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CONCEPT PAPER

Evaluation of Five
Criminal Justice Demonstration Projects
in Polk County, Iowa

Submitted to:

Polk County Board of Supervisors
Room 123
Polk County Court House
Des Moines, Iowa 50309

Prepared by:

Vera Institute of Justice
30 East 39th Street
New York, New York 10016

Technical Assistance

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This is a proposal prepared by the Vera Institute of Justice for a one-year evaluation of five demonstration programs in the criminal justice system in Polk County, Iowa.¹ The primary objective would be evaluation of the effectiveness and impact of each of the five programs and analysis of their interaction. The evaluation would be conducted so as to assist programs in meeting their goals with maximum effectiveness.

The individual program evaluations would examine each project's effect, if any, on crime rates and the quality of justice within the jurisdiction. Within that framework -- arising from the projects' aegis within the criminal justice system -- specific predicted program impacts, effects on target populations, and each program's internal operating procedures would be examined and analyzed. In conjunction with the individual evaluations, any existing or potential interactions between the five programs would be described and analyzed, particularly as they affect program output.

The evaluation would aid two levels of decision-making. Discussion of operational issues -- such as the effectiveness of various program elements -- would aid program administrators. Second, broad policy issues, such as the validity of program goals, basic design, institutional aegis, and potential needs and sources for permanent funding, would be examined to aid policy-makers such as the Board of Supervisors in allocating resources and setting priorities in the Polk County Criminal Justice System. Throughout the year, the evaluators would provide information on the operations of the five programs and would recommend program improvements. In conjunction with this evaluation-recommendation process, Vera staff would aid in implementing and measuring the impact of those recommendations that are put into operation.

Since some of the programs evaluated will have been operating only a short period of time by the end of the Phase I evaluation, evaluation of the impact and interaction of the projects will be preliminary in nature and the Phase I evaluation would necessarily focus on assisting the development of the new programs. Therefore, in addition to reports on programs' effectiveness and interaction, the current evaluation would be used to generate a data base and research procedures which would be a foundation for a second, more comprehensive evaluation.

1. The five programs are:

1. Identification/Alcoholic in Court System
2. Family Service Bureau
3. Comparative Legal Defense Services
4. Improved Charge Analysis Process
5. Restitution in Probation Experiment

Polk County has one of the most innovative pre-trial criminal justice systems in the country. By the end of the Phase I evaluation, it is expected that the five additional programs included in this evaluation will be well established and that their permanent role, if any, in the criminal justice system will be determined. Therefore, the Phase II evaluation, in addition to continuing the assessment of program effectiveness, would determine what further innovations and reforms might achieve maximum productivity from the pre-trial criminal justice system. In assuming a jurisdiction-wide perspective, the Phase II research would analyze the interaction between all elements of the criminal justice system, identify goals which are still not adequately met by the system and areas where productivity could be increased, and will suggest additional programs and procedures to achieve those goals. Vera's experience in designing and implementing criminal justice reforms would be available to assist in developing what would constitute a model pre-trial criminal justice system -- possessing all of the best procedures and components according to the current state of knowledge, and the ability to improve through continuous responsible experimentation and innovation.

Phase I Evaluation

Research conducted during the Phase I evaluation would generate an assessment of each of the five project's effectiveness and an analysis of their interaction. The results of the research would be used to address the following kinds of questions:

A. Policy issues, such as:

- Are each program's goals feasible in light of its operating capacity?
- Are the program's goals appropriate to the needs of the criminal justice system, and are there other or additional goals which the program might be adjusted to meet?
- Is it feasible to continue the program on a permanent basis? If so, is the location of the program within the overall system appropriate for maximizing its effectiveness and impact? What is the optimal level of funding for the program such that its benefits exceed its costs? What are potential sources for permanent funding?

(and)

B. Operational issues, such as:

- Is staff training adequate to meet the needs of the program? If not, what sort of training program would improve staff effectiveness?
- Are the internal and external information-transmission systems adequate? Is the record-keeping system used by the project appropriate to the kinds of information it needs to transmit?
- How efficient is the internal administrative structure of the program? Are some staff overburdened while others do not have enough work?
- Are the specific techniques (such as interviewing defendants, selection criteria, and service delivery) effective? If not, how can they be improved?
- Are there adequate resources in the community to meet the program's needs (such as social service agencies)? Does the program make effective use of existing resources?

These issues will be raised throughout the course of the evaluation, and various approaches to solving problems presented and where possible, tested.

Individual Program Evaluations

The evaluation of each individual program would address policy and operational issues (such as those mentioned earlier) relevant to the effectiveness of the program and its contribution to the overall quality of justice in the jurisdiction. The specific areas to be covered in each evaluation are as follows:

1. Evaluation of the Identification/Treatment Program for Alcoholic Offenders

The primary objective of the evaluation of the Identification/Treatment Program for Alcoholic Offenders would be to measure the project's ability to remove alcoholic offenders from the criminal justice system. Two crucial measures of the program's effectiveness would be the number of cases which the program effectively prevents from entering the system (diversion) and the frequency of subsequent re-entry by program participants (recidivism). In conjunction with these two measures of effectiveness, the study would examine a) the program's ability to identify alcoholic offenders early in sequence

of case processing; b) the effectiveness of treatment offered to alcoholic offenders, which would involve evaluating the program's in-house services and use of referral to community agencies, as well as measuring the effect of treatment on variables such as participants' employment rates, family relations, etc.²; and c) the program's effect on prosecution and disposition of participants' cases (for instance, did any changes in sentencing practices of convicted alcoholic offenders occur as either a direct or indirect result of program operations?).

Since Vera has for some years operated its own alcoholic detoxification program (The Manhattan Bowery Project), and has engaged in planning and evaluation of other such programs (for instance, the Cincinnati Detoxification Project), the evaluation would include comparative data and operational recommendations based on appropriate comparisons between these programs.

2. Evaluation of the Family Service Bureau

The purpose of the Family Service Bureau is to effectively mediate and resolve intra-family dispute cases and juvenile problems in order to reduce the number of such cases which enter the criminal justice system. Two important measures of the project's effectiveness are the number of cases effectively diverted from the system and the frequency with which participants enter or re-enter the system at later dates, and the program's impact on reducing the frequency of assault on police officers by citizens involved in family disputes.

The evaluation would examine the effectiveness of the program's counseling techniques (including analysis of the training program, the counseling procedures themselves, and use of referral to community agencies), the effect of the program on observable participant behavior (such as the frequency of school problems for juvenile participants), the project's effect on the activities of other police and deputy sheriffs (such as the way other types of cases are handled as an indirect result of knowledge of the program's operation), and changes in the handling of participant cases which do enter the system (for instance, changes in the nature of case dispositions).

The evaluation would explore possible changes in attitudes that resulted from the project's operation, such as changes in the community's attitude towards the sheriff's office, or changes in the attitudes of deputy sheriffs towards their role with respect to the community.

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2. We have purposely not included measurement of changes in clients' drinking patterns, since in previous research efforts this has proved impossible to measure reliably. However, other kinds of indices, such as the frequency of hospitalization for alcohol-related problems, may be used to infer changes in drinking patterns.

3. Evaluation of the Comparative Legal Services Program

The primary objective of the evaluation of the Comparative Legal Services Program would be to determine the most effective and efficient method for providing legal defense for indigent defendants. The evaluation, which would build on the previous evaluation done for this project, would focus on a controlled study comparing the effectiveness of court-appointed and public defender systems. Among the issues addressed would be the caseload capacity of each system in relation to its cost of operation and in comparison to recognized standards of optimal caseloads to the provision of adequate defense; the quality of defense provided by each system (as measured by changes in the charges against defendants resulting from plea bargaining or charge reduction, defendants' pre-trial release status -- including bail reduction activities, the nature and point of final case dispositions, length and severity of sentence, as well as the perceptions of the defendants themselves regarding their attorneys); and the speed with which cases are disposed.

The evaluation would address the relationship between the two defender systems: to what degree, and in what areas, are they currently aiding each other in providing good legal defense (for instance, rapid provision of information from one system to the other); to what degree can the quality of legal defense in the jurisdiction be improved by cooperation between the two programs, or to what extent should the nature of the cooperation be altered? The research would also compare the effectiveness of the program in providing legal defense for its clients with the effectiveness of private attorneys.

Finally, in determining the impact of the Comparative Legal Services Program, the evaluation would take into account the effect of the Charge Analysis Program. In this respect, the study would consider the effect of the Charge Analysis Program on the caseloads of public and court-appointed defenders, the changes in the types of cases assigned to each group, and the effectiveness of the public defender and court-appointed counsel in representing their clients with this new procedure.

4. Evaluation of the Charge Analysis Project

The evaluation of the Charge Analysis Project would seek to determine the program's effectiveness in screening criminal cases to reduce unnecessary use of the adversary system. The evaluation would monitor the frequency of instances in which cases were screened from prosecution on the basis of insufficient evidence to support a successful prosecution and the frequency with which cases are screened out by the use of the prosecutor's discretion to invoke an alternative method of disposing of the case (diversion).

The evaluation would also measure the speed with which the program disposes of cases (including analysis of the speed with which the program reaches its screening decisions), the quality and consistency of program decisions (which might include the project's effectiveness in preventing dismissals for lack of evidence later in the system), analysis of the criteria used in making screening decisions, the fairness

of screening decisions, and whether conditions placed on defendants as a prerequisite to diversion violate due process of law.

The study would also examine the administrative abilities of the program -- such as the ability of the project to obtain all relevant data prior to reaching its decision and to utilize the resources of other agencies that would permit the program to have the greatest number of lawful options for disposing of cases at its disposal.

Finally, the program's operation and effectiveness would be considered in light of its relationship to other parts of the criminal justice system to determine if there are opportunities for expanding the program to identify major cases or major offenders for special attention by the prosecutor's office and to provide feedback to the police, victims, and complaining witnesses about case dispositions.

5. Evaluation of the Restitution in Probation Project

The evaluation of the Restitution in Probation Project would be designed to measure the project's effectiveness in achieving its specified objectives -- to provide restitution to victims of crimes and to increase citizen involvement with the criminal justice system. The project's goal-achievement ability would be evaluated by analyzing the frequency and extent of restitution to victims of crimes and its effect on those victims, their friends, and their relatives as reflected in changes in attitude towards offenders and towards the criminal justice system as a whole.

Possible rehabilitative effects of restitution for offenders would be examined through such variables as attitudinal changes, rate of recidivism, employment/public assistance status, school attendance, etc. (A controlled study might be conducted to compare these measures to a group of similar offenders not paying restitution.)

Issues relating to program policy, legal considerations and project operations would be explored. These might include:

- Does placement of the Restitution Project under the aegis of the Probation Department unduly delay restitution and limit the applicability to too few cases?
- What is an appropriate role for the court to play in restitution?
- Does the availability of restitution as part of probation have any effect on plea bargaining and case dispositions?
- Does restitution unlawfully merge civil and criminal law remedies?
- What is a reasonable level of restitution?
- Which offenders/victims should be considered eligible for restitution?

Analysis of Program Interaction

The interaction analysis would evaluate the nature, frequency and observable consequences of each of the three types of program interaction. First, participation in one program may formally or functionally prevent participation in another program. Second, knowledge of one program's operation may affect both policy and individual case decisions made by another program. The third category of interaction is interprogram communication and cooperation, including transmission of information, integration of related procedures, and staff functions, as well as cooperation to achieve particular or common goals. Based on observations and review of program procedures, operating goals, and interviews with staff personnel, an "interaction matrix" would be constructed, outlining the routes of interaction between the programs. The analysis would include interprogram communications, legal and administrative issues accompanying communications (confidentiality), and how interprogram communications affect the utilization of community-based social services.

General Methodology

The evaluation process will consist of analysis and interpretation of collected statistical data, supplemented by subjective opinions of the evaluators. Recommendations for program and system improvements would be made and Vera would aid program administrators in implementing selected recommendations. The effect of the suggested improvements would then be measured and evaluated.

Two basic designs would be employed in the proposed research. The first consists of comparisons of data prior to the implementation of the five demonstration programs to data following their implementation ("pre-post comparisons"). The second consists of controlled experiments to analyze the impact of the projects on their participants.

Pre-post comparisons of archival data with data collected during the twelve-month evaluation period would be used for all program evaluations. In instances where one program was implemented later than others, the comparison would consider the impact of both the earlier projects' operations on the new program as well as the effect the new program has on the output of the older projects (analysis of program interdependency).

Where feasible, pre-post comparisons would be supplemented by two types of controlled studies. The first, involving random assignment of defendants to either program participation or no program participation (Treatment/No Treatment) would assess the impact of the program as a whole on the defendants it serves. The second would entail random assignment of defendants to one or another type of program treatment (Treatment A vs. Treatment B) to enable evaluation of various program components.³ Specific procedures would depend on the operating requirements of the individual program.

3. The two types of controlled experiments are not mutually exclusive. They may be used simultaneously or successively for any one program.

The evaluators would conduct short, concentrated attitudinal surveys, interviews, and time-motion studies which are economically unfeasible to collect for the entire twelve-month period.

Briefly, data collection would be conducted in the following manner:

A. Archival Study

In order to measure the changes effected by each of the five programs, a study of various characteristics of the criminal justice system prior to the implementation of each of the programs would be performed. This study might consist of three density levels:

1. General trend information: In order to obtain a perspective on the general changes occurring in the criminal justice system which would not be attributable to the operation of a demonstration program (for instance, changes in the number of arrests due to population fluctuation), data would be collected on easily measured variables such as the number of arrests, charge distributions, number of court cases, and case disposition distributions. Collection of this material would begin at a point two or three years prior to the start of the earliest of the five programs and continue through the twelve-month evaluation period.
2. Detailed trend information: Collection of more detailed case information (such as the time between arrest and trial, types of trials, sentencing patterns, and general demographic information on defendants) would be collected beginning at a point six months or one year prior to the start of the earliest program and would continue through the evaluation period.
3. Specific case information: A small randomly chosen sample of cases would be studied in detail to determine the type of defense attorney, detailed information on the defendant (e.g., employment status, family structure, and prior record), and more detailed information on the specific case (point of disposition, outline of bases for decisions made during screening of the case, etc.). These cases would be selected from the sample of cases used in #2 above.

B. On-going Data Collection

1. Program data: At the start of the evaluation period, each project would be supplied with a comprehensive internal monitoring system. The data collected would cover detailed descriptions of the defendants served by the program, descriptions of program operations (such as caseload, service delivery, etc.), as well as documentation of decision-making and communications with other programs. The monitoring system, which would be appropriate for projects' use following the end of the evaluation, would rely in part on the cooperation of program personnel in collection of necessary data.
2. Other elements of the criminal justice system: The evaluation staff would also monitor the operations of other elements of the criminal justice system, including police activities (such as the number and nature of arrests), court activities (such as the types of trials, amount of time between arrest and case disposition, types of pre-trial release, etc.), and correctional facilities.

C. Observation of Project Operations

In addition to daily contact between the projects and the on-site evaluation staff, selected consultants and Vera staff would spend time with each of the five projects as well as with other relevant elements of the criminal justice system observing daily activities, staff meetings, and board meetings.

D. Interviews

Project staff, other persons in the criminal justice system, defendants, and selected members of the community would be interviewed by the evaluators to determine their perspectives on the various programs' effectiveness and to obtain relevant attitudinal measures. Although much information would be obtained in informal discussions, standardized interviews (which would be evaluated for internal reliability and field tested) would be used wherever possible.

Work Plan

The majority of statistical data collection would be performed by an on-site research staff. In frequent trips to Polk County, New York-based personnel would design and initiate data collection procedures, supervise data collection by the on-site staff, conduct interviews, implement short-term studies (such as controlled experiments and attitudinal research), observe program operations, and aid program administrators in implementing selected recommendations arising from the evaluation.

The first month of the evaluation period would be spent designing and testing out data collection procedures and refining the evaluation plan (for instance, adapting the designs of controlled experiments to the operating requirements of individual programs). All on-going data collection, testing of recommended procedural changes, the archival study, and any short-term studies would be performed between the second and eleventh month. Final analyses of the data and compilation of the final evaluation report would occur during the twelfth month of the evaluation. At the end of the evaluation period, members of the evaluation staff would present its report, in person, to the Board of Supervisors and respond to any questions or comments on the report.