packed with proof because they involve addicts who have sold drugs to undercover cops. When a defendant chooses the alternative prison program, he is discouraged from dropping out of rehabilitation because if he does, he faces 1½ to 3 years in a state prison.

In his January message to the Legislature, Gov. Cuomo praised the program and called for more in-patient drug treatment programs so other dis-

trict attorneys' offices can adopt similar prison alternatives.

According to the Correctional Association of New York, 60% to 70% of the state's prison inmates are drug abusers.

"More jail cells are not the answer," Hynes said when the program started in October 1990. "There are too many prisoners and too many jails already. We need this change in approach because it's better, cheaper and smarter."

When defendants with felony records select the Hynes plan at arraignment, they defer prosecution and enter a drug-treatment plan at Daytop Village or Samaritan Village for 18 to 24 months.

Once enrolled in a drug program, residents participate in individual and group counseling and can take general-education and job-training classes. They are also assigned a job and prepared for a return to society.

Cheaper than prison

Hynes says that the cost of residential treatment is less expensive than incarceration. The price of a state prison bed runs as high as \$30,000 annually while treatment for the same amount of time costs \$16,000.

"The program saves the taxpayer money," said Susan Powers, Brooklyn's deputy district attorney, who got the Hynes plan under way.

Although there is room for only 100 of the city's 500,000 drug abusers in the Brooklyn program, Hynes believes that it's the only long-term solution to the drug problem.

B'kly DA Offers Treatment Option For Drug Addicts

Newsday 6/16/90 P 14

By Anthony M. DeStefano

Some addicts who are arrested for selling drugs will get the chance to have their cases dismissed if they complete a pilot treatment program expected to begin in September, according to Brooklyn District Attorney Charles J. Hynes.

The plan, believed to be the first of its kind in the city, will be a pilot program that can handle up to 100 addicted felony offenders who have been arrested for the second time, said Hynes. The treatment option will be available only to non-violent addicts arrested in Brooklyn.

"I believe it is the ultimate answer to the drug problem," Hynes said in an interview Friday.

Hynes said the state Division of Substance Abuse Services is prepared to allocate as many as 100 beds, which would cost the state about \$1.8 million.

Officials said there is a chance the program could get under way as early as July but thought more likely that it would begin in the fall.

Some have heralded the idea, which has occasionally been used on a case-by-case basis before, as a long-range alternative to the growing morass of drug indictments and clogged courts.

"We have to divert cases from the criminal justice system," said Bronx Administrative Judge Burton Roberts, long a vocal advocate of drug education and treatment alternatives.

Roberts said Friday it was necessary to explore new alternatives to relieve the overcrowded court system. "The so-called war on drugs is a complete phoney," he said, noting the rising number of drug cases clogging the justice system.

Still, the Brooklyn program's range is miniscule in relation to what some estimate to be a population of 500,000 drug abusers in the city. Roberts estimated that 76 percent of the inmates in state prison are drug abusers.

The Brooklyn plan, drawn up with the help of Deputy Assistant District Attorney Susan Powers, will allow repeat felony offenders who are arrested on a drug charge to opt for residential drug treatment before their cases are presented to a grand jury.

By choosing the treatment option, the defendants will have the prosecution of their cases deferred with the understanding that if they do not complete their treatment they will be prosecuted on the original charges.



Newsday Jim Cummins

Brooklyn DA Charles Hynes

This could prove costly to recalcitrant defendants because conviction would involve a second felony conviction and the likelihood of longer prison terms as a result.

Most drug research indicates that the length of treatment is very important to long-term success when measured in terms of jobs and personal stability, said Powers.

Because the alternative to the treatment program, possible jail or prison time, is so draconian, it is hoped that defendants in the pilot project will stay in rehabilitation longer, explained Powers.

Hynes also explained that a special unit will be developed to arrest any defendants who leave the drug facilities.

According to a Substance Abuse Services spokesman, treatment candidates will be sent to either Daytop Village in Manhattan, where Hynes is a board member, or Samaritan House in Queens, both of which are private non-profit therapeutic centers.

The treatment program, according to its advocates, could save money for the city and state. Hynes estimated that each treatment slot at Daytop or Samaritan House would cost an average of \$18,000 for residential treatment during a 12- to 18-month period. Costs of housing prisoners in city jails is far greater: an average about \$52,000 a year, according to Roberts. Hynes estimated that it can cost the state \$32,000 to house prisoners for a year.

An advisory council of business leaders in Brooklyn is also being formed to help find jobs and housing for the treated defendants, said Powers.

A Surer Way to Control Crime

Here's a statistic to shock, and shame, New Yorkers: Nearly one-fourth of black men aged 20 to 29 in the state are under some sort of correctional supervision. The study that produced this figure calls vaguely for broad reform of social injustices that push young blacks into the criminal justice system. But a much more specific response is possible, and needed: vastly expand drug treatment.

Figures compiled by the Correctional Association of New York and the New York State Coalition for Criminal Justice find 44,759 young black men in prison, in jail or on probation and parole. They account for 23 percent of a census-based estimate of all black men between 20 and 29. Only 34,106 white men in the same age group are under the same kind of official control, a mere 3 percent of the total.

The figures reflect that during the 1980's, police stepped up arrests, the Legislature enacted stricter laws and judges got tougher on street crime, swelling the state's prison population from 21,500 to 55,000. In New York, street crime tends to be committed by young black men who see few other options.

The prison report aims mainly to prod public conscience, referring to "poor health care, substandard housing ... failing schools" that limit options and nurture crime. Yet there's no need to stop at such an amorphous response.

Much of the intensified inner-city law enforcement has concentrated on drugs, with the result that some 18,000 state prisoners — nearly a third of the total — are convicted of drug possession or sale. Thousands more are convicted of drug-related robberies and burglaries. For many of them, drug treatment could serve everyone's interest far better than simple incarceration.

Drug treatment works. Researchers at the Research Triangle Institute, for example, followed 10,000 addicts and found that treatment programs caused substantial and prolonged reductions in drug abuse and criminal behavior. The research also found that "criminal justice clients" — those forced into treatment by courts — were as likely to benefit as voluntary admissions.

Sending drug criminals to treatment instead of prison could save millions. It costs about \$100,000 to build a prison cell and \$25,000 to maintain a prisoner for a year; the comparable figures for treatment might be \$30,000 and \$15,000.

New York spent \$1.5 billion building prisons in the 1980's. Yet residential drug treatment capacity is only 5,000, with thousands forced to wait months.

Some officials recognize the need. Lieut. Gov. Stan Lundine, at Governor Cuomo's request,

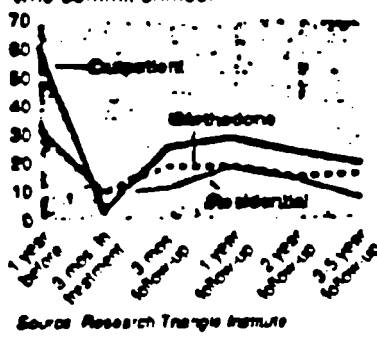
conducted a study last year that called for innovative treatment campuses with up to 2,000 new beds. The Legislature whittled that to 300, and those will be provided soon only if Washington sends money.

Charles Hynes, the Brooklyn District Attorney, has a plan to divert drug offenders into treatment programs, but it will accommodate only 100. Meanwhile, Thomas Coughlin, New York's Corrections Commissioner, has developed drug treatment space for some 22,000 inside prisons.

Finding a way to provide drug treatment at least on that scale outside prison no longer can be dismissed as a marginal, soft-headed adjunct to basic crime control. The evidence is too compelling: drug treatment could shrink crime rates, save hundreds of millions in prison costs and rescue lives by the thousands. If New York's leaders continue to neglect it, voters have every reason to wonder why.

Treatment Works:

Percentage of patients treated who commit crimes.



1873 Maspeth, Middle Village, Woodside, Elmhurst, Ridgewood and Greater Queens

25¢

Queens Ledger

Vol. 119 No. 11

Your Weekly Community Newspaper

Thursday October 24, 1991

Program that Makes Sense

There is no single solution to the drug problem. Only many remedies, implemented together, can successfully begin to eliminate this scourge that affects each of us. One plan, however, stands out.

In Brooklyn, District Attorney Charles J. Hyes, has a program in place in which two-time, nonviolent drug offenders are offered treatment instead of prison. The measure, supported by Outreach Project co-founder and president Father Coleman Costello and other treatment experts, saves \$14,000 a year per person, since treatment costs \$16,000 and state prison costs \$30,000. So far, the program has an 80% success rate.

We know that treatment works. According to The New York Times, researchers at the Research Triangle Institute followed 10,000 addicts and found that treatment programs caused substantial reductions in drug abuse and criminal behavior. Furthermore, the institute concluded that "criminal justice clients" - those forced into treatment by the courts - are as likely to benefit as those who entered voluntarily.

Unfortunately, New York State has just 5,000 residential treatment beds. It is painfully obvious that we need more. Only when those who need treatment get it can we begin to shrink the rate of drug-related crime and rescue the thousands who are the direct and indirect victims of substance abuse. We support the Brooklyn program and hope it can be extended to the borough of Queens and beyond.



CHARLES J. HYNES
DISTRICT ATTORNEY

Wednesday, January 22, 1992



New York Law Journal

*The Official Law Paper for the First and Second
Judicial Departments*

A PRICE COMMUNICATIONS CORPORATION NEWSPAPER

PERSPECTIVE

Law-Related Education: Fighting Bias

BY CHARLES J. HYNES

I AM DEEPLY concerned by the alarming increase in drug-based crime and bias-related incidents, and a dismaying downward trend in the quality of life in our city.

I am not alone. I get letters and phone calls from concerned or angry citizens, who express alarm at the harmful and demoralizing impact that crime, including crimes of hate, inflicts upon our society. They demand solutions.

One solution is to hire more police officers to protect us. More police officers will help, as the Safe Streets, Safe City program is showing. However, no city can afford to put a cop on every corner around the clock.

Another solution is to build more prison cells and incarcerate violent felons who prey upon us. More cells have helped, but the cost of building enough prison space to lock up every serious offender is prohibitive.

But stricter enforcement and tougher prosecution alone will not solve our crime problems. There must be other approaches to prevent crime that are cost-effective and non-traditional.

I will continue to vigorously investigate and prosecute violent criminals and drug dealers. But as an urban district attorney, I believe I also must help inform and educate. That is why I started a legal-education program to fight bias and drug abuse.

My office has a program known as Project Legal Lives. It is a team effort with the New York City Board of Education and independent educational institutions in Brooklyn.

The program was launched in May, 1990. It matches volunteers from my staff — assistant district attorneys, detectives, paralegals and other professionals — with fifth-grade classes in more than 150 public and nonpublic schools. I have gradually expanded the program, and some of my staff also are assigned to junior high schools and high schools.

MY VOLUNTEERS CONTRIBUTE at least 10 hours a month over a nine-month span. They work with teachers to help present to thousands of students a law-related curriculum that includes instruction and discussion of the criminal justice system, cultural diversity and drug-abuse awareness. They serve as mentors and role models and stress the lesson that in our democracy everyone has the right to be different.

The program specifically targets fifth-graders, because educators believe this level represents a turning point for elementary school students. Children at this age begin to think more about the society around them, their place within that society and the laws, customs and traditions that shape how society functions. Too often the streets teach rigid and destructive attitudes about perceived differences. Through Project Legal Lives, we are renewing and reaffirming lessons of responsible citizenship and mutual respect.

Studies show that students exposed to law-related education programs are less likely to engage in delinquent behavior. These students also develop positive attitudes toward schoolwork, open-minded attitudes about cultural differences and negative attitudes toward wayward, disruptive peers.

I believe our classrooms are an ideal place to pursue constructive solutions to crime and bias. If our children learn at an early age to respect themselves and to accept different opinions and different traditions, our city will reap the benefit.

In Brooklyn, we are teaching moral values to enable our children to inherit their future without malice.

Charles J. Hynes is Kings County District Attorney.

AMERICA'S DRUG WAR: CHANGE STRATEGY OR LOSE

By Charles J. Hynes
Kings County District Attorney

Why won't our government listen to Michael Levine?

Here is what he wrote in a recent Op-Ed commentary in the New York Times.

"Doesn't it make more sense to focus our resources on controlling and rehabilitating the hard-core drug users instead of tossing money into the black hole of a supply-side drug war? That strategy would strike at the dealers income, reduce violence and improve the quality of life."

Just who is Levine whose progressive agenda advocates drug treatment, and why should anyone listen to him?

Is he some flabby-headed liberal poli-sci professor from some Northeastern liberal university - a leftover from the pre-Reagan war on crime in favor of coddling junkies?"

Some of Levine's other penetrating observations:

- * Tens of thousands of people have been murdered in our cities in 10 futile years of our government's war on drugs.

- * More than \$100 billion has been spent on this so-called war with another \$13 billion allocated in our latest federal anti-drug budget.

- * The "supply-side" war on drugs, i.e., the tactic of going after the grower, trafficker and dealer rather than stopping demand, is a deadly fraud.

PAGE TWO

If you have concluded upon reading this far that Levine and his apparent pro-criminal rhetoric is an apostle of McGovern or Carter; Dukakis or Cuomo - so-called Democratic softies who, some believe, would give our streets to criminals...think again.

For twenty-five years Levine fought drug-mutts for control of our streets as a Drug Enforcement Administration agent. Just two months ago, his son, New York City Police Sgt. Keith Richard Levine, was cut down in midtown Manhattan, while trying to stop a robbery. Sgt. Levine's accused murderer is a crack addict with 35 arrests and 27 convictions.

Last year, in Brooklyn 821 men, women and children were murdered. Most of them were slain as a direct result of inner-city drug-based violence that appears to be out of control. This Kings County carnage included the shooting of 129 children, 47 of whom died.

The Reagan-Bush war on drugs propelled vast increases in law enforcement resources across the country since 1982. The impact here: 700 assistant district attorneys citywide to 1,700 today; 7,000 Riker's Island jail cells to 25,000 today; 25,000 police officers to 34,000 today and to 42,000 by 1994.

Despite these massive reinforcements, New York City streets have never been more dangerous. All of us who live or work here have become terrified victims of a drug war that is being lost.

PAGE THREE

As the drug plague overwhelms us, more and more people illegally arm themselves with automatic weapons far more powerful than the weapons we issue to our police officers. "Drive by shooting" has become a casual phrase in our lexicon, and it seems that no one is safe from random shooting, day or night.

The words of Levine, street-tough but heartbroken by the tragic loss of his son, are stark warning that we are on the precipice of fiscal and moral bankruptcy.

Why bankruptcy? Take California as a case in point. Voters there passed a \$10 billion dollar bond issue to double the number of state prison cells to 200,000. In 1982, California had 22,000 cells. Today it has 100,000 cells. Crips and Bloods, drug-dealing youth gangs, have turned Los Angeles into a combat zone. Do Californians seriously believe they can ransom safer streets with more prison cells?

The very same week California voters authorized their prison building boom, Gov. Pete Wilson tried to block a local school district that enrolls mainly poverty-level Latinos and African-American pupils from spending over budget for just six weeks so it could complete its school year.

There now will be more than enough cell space in California's state prison system to accomodate any of those kids who happen to drop out of school and who happen to turn to crime. But is that a sound and cost-effective public policy option or a wasteful overreaction based on fear?

PAGE FOUR

In Kings County, we are charting a different course with our Drug Treatment Alternative Program (DTAP). It offers a less costly alternative to incarceration.

Nearly 100 non-violent second felony drug offenders - those criminals most responsible for the flood of burglaries that demoralize our neighborhoods - are enrolled in residential drug treatment of up to 24 months at Daytop Village or Samaritan Village.

Treatment includes induction, education, and job-training. Graduates will get job and apartment placement help from an advisory council of commerce and industry leaders.

Our intent is to save money and prevent crime. Drug treatment costs \$24,000 per inmate for 18 months, while prison costs \$82,000 per inmate for the same time span. A drug addict can commit hundreds of burglaries and larcenies each year.

Every group of 75 successful participants saves an estimated \$1.5 million in costs related to pre-trial detention and post-conviction prison terms. Neighborhoods benefit from less property crime and improved stability.

Levine's message is this: With our economy near ruin from government's vain effort to defeat traffickers, we must instead target a substantial segment of future efforts at the illicit drug pipeline's demand side - the hard-core abuser.

Should America heed Levine's warning?

We had better listen to him, because we don't have a hell of a lot of time or money left. ###

Governor Mario M. Cuomo

MESSAGE to the LEGISLATURE



**A New, New York :
Progress in an Era of New Realities**

January 8, 1992

ANTI-DRUG ABUSE EFFORTS

New York State remains firmly committed to the goal of eliminating alcohol and drug abuse. In spite of some encouraging statistics this past year concerning drug use among certain groups in the population, the problem continues to impact all aspects of American life and is rooted in an array of societal ills. The gravity of the crisis demands that government continue to invest intelligently to accomplish all that remains to be done.

Under the leadership of Lt. Governor Stan Lundine, the Governor's Anti-Drug Abuse Council (ADAC) continues to coordinate the efforts of a large number of State agencies pursuing a balanced approach by emphasizing prevention, treatment and law enforcement. Despite harsh economic realities, in the three years since ADAC was established, we have increased our prevention efforts and expanded our treatment capacity to serve more than 100,000 people on any given day. In the area of law enforcement, we have intensified our ability to prosecute and punish those who commit drug-related crimes.

Prevention

Our strategy continues to affirm the Council's belief that the best hope for altering the course of the drug epidemic lies in the prevention of drug and alcohol abuse. Prevention efforts remain the most sensible and cost-effective approach, and should increasingly focus on high-risk populations and communities.

This past year, for example, we have undertaken a great deal of activity in the prevention arena. More than 120,000 New York school children participated in the Drug Abuse Resistance Education (D.A.R.E.) program and 100 new police officers were trained. Eight schools were added to the Schools as Community Sites program bringing the total number of community schools to 41. And the ADAC community demonstration projects began to implement a host of innovative programs in their respective areas.

Recent studies underscore the importance of intervening at an early age and focusing on adolescents who might drop out of school or run afoul of the law. Therefore, the Division of Substance Abuse Services (DSAS) will begin to work with Head Start programs and target high school dropouts in addition to the prevention efforts already underway in our schools.

This coming year the agencies will develop more effective model programs for at-risk communities, including Latino and African American communities, and will launch public information and education campaigns on Fetal Alcohol Syndrome, steroids, inhalants and analgesics.

The prevention and treatment programs are being improved by adding health care, vocational and family-oriented services to the program mix. Revised contracting procedures, improved reporting and information systems, closer program monitoring and enhanced workforce training are all part of the State's emphasis on quality programs.

Treatment

We affirm the Council's belief that the health and well-being of the public depends on access to treatment for all those who require these services. Thus, the development of sufficient treatment capacity to meet demand remains a top priority. Over 16,000 more persons are receiving drug and alcohol treatment today than two years ago when ADAC proposed a long-range treatment expansion strategy.

Treatment services for women and their families were dramatically expanded this past year. Project CONNECT began in three New York City communities to improve the accessibility and delivery of services for pregnant women and women with children. New York State also received a federal research and demonstration grant to promote access to drug abuse treatment services for Medicaid-eligible pregnant women in Buffalo, Syracuse, Newburgh and New York City.

This year, we will open a specialized 74-bed drug and alcohol treatment program for Veterans, plan additional Comprehensive Psychiatric Emergency Programs (CPEP) for individuals with mental illness and a chemical dependency, and open more specialized programs for women and children.

A new program, Community Drug Assessment and Treatment Systems (C-DAT), will begin operating around the State, bringing together at one site integrated health care and drug and alcohol treatment services in community health centers. In addition, we will increase primary health care services for drug treatment clients with special emphasis on detecting and treating HIV, TB and sexually transmitted diseases. Additional residential programs for drug and alcohol abusing HIV-infected individuals will be developed to address their multiple needs.

Substance Abuse/Criminal Justice Initiatives

Drug treatment and rehabilitation services can help people break the cycle of crime and recidivism and provide them with the skills they need to combat their drug use. Under a joint effort between the Divisions of Substance Abuse Services and Alcoholism and Alcohol Abuse, the Division of Correctional Services and the Division of Parole, we will begin a two year expansion of community treatment and rehabilitation services for up to 2,000 drug offenders who would otherwise be incarcerated in State facilities.

This interagency initiative has three components. First, treatment services will be linked with a proposal to make certain non-violent second felony offenders eligible for early appearance before the parole board. Offenders paroled under this program will enter a mandated, comprehensive treatment program, beginning with a short-stay residential program, followed by placement in a therapeutic community or a supportive independent living program.

Second, we will expand residential treatment opportunities so that district attorneys can use the successful Drug Treatment Alternative-to-Prison (DTAP) model developed in Brooklyn by Kings County District Attorney Charles J. Hynes. With the court's permission, prosecution would be deferred for offenders with a prior non-violent felony conviction who enter a residential drug treatment program. Charges would be dropped for participants who successfully complete the program. Participants who fail the program will be brought back to the court by a special warrant enforcement team and prosecuted on the original charges. We will also propose a modified version of this concept for female offenders who are single heads of households, as recommended by the Interagency Workgroup on Incarcerated Women.

Finally, we will develop a program for parole violators beginning with incarceration at Riker's Island. Parole violators who require treatment will be placed in short-stay residential drug treatment at Riker's Island and then transferred to an ambulatory care community program instead of being returned to prison.

Drug Enforcement and Sanctions

Our law enforcement agencies have risen to the challenge posed by drug trafficking with such programs as the State Police Community Narcotics Enforcement Teams (CNET) and the regional Drug Enforcement Task Forces (DETF). They have also helped to generate significant revenues through the seizure of criminal assets that reached new records last year thanks to the State Police Assets Forfeiture Unit.

I outlined above the treatment programs that will help a large number of prison inmates break the cycle of addiction. At the same time, we must impose stronger sanctions against the most serious drug offenders. To accomplish this, I will send proposals to the Legislature that define as felony murder a homicide committed during a drug transaction; make it a separate offense to use a minor to commit a controlled substance offense, and eliminate the age restriction on the crime of selling controlled substances near schools.

Kline Walks To Promote Drug Treatment

Focus Of 360-Mile Walk
On D.A.'s DTAP Program
Daily Bulletin 6/29/92 A1
By Gail Donovan

To focus attention on drug treatment as an alternative to incarceration, Tom Kline, Pfizer's Brooklyn plant manager and member of the District Attorney's Business Advisory Council, set out Friday morning on a 360-mile, 10-day walk-a-thon to Niagara Falls.

Kline, a competitive race walker, will visit drug treatment centers in Manhattan, Scarsdale, Beacon, Liberty, Walton, Whitey Point, Ithaca, Geneva, Avon, Alden and Niagara Falls, Canada, to spread his "ideas on how business people are making progress in helping to deal with drug abuse," said Kings County District Attorney Charles J. Hynes.

"We're trying to emphasize that drug treatment really does work," Kline said. "Here we have the first 38 graduates (this year) of the DTAP (Drug Treatment Alternative to Prison) program. It's actually very economical. It takes \$30,000 to incarcerate and half of that to treat them."

By walking, Kline intends to point out the advantages of the Drug Treatment Alternative to Prison program, which was started by Hynes in 1990. The program treats non-violent second felony drug offenders for 18 to 24 months instead of imprisoning them. Kline will also discuss the Samaritan Village and Daytop Village drug treatment centers, which are key components of the Drug Treatment Alternative to Prison program. Felony offenders selected for participation are treated for addiction and also given general education and job-training instruction.

"It's an enlightened, humane, cost-effective solution to a problem that is not only plaguing Brooklyn, but all society," Kline said. "The number of lives touched by drug-related crimes is universal."

Incarceration doesn't deal with the problem of the criminal's substance abuse, Kline said. Kline said he visited the Samaritan Village treatment center and came away with an understanding that family, friends and environment can all contribute to drug addiction. "Due to a stroke of luck, we're not in their situation," he said. "But we could be."

The program's Business Advisory Council on which Kline serves, is headed by Francisco Cantarella, senior vice president of Abraham & Straus. The council has pledged to find jobs for graduates of the drug treatment program. Cantarella said that without Hynes' Drug Treatment Alternative to Prison program "we really would have nothing to rally around."

Cantarella said the Brooklyn Chamber of Commerce is supporting his efforts with the Business Advisory Council. Eric Stewart, general manager for Con Edison, who heads the Quality of Life Committee for the Chamber is spearheading the efforts to find jobs for the Drug Treatment Alternative to Prison program graduates.

Hynes said Kline and Cantarella have been working with him since the beginning of his administration. "If we didn't have the business community we would not be successful," Hynes said, adding that if the recovering addicts returned from drug rehabilitation to the same neighborhoods without a job, there would be a greater recidivism rate.

Hynes said his approach to the drug problem is three-fold. First, "if someone sells drugs who is not an addict, we take no plea bargain," he said. The second part of the program is to take nonviolent drug addicts, sick people, and remove them from the criminal justice system and put them in Samaritan Village or Daytop Village.

"It is a well-structured program," he said of the Drug Treatment Alternative to Prison program. "It's something I hope will take off in other jurisdictions."

State funds have already been budgeted to increase the number of beds from 100 to 2,000 for drug recovery programs. Hynes said that for every 100 addicts in the city and state, about \$5.5 million is spent on 18 months of incarceration. The Drug Treatment Alternative to Prison program spends \$1.8 million for the same period.

The recovering addicts will be returning to the community in the next few weeks. "I am confident we'll be able to place all of those" in jobs and with housing, Hynes said. Seven out of the 10 people sent to the drug treatment programs complete the program. Those who drop out and are rearrested are sent to jail, Hynes said.

The third step of the District Attorney's drug prevention program is a commitment to education. Ten hours each month, assistant district attorneys teach school children about the horrors of drug abuse and hate crimes. During the 1991-92 school year, the District Attorney's office worked with 6,000 children in 126 schools. Hynes will increase the outreach to 250 schools this year, he said, and intends to be in every school in Brooklyn.

Kline is the author of "Sunder to the Top: An Executive Walking Manual." The drug treatment awareness walk that began Friday will be his longest walk since he began long distance competition in 1984. He has competed in Europe and Hawaii and 13 New York City Marathons.



Tom Kline, plant manager for Pfizer's Brooklyn plant, waits at the foot of the Brooklyn Bridge prior to launching his 360-mile, 10-day walk to Canada to promote Kings County District Attorney Charles J. Hynes' Drug Treatment Alternative to Prison program.



Kings County District Attorney Charles Hynes, center, and business and community leaders give Tom Kline, second from right, a send off Friday morning before his walk. Left to right: Eric Stewart, general manager of Con Edison and head of the Brooklyn Chamber's Quality of Life Committee; Ken Keller, chairman of the Brooklyn Chamber of Commerce and senior vice president and division executive for Manufacturers Hanover Trust Co.; Lisa Wyatt-Diaz, executive assistant to the executive vice president of Samaritan Village; D.A. Hynes; Kline; and Francesco Cantarella, senior vice president of A&S, vice chairman of the Brooklyn Chamber of Commerce, and chairman of the D.A.'s Drug Treatment Alternative to Prison program's Business Advisory Committee.

Man Walks Miles To Keep Addicts Out of Prison

Thomas Kline is out walking again.

In the spring of 1989, the Pfizer plant manager, an expert race walker, covered 140 miles in a walk to Washington, D.C., to lobby for programs to help inner-city residents prepare to enter the labor pool in the 21st Century.

On June 26, he began a 350-mile journey to Niagara Falls on the Canadian side of the border to call attention to a program in the Brooklyn district attorney's office that is keeping some drug addicts out of jail.

Kline began the journey at the Tillary Street entrance to the Brooklyn Bridge. A tall man with an athletic build, he had limbered up by participating in a 24-hour 75-mile race walk in Los Angeles, a 7-mile jaunt in San Francisco, and a half marathon during the preceding three weeks.

The walk would take him through Ithaca, Geneva and Buffalo to Niagara. Accompanied by handlers, he was to make layovers at residential drug treatment centers run by Daytop Village and Samaritan.

Kline is a member of the Business Committee for the Drug Treatment Alternative to Prison program developed by Susan Powers, a drug treatment advocate in the office of Brooklyn District Attorney Charles Hynes.

The Business Committee, including representatives of the Brooklyn Chamber of Commerce, Pfizer and Abraham & Straus, help find work and housing for the program participants.

The year-old program allows drug users or dealers charged with a second-time, nonviolent felony to opt for treatment before they are indicted. They are offenders who would normally serve a 2½-to-4-year sentence.

The first group of 120 young adults currently enrolled are all from Brooklyn. Their average age is 28.

"This gives them a real chance to come clean," said Hynes, who was among a small group of drug treatment counselors from Daytop and Samaritan, businessmen and others who gathered at the bridge to see Kline off.

"The drug plague is going out of control," he went on, noting that drugs, which accounted for 15 percent of crime in the city in 1975, now account for 80 percent. "What this does is remove a modest number of people charged with nonviolent offenses," he said of the program.

And it's cost effective, according to Hynes, who pointed out that it costs \$35,000 per inmate per year to incarcerate an offender upstate. "Compare that with \$1.8 million for 100 people in the program.

"We cannot continue to have a policy of building jail cells for a population that is really a public health problem," he said. "You have to have tough law enforcement but you have to have creative social programs."

The cost of the program — a pilot for the city — is underwritten by the state Division of Substance Abuse.

He got involved to help the offenders, Kline said, "so we can play some role in stabilizing their lives. But for the draw of the cards, any one of us could be in their dilemma."

One such life that's being stabilized is that of Steven Hammond, 27, a high school dropout from Flatbush who said he used and sold drugs because "my family was poor, and I wanted good things."

He faced 3 to 9 years in prison but did not want to be locked up for a long time.

"I have a child, six years old. I felt if I could get myself together, I could be a part of her life," he said.

So he opted for the program, which also offers Narcotics Anonymous and relapse prevention groups. Hammond had trouble adjusting at first, but he said, "I learned to understand myself, how to express myself in words. It was a problem saying I'm hurt and feel less than a man."

At the bridge to help kick off Kline's walk, he said he had trained to be a barber and was ready to re-enter society. "It came out all right," he said. "I've got a lot of confidence. A lot of self-esteem. I'm happy. I'm content."

He had a message for drug addicts and dealers: "If they really want to do something about their lives, they should find a program."

Lisa Diaz, who coordinates the program for Samaritan, accompanied Kline across the Brooklyn Bridge on the first leg of his trip.

Discussing the people who are benefitting from the alternative to incarceration, she said, "They need help. They're receptive to being in treatment. Often they don't know how to get there. This program is a first step for them. No one has left," she said.

That's the kind of participation Kline wants to encourage. That's why he put on his walking shoes once more for "the old heel and toe game."



Merle English
357.8
430-7115

CRIME BILL -- DOLLARS FOR NEW YORK, 1995 - 2000

(Revised 8/22/94)

LAW ENFORCEMENT

- * **100,000 POLICE** -- Guaranteed minimum of \$44 million -- more than 500 police officers at \$75,000 per officer.
 - ** Given New York's share of the population and the additional \$6.5 billion in discretionary dollars, New York should expect a total of about \$540 million over the next 6 years.
 - ** Of the total, up to 85% can be used to hire about 6,100 police officers. At least 15% -- \$80 million -- can be used to help pay the training, overtime and administrative costs of implementing community policing in New York.
- * **PRISONS & BOOT CAMPS** -- \$400 million for prison grants, including military-style boot camp prisons. An additional estimated \$400 million is possible if New York meets the "Truth in Sentencing" target of second-time violent offenders serving 85% of their sentences.
- * **BYRNE ENFORCEMENT GRANTS** -- \$1 billion in the Trust Fund will help continue full funding for these grants, including New York's \$27 million annual share.
- * **RURAL LAW ENFORCEMENT GRANTS** -- \$5.7 million for drug and crime enforcement in New York's rural areas.
- * **DISCRETIONARY GRANTS** -- New York's law enforcement agencies and courts may apply for:
 - ** \$1,000,000,000 -- Drug Court programs (treatment backed up by drug testing and certain punishment for non-violent offenders currently on probation.) Estimated \$72 million for New York -- enough for about 36,000 offenders over six years.
 - ** \$320,000,000 -- Criminal record systems (Brady Law), communications equipment, and DNA testing; and
 - ** \$200,000,000 -- Judges, prosecutors and public defenders (estimated \$14 million for New York).

PREVENTION PROGRAMS

- * **LOCAL PARTNERSHIP ACT** -- \$140 million in direct grants to cities and towns in New York. Wide discretion permits local governments to use the dollars for education, drug treatment, and jobs programs.
- * **VIOLENCE AGAINST WOMEN ACT** -- \$54 million in grants for police, prosecutors and victims services; \$23 million in grants for shelters for battered women and their children; and New York can apply for a share of \$500 million in several discretionary programs.
- * **AFTERSCHOOL AND IN-SCHOOL "SAFE HAVENS" FOR AT-RISK CHILDREN** -- \$57 million for non-profit, community-based organizations in New York.
- * **DRUG TREATMENT IN PRISONS** -- \$18 million to treat up to an estimated 16,300 drug-addicted prisoners in New York prisons over the next 6 years.
- * **LOCAL CRIME PREVENTION BLOCK GRANT** -- \$36.3 million in direct grants to cities and towns for various programs, including:
 - ** **ANTI-GANG GRANTS** -- to give young people positive alternatives to gangs, such as academic and athletic after-school activities, mentoring programs and scout troops.
 - ** **MIDNIGHT SPORTS LEAGUES** -- to give at-risk youth nightly alternatives to the streets, and for the U.S. Olympic Committee to develop supervised sports and recreation programs in high-crime areas.
 - ** **BOYS AND GIRLS CLUBS** -- to establish clubs in low-income housing communities, and to encourage police officers to live in those communities.
 - ** **TRIAD** -- for partnerships between senior citizens groups, police chiefs and sheriffs to combat crimes against elderly Americans.
 - ** **POLICE PARTNERSHIPS FOR CHILDREN** -- for partnerships between law enforcement and social service agencies to fight crimes against children, and for the creation of youth councils to combat crime.
 - ** **VISITATION CENTERS** -- for supervised centers for divorced or separated parents to visit their children in "safe havens" when there is a history or risk of physical or sexual abuse.

- ** YOUTH DEVELOPMENT CENTERS -- to develop more effective education, training, research, prevention, diversion, treatment and rehabilitation programs for violent juveniles, including alternatives to school suspension and juvenile court diversion.**
- ** SAFE SENIORS CORRIDORS -- to provide older Americans with enhanced protection from crime by increasing police presence and crime prevention activities by community groups.**
- ** HOPE IN YOUTH -- to create Family Outreach Teams composed of youth, parents and school-parent organizers for mentoring, community organizing and peer counseling.**

*** DISCRETIONARY GRANTS -- State agencies and non-profit organizations may apply for a share of:**

- ** MODEL INTENSIVE GRANTS -- \$626 million for intensive, comprehensive and flexible aid to areas, urban and rural, hardest hit by crime and violence.**
- ** NATIONAL COMMUNITY ECONOMIC PARTNERSHIP -- \$270 million to extend lines of credit of up to \$2 million to community development corporations to provide small, low-interest loans to businesses in low-income neighborhoods.**
- ** GANG RESISTANCE EDUCATION AND TRAINING ("GREAT") -- \$45 million for school-based programs to teach children to resist peer pressure and understand the negative impact of gangs and drugs.**
- ** URBAN RECREATION AND AT-RISK YOUTH -- \$4.5 million to expand recreational facilities in high-crime areas.**

The New York Times

DATE: 3/7/85
PAGE: A1

NEW YORK SENATE APPROVES REVIVAL OF DEATH PENALTY

ASSEMBLY O.K. EXPECTED

Passage of Execution Measure
Is Assured, Despite Debate
— Pataki Set to Sign It

By JAMES DAO

ALBANY, March 6 — The State Senate voted overwhelmingly tonight to return the death penalty to New York State after 18 years. The 38-19 vote in the Republican-controlled Senate ended at 8:03 P.M., after nearly five hours of debate, when Lieut. Gov. Elizabeth P. McCaughey declared, "This death penalty bill is passed."

The Democratic-controlled Assembly was expected to spend eight hours or more fighting over the bill, but its passage was considered virtually certain.

Gov. George E. Pataki, a Republican who made capital punishment a pillar of his campaign last year, scheduled a news conference for Tuesday morning to sign the bill. The law, which would make New York the 38th state with a death penalty, will take effect Sept. 1.

Though the Legislature has passed death penalty bills every year since 1977 — only to have them vetoed by Democratic governors each time — today's debate was particularly poignant for lawmakers on both sides whose votes for the first time in years had suddenly become more than purely symbolic.

Senator Dale M. Volker, a Depew Republican and former police officer who has been the bill's leading Senate champion since 1977, called it "a historic day" that would "send a message" to criminals that the state had got tough on crime.

With his voice rising and his fists chopping the air, Mr. Volker called the death penalty a powerful deterrent to crime. "There are people who are dead today who would be alive if we had had a death penalty," he said.

But opponents of capital punishment used words like depressing, sad and tragic to describe the day and its long hours of debate that all knew would lead to passage of a bill fated to become law.

"This chamber has a long and honorable history," said Martin Luster, a Democrat from Ithaca, who read from a long list of defendants whose murder convictions were later overturned. "What we are about to do here tonight is to taint that history with fraud. A fraud upon the people of this state. It is a fraud to tell the people that they will be safer as a result of this legislation."

The bill would establish about 10 crimes punishable by death via lethal injection, the largest category being intentional murders committed during the commission of another violent crime, like rape, robbery or kidnapping. Also covered are serial killings, contract killings, murders of judges, murders involving torture and murders of police officers and prison guards who are on duty.

Experts on capital punishment and legislative officials estimated that 15 to 20 percent of the 2,400 murders in the state each year could be classified as capital crimes under the bill.

The bill would exempt pregnant women, the mentally incompetent and the mentally retarded from execution. But the mentally retarded could be executed if they committed murder while in prison.

The bill would create a statewide office of lawyers expert in handling death penalty cases who would train, help select and oversee court-appointed defense lawyers for the poor. It would also establish a fund to help pay for the huge costs likely to be incurred by prosecutors.

To guard against racial bias, the bill would allow defense lawyers to interview prospective jurors privately about race issues. And it would require the Court of Appeals, the state's highest court, to collect data on whether death sentences are being meted out in a discriminatory manner.

Even before the debate, the Capitol was abuzz with preparations and protests. Nearly a dozen camera

crews from television stations around the state crammed into the upper galleries of both houses. A small group of death penalty opponents chanted loudly outside the Assembly chambers, "Stop legal lynching." And about 150 school children and their teachers from communities of Hutterian Brethren in the Hudson Valley sang gospel songs in a stairwell to protest the vote.

Though the outcome of the vote was a virtual certainty, there was ample political maneuvering throughout the day as both parties sought to gain maximum political mileage from the event.

In the morning, the Senate majority leader, Joseph A. Bruno, a Brunswick Republican, announced that he

*With execution's
return a certainty, a
legislative act is
symbolic no longer.*

had removed three Democrats as sponsors of the Senate bill in retaliation for the Assembly Speaker's decision to not allow Republicans to be sponsors on the Assembly bill.

The Speaker, Sheldon Silver, a Manhattan Democrat, said he had kept Assembly Republicans off the bill because they had opposed a Democratic versions of it last week.

Later, Mr. Bruno relented and allowed the three Democrats to be sponsors. But he accused Mr. Silver, as he has repeatedly in recent weeks, of delaying and "attempting to soften" the legislation at the behest of black and Hispanic lawmakers.

DISTRICT ATTORNEY OF KINGS COUNTY
MUNICIPAL BUILDING
BROOKLYN, N.Y. 11201
(718) 802-2156



CHARLES J. HYNES
DISTRICT ATTORNEY

JAY M. COHEN
DEPUTY DISTRICT ATTORNEY

June 4, 1993

Rana Sampson
White House Domestic Policy Council
Executive Offices
Room 217
Washington, D.C. 20500

Dear Rana:

It was great getting a chance to meet you in Williamsburg on Wednesday. The programs you described are certainly needed, and I am sure that you and your colleagues will succeed in implementing them in a way that will make even the members of NCJA relatively satisfied. If there is any way we can help, please let me know.

I've enclosed some materials which describe in greater detail the programs mentioned by District Attorney Hynes in his presentation, including DTAP, Project Legal Lives and Zone Prosecution. These programs are part of a comprehensive, community-based prosecution strategy which we have implemented in Brooklyn.

As Mr. Hynes explained, Zone Prosecution involves dividing Brooklyn into five geographic zones and assigning prosecutors to handle felony cases according to the neighborhood of occurrence, so that we can work together with communities in fighting crime and drugs. This takes the community-focused approach to law enforcement, which you stressed in your presentation, from the police to the prosecutor, who has the legal authority and political strength in the community to make this approach work.

In Project Legal Lives, assistant district attorneys and support staff "adopt" a class of fifth graders and teach them, in a detailed curriculum, about the dangers of drug abuse and bias. This lets us reach the next generation of young people before they embrace the violent drug culture or the horrors of hatred.

The Drug Treatment Alternative to Prison (DTAP) diverts non-violent, second felony drug offenders - who would otherwise face mandatory state prison sentences - into residential drug treatment. DTAP represents the first effort in New York State to both treat drug-addicted offenders and save state prison space for violent criminals. This kind of coercive treatment for drug offenders works. Thirty individuals have graduated from DTAP; twenty-six are working and paying taxes, many for the first time in their lives, and the other four graduates are in education or job training programs. DTAP is consistent with the President's determination to increase resources for drug treatment while making real progress in the fight against drug-related crime and violence.

I've also enclosed materials regarding two other programs which should be of interest to you. The first is a proposed Community Prosecution Act, which would make federal funds available to state and local prosecutors who implement similar programs. It would address the concerns that community law enforcement is not just for the police and would help the federal government work with district attorneys in a real "war" on crime and drugs. The prosecutors at NDAA's Metropolitan Prosecutor's Committee meeting were extremely supportive of this approach to criminal justice, as are congressional staffers whom we have spoken to about the Act. We intend to lobby with the help of NDAA for its passage this year and hope to have the Administration's support, as well.

The other item describes a unique proposal we are working on to combine community prosecution and a community court for public housing in Brooklyn. This program responds to the desperate need for increased security in public housing and could serve as a national model of a community-based criminal justice system. It also offers the Administration a unique opportunity to bring various agencies like HUD and Justice together in a comprehensive response to crime and decay.

I know this is a lot of material, but the items represent different components of the District Attorney's overall strategy to increase public safety in Brooklyn, and each contributes in its own way to this strategy.

We are helping prosecutors in New York City and in other parts of the country develop their own Zone Prosecution, drug treatment and Project Legal Lives programs. In addition, we have received a grant provided through the Bureau of Justice Assistance to extend zone prosecution to misdemeanors as well as felonies in one precinct and to create a manual for other prosecutors to use in implementing community prosecution programs. Jack Nadol and his staff at BJA have been very helpful to us on this grant.

We would greatly appreciate the opportunity to meet with you, at your earliest convenience, to discuss these programs further. There is much in these programs which is consistent with the President's views on how to do a better job of protecting the public from crime, and I am certain that we can work together to help our colleagues in law enforcement move in this direction.

Thanks again for taking the time to chat in Virginia, and I will call your office next week to arrange a meeting.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J.M. Cohen", with a long horizontal flourish extending to the right.

Jay M. Cohen

JMC:ab
Enclosure

**DRUG TREATMENT ALTERNATIVE-TO-PRISON
of the
KINGS COUNTY DISTRICT ATTORNEY**

**SECOND ANNUAL REPORT
October 15, 1990 - October 15, 1992**

**CHARLES J. HYNES, DISTRICT ATTORNEY
SUSAN A. POWERS, DEPUTY DISTRICT ATTORNEY**

November, 1992

INTRODUCTION

This is the second Annual Report on the Brooklyn District Attorney's Drug Treatment Alternative-to-Prison (DTAP). The program offers second felony drug offenders residential drug treatment as an alternative to prison on the premise that they will return to society in a better position to resist return to drug use and crime after treatment than if they had spent a comparable period of time incarcerated at greater expense.

The program description section contained in earlier reports is repeated in this report. Cumulative statistics for the period October 15, 1990 to October 15, 1992 are also provided. Statistics for the last six months which differ significantly from those reported in the eighteen-month report are highlighted.

In an effort to offer readers insight into participants, the treatment process, and the agencies and individuals crucial to DTAP operations, each report focuses on one or more anecdotal, operational or research aspects of DTAP to augment the statistical information provided.

DTAP's success is directly related to the extraordinary cooperation of all those who play a role in its daily operations. In this report, DTAP would like to give special recognition to Acting Supreme Court Justices Jerome Kay and Alan Meyer, who preside in Brooklyn's Narcotics or "N" parts. They have been extraordinarily supportive and have worked patiently with DTAP liaison Tim McFarland and Andrea Umlas, the Narcotics Bureau First Deputy, to overcome the obstacles to implementation that arise in any new program. DTAP is grateful to the Hon. William Miller, Supervising Judge of the Brooklyn Criminal Court, for his early support which helped insure the program's successful implementation. We thank, too, the following DTAP liaisons who continue to devote time and energy to insuring the program's smooth functioning: Susan Ketchum, of the Legal Aid Society; Leila Irish of the Assigned Counsel Plan (18-b); Rick Levy, Regional Director of the New York State Division of Parole; Irene Prager, Assistant Commissioner of the New York City Department of Probation; and Cynthia Chandler-Ross of the New York City Department of Correction. Thanks also to the following DTAP staff for their contributions to this report: Fred Weinberg and Sam Browne of DTAP's Enforcement Team for their case histories on the enforcement aspect of DTAP and to Paul Dynia and Sheila Royo for the statistics on the program. Finally, welcome to two new DTAP staff members: Executive Assistant David Fried and Hector Velez, who has joined the Enforcement Team.

PROGRAM DESCRIPTION

DTAP targets defendants arrested for B felony "buy and bust" drug offenses who have previously been convicted of a non-violent felony.¹ If convicted of the drug felony, the defendant would face a mandatory prison sentence under New York State's second felony offender law. Defendants are given the option to defer prosecution and enter a residential drug treatment program for a period of 15 to 24 months. Targeting B felony "buy and bust" cases insures that the program diverts defendants who are prison bound. Those who complete the treatment program will have the charges against them dismissed; dropouts are brought back to court for prosecution on the original charges by a special warrant Enforcement Team. The District Attorney's Office has also formed a Business Advisory Council to assist defendants who complete treatment with employment and housing.

The Treatment Provided in a Therapeutic Community

DTAP planners chose long-term residential treatment as the most appropriate treatment modality for defendants facing minimum prison sentences of one and one-half to three years. Therapeutic communities, which provide most long-term residential treatment in New York State, emphasize a self-help approach and rely heavily on the use of program graduates as peer counselors, administrators, and role models. The programs are highly structured and residents progress through stages, acquiring more responsibility and personal freedom in each new stage. Counselling takes the form of group, individual, and family therapy. The sessions are usually confrontational and stress openness and honesty. All residents are assigned to work detail and education and job training classes are provided. The last phase, "re-entry," focuses on preparing the resident for return to the community. Residents must have employment and housing plans before they can leave this phase. They learn how to budget and save to help them through the first month on their own. If the residents' families and communities are part of the problem, the programs use their Family Association networks to relocate residents in different neighborhoods with new "family" support members before they allow them to leave.

¹ Defendants charged with criminal facilitation, in addition to the "buy and bust" sale, are excluded because the evidence may prove insufficient to sustain the sale charges.

Selection and Screening of Participants

Defendants must be approved at several points in the screening process before they can be accepted into the program.

At arraignment, assistant district attorneys identify all eligible defendants. After interested defendants sign the necessary waiver and consent forms, a senior assistant district attorney reviews all cases. Those B felony "buy and bust" cases in which the evidence is weak are eliminated. DTAP's Enforcement Team verifies the defendant's residence through a home visit. If the contact information provided by the defendant cannot be verified and the team concludes that the defendant would be difficult to locate in the event he or she leaves the treatment facility, the case is rejected.

After arraignment, the treatment providers' screeners interview defendants to assess their suitability for residential drug treatment. Defendants who have severe psychiatric or medical problems, or who are not drug addicts, are rejected.

Supervisory staff of the New York City Department of Probation and the New York State Division of Parole must review those cases where the defendant is under their supervision. If a violation of probation or parole is pending at the time of the new arrest, the case may be rejected. Cases approved by Probation must also have the approval of the judge who sentenced the defendant to probation.

The recommendation of the District Attorney to defer prosecution and place the defendant in residential drug treatment must be approved by the presiding judge in the N Part.

Research Informing the Design

A major problem shared by all drug treatment modalities is retention of clients. The Treatment Outcome Prospective Study (TOPS), a recent national longitudinal study of drug abuse treatment, reported that the average length of stay in residential treatment programs was twenty-two weeks, with the median eleven weeks (Hubbard, et al., 1989). According to TOPS, only 13 percent of the clients who entered residential programs stayed longer than a year. Yet research has shown that treatment effectiveness is linked to program retention. Longer stays (regardless of treatment modality) have been found to result in greater decreases in drug use, criminal activity, and unemployment (Cushman, 1977; Dole, Nyswander, and Warner, 1968; McLellan, et al., 1986; Agborne and Melotte, 1977; Riordan, et al., 1976; Simpson, 1979, 1980, 1981; and Hubbard, et al., 1989).

Research also indicates that retention rates are higher for clients who enter treatment under legal coercion (De Leon, 1988). In designing its program, the Kings County District Attorney's Office targeted defendants who faced substantial prison time if they dropped out of treatment. The certainty of prosecution on the original charges is insured by the existence of the warrant Enforcement Team. The severity and certainty of the prison time these defendants face is uniquely coercive and thus has the potential to increase retention.

Research has shown that the highest dropout rates from community-based residential treatment occur in the first two to three months (Hubbard, et al., 1989). During the first twenty months, every other defendant selected for the program spent 45 days in the Department of Correction (DOC) Substance Abuse Intervention Division (SAID) program which is designed to introduce inmates to the concept of a therapeutic community before entering the treatment providers' residential facilities. The other half went to the providers' facilities directly from court. This design enabled DTAP to assess whether defendants who participated in the DOC program where they could not return to the community would have lower dropout rates than those sent directly to the providers' facilities. After twenty months, because there was no statistical difference between the two groups, DTAP managers decided to send defendants for whom the treatment providers have requested extensive medical histories to SAID. Because these defendants spend more time in pre-trial detention than other DTAP candidates (see infra,) it seemed wise to take advantage of this delay by assigning them to a setting where they could be introduced to treatment instead of languishing in the general population.

Evaluation

A process and preliminary research report on the pilot phase of DTAP has been completed. The first section describes the program and its evolution through the conceptual, design and planning stages. The second section provides demographic and descriptive information on participants and eligible defendants who refused the program or were rejected in the screening process. It also compares DTAP retention rates with rates of retention in other drug-free residential programs and explores factors predictive of retention. The pilot phase research is summarized and, in conclusion, its implications for the planned long-term research are articulated. (Funding for this report was provided by the Robert Wood Johnson Foundation and copies may be obtained from the Kings County District Attorney's Office).

The second phase of the evaluation will focus on post-treatment outcomes of program participants. It will examine the impact of treatment on participants in terms of criminal recidivism, drug and alcohol abuse, and other indicators of social adjustment. Post-treatment outcomes of program participants will also be compared to a group of defendants with similar backgrounds and characteristics who received prison sentences. The research will examine the role of legal coercion and other factors that may affect retention in treatment. It will include a cost-benefit analysis of savings realized by reducing incarceration and post-treatment costs and weigh these benefits against program costs. Finally, it will continue to study planning and implementation issues to aid other prosecutors' offices interested in implementing a treatment alternative to incarceration.

SECOND ANNUAL REPORT OF OPERATIONS:
OCTOBER 15, 1990 - OCTOBER 15, 1992

Replication

As reported in the Eighteen-Month Report on Operations, Governor Mario Cuomo praised DTAP in his January 8, 1992 Message to the Legislature and requested funding for the program's replication. In response, the State Division of Substance Abuse Services has provided 300 new residential treatment beds and the New York State Division of Criminal Justice Services has allocated \$700,000 in Federal Anti-Drug Abuse Act monies in Fiscal Year 1992-93 to support the DTAP model in Brooklyn and make possible its replication by other prosecutors in New York City.

Since July 1, 1992, when funding for the expansion became available, DTAP staff have attended planning meetings with representatives of the State Division of Criminal Justice Services, the Office of Alcohol and Substance Abuse Services, the Vera Institute of Justice, the Legal Action Center, the treatment providers, the District Attorneys of Manhattan and Queens and the Special Narcotics Prosecutor. To facilitate the replication, the Deputy District Attorney for Programs and Planning has provided the other prosecutors with all the forms and protocols developed by the Kings County DTAP planners, including: defendant waivers and participation agreements; protocols for sign-offs by Probation and Parole; instructions to "N" part and arraignment assistants and to defense attorneys. Copies of the contracts between the District Attorney's Office and the treatment providers were also made available.

In addition, the DTAP Research Director met with staff charged with keeping statistics at the offices of the Queens District Attorney and the Special Narcotics Prosecutor to explain the development of systems to track defendants screened for participation in DTAP. Finally, the warrant Enforcement Team met with their counterparts in the offices of the Manhattan District Attorney and the Special Narcotics Prosecutor to share their knowledge and experience.

Celebration in Honor of the First DTAP Ten Graduates

The Kings County District Attorney honored the first ten graduates of the program at a reception on September 29, 1992. All ten were graduates of Samaritan Village whose President, Richard Pruss, attended, accompanied by several members of his staff. Also present were DTAP's staff and representatives of the agencies whose cooperation is essential to the program's success.

The graduates were impressive. Most had never held a full-time job prior to the arrest that led to their participation in DTAP. Nine are now employed and the tenth is enrolled full-time in college. The event was extensively covered by the media. Copies of articles which appeared in Newsday and the New York Daily News are attached to the report.

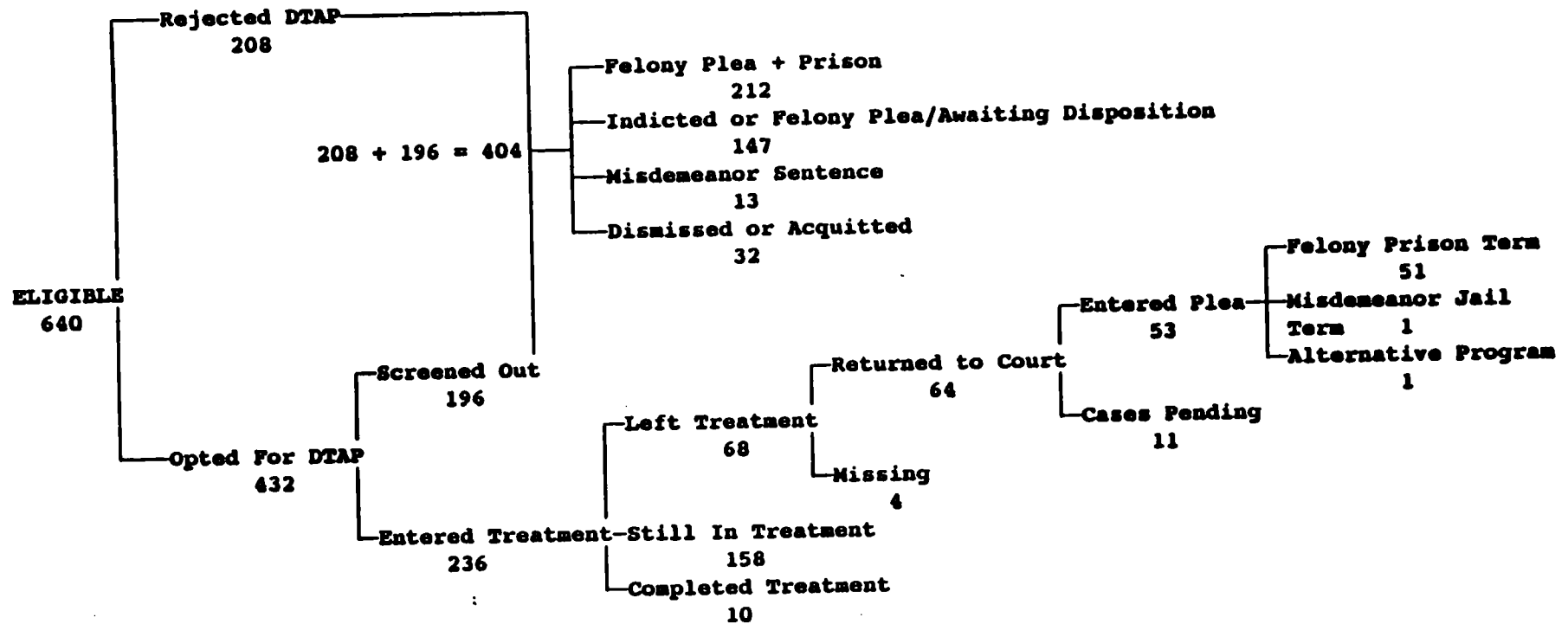
Intake/Retention²

Since DTAP began operations on October 15, 1990, 236 of the 640 defendants who were eligible - more than a third - have opted for and been accepted into the program, 76 in the last six months.³ If all defendant rejections (208) are subtracted from the eligible pool, DTAP has been taking 55 percent of the eligible defendants who opt for the program. Overall, since the program's inception,

² The chart on the following page, "The Status of Defendants Eligible for DTAP - As of October 15, 1992," presents the intake, retention, and dropout figures discussed in this section and the disposition and diversion statistics discussed, intra, at page 9.

³ In addition to the 640, there were 101 "paper eligible" defendants who, on examination, were ineligible because the screeners had no discretion to accept them: 49 defendants said they did not use drugs; 15 had negative lab reports or the charges were reduced to facilitation; 22 had parole or probation warrant holds; and 15 were out-of-county probation cases.

**STATUS OF DEFENDANTS ELIGIBLE FOR DTAP
AS OF OCTOBER 15, 1992**



the rates in each category of rejection have remained fairly stable. The number of Probation and Parole rejections has declined in the second year; the number of defendant rejects has slightly increased (Figure A).

Of the 236 accepted into DTAP, 158 participants are currently in treatment, 10 have completed the program, 47 absconded from the treatment providers, 18 were expelled for violating program rules - including three from DOC's SAID program - and three were discharged for serious health reasons. DTAP has retained 72 percent of the participants admitted to treatment. Their time in treatment is depicted in Figure B.⁴

Description of DTAP Defendants

Nearly two-thirds (64%) of all defendants accepted into DTAP during the program's 24 months in operation are Hispanics. Since only 18 percent of Brooklyn's population is Hispanic, the high percentage of Hispanics in DTAP was not expected. However, the percentage of black participants increased to 36 percent during the last six months from 28 percent in the first 18 months as the Police Department and Brooklyn North Narcotics Division moved its Tactical Narcotics Task Force (TNT) into some precincts with large black populations. This increase seems to confirm the hypothesis - suggested in earlier reports - that DTAP's racial statistics are largely determined by TNT deployment.

Fewer females have been admitted in the last six months, 13 percent compared to 23 in the first 18 months. Nearly two-thirds of the participants are 18-30 years old. The average age of 29 is the same as it was in the first 18 months, with most participants 17-30 years old (Figures C and C.1).

There have also been changes in the employment, education and housing statistics. Participants accepted into DTAP in the last six months were less likely to have been employed: 61 percent were unemployed compared to 51 percent in the first 18 months. Fewer had a high school diploma or G.E.D.: 22 percent compared to 26 percent. In contrast to this discouraging trend, significantly fewer participants were homeless or classified as transient: 15 percent in the last six months compared to 28 percent in the first 18 months (Figure D and D.1).

⁴ The retention rate is calculated by subtracting the three administrative discharges for health reasons from the base. The base includes those currently in treatment and the participants who have completed.

Case Disposition/Diversion

As planners of alternatives-to-incarceration programs are well aware, determining which offenders are truly incarceration-bound is a complicated process fraught with pitfalls. Arrest charges may be dismissed or reduced and cases may be disposed on more lenient terms than the original plea offer. At a time of scarce resources and overcrowded correctional facilities, it is crucial that programs designed to be alternatives to incarceration fulfill their diversion goals.

DTAP is designed to maximize diversion by targeting offenders arrested on B felony "buy and bust" charges who have a prior non-violent felony conviction. B felony "buy and bust" cases are strong cases because they are based on a drug sale to an undercover police officer. And if the grand jury votes a B felony indictment, defendants cannot plead down to misdemeanors [C.P.L. 220.10 (5) (a) (iii)]. If convicted of a second felony, they must serve prison time under New York's mandatory sentencing laws. Since DTAP intervenes and identifies eligible cases before grand jury action, its planners agreed that a Deputy in the Narcotics Bureau should screen cases identified as eligible by arraignment assistants to reject any with negative lab reports or evidentiary flaws. DTAP's success in achieving its goal of displacing prison-bound offenders can be measured by examining dispositions of DTAP-eligible cases rejected by the defendant or the program.

As of October 15, 1992, 404 of the 640 defendants identified as eligible for DTAP had rejected (208) or been rejected (196) by the program. Fifty-two percent (212) had entered a felony plea and been sentenced to prison. Thirty-six percent (147) had been indicted for a felony or had entered a felony plea and were awaiting sentence. Thirteen cases were disposed as misdemeanors. Thirty (7%) of the defendants had their cases dismissed and two were acquitted after trial (Figure E). The large number of felony pleas entered (88%) and the sentence time imposed on defendants who reject or are rejected by DTAP confirms that the program is targeting defendants facing substantial prison time.

Sixty-four of the 68 who left the program have been returned to court: fifty-three have entered pleas and all but two have been sentenced to felony prison terms; in eleven cases no plea has been entered. Absconders' prison terms are slightly higher than those of defendants who reject or are rejected for DTAP, but this difference reflects a lower percentage of N part pleas for this group rather than the court's decision to treat participants who leave the program more harshly (Figure F). Under DTAP procedures, absconders are eligible for N part plea offers if they are swiftly apprehended and returned to court before an indictment is voted by the grand jury. If not, the indictment is voted and filed and

these defendants lose the opportunity to plead to an E level felony which carries a shorter prison term (1½ year minimum versus a 2-year minimum term if indicted).

As noted in earlier reports, defendants may decide to reject DTAP at arraignment and enter not-guilty pleas - only to enter guilty pleas later - for several reasons. Some defendants may reject DTAP because they have not had an adequate opportunity to confer with counsel or are coming down off drugs and are therefore not able to commit themselves to long-term treatment. Others hope to post bail and be out of detention while their case is adjudicated. However, court outcomes confirm that the vast majority of defendants who defer early plea decisions to test the strength of the prosecution's case lose the treatment option without gaining relief from conviction as second felony offenders.

Processing Time

After arraignment, all felony drug cases in Brooklyn are assigned to the N Parts set up to expedite the disposition of narcotics cases. Thirty percent of all Brooklyn defendants arrested on felony drug charges plead in the N Parts on the C.P.L. 180.80 day or on a short adjournment date; the balance are transferred to the Conference or AP Parts and disposition time ranges from six months to a year or more. C.P.L. 180.80 requires the prosecution to release a defendant five days after arrest if a grand jury has not voted to indict on the charges. Defendants who wish to be considered for DTAP must agree to waive their 180.80 rights temporarily to allow DTAP enough time to complete the screening process. To avoid lengthy extensions of these waivers and to reduce detention time by obtaining DTAP cases in the N Part, defendants must sign the waivers and contact forms at arraignment so that the screening process will be complete before the 180.80 release date is triggered.

The percentage of defendants whose medical problems delayed their acceptance has steadily increased since the program's inception. In the last six months, screener requests for medical records and new tests increased to 33 percent (25 of 76) of all cases compared to 18 percent (29 of 159) in the first eighteen months. This has increased time to acceptance. The average court processing time - from arraignment to pick-up by the treatment provider or assignment to the Rikers Island SAID program - was 30 days compared to 22 in the first 18 months. Excluding the defendants with medical problems, the average was 14 days compared to 15 days in the first 18 months.

Increased screener requests for medical records and new tests for defendants with HIV and TB are largely responsible for the delays. Many DTAP-eligible defendants are in poor medical and psychiatric condition, often aggravated by their addiction and inadequate health care. DTAP staff have worked with Roger Parris and John Corrigan, Director and Coordinator, respectively, of Health Affairs at the New York City Department of Correction and the medical staff of the treatment providers to develop procedures to expedite the medical clearance of DTAP-eligible defendants. DTAP anticipates that the recently initiated procedures will have a positive impact on overall time to acceptance in the months ahead.

Enforcement Team Case Histories

The Enforcement Team is responsible for returning participants who leave the treatment facilities back to court for prosecution. Since DTAP's inception, 64 of the 68 participants (94%) who left the program have been returned to court for prosecution.⁵ The team's effectiveness adds an essential element of certainty to the consequence of mandatory incarceration for participants who fail. The Team's ability to verify contacts supplied by defendants and locate participants for whom warrants have been issued accounts for its excellent success rate and reinforces the legal coercion premise of the program.

This section describes specific cases, using pseudonyms, which illustrate the experience and dedication the Team brings to this aspect of DTAP.

S. Rivera lived with his girlfriend in the Brownsville section of Brooklyn at the time he was arrested for the B felony "buy and bust" that led to his participation in DTAP. Background information obtained from his mother revealed that Rivera had family in Philadelphia and had worked there before coming to Brooklyn.

One month after entering the treatment facility, Rivera left. After interviewing his girlfriend, the Team felt that she was holding back information. A call to his former employer in Philadelphia provided interesting information: Rivera had telephoned his employer six weeks earlier to say that he was in jail waiting to be accepted into a treatment program and expected to be released soon. He asked if he could have his job back.

⁵ Of the 64, 60 were arrested; three, expelled from SAID, were produced by DOC and one, discharged for medical problems, was brought to court by the treatment provider's staff.

Later that day, the Team received a call from a police officer in Philadelphia who said he was married to Rivera's sister. Rivera's employer had called him after speaking to the Team. He said Rivera had been staying with them but had just left, presumably to return to Brooklyn. The officer said Rivera was armed with a 9mm handgun which he intended to sell to buy a plane ticket to Puerto Rico. The Team moved fast. Early the next morning, with backup from the 75th precinct, they went to the girlfriend's apartment. She told them the defendant was not there and invited them to search the apartment. In a dark corner, the Team observed a large barrel overflowing with clothing. One of the Team members began to remove the items of clothing very gingerly, mindful of the report that the defendant might be armed. Suddenly, the top of Rivera's head appeared. He was unarmed but confirmed that he had brought a weapon back from Philadelphia and sold it for \$300.

M. Sanchez was on parole at the time of his arrest. Having completed 18 months in prison, he had been transferred to a work release facility and found work as a hairdresser in a Brooklyn beauty salon. After his release on parole, he continued to work for the salon. The owners told the Team he was an exceptional employee, well-liked by his clients, who earned close to \$500 a week in wages and tips. His parole officer was equally pleased with his adjustment to parole supervision.

Four months after his release on parole, Sanchez was arrested and charged with selling drugs. When it was determined by the treatment screener that he had reverted to using drugs, the Division of Parole agreed to allow him to enter DTAP. Twelve hours after entering the treatment facility, Sanchez left.

The Team spent four months returning to the original contacts Sanchez had given them and developing further contacts. A former friend of Sanchez in Manhattan said he might be in Puerto Rico. A previously interviewed brother of Sanchez had been hostile and uncommunicative. When confronted with the information that the Team had learned from Sanchez's friend, he gave them a telephone number in Puerto Rico to get them "off his back." With the help of the Puerto Rican Police Department, the telephone number was traced to another brother of the defendant and Sanchez was arrested, waived extradition, and was brought back to New York City.

R. Harris left the program the day after he arrived. The Team immediately revisited his original contacts but no one had seen him. Defendants, as the Team has learned, are creatures of habit and frequently return to their old neighborhoods. The Team routinely visits these locales, including the very street where a defendant was arrested. This is exactly what the Team did to find Harris. Their instincts appeared to be immediately rewarded when, in a very short time, they saw someone who looked like Harris. He

made no effort to flee as they approached. But, after members of the Team identified themselves, he provided a name and address that was not the defendant's and claimed he had no identification with him.

At this point, the Team had to make a quick decision whether or not to detain the man whom they still reasonably believed to be the defendant. Advising him that they had a warrant for Harris's arrest and that they believed he was Harris, the Team drove the protesting individual to the address of Harris's mother in Queens to obtain a positive identification. Harris's mother was asked to approach the car. She looked at the man seated in the car, turned away, and then asked one of the Team where he had found her son.

M. Garcia's extensive criminal history began when he was 15 years old. His father had deserted the family when he was a child and his mother, a recovering addict, was in a methadone treatment program. At the time of his arrest, the twenty-year old defendant had two children with his common-law wife, Rosa.

Garcia left after two months in the DTAP program. Initially, family members and Rosa claimed they had no idea where he was. The Team then conducted a number of surveillances in the neighborhood. Early one morning, they saw Garcia but he eluded them by running away. Shortly thereafter, Garcia was arrested in Bushwick on an assault charge. Because he supplied the arresting officer with an alias, he was released before his correct fingerprints and wanted record were returned to court.

Several weeks later, Rosa, who had previously been very guarded in sharing information about defendant's whereabouts, called the Team. She said that she had had a confrontation with Garcia on the street and that she now wanted him arrested. She told the Team exactly where he was and, the next morning, the Team took Garcia into custody, unarmed and without resistance.

While these cases are each unique, they highlight some of the recurring problems the Team has to overcome. Obviously, friends and family are not eager to help the Team locate defendants when the ultimate consequence of apprehension is incarceration. Yet, as the Rivera and Sanchez cases illustrate, family members often provide leads which, when followed up, enable the Team to arrest defendants even when they have left the neighborhood. Occasionally, as with the information Rosa supplied in the Garcia case, the Team receives crucial information from a person close to the defendant who wants to see him arrested. Most often, the Team returns to the defendant's old haunts and, with intuition and patience, ultimately tracks down the absconder.

The Harris case illustrates another factor that makes the Team's job difficult. The Team relies on police mug shots and/or polaroid photographs when it goes out to execute an arrest warrant. It has never seen the defendant in person. Frequently, the defendant's appearance has changed dramatically since the original arrest. Facial hair may have been grown or shaved; hair style or color changed; weight gained or lost. To offset this handicap, the Team tries to get specific descriptive information - tatoos, scars, moles - during its initial contact interviews to facilitate a search if the defendant absconds.

While defendants often run or hide to avoid arrest, only one of the defendants the Team has arrested since DTAP began has resisted being handcuffed. If, as in the Rivera case, the Team believes the absconder may be armed, police backup is sought before the Team attempts to effect an arrest. Since defendants who have committed violent crimes are not eligible for DTAP, the absence of physical confrontation during arrest scenarios is perhaps not surprising. Nevertheless, the Team's attention to safety is scrupulous and the results, like its arrest rate, excellent.

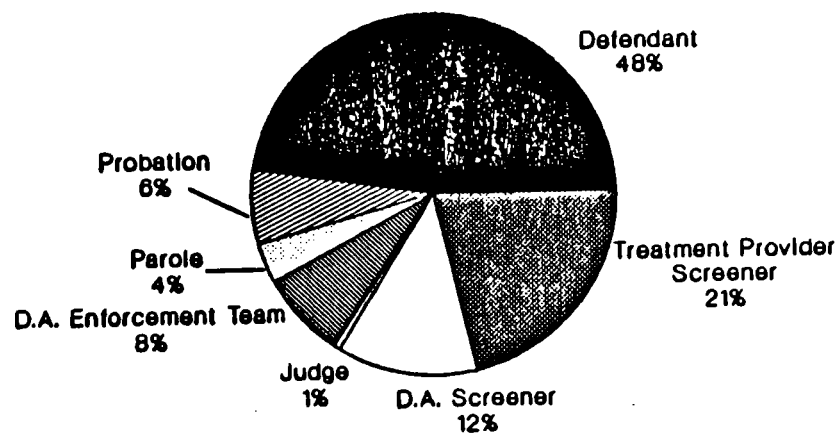
Conclusion

At the end of its second year, DTAP has achieved and exceeded the goals set by the program's planners. DTAP has graduated ten participants, maintained a high (72%) retention rate, and returned to court for prosecution 94 percent of all defendants who absconded or were expelled from treatment.

The replication of DTAP by other prosecutors is perhaps the most concrete evidence of the respect the program has won. The ability to obtain additional treatment capacity is the crucial next phase in the replication and expansion of DTAP. With adequate funding for new treatment beds, DTAP may move beyond its success in redirecting the lives of a few addicted sellers to realize its larger ambition of improving our society by turning drug-addicted offenders who prey on our communities into productive citizens who contribute to them.

FIGURE A
REJECTION CATEGORIES:
DTAP-ELIGIBLE DEFENDANTS
FROM OCTOBER 15, 1990 TO OCTOBER 15, 1992

FIRST YEAR



SECOND YEAR

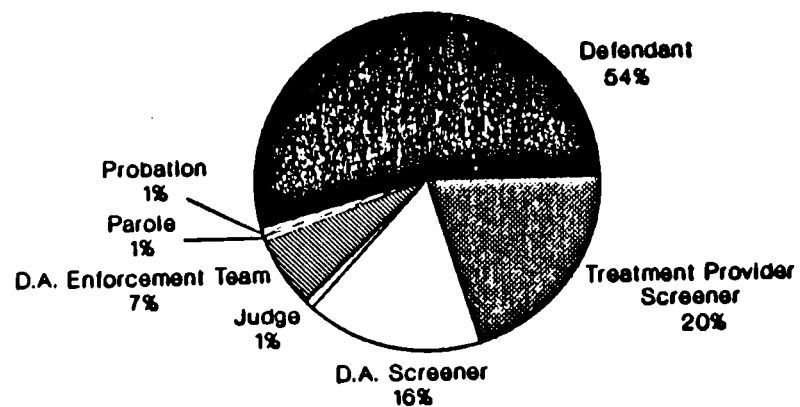
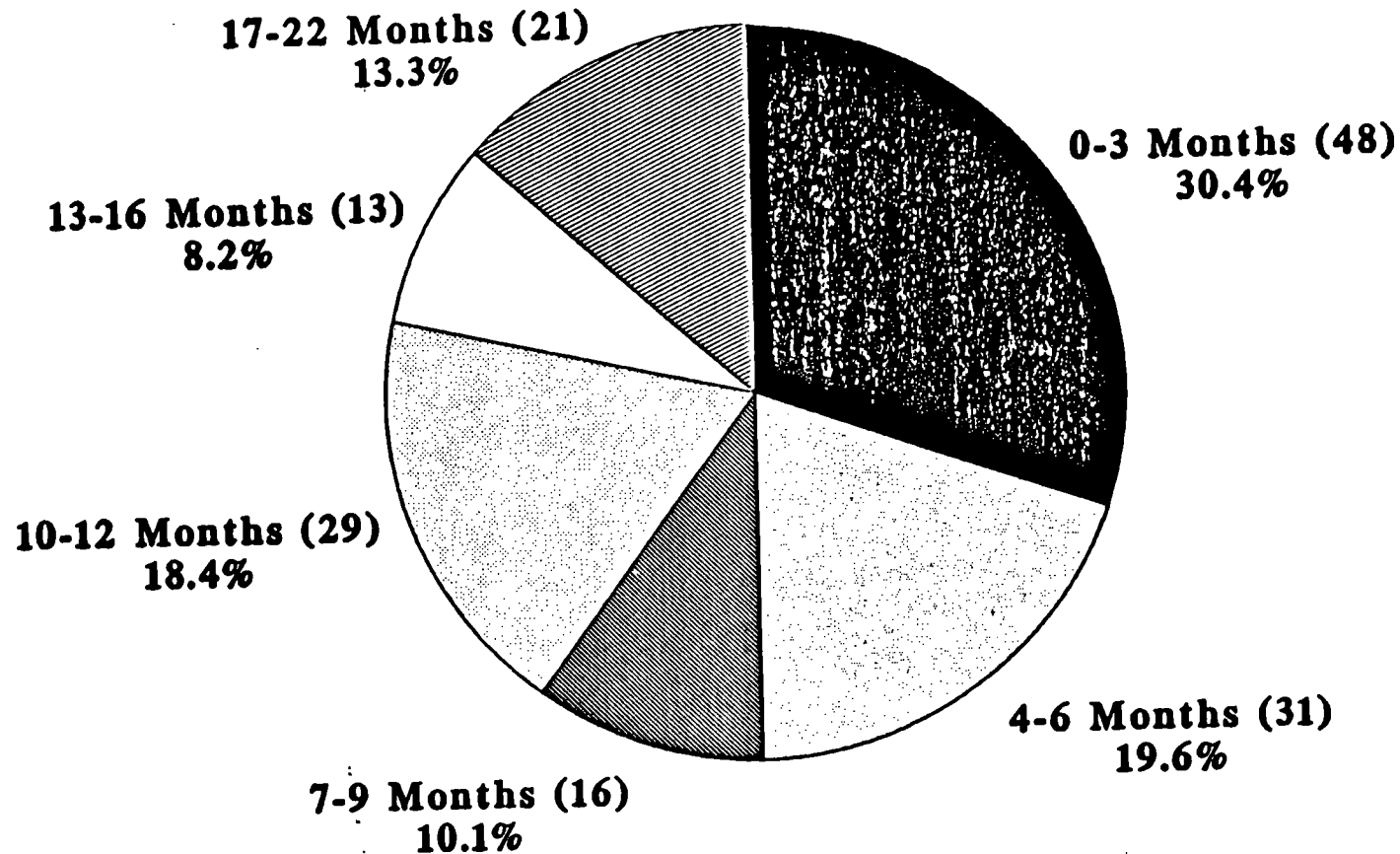


FIGURE B
TREATMENT TIME OF PARTICIPANTS CURRENTLY ENROLLED IN DTAP
AS OF OCTOBER 15, 1992*



Average Days in Treatment-251

Median Days in Treatment-215

*N=158, excludes 10 participants who completed the program and 68 who left treatment

FIGURE C
RACE, GENDER, AND AGE
OF DEFENDANTS ACCEPTED INTO DTAP
DURING THE FIRST EIGHTEEN MONTHS
(OCTOBER 15, 1990 TO APRIL 15, 1992)

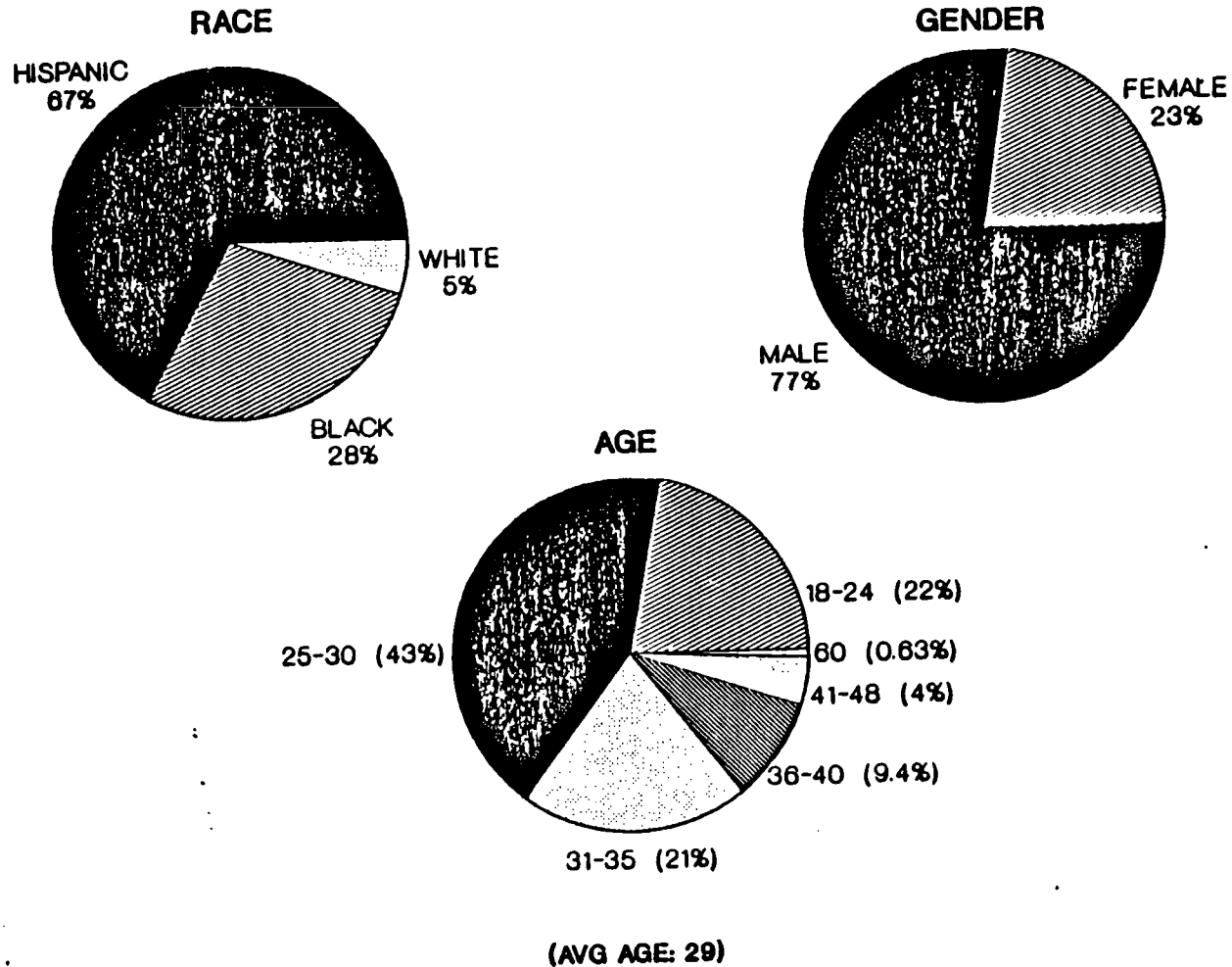


FIGURE C.1
RACE, GENDER, AND AGE
OF DEFENDANTS ACCEPTED INTO DTAP
DURING THE LAST SIX MONTHS
(APRIL 15, 1992 TO OCTOBER 15, 1992)

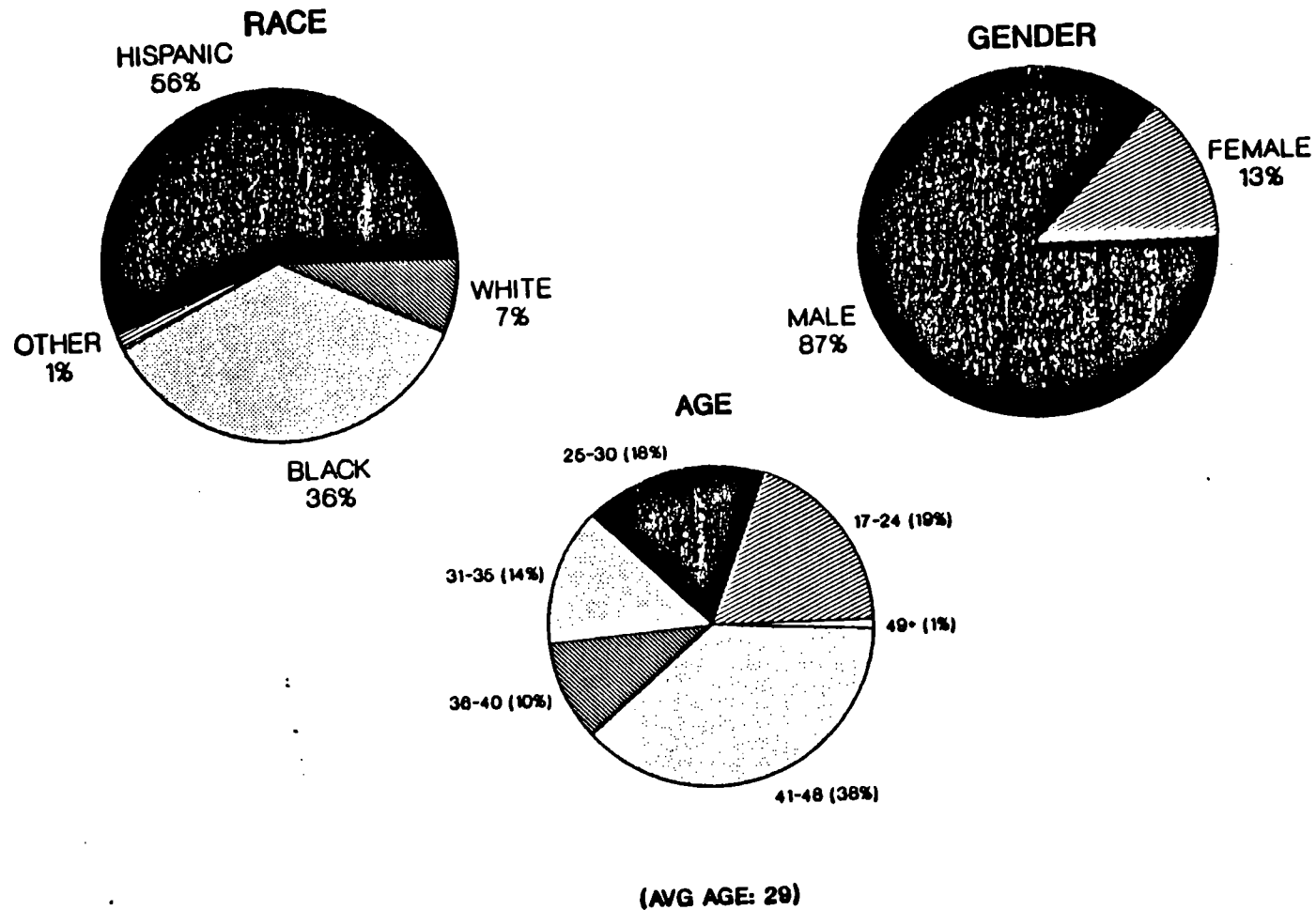


FIGURE D
EMPLOYMENT, EDUCATION, AND HOUSING STATUS
OF DEFENDANTS ACCEPTED INTO DTAP
DURING THE FIRST EIGHTEEN MONTHS
(OCTOBER 15, 1990 TO APRIL 15, 1992)

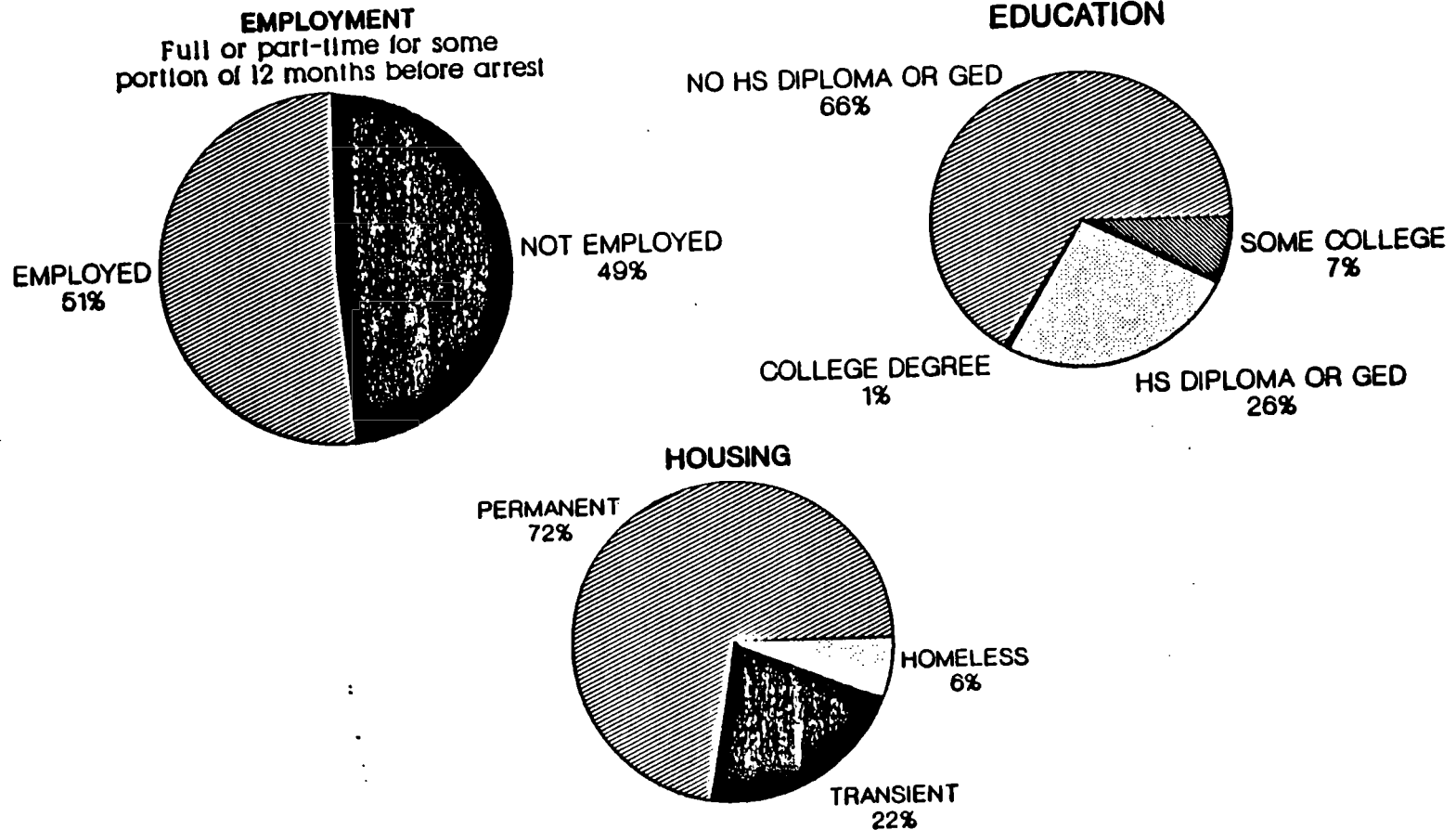
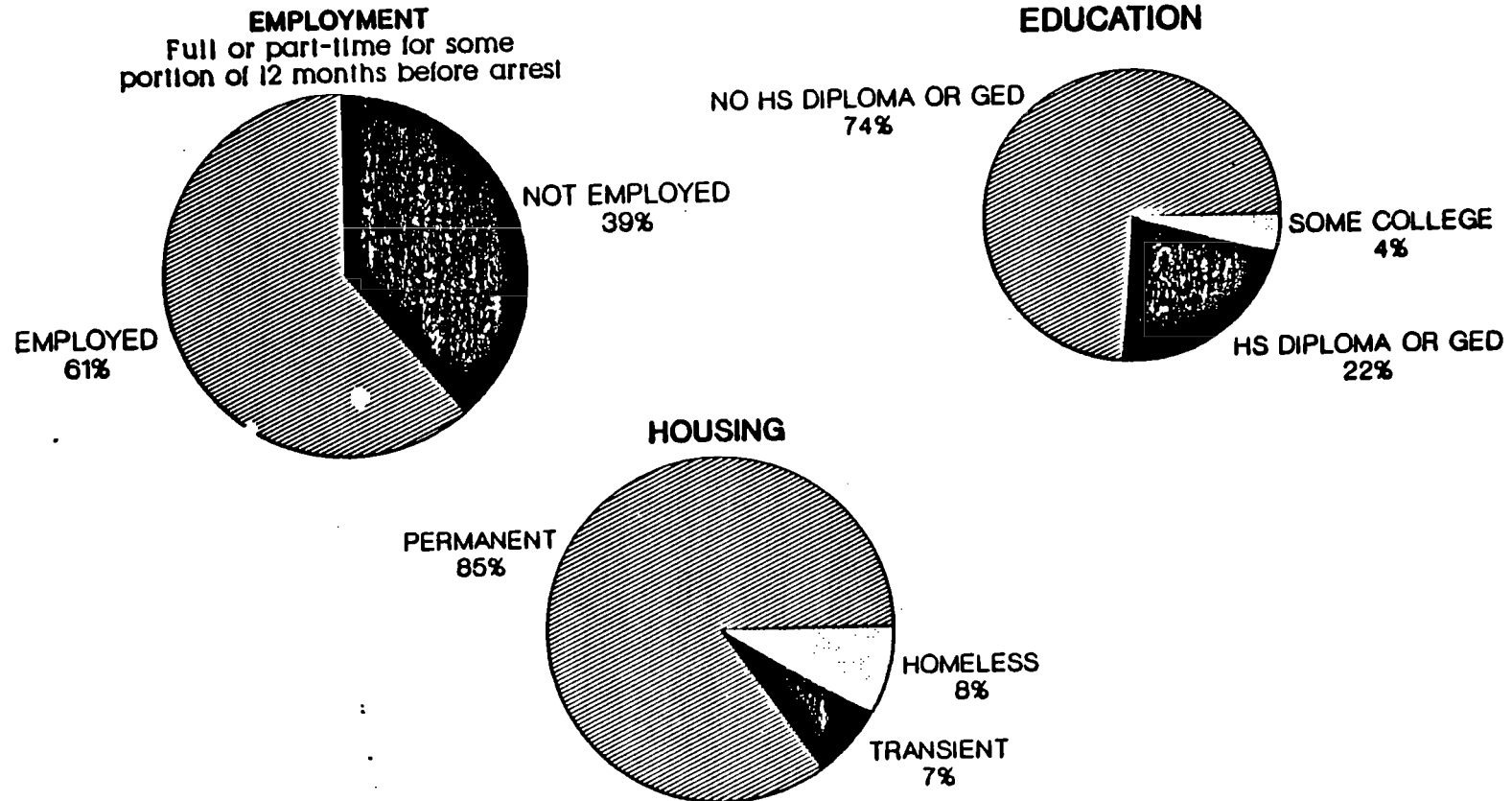


FIGURE D.1
EMPLOYMENT, EDUCATION, AND HOUSING STATUS
OF DEFENDANTS ACCEPTED INTO DTAP
DURING THE LAST SIX MONTHS
(APRIL 15, 1992 TO OCTOBER 15, 1992)*



* Information was unavailable for 4 of the 76 defendants accepted into DTAP in the last six months. These defendants were recently admitted to the SAID program and their intake questionnaires had not been received when this report was written.

FIGURE E
CASE OUTCOMES FOR DEFENDANTS
WHO REJECTED OR WERE REJECTED BY THE PROGRAM
OCTOBER 15, 1990 TO OCTOBER 15, 1992

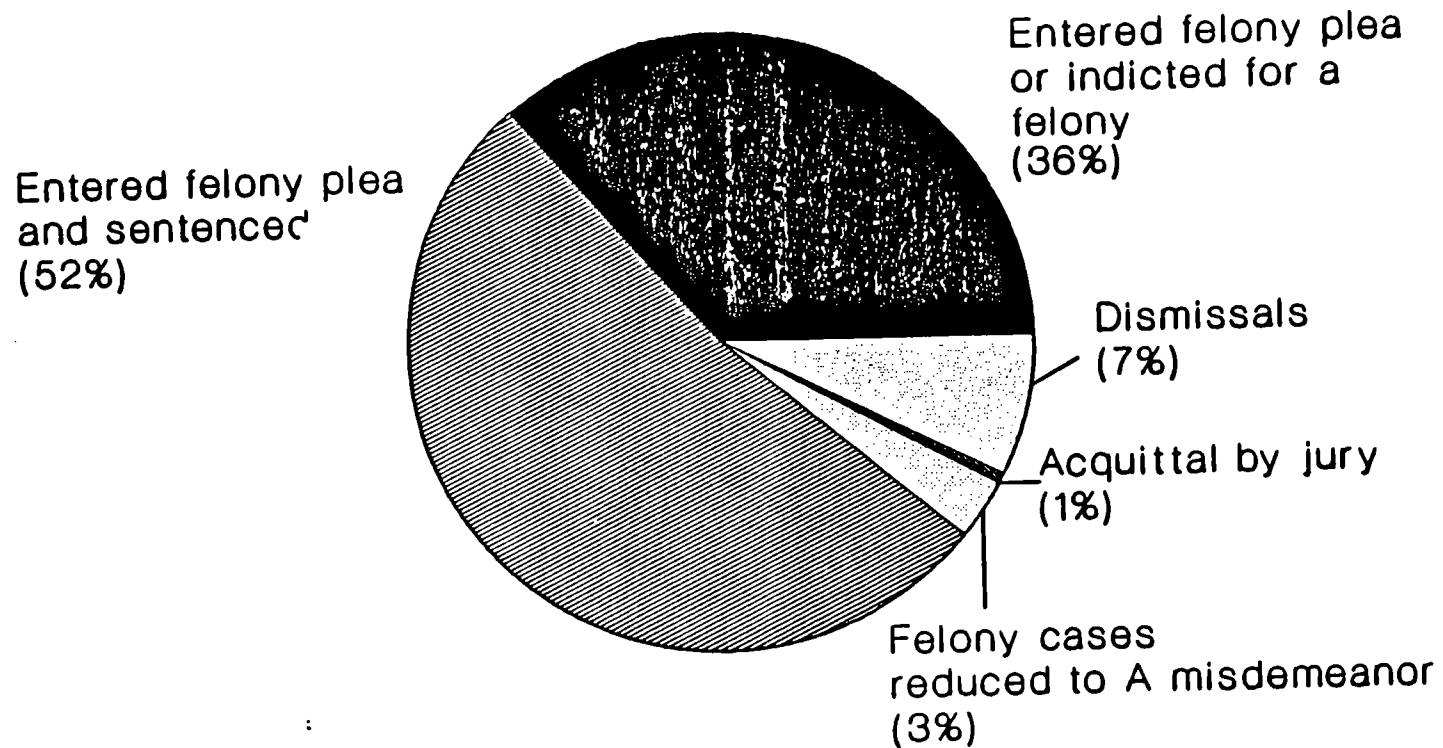
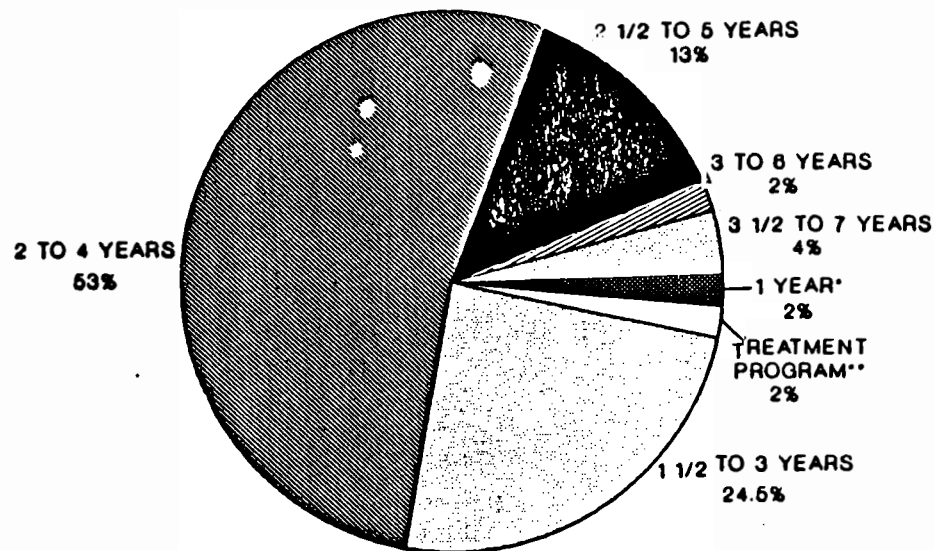


FIGURE F

COMPARISON OF SENTENCE DISPOSITIONS FOR DTAP FAILURES AND REJECTS

FROM OCTOBER 15, 1990 TO OCTOBER 15, 1992

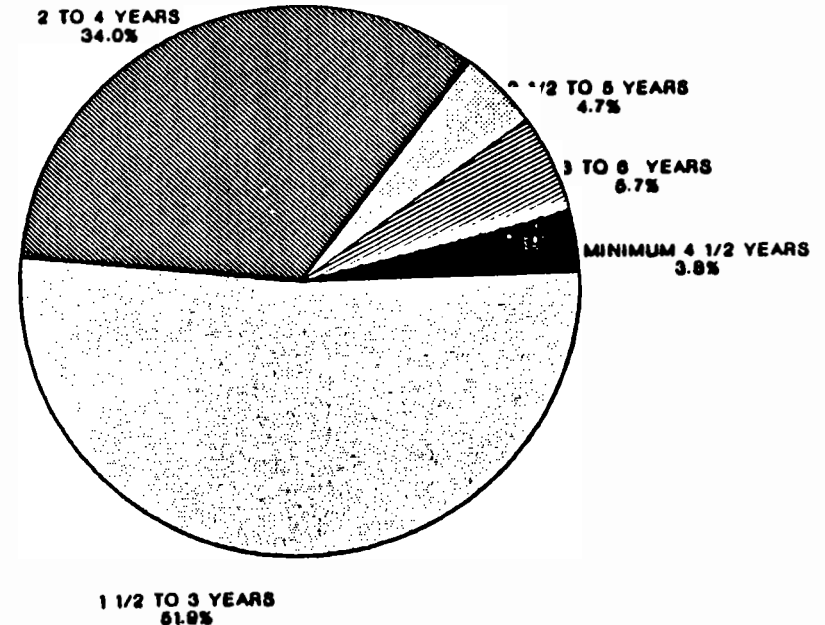
**Dispositions for DTAP Participants who
Left Treatment (n=53)**



*The one year jail term resulted from reduction of the felony sales charge to an A misdemeanor due to evidentiary problems that arose after the case was indicted.

**One defendant discharged for administrative reasons was placed in a treatment program that accommodates clients with psychiatric as well as drug problems.

**Dispositions for Defendants Who Refused the Program
or were Rejected in the Screening Process (n=212)**



10 Graduate From Drugs, Bypass Jail

DA's alternative to prison

By Greg Gattuso

The road to recovery for drug offenders could also lead to safer streets, said Brooklyn District Attorney Charles Hynes.

Hynes and other officials recognized the first 10 graduates who successfully completed the treatment-rehabilitation-training cycle of a program that steers drug users onto a more productive path.

Hynes' office set up Drug Treatment Alternative to Prison two years ago offering nonviolent drug offenders the option to undergo residential treatment of up to 24 months rather than go to prison. Those who successfully complete the program have their criminal charges dismissed.

The DTAP program has 145 drug offenders in treatment at centers throughout the city run by Samaritan Village and Daytop Village.

Hynes said residential treatment not only saves taxpayers the cost of housing prison inmates, but it also turns the abuser into a productive member of society.

"Society's approach to nonviolent crime is not only morally bankrupt, but it has the potential to fiscally bankrupt us," Hynes said at a ceremony in his office Tuesday. "The premise of solid drug treatment, housing and job placement has great potential for success. It's dramatic."

The district attorney's office says that prison cost per inmate for an 18-month term is \$82,000. Drug treatment, said Hynes, costs \$24,000 for the same period. He said addicts recovering results in fewer drug-related crimes, such as car theft, burglary and shoplifting. A decrease in addicts could result in 5,000 fewer crimes a year, he said.

Hynes said the 70 percent retention rate of the program is above the national average, and he hopes it would be picked up throughout the state and country.

Perhaps the biggest rewards of

DTAP graduates. The chance to start life over, they said, was a welcome one.

"I never knew I'd make it," said Isaac Gaines, 19. After a young life he described as "crime-related," he is now drug-free and enrolled in computer science classes at Kingsborough Community College.

Lisa Ortega, 24, spent 20 months in recovery, "looking toward the light at the end of the tunnel."

A mother of two, she said she felt "lost in the system."

"I felt like I would always be on welfare, like I would never get ahead," she said. "Now I feel like I finally got dealt a good card."

Ortega is working at a neighborhood gym, living drug-free and raising her children. Future plans include going to school to become a chiropractor.

Radames Gonzales, 40, had mixed feelings about leaving the program.

"I feel great, but I also feel sad because I have to leave people I've become attached to," he said. But the support of his family — including 10 children — gave him the courage and support to pull through.

"I'm proud of myself," he said. "Everything fell into place. Thank God."

Susan Ketchum, a supervising attorney for the Legal Aid Society, acted as a liaison between the defendants and the district attorney's office. She said the cases against the program's participants are in the process of being dropped.

"The future is theirs if they don't get into any more trouble," Ketchum said.

Hynes said the DTAP program has won the support of numerous community groups and leaders, including Gov. Mario Cuomo. Hynes hopes for federal funding to defray administrative costs and open more treatment beds.

Greg Gattuso is a free-lance

CLOSEUP

Worst abusers get best rehab

PUTTING PEOPLE AWAY is usually what a district attorney does. But Brooklyn prosecutor Charles Hynes has been working on keeping drug addicts outside.

Not just any drug abusers, either. It is precisely the hard-core addicts with one foot in a cell and the other on a banana peel that Hynes has targeted as the criminals with the best chance of rehabilitation through treatment instead of prison.

"It's really insane that you have to be desperate before you can get real help," said Deputy District Attorney Susan Powers, who developed the Drug Treatment Alternative to Prison program for Hynes.

DU P. K. 1: 2-

**STEVE
McFARLAND**



It seems, though, that the addicts who are in the most trouble are the ones who are ripest for treatment.

And rehabilitation makes more sense than prison for most drug addicts — not just from their point of view, but from ours, too.

For one thing, it's cheaper. It costs New York taxpayers about \$22,000 to house a prisoner for 18 months. The same period of time in

a residential drug treatment center costs \$24,000.

"Our nation is losing the war on drugs," Hynes said the other night at a ceremony for the first 10 graduates of the program. "largely because our leaders are not employing all the weapons at hand."

The program seems an odd weapon at first glance. To qualify, you have to be a mess. You must be a drug addict with one nonviolent felony conviction. You have to get arrested for another nonviolent felony, and the case against you has to be airtight. In practice, the felonies are nearly always street sales of drugs.

Second-time felons face longer prison time, and that seems to work with addicts the way the proverbial 2-by-4 works with the mule: It gets their attention.

"Studies have shown that legal coercion keeps people in treatment," is the way Powers put it.

"I told my mother years ago that I wanted to change," is the way Sorocco Medina put it. "but I didn't know how to change."

Medina began to find out in 1990, when she got swept off Bushwick Ave. in a police buy-and-bust operation. She had been drugging for 21 years. "I started young," she said. "I sold drugs. I robbed anything and everything." She was offered the program, and she jumped at it. "I knew I needed help."

Now, at 33, she is one of the 10 addicts who have completed 21 months of residential treatment at Samaritan Village. She works as a printing keyboard operator, lives with her cousin and hopes to get her own apartment soon so she can get her three children out of foster care.

Just as reformed drunks say they meet at Alcoholics Anonymous sessions the people they used to meet in bars, so with drug addicts and treatment programs.

"I saw a lot of my friends from Bushwick at Samaritan," she said, "but really, more of them are 6 feet under."

She said she has known Antonio Maldonado, another of the program graduates, for 12 years.

Maldonado has learned the photocopying trade and is trying to get back with his two children.

IS EVERYTHING COMING UP ROSES for the program's graduates? No, not exactly. Jobs can be a problem, for instance, but now the graduates have nonchemical resources for dealing with their problems.

"It's a recession," Maldonado said when asked about his work. Then he shrugged and added, "but at least now I know how to make a resume and how to apply for a job."

McFarland's column appears Monday and Thursday.



CHARLES J. HYNES
DISTRICT ATTORNEY

DISTRICT ATTORNEY OF KINGS CO.
MUNICIPAL BUILDING
BROOKLYN, N.Y. 11201
(718) 802-2000



December 1, 19

Handwritten note:
Send a
copy to Bruce
Reed - ask
him to call me.
draft a thank
you for the
letter

Marcia L. Hale
Assistant to the President and Director of
Intergovernmental Relations
The White House
Washington, D.C. 20500

Dear Ms. Hale:

I am writing to thank President Clinton for the extraordinary attention he has given the crime and drug problems in America and, in particular, for his recognition that we must find new ways to ensure personal security, encourage individual responsibility and provide opportunity for young people.

I believe we can help the Administration in this regard. From my perspective as the chief law enforcement officer of one of the most violent counties in America, new approaches are desperately needed because the federal government's failure to fight an intelligent, realistic "war" on drugs has meant more violence on our streets, more drugs in our neighborhoods and schools and more taxpayer dollars going to waste.

It is also encouraging to learn that the President intends to go beyond the crime bill now being considered by the Congress and to continue spotlighting creative, innovative programs that have demonstrated some success. Indeed, one of my great frustrations with the public policy debate about crime is the lack of any serious consideration of programs and approaches that actually work. Instead, the political and policy choices are simplistically reduced to prison vs. alternatives, and programs are characterized as either "tough" on crime (like mandatory sentences and prisons) or "soft" on crime (like residential treatment and rehabilitation).

The results have been predictable and disheartening: for the last decade or so, our primary weapon in the drug war has been incarceration, which has not done enough to stop the bloodshed but has done alot to impoverish our governments.

We have a program in Brooklyn which is more promising than that, because it successfully combines elements of both policy choices. Our Drug Treatment Alternative to Prison, DTAP, uses the threat of prison to encourage - if not coerce - drug-addicted offenders into completing a vigorous, long-term treatment program. DTAP also offers a solution to the prison overcrowding caused by mandatory minimum sentences, and the political problems with eliminating these so-called "tough" sanctions.

In fact, we use the state's mandatory sentencing laws to insure the effectiveness of the program. DTAP participants are second-felony offenders who face mandatory state prison sentences upon conviction. They are required to spend fifteen to twenty-four months in residential drug treatment, at approximately half the cost of prison. If these individuals fail to complete treatment, we prosecute, convict and incarcerate them. If they succeed, we dismiss the charges against them and help provide jobs and training to keep them from returning to drugs and crime. When they succeed, everyone benefits from the reduction in drug-related crimes.

Equally important, we reserve DTAP for non-violent offenders, who nonetheless contribute greatly to the fear and decay in many neighborhoods. We are as tough as ever on violent and non-addicted criminals.

The attached fact sheet explains how DTAP works and summarizes the first three years of the program, from October 1990 through October 1993. I have also enclosed an article from The New York Times describing how tough and effective this program is.

Sixty-one offenders have now graduated from DTAP, and their experiences demonstrate the success of this approach. It would cost New York's taxpayers approximately \$2.3 million to keep these people in state prison for one year. Instead, they are working and paying taxes or in training for jobs, rather than committing crimes or draining our resources in prison. In addition, the recidivism rate of DTAP graduates who have been out of the program for six months or more is only 9%, compared with a 40% recidivism rate for a comparable group of second felony drug offenders who were released from prison. This means that we have achieved less than one-fourth of the recidivism at one-half of the cost.

As the President appreciates, we do not have the luxury of more business as usual in the struggle for safe streets. According to the Justice Department, murders have increased 19% in the United States since 1988, and other violent crimes have also increased substantially, even though we have built more prisons and jails and incarcerated thousands more non-violent drug offenders during that time. We have demonstrated in Brooklyn that there are other available policy choices that are not "soft", simplistic or ineffective.

I also believe, as President Clinton does, that the American people will respond favorably to straightfoward, honest talk about crime and drugs. My experiences with explaining DTAP to audiences of public officials and private citizens of every political persuasion confirm that.

While DTAP may be unique, it can be replicated in most jurisdictions, including the federal system which in 1992 sent more than 3,000 non-violent, first offenders to prison to serve mandatory minimun sentences. Please let me know if you have questions or need more information about this program, or if there is any way we can help the President advance his anti-crime agenda.

Very truly yours,

Charles J. Hynes

/ab
Attachment

**The Kings County District Attorney's Drug Treatment Alternative to Prison
(DTAP)**

Over the past decade, the prison population of New York State has more than doubled without any impact on the crime rate. DTAP was initiated by the Kings County District Attorney on the premise that defendants would return to society in a better position to resist drugs and crime after treatment than if they had spent a comparable time in prison at twice the cost.

DTAP is the first prosecution-run program in the country to divert prison-bound felony drug offenders to residential drug treatment. Begun in October 1990, DTAP targets all drug-addicted defendants arrested for class B felony drug offenses, who have previously been convicted of a non-violent felony. If convicted, the defendants face mandatory state prison sentences under New York State's second felony offender law. This encourages them to remain in treatment. Qualified defendants are given the option to defer prosecution and enter a residential drug treatment program for a period of 15 to 24 months. Those who successfully complete the program have the drug charges against them dismissed; those who do not are brought back to court by a special warrant enforcement team and prosecuted on the original charges. To prevent relapse and reduce recidivism, the District Attorney's Office has formed a Business Advisory Council to assist defendants who complete treatment to find employment.

After three years of operation, 357 defendants have been accepted into the program; 160 participants are still in treatment, 51 have completed the program (only three of whom have been rearrested on new charges) and 95% of the defendants who left treatment were returned to court. DTAP projects a completion rate of 55% (retention is currently at 60% with a 58% retention rate for those who have been in treatment for one year). In contrast, the National Treatment Outcome Perspective Study reports a 13% average one-year retention rate for all TC programs.

Sixty-five percent of the defendants accepted during the program's first 36 months were Hispanic, 30% were African-American, 5% were white. Females comprised 19% of the defendants. More than half (52%) of the participants were 18-29 years old.

DTAP has carefully monitored every aspect of the program. It is currently seeking federal funds to evaluate post-treatment outcomes with respect to criminal recidivism, drug and alcohol abuse and other indicators of social adjustment. The research will also include a cost-benefit analysis of savings realized by reducing incarceration and post-treatment costs.

Five other prosecutors in the state, funded by the state's criminal justice agency, have implemented DTAP replications. There is a crucial need for new treatment expansion to support the growing consensus that treatment is an effective, cost-efficient alternative to incarceration.

DTAP is 100% City and State supported. It costs \$1.7 million annually for treatment and \$290,000 for the management of the program.

Dealing With Drug Dealers: Rehabilitation, Not Jail

Hynes Tries Alternative Approach Intended to Stop a Problem by Curing an Addiction

NYT B1 Wedn 1/20/93

By FRANCIS X. CLINES

In 15 years of selling cocaine and heroin in the doorways and abandoned buildings of Brooklyn's pervasive Borough Park narcotics mart, Guillermo Rios developed an entrepreneurial sense of a good deal, even as he indulged his own deep addiction.

Mr. Rios, who once managed seven tidy street outlets, had to hurriedly put his deal-maker's sense to good use 20 months ago when he was caught, fix in hand, selling drugs to undercover detectives. At the arraignment, District Attorney Charles J. Hynes of Brooklyn offered him a deal he never expected:

Either complete an experimental long-term rehabilitation program and be treated like an addict with all the struggle of self-reform, or face mandatory prison time as just another common criminal with all the attendant lost freedom and wasted life.

Limited Experiment

It was a deal that Mr. Rios and more than 200 other addicted drug dealers in Brooklyn have taken gladly but warily over the last two years in an unusual program that is attracting attention from other law-enforcement officials who are intent not so much on declaring a truce in the war on drugs as in attempting a little creative triage.

The Brooklyn program is a limited experiment, but it is showing enough progress at retaining phlegmatic addicts in long-term treatment in lieu of prison that the state has decided to extend it to the other city prosecutors' offices this



"What I am learning is to finally begin valuing my life," said Guillermo Rios, left, who chose an experimental rehabilitation program after being caught selling drugs. He talked with Ed Hill of Daytop Village in Swan Lake, N.Y.

Joyce Dapleen/The New York Times

Continued on Page B2

JAN 20 1993

DISTRICT ATTORNEY
Kings County

CHARLES J. HYNES

DISTRICT ATTORNEY

JAN 20 1993

Dealers' Deal: Rehabilitation, Not Jail

NYT 132 WED

Continued From Page B1

year. Mr. Rios, who is finishing his first year in rigorous rehabilitation, said, "I had already been in jail and that just made me a little crazier."

He remains free, as ever, to walk away from the deal. But if he does, a special pursuit team will try to track him down and put him back on the narcotics court treadmill toward the overwhelming likelihood of serving long years in prison, with no second chance at mercy from Mr. Hynes.

The program is intended to deal with the legions of drug dealers who basically underwrite their own addiction with the money they make selling. Second offenders like Mr. Rios face very tough laws providing mandatory prison time and no easy plea bargains. Prison reformers say such second-felony laws are unrealistically harsh, but Mr. Hynes is exploiting the harshness, in effect, in his new carrot-and-stick program.

Half the states have comparable drug crackdown laws mandating prison time for repeat offenders and these have been instrumental in the mushrooming of prison populations and expenses across the nation through a high turnover in drug arrests. This growth has not necessarily focused on the more violent criminals who are at the heart of the public's alarm and the politicians' enactment of harsh remedies.

Up to 3 Years

With prisons becoming glutted, some criminal-justice officials are looking for cheaper, more productive alternatives. Few new programs besides Mr. Hynes's Drug Treatment Alternative to Prison offer such a powerful combination of seduction and penalty to try to change addicts who have been carefully screened and not merely to detain them behind bars until they come out to deal again.

Under the program, arrested dealers who spend up to two years completing private drug-rehabilitation programs like Daytop Village and Samaritan Village are rewarded by having the drug charges for which they were arrested dropped; the arrested dealer is free to pursue a new drug-free life with one less felony blot.

But those who yield to the temptation to walk out on the rehabilitation program's rough self-examination, job training and other responsibilities immediately face the full force of New York State's predicate felony law, which mandates prison time for second-time drug offenders, with little leeway afforded sentencing judges.

For public officials, the cost of treatment versus incarceration of nonviolent drug offenders is increasingly important. The Brooklyn program costs about \$17,000 a year for each dealer in treatment, less than

half the cost of imprisonment, about \$40,000. But the real choice in public policy is not that simple, and alternative approaches to prison can prove risky for responsible officials.

'A Terrifying Experience'

An assistant district attorney, Susan A. Powers, recalled the initial anxiety that the program, rooted in Mr. Hynes's unusual use of his case-disposal powers, might prove to be a gamble that failed, with addicts scandalously fleeing in droves. "It was a terrifying experience," she said. "But the results so far have been rather amazing." Ms. Powers pointed out that 70 percent of the addicts admitted to the program have stayed, versus a rate of about 13 percent nationally in voluntary drug-treatment programs.

"Retention is the key to success, studies show, even if you're forced to enter a program," she said. "They can change you if they can keep you."

'This is the hardest thing an addict's going to do,' a director says.

providing the programs are as long term and experience proven as Daytop and Samaritan.

"This is actually a lot harder for them than jail," said Ed Hill, director of the privately run Daytop Village center in Swan Lake, in the Catskills, where Mr. Rios, ever a manager, has risen in 11 months to be the chief administrator for running the woodshop and its staff.

"This is the hardest thing an addict's going to do because it represents true and total change," Mr. Hill said. "No more the swaggering tough guy with the .45 pistol in his belt or the 8-millimeter in his boot. We're talking complete overhaul."

He stressed that society was right to want its streets cleaned of the plague of addict-dealers like Mr. Rios but that the real issue, finally faced fully by this program, was whether to try to change them or to merely guarantee a deeper problem with prison-toughened criminals.

Mr. Rios, a trim, watchful man with more than half his 28 years of life already invested in drugs, said pragmatism was as effective as idealism in Mr. Hynes's program. He conceded that he had jumped at the program mainly to avoid prison and had thought he could ease through and feign dedication when needed, as with other more casual programs that he had gone through inside prison and out.

Mr. Hill, a Daytop graduate from

Brooklyn's street-drug pathology of two decades ago, smiled, noting that avid peer-pressure is only one tool intended to root out routine fakery. Mr. Rios said he eventually found change and growth in himself necessary to stay in the program.

"Here, instead of doing 7 to 15 in prison, I'm not even doing time," he said gratefully. "I'm learning a lot about myself, what a threat I am to me and to others. What I am learning is to finally begin valuing my life."

Of the 30 percent in dropouts from the program, Mr. Hynes's pursuit squad, put together especially for this program, has arrested 95 percent to resume the court process. Of 64 returned to court, 51 received felony prison terms and 11 cases were pending as of the latest tally in November. Only two received misdemeanor treatment — a tribute to the original selection of firm second-felony drug cases by the District Attorney to guarantee the harsh stick needed to complement the program's inviting carrot.

Long-range effects are yet to be measured since only the first 14 graduates have returned to their communities. "I had my hand on the door-knob several times, ready to walk," said Angelo K., a 30-year-old graduate who completed the program's residential and re-entry programs, learning to be a diesel mechanic in the process. Through the program he has obtained a job in his old neighborhood, Sunset Park, still as drug-infested as when he began dealing as a 14-year-old.

'Finally Be an Adult'

"It was like I was frozen in my childhood back then," Angelo said. "The program resumed my life. I feel like I lived the rest of childhood in a year and sped forward to finally be an adult. Basically, they taught me we're not bad people," he said of the Samaritan Village program and his fellow addicts aiming for change.

Despite the program's modest enrollment, its surprising retention rate among the notoriously unreliable addict community is encouraging enough to attract praise from the office of Gov. Mario M. Cuomo and a decision to expand it to the other city prosecutors. A \$700,000 state allocation of Federal anti-drug money will help finance 300 new residential treatment slots beyond the 300 in the Brooklyn program.

"The future of this approach is very dependent on the available treatment slots," Ms. Powers stressed. "There are only something like 15,000 full-scale residential slots available nationally — amazingly small — and maybe two-thirds of them are in New York and California. If the Clinton Administration is serious with its talk about changing the 70-30 approach of law-enforcement-to-treatment to something more of a 50-50 breakdown, then this program and others like it have a future."

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

The New York Times

NOVEMBER 7, 1993

Treating Drugs at School

Effective drug treatment that's part of a
learning program at Phoenix House

By Lisa Foderaro



Bart Bartholomew for The New York Times

**"We've grown so much,"
said Holly Oehlman.**