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NATIONAL EVALUATION OF THE
NEIGHBORHOOD JUSTICE CENTERS
FIELD TEST
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WORK PLAN

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ABSTRACT

The Work Plan for the National Evaluation of the Neighborhood Justice Centers Field Test contains background material on prior dispute resolution programs, a conceptual framework for highlighting the major issues of interest in developing an evaluation design, and National Institute of Law Enforcement and Criminal Justice and the Office for Improvements in the Administration of Justice early development of the Neighborhood Justice Center Field Test effort. A brief history of the activities in each of the Field Test sites -- Atlanta, Kansas City, and Los Angeles -- is also illustrated.

A general overview of IFR's approach to the evaluation process is outlined, highlighting the application of both the decision-theoretic methodology and the use of rigorous experimental designs where possible. Following that, four major studies are presented which will make up the primary evaluation design. The first study will be a history and analysis of the implementation activities that each project was engaged in to get the NJCs established in their local communities. Included in this effort will be a review of the projects' staffing, training, site location, and mediator selection and training. The second study will be an analysis of the process activities each Center will be generating as a result of receiving disputant referrals and conducting mediation sessions. The third study will be an analysis of the impact of the programs on the disputants, the courts, and their local communities. The last study will be an examination of the cost factors associated with operating the Centers. In addition, a schedule of the evaluation project's major milestones and sample data collection instruments are included.

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I. BACKGROUND AND CONCEPTUAL FRAMEWORK

Introduction

In 1977, the National Institute of Law Enforcement and Criminal Justice (NILECJ) in cooperation with the Office for Improvements in the Administration of Justice of the Department of Justice embarked on a program to develop a field test of Neighborhood Justice Centers in Atlanta, Kansas City and Los Angeles. These Centers were designed to resolve disputes among citizens by the processes of mediation and arbitration, rather than through the formal judicial system. Many forces contributed to the development of this experimental program, but perhaps the broad overriding concern was that the current mechanism for handling citizen disputes -- the traditional judicial system -- is inefficient and, in fact, ill-suited for dispute resolution. Indeed, the current processing of dispute cases through the courts appear, in the main, not to be beneficial either to the courts, where caseloads are a critical problem, or to the disputants, who often must endure costly, drawn out adjudications. In many instances the dispute cases are dismissed, leaving the resolution of the dispute in limbo. It is hoped that Neighborhood Justice Centers will serve as a more satisfactory vehicle for dispute resolution.

In order to assess the strengths and deficiencies of the Neighborhood Justice Centers, a separate evaluation grant was awarded by NILECJ's Office of Program Evaluation to the Institute for Research (IFR) shortly after the three test sites were funded. It is IFR's responsibility to conduct an independent National Evaluation of the Neighborhood Justice Center Field Test. The purpose of this document is to provide a detailed plan of how the evaluation will be conducted. Before presenting the specifics of the evaluation approach, we shall briefly discuss the conceptual and historical framework of Neighborhood Justice Centers and provide a description of the three Centers.

Problems of Dispute Resolution

For many citizens, the urban judicial system is a foreboding, somewhat mysterious institution whose costs and arcane workings make it practically inaccessible. If the citizen steps into this system, he or she often finds that the costly adjudication process moves at a disturbingly slow pace and that the control of events falls into other hands. Any sense that

justice has been delivered is often overwhelmed by feelings of frustration and powerlessness; that one has been dealt with by strangers rather than served by a segment of the community.¹ Such negative experiences seem particularly frustrating and inappropriate for the handling of disputes among citizens. For minor property disputes, disputes between couples or neighbors, etc., the traditional adjudication routes seem especially cumbersome and alienating, given that the problem is largely interpersonal and somewhat routine.

The courts have not actively sought to become the central institution for dispute resolution; rather the task has fallen to them by default as the significance and influence of other institutions has waned over the years.² Many of the disputes which are presently brought to the courts would have been settled in the past by the family, the church or the informal community leadership.³ While the current role of these societal institutions in resolving interpersonal disputes is in doubt, most individuals take their cases to the courts.⁴

The current use of the courts to process disputes presents several problems, the most salient of which are discussed below.

Limited access and utilization. The citizen who wishes to use the courts to resolve a dispute must be willing and able to pay for legal fees and court costs and to absorb the loss of wages for court appearance.

¹Danzig, Richard. Toward the creation of a complementary decentralized system of justice. Stanford Law Review, 26, 1973, 1-54.

²Although the Small Claims Courts in some areas appear to be capable of handling interpersonal disputes in a competent manner, as reflected in the article: Yngvessen, B. and Hennessey, P. Small claims, complex disputes: A review of the small claims literature. Law and Society Review, 9, 1976.

³Sander, Frank. Varieties of dispute processing. Federal Rules Decisions, 70, 1976, 79.

⁴One is struck by the parallel between the judicial system and the educational system in the extent to which they have taken on responsibilities which had formerly been the bailiwick of the family and church. The schools are increasingly (if reluctantly) becoming involved in values clarification, sex education, drug and alcohol abuse education -- matters which were once the purview of the church and family. Similarly, the courts are handling disputes which in the past might have been resolved by the minister or by a community elder. And, in both cases, mechanisms are being established in the community at a neighborhood level which deal with these personal and interpersonal problems in a way that is much less bureaucratic, more humanistic and comfortable; i.e., more nearly allied to the family model than is a court or school system.

For a broad band of the American populace, such an economic sacrifice is unthinkable, particularly if the dispute does not involve substantial property or payment.⁵ However, even if access to courts is improved, there is no assurance that they will be utilized by such citizens for dispute resolution. Many citizens, particularly minorities and the disadvantaged, may perceive the courts as alien institutions, unresponsive or even punishing. These people may prefer not to bring their disputes to the courts even if no costs were involved.

Delays and dismissals. Once in the system, the individual experiences extremely lengthy delays of months and sometimes years for the resolution of disputes, both civil and criminal. These delays can be unbearable for the disputant, but they are also reflective of the severe difficulties which courts experience in attempting to process the dispute cases. Often cases are partially processed through the system only to have the charges dismissed. Even in felony arrests for crimes against the person, a large proportion of charges are dismissed because the complainant had an on-going relationship with the defendant.⁶ After cooling off, the complainant no longer wishes to charge the defendant, who may be a relative or close acquaintance.

Inappropriate use of adjudication. For many disputes, the question is not a simple one of who is right or wrong, but rather which compromises and accommodations each party is willing to make. The conventional adjudication process is highly adversarial in nature, a competitive winner-take-all procedure which is not conducive to compromise and agreement.

The centralized bureaucratic agency. The average citizen does not view the urban court as an integral, valued element of his neighborhood or community, staffed by recognizable friends and neighbors. Instead the courts are seen as another impersonal government agency, populated by unknown individuals who may have never visited the citizen's neighborhood. He or she may be very reluctant to turn to a collection of strangers with a personal or interpersonal problem.

⁵Nader, Laura and Singer, Linda. Dispute resolution, California State Bar Journal, 51, 1976, 281.

⁶Vera Institute of Justice. Felony arrests: Their prosecution and disposition in New York City courts. New York: Vera Institute.

Alternative Dispute Resolution Techniques

When a dispute arises, there are basically three options which an individual may exercise to settle the dispute: (1) unilateral actions on the part of a disputant, (2) dyadic options in which the two disputants confront one another, and (3) third party resolution techniques.⁷ Adjudication is included in category (3), as are mediation and arbitration.

Unilateral actions include self-help, such as a cognitive redefinition of the problem, but also include inaction and active avoidance. Felstiner points out that complaints by individuals against large organizations are often "lumped" because the average individual has no influence on the organization and, in fact, is somewhat dependent on the organization.⁸ In motivational terms, the probability of payoff and the size of the payoff are not worth the economic and personal costs to the individual. Felstiner distinguishes between inaction, where the relationship between the disputants continues, and "active avoidance", where the individual does not attempt to resolve the dispute, but makes an effort to avoid future disputes by withdrawing from the relationship. He suggests that such responses are often acceptable in technically complex rich societies where there are often alternative relationships, social and economic, available to the individual. If one has a dispute with an employer, a merchant, or a spouse, the individual may simply drop one and choose another. Danzig and Lowy have contended that such a response to disputes exacts high personal and societal costs.⁹ Indeed, one may speculate that inaction encourages the continuance of irresponsible organizational practices toward individuals and that active avoidance erodes the cohesiveness of communities and institutions. Thus, these unilateral actions do not appear to be satisfactory alternatives to adjudication. The dyadic options of coercion and negotiation would appear to be less common responses to disputes. Coercion requires that a disputant can credibly threaten an opponent into compliance. If coercion is attempted, it can flare into a greater dispute and possibly result in injury or damage. Negotiation is a rather

⁷ McGillis, Daniel and Mullen, Joan. Neighborhood Justice Centers: An Analysis of Potential Models. United States Government Printing Office, 1977.

⁸ Felstiner, William. Influences of social organization on dispute processing, 9 Law and Society Review 63, 1974.

⁹ Danzig, Richard and Lowy, M. Everyday disputes and mediation in the United States: A reply to Professor Felstiner, 9 Law and Society Review 675, 1975.

attractive avenue for dispute resolution, but it usually requires that the disputants are mutually dependent, willing to compromise, and able to conduct negotiations without the presence of a third party.

It appears that the unilateral and dyadic responses to disputes are unattractive, improbable, or both. In this regard, third party resolution techniques -- short of adjudication -- have been viewed as the most feasible and satisfactory alternatives to the judicial system. Specifically, conciliation, mediation, and arbitration have been proposed (and adopted in a limited fashion) as appropriate techniques for dispute resolution. The major distinction among the three types of strategies is made along a continuum of third party involvement.¹⁰ In conciliation, the third party has a very limited role, whereas mediation involves the active participation of the third party. In contrast to these strategies, arbitration involves a third party decision regarding the matter in dispute. These strategies appear to fulfill most of the desired attributes of a dispute resolution process. Little formal training is required, so many lay members of a community can be used as mediators or arbitrators. The process itself is rapid, typically requiring no more than 2-3 hours of hearings. Agreements are usually written which involve some compromise from each disputant, rather than attempting to determine guilt or innocence. In short, mediation/arbitration seem to be the most attractive techniques for dispute resolution, seemingly exhibiting advantages over both adjudication and the unilateral and dyadic options.

The Development of the Neighborhood Justice Center Concept

The dissatisfaction with traditional adjudication as a means of resolving disputes has led to considerable discussion regarding the nature of the mechanism or body which would more effectively perform the function. The foundation for the concept of Neighborhood Justice Centers was laid down by Danzig in his proposal to establish "community moots", neighborhood-based non-coercive forums which would settle a variety of disputes without attempting to establish guilt or innocence.¹¹ These moots would be accessible -- even attractive -- mechanisms for all classes of citizens. The major

¹⁰ McGillis and Mullen, Op. Cit.

¹¹ Danzig, Richard, Op. Cit.

criticisms leveled at the concept of community moots is that without some coercive power, they are likely to be unworkable. In recognition of this deficiency, Fisher has proposed "community courts" composed of elected community members who would exercise a variety of sanctions, from restitution to eviction.¹² McGillis and Mullen have suggested that such coercive powers are extreme; that community courts may "readily decline into the legendary forums often associated with Australian marsupials".¹³ Recently, Sander proposed the development of Dispute Resolution Centers, which would provide an intermediate option between Danzig's non-coercive community moots and Fisher's highly coercive community courts.¹⁴ These Centers would be similar to community moots but would be a government agency with close ties to the courts and could also provide binding arbitration when mediation failed.

Development and Evaluation of Prior Projects

Mediation and arbitration as methods of dispute resolution have been available and utilized by courts, police, and other criminal justice agencies for decades. Juvenile courts in particular have over the years relied more and more on arbitration and other forms of dispute settlement to assist in handling the tremendous volume of cases brought before them. It was not until the last few years that formal programs have been funded to provide alternatives to traditional adjudication of minor dispute cases, and at least 30 or so of these projects are in operation at this time. These projects, while linked by their use of mediation and arbitration as tools for resolving disputes, have unique characteristics that distinguish themselves from one another. One factor that readily identified these projects is their relationship with the local courts, as partially defined by their sponsoring organizations. These agencies vary in terms of their organizational structures -- from private non-profit corporations to court sponsored programs.

¹²Fisher, Eric. Community courts: An alternative to conventional criminal adjudication. American University Law Review, 24, 1975, 1253-1291.

¹³McGillis and Mullen, Op. Cit.

¹⁴Sander, Op. Cit.

Since the early 1970's several interest groups have been involved in developing and implementing dispute resolution programs. The Columbus, Ohio, Night Prosecutor Program, started in 1971, was the first formal program with local LEAA funds to attempt to mediate interpersonal and bad check disputes.¹⁵ This project, sponsored by the City Attorney's Office, works directly with the courts in handling its cases.

The American Arbitration Association in 1972 was instrumental in establishing its 4-A project in Philadelphia, making it one of the first efforts of this type. The project was designed to work directly with the Municipal Court, handling cases of harassment, minor assaults and malicious mischief. Since that time the American Arbitration Association has set up similar projects in such locations as Rochester, New York, and San Francisco, California, each working closely with the courts.¹⁶

The American Bar Association has demonstrated its interest in mediated resolution of minor disputes by working with the Miami Circuit Court in establishing the Citizen Dispute Settlement Program in 1975,¹⁷ and with a similar project in Orlando, Florida, in that same year. These projects work directly with the courts, as well as accepting referrals from the police and prosecutor's offices.

The Institute for Mediation and Conflict Resolution was involved in establishing the IMCR project in New York in 1975. This private, non-profit organization developed a project that accepts referrals from the police, the Summons Court, the Criminal Courts, and walk-ins.¹⁸ The project has placed staff members in the courts to insure that cases appropriate for mediation are referred to the Center.

Also in 1975, the Boston Urban Court Program was funded by LEAA, through a non-profit organization, the Justice Resource Institute.¹⁹ The project has established a formal relationship with the courts so that a majority of cases are referred from the Bench or Clerk's Office.

¹⁵ McGillis and Mullen, Op. Cit.

¹⁶ McGillis and Mullen, Op. Cit.

¹⁷ McGillis and Mullen, Op. Cit.

¹⁸ McGillis and Mullen, Op. Cit.

¹⁹ McGillis and Mullen, Op. Cit.

One project developed within the past year or so has been designed to solicit cases primarily from community sources rather than from the courts. The Community Board Project in San Francisco, funded by private foundations, has devoted much of its resources to working with local neighborhoods so that cases will be mediated within their local communities.²⁰

Thus, the dispute resolution projects funded through the early and middle 1970's can be viewed along a broad spectrum representing affiliations with either the courts and criminal justice agencies, or with the communities in which they are located. With very few exceptions, all the projects accept cases from many different sources of referral including walk-ins, private agencies, as well as those that are court processed. However, as the projects evolve over time they tend to affiliate themselves with a source of clients who will benefit most from the services they have to offer. Projects such as the Columbus Night Prosecutor or the Miami Citizen Dispute Settlement programs are strongly associated with the courts, while the San Francisco Community Board project represents a program with close ties to the community. Most of the other projects mentioned above probably cluster around the end of the spectrum representing affiliation with the courts and criminal justice system; however, they also accept cases from community agencies.

With a couple of exceptions, there has been very little formal evaluation conducted with the dispute resolution programs implemented to date. Since many of the projects were funded with local LEAA block grant monies, there usually was no requirement to perform a comprehensive evaluation of the programs. However, several of these efforts have been evaluated or are currently in the process of being evaluated.

The Night Prosecutor Program of Columbus, Ohio, underwent extensive review when it was being considered as an exemplary project by NILECJ.²¹ An evaluation approach as well as program operations were outlined for those interested in replication.

²⁰McGillis and Mullen, Op. Cit.

²¹NILECJ, Citizen Dispute Settlement, An Exemplary Project. Washington, D. C., 1974.

An evaluation was conducted of Philadelphia's 4A project with the Municipal Court by Blackstone Associates in 1975.²² The Citizen Dispute Settlement Center in Miami, Florida, was evaluated by members of the Dade County Criminal Justice Planning Unit in 1977,²³ and the Orlando, Florida project was reviewed by a team of evaluators funded through the American Bar Association.²⁴

Two other evaluation efforts, now in operation, promise to provide much more data and results on not only the process of mediation, but also on the comparative effects between community dispute resolution and more formal judicial systems. One of these is a random assignment control study of mediated felony cases in IMCR's Brooklyn project, conducted by the VERA Institute; the other involves a comprehensive analysis of the Boston Urban Court Project, conducted by the Social Science Research Institute, University of Southern California. Both of these efforts when completed should provide valuable inputs and insights for the National Evaluation of the Neighborhood Justice Centers Field Test.

Pound Conference

At the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice (or the Pound Conference) in 1976 Sander's presentation of his proposed model was a focal point. Programmatic recommendations were made subsequently by the Pound Conference Follow-up Task Force chaired by Griffin Bell:

... that the American Bar Association, in cooperation with local courts and state and local bar associations, invite the development of models of Neighborhood Justice Centers, suitable for implementation as pilot projects. Such facilities would be designed to make available a

²² Anno, B.J. and Hoff, B.H. Refunding Evaluation Report. Blackstone Associates, 1975.

— ²³ Moriarty, W.F. and Norris, T.L. Evaluation: Dade County Citizen Dispute Settlement Program. Dade County, Florida, 1977.

²⁴ Conner, R.F. and Surette, R. The Citizen Dispute Settlement Program. American Bar Association, 1977.

variety of methods of processing disputes, including arbitration, mediation, referral to small claims courts, as well as referral to courts of general jurisdiction.²⁵

In 1977, Attorney General Griffin Bell initiated a program to develop experimental Neighborhood Justice Centers. The Field Test was initially outlined by the OIAJ in the DOJ, and the final design was developed by the Office of Development, Testing, and Dissemination in the National Institute of Law Enforcement and Criminal Justice. The Centers are to use mediation and arbitration, with community members as mediators/arbitrators, and process both minor civil and criminal cases.

In summary, the development of the Neighborhood Justice Center concept to its present state began with the recognition that the processing of disputes through adjudication does not work satisfactorily. Following this recognition there came imaginative proposals to develop alternative techniques and mechanisms to process citizen disputes. Yet the concept of Neighborhood Justice Centers remains embryonic. Many issues and questions regarding the form, direction, and impact of Neighborhood Justice Centers remain to be answered. The Field Test and particularly the National Evaluation should shed considerable light on these issues.

Central Issues for Neighborhood Justice Centers

The Neighborhood Justice Center Pilot Program was created in response to critical problems of dispute processing in the American judicial system. As IFR begins its assessment of the NJCs, several key issues and questions will be addressed, most of which pertain to the effectiveness with which the NJCs handle those critical problems. These issues are discussed below.

Access and utilization of the NJC. Guidelines developed by NILECJ indicated that the NJCs will be accessible to, and utilized by, a broad range of socio-economic and ethnic groups. The characteristics of disputants who use the NJC should roughly reflect the make-up of the community. Minorities should use the Centers, but so should other ethnic groups;

²⁵Task Force, G. Bell et. al., Report of the Pound Conference Follow-Up Task Force, 1976.

the poor should use the Centers, but so should the more affluent. Access and utilization may be influenced by the demographic make-up of the Center staff, mediators and advisory board. They may also be influenced by the image which the Center develops in the community and the relationships which it builds with key community agencies and organizations. It will probably not be enough that the Centers are accessible to the broad public. If they are to be utilized, they may also have to project a clear image of accessibility to the public, an image that communicates quality justice, concern for citizens' problems, and openness to all residents. A similar image should probably obtain with those community agencies from which the Centers seek referrals.

A related question concerns the degree to which the Centers build and maintain close ties with established judicial systems, and what effect such ties will have on their ability to attract appropriate cases. If a Center builds close ties with police and courts, will it be seen by community residents as an appendage of the justice system? Would such an image lend an added aura of legitimacy to the Center, thereby increasing self-referrals, or taint its "neighborhood-grass roots" appeal and drive away potential cases?

Efficiency and satisfaction with the dispute process. The NJCs are expected to process disputes relatively rapidly, often scheduling hearings within days of the contact. The service is free, and hearings are to be scheduled so that the disputants will not be required to miss work. Core staff is small (5-6 full-time staff); mediators are volunteers from the community who are typically paid a small stipend (e.g., \$15 per session). Therefore, it is quite possible that the Centers will be a relatively efficient operation -- inexpensive and quick. However, although total budgets are small (about \$135,000 per year) compared to most urban agencies, they can quickly become expensive on a cost per case basis if the caseload remains small. And if disputes which are "resolved" in two hours flare up again in a few weeks, quick "resolutions" may be rather meaningless.

Finally, it is hoped that the disputants are satisfied with both the process and the outcome. Agreements should be long-lasting and should be viewed as just and fair by the disputants. Nearly as important, perhaps, is the impression of the Center which the disputants carry from the NJC.

Did they feel that it was a helpful process that enabled them to retain their self-respect and dignity, or did they feel that it was simply another encounter with an impersonal agency?²⁶

Impact on the justice system. It has been generally thought that the NJCs will have a beneficial impact on the established justice system, but the extent and nature of the benefit has been the subject of some debate. Some believe that the Centers will handle many cases which would have gone through the courts, thereby reducing the court caseloads. On the other hand, others have suggested that most of such cases would probably have been dismissed anyway. Of course the savings in time and money to the system would depend upon where and when the case was (or would have been) dismissed.

The police may be aided by the NJC in several ways. They may simply refer a dispute to the Center rather than feeling compelled to take the time to settle the dispute themselves or to take formal action. A referral to the NJC may enhance the likelihood that a previously recurring dispute may be settled with some degree of permanence. An NJC referral may also reduce the amount of time the officer has to spend in court. However, to the extent that NJC resolutions do not hold, the police may be required to spend more time on a specific case than if it had been brought in for adjudication. The issue of NJC impact on the justice system is not a simple one of caseload reductions or police referrals. Assessing the impact will probably require detailed analysis of system operations supplemented by the careful application of cohort/control designs.

Degree of coercion. The extent to which the NJCs should have coercive powers has been an issue of much concern throughout the development of the NJC concept. The three models which laid the foundation for the NJCs were perhaps most clearly distinguishable from each other along the dimension of coercive powers. In their present state, however, the coercive powers of all the Field Test sites are almost entirely implicit. Referrals from the police, prosecutor or courts probably will have the impression that if

²⁶We should point out that assessments of resolution speed, satisfaction, etc. are not intended to be made in an absolute sense, but in comparison to a cohort or control group. These methods are discussed in the Impact Study, Chapter VI.

they do not settle their dispute at the NJC, there is a strong likelihood that their case will be adjudicated. The degree to which that impression is prevalent and accurate will be assessed in the evaluation, as will the source of such impressions.

Impact on the community. There is some belief that to the extent that justice centers are well integrated into the neighborhood and the community, they will have a broad beneficial impact on community life.²⁷ If the residents feel some control and ownership of the NJC policy and operations they will feel that the quality of justice has been enhanced and that the legal-judicial system and perhaps other community institutions are more responsive to the needs of citizens. Similarly, if minor disputes can be settled before they become serious, the NJCs may contribute to an overall reduction of conflicts in the community.

Contrary to this belief is the point of view that Neighborhood Justice Centers are limited in scope and resources to a degree that any broad beneficial impact on the community is not likely to be significant or measurable. NJCs deal with a relatively restricted range of community problems and can have little impact on the broad economic and social condition of residents. Furthermore, the Pilot NJCs do not have the large outreach staff which is probably required to generate and sustain broad resident support and participation.

NJC policies and procedures. In addition to the major issues discussed above, there are a number of questions to be addressed pertaining to the relative effectiveness of particular NJC policies and procedures. How will type of sponsorship affect NJC success? Which types of dispute cases will be most effectively attracted to, and processed by, the NJCs? What outreach and intake and screening procedures will be most effective? To the extent that there is variation in these policies and procedures within and among NJCs, such questions will be addressed by the evaluation.

²⁷Shonholtz, Raymond. Review of alternative dispute mechanisms and a government proposal for Neighborhood Justice Centers. San Francisco: Community Board Program, 1977.

II. HISTORY AND DEVELOPMENT OF THE NJCs

Introduction

The Neighborhood Justice Center Field Test Program was developed to implement and test a mechanism designed to resolve citizen disputes outside the traditional court system, through mediation and arbitration methods. The National Criminal Justice Reference Service (NCJRS) collected and reviewed materials on dispute resolution programs and techniques to aid in the development of the NJC Field Test Program. In preparation for selecting and funding programs, research was commissioned to study the range of existing dispute resolution centers, which are similar in many respects to the broad definition of the NJCs. The study of existing centers provided an overview of available options and models and formed a base for guiding the development of the NJCs.¹

Along with studying existing dispute resolution centers, the Department of Justice considered a number of cities as potential locations for the NJC field tests. Three cities were ultimately chosen -- Atlanta, Kansas City, and Los Angeles -- which provided variety in terms of geographical location, size, and other contextual factors. A sponsoring agency in each city was identified to write the grant application, initiate and coordinate development and implementation activities, and oversee project operations. The grantees were provided with guidelines developed by the Office of Development, Testing, and Dissemination of the National Institute for the design of the NJCs.² The three NJCs were structured to be similar but not identical, in order to provide several models of dispute resolution for study. This chapter will discuss the history and development of the three NJCs from their initial start-up activities to the beginning of case processing.

Guidelines for the design of the NJCs. NILECJ analyzed the experiences of existing dispute centers and identified ten aspects of project operations which guided the structure and development of the NJCs. These key aspects address the issues of the project objectives, community served, sponsoring agency, location, case criteria, referral sources, intake, resolution techniques, staffing, and case follow-up and evaluation.

¹McGillis, D. and Mullen, J. Neighborhood Justice Centers: An analysis of potential models. United States Government Printing Office, 1977.

²Lively, G. Martin. Memorandum: Grant Application Guidelines and Procedures for the Neighborhood Justice Center Field Test. NILECJ, LEAA, Department of Justice, August 3, 1977.

These issues will be briefly discussed, followed by a description of the history and development of each Center.

The overall objectives of the NJCs, as stated by the guidelines are (1) to establish a mechanism in the community to resolve minor criminal and civil disputes through the processes of conciliation and mediation, (2) to reduce court caseloads by resolving disputes which are inappropriate for the adversarial process, (3) to enable the disputing parties to arrive at fair and lasting solutions, and (4) to serve as an information and referral source for disputes which would be more appropriately handled by other services or agencies. The community to be served should have a population of 50,000 to 200,000 and be within a larger metropolitan area. This community should be a "neighborhood", in that it be an identifiable segment of the city. The neighborhood should be heterogeneous in terms of racial and socio-economic factors.

It was suggested that the grantee be either a public agency or a private non-profit organization with prior experience in managing government grants. Each NJC was required to establish a policy and steering board composed of representatives from the community, local organizations, criminal justice agencies, and sponsor agency. The specific office location of the NJC should be within the neighborhood, identifiably separate from the formal court system, and easily accessible to the community population.

The NILECJ guidelines for case criteria are broad -- the Centers will focus on a wide range of disputes between individuals residing in the neighborhood who have an ongoing relationship. The suitability of cases depends on their potential for successful resolution through mediation or arbitration. The cases should be accepted from a wide variety of referral sources, including the courts, prosecution offices, police, other public or private agencies, and self-referrals. The NJCs were advised to actively publicize their services in the community.

Intake procedures should be structured to include written screening criteria and sufficient data collection to insure the follow-up of all cases, a briefing process to familiarize the disputants with the voluntary nature of the process, and the possible use of signed agreements to participate in the dispute resolution process. The resolution techniques to be employed include conciliation, mediation, and arbitration, and referrals to other agencies should be made to assist in resolving ongoing problems.

Guidelines for staffing the NJCs covered the hearing staff, the project administrative staff, and training both groups. A diverse pool of mediators would be developed, consisting of mature individuals flexible enough to deal with the complexities of interpersonal conflict. While it was suggested that the NJCs may desire to start hearing cases with professional mediators, the ultimate goal is to have trained community people performing these services. The project staff should consist of individuals knowledgeable about the legal system and local social service support systems. It was required that both the project staff and mediators receive a minimum of 40 hours of training in the methods of dispute resolution.

The NJCs are to follow-up each mediated case to verify compliance with the terms of the agreement and examine cases not resulting in an agreement to determine the reasons for nonparticipation or unsuccessful resolution. Each Center will be part of the national evaluation and will cooperate to meet the evaluation needs.

In order to assist site staffs in understanding the elements of the guidelines, NILECJ, through its Executive Training Program, held two training conferences. The first conference was held in December, 1977, in Washington, D. C. for the NJC project directors, Board or organizing group members, and community representatives. The training conference covered the areas of the role of the NJCs; goals and objectives identification; dispute resolution principles and techniques; personnel recruitment, selection, and training; management, planning, and administrative procedures; legal and ethical implications; and institutionalization. A second conference for the NJC project staffs was held in Reno, Nevada, in early February, 1978. This conference covered many of the areas above while focusing on the project operations, such as evaluation, case processing, and conducting hearings. The Executive Training Program of NILECJ will provide continued monitoring and technical assistance to the NJCs.

The following descriptions of each Center will illustrate how the individual projects incorporated these broad and flexible directives into the structure and development of their own operations.

The Neighborhood Justice Center of Atlanta, Inc.

Structure. A group of concerned citizens, which included judges, attorneys, and other legal representatives, organized the NJC program in

Atlanta. The group incorporated the Neighborhood Justice Center of Atlanta, Inc. (NJCA) as the operating agency of the project, governed by a Board of Directors.

The objectives originally stated by NJCA relate to both the established national goals and local considerations. The stated objectives are to (1) establish a neighborhood based mechanism to facilitate the resolution of selected minor criminal and civil disputes, (2) to reduce court caseloads by resolving disputes through conciliation and mediation and referring cases to agencies appropriately equipped to handle certain disputes, (3) to resolve disputes faster and less expensively than the formal adjudication process, and (4) to strengthen the cohesion and pride of the target community by employing residents as project staff and mediators, including residents on the Board of Directors, and involving neighborhood organizations in an advisory capacity. While it is too early to formally classify any of the NJCs, the NJCA objectives and subsequent project developments seem to emphasize both a judicial system and community orientation. The Atlanta project hopes to directly impact on the burdens of the criminal justice system, while existing as a neighborhood center serving the needs of the community.

The NJCA target community is comprised of sixteen identifiably separate neighborhoods in the eastern sector of Atlanta. The target community is representative of the Atlanta area and is mixed racially and socioeconomically. The total community population in 1976 was 67,081; 46% of the population was white and 54% black, with a median annual income in 1970 of \$5,096. In comparison, the city of Atlanta has a population of 41% white and 59% black people, with a median income of \$6,222.

As stated previously, the NJC in Atlanta was created as a corporation, guided by a Board of Directors. The Board serves as the policy making body of NJCA, with decision-making authority vested in its Executive Committee. Representatives from the local courts, Judicial Circuit, bar associations, Legal Aid Society, and attorney's offices are now serving on the Board; the Board is currently undergoing expansion by one-third, to include representatives from the community. The actual function of the Executive Committee and possible community representation on the Committee are not clearly defined at this time.

The NJCA is also presently establishing an Advisory Council which will be a separate entity from the Board and will serve as a liaison between the project and community. The functions and composition of the Advisory Council are under development at this time, but it is proposed that the council include community residents, neighborhood groups, and agency and court people who work directly with the project staff. The Council will be involved with establishing rapport between NJCA and the community, assisting with referrals to and from the project, monitoring and recruiting of staff, mediators, and Board members.

The office site of the NJCA is an older house located on a main street in a commercial district in the center of the target community. The project site is easily accessible to the community in that it is on a city bus route, offers adequate parking facilities, is clearly identified, and is open at the convenience of the clientele (current hours are 8:30-5:00 daily, and three evenings a week. NJCA officially opened on March 10th with an Open House in the Center, attended by local dignitaries, community representatives, and target area residents.

The criteria NJCA has developed for accepting cases are broad at this time. The cases (1) must involve persons with an ongoing relationship, (2) must come primarily from the target community (as the caseload grows, the criterion will be more strictly adhered to), (3) cannot involve large companies, and (4) must involve persons who are willing to seek resolution to their dispute without coercion.

Five people make up the NJCA project staff. The Executive Director is responsible for the day-to-day operations of the Center and directs all project activities. The Deputy Director serves as the mediator coordinator, directing mediator activities and assigning individuals to hear cases. One Program Assistant originally was to be responsible for all intake procedures; another Program Assistant was to focus on community activities. The Administrative Assistant is responsible for all clerical and administrative duties. It should be stressed that these duties represent primary individual responsibilities, but reality has required that the staff members each do a little of everything. Thus, all have been involved in promotional activities, intake, and generating referrals; several members will also serve as mediators when necessary.

The Executive Director was selected by the NJCA Board of Directors and subsequently recruited and hired the other four staff members. The Executive and Deputy Director then recruited and selected an initial group of approximately 35 mediators. This group is generally representative of the community in terms of race, age, sex, residence, and background.

Early activities. The NJCA staff has been actively working toward obtaining referrals from all possible sources, including the courts, police, local agencies and organizations, and the community. The project staff is attempting to develop formal referral agreements between the NJCA and the referring agencies -- these include the Municipal, State, and Superior Courts of Atlanta and Fulton County, the Police Bureau, and many social service organizations. As of April 1, NJCA has viable referral plans operating with the State Court of Fulton County, the Municipal Court and Public Defender's Office, Atlanta Legal Aid Society, and the state and city Office of Consumer Affairs. Referral arrangements with the Police Bureau, Juvenile Court, Economic Opportunity Atlanta, and the Fulton County Mental Health Services are currently being finalized.

The NJCA staff have engaged in a wide variety of public relations activities, and continue to do so. Speaking engagements with local groups and many one-to-one contacts by phone and in person have taken place. Much media coverage has been generated through local TV, radio, and newspapers. In addition, a program description sheet has been sent to local groups detailing the Center's aims and range of services, an open house was held for the local community, and the Center is participating in local community councils and events. These activities serve to publicize the Center and its purpose and solicit self-referrals among community residents.

Intake procedures have been developed by the NJCA staff. Basically, an intake interview will be conducted in person or by phone with the complainant during which the NJCA concept and mediation process are fully explained and intake data collected. The respondent is either interviewed by phone or contacted by letter; both methods explain the purpose and operation of the mediation process. Intake data on the respondent is collected by phone, if possible. Supplemental data on the complainant and respondent will be collected at the hearing if necessary. The NJCA has proposed the use of conciliation and mediation techniques, but has rejected the use of arbitration. The project will stress the voluntary nature of

the mediation process, and will use no coercion beyond informing the disputants that their recourse to the NJC process is to submit their case to the judicial court system. Case follow-up procedures will be implemented by the project, and will consist of a brief telephone interview with the complainant and respondent with 30 days of the hearing, checking to see if the agreement is being upheld and eliciting disputant reactions to the NJC process.

The group of mediators attended a 40-hour training program, in which the project staff served as participant/observers. Sixteen hours of training were provided by a local organization, The Bridge, which focused on communication skills, listening, establishing rapport, identifying goals, and other interpersonal skills. The American Arbitration Association provided 24 hours of training in mediation skills. The Bridge will conduct a one-day follow-up training program after the mediators have heard at least one case. In general, feedback from the mediators indicated that the training was well received and will aid the mediators greatly in performing their responsibilities.

The Kansas City Neighborhood Justice Center

Structure. The Kansas City Neighborhood Justice Center is sponsored by the Community Services Department of the city government of Kansas City, Missouri. The NJC is considered a Division of this department, and is based in part on the successful though brief operation of the Cooperative Community Interaction Program -- the Kansas City Dispute Resolution Center -- which was operated by the Kansas City, Missouri, Police Department through the Police Foundation in 1974.

The general objectives of the K.C. NJC as originally stated are (1) to establish a mechanism to resolve minor criminal and civil disputes through conciliation and mediation, (2) to assist the courts and supplement the social service system by expanding available opportunities for the resolution of disputes, and (3) to measure the effectiveness of the NJC in resolving disputes which are not appropriate for the traditional adversarial process. As illustrated in the project objectives and the subsequent development of the NJC structure, location, and activities, the Kansas City Center appears to have a criminal justice and social service system orientation, rather than a community emphasis. While the K.C. NJC will attempt to generate cases from the community population and neighborhood organizations, it will focus attention on developing formal working relationships with the police

and court systems.

The K.C. NJC target community is a 6.87 square mile area in the center of Kansas City, Missouri, bordering the state line. The target community contains a representative mix of the city's ethnic and socioeconomic groups. In 1970 the target community population was 53,278, with minorities comprising 42.5% of the population (31.6% black, 9% Hispanic, and 1.9% other minorities), and 57.5% of the target area's population were white. The income levels in the target site lean toward the moderate and low income groups -- 60.1% of the target population are low income families, 31.5% are middle income, and 8.3% are high income families. The target community has a somewhat older than average population (more people than average over 65) and represents primarily blue collar occupations.

As mentioned above, the Community Services Department of the city government is the sponsor of the K.C. NJC and serves as its policy-making body. An Advisory Board has been organized to guide the NJC in areas relating to the needs of the community and the institutions and agencies that provide cases to the Center. The Board will advise the NJC on the problems of the police, courts, and other agencies, and the needs of the community; serve as a source of information; and assist in developing supportive programs and expanding the Center's referral capacity. The Advisory Board is comprised of 23 members representing referral agencies, city government, and the community. An Executive Committee of the Board may be established to oversee NJC operations.

The K.C. NJC office has been established on the third floor of a bank building in the central business district of the target community. It is readily accessible by public transportation and offers adequate parking facilities. The Center is open during normal weekday working hours and will schedule cases on Saturdays and evenings as necessary. The official opening for the Center was March 7th, 1978, and was celebrated by a dedication ceremony and reception. The opening ceremonies received good media coverage, achieving the purpose of public exposure, as well as officially opening the Center.

General criteria for selecting cases are (1) disputants should have an ongoing relationship, (2) disputes should be of a minor civil or criminal nature, and (3) cases should show a potential for successful mediation. Cases will generally be accepted only from within the target area, but this policy may be flexible in order to generate the desired caseload and gain

total police department cooperation. More specifically, examples of criminal cases which the Center will consider are simple assault, menacing threats, trespassing, disorderly conduct, harassment, breach of peace, petty theft, and property damage; civil cases include neighborhood and family disputes, landlord/tenant disputes, consumer problems, and juvenile problems. The K.C. NJC plans to offer both mediation and binding arbitration as dispute resolution modes.

The Kansas City NJC has five full-time staff members. The Project Director is responsible for the overall management of the Center and directs all project activities. The Director is also heavily involved in promotional and public relations activities and maintains close contact with the Board and city officials. The Center Coordinator will direct many of the day-to-day operations of the NJC, including developing and implementing procedures and work methods. He will be responsible for community relations; monitor project operations, and prepare all progress reports, promotional documents, and other materials. One staff member, labeled the Prosecutor Referral Specialist, is stationed full-time in the city prosecutor's office and will take referrals directly from the prosecutor, courts, and bench. The Administrative Assistant will coordinate the handling of cases, which requires continually reviewing the status of cases, arranging all mediation hearings, and maintaining communication with mediators and disputants. This person will also maintain the Center's monitoring program. The Clerk Stenographer will perform all clerical and administrative duties in the NJC.

All NJC staff are considered city government employees and were required to be qualified and eligible under the city's merit system. The Project Director, who also directed the Kansas City Dispute Resolution Center during its brief operation, was selected by the executive staff of the Community Services Department. The Project Director then recruited and hired the remaining four staff members. The Project Director and members of the Advisory Board screened a field of 65 individuals who applied to be mediators, and selected 34. Approximately eight of the mediators are experienced, having worked with the K.C. Dispute Resolution Center several years ago. The mediators are representative of the target community in terms of age, sex, race, and background.

Early activities. The K.C. NJC staff have also been working hard to establish referral arrangements with a number of agencies. The NJC has a

strong, formal referral agreement with the prosecutor's office and city courts, which is managed by the NJC Prosecutor Referral Specialist. Formal referral links have also been developed with the Police Department. A total of 150 officers from the target community patrol division were trained, in three hour sessions, by the NJC staff in order to enable the police officers to refer disputants to the NJCs. The police officers were instructed regarding how to identify a case amenable to mediation, explain the NJC process to the disputants, and complete a submission form, which the disputants sign to agree to enter the NJC process. The original form is then sent directly to the NJC, and the project staff continue the case processing.

Referrals from community agencies have been encouraged by the Project Director and Center Coordinator, who have conducted many small presentations at local meetings. In addition, approximately 200 letters have been sent to community agencies describing the nature of the NJC project and encouraging the development of working relationships. Referrals from the general community will also be promoted. A wide variety of public relations activities have taken place to enable the NJC to become known in the community and enhance its credibility. Media coverage has been good, including TV, radio, and newspaper announcements and features.

The mediators were trained in interpersonal and mediation skills by the training staffs of the Institute for Mediation and Conflict Resolution and the American Arbitration Association. The full 50 hour training program was attended by the new, inexperienced mediators; the experienced individuals attended approximately half of the program in order to refresh their skills. The NJC project staff observed all of the training activities. An initial assessment of the training indicates that the mediators viewed it as worthwhile, of high quality, and beneficial to the conduct of their duties.

The Neighborhood Justice Center of Venice-Mar Vista

Structure. The NJC program in the Los Angeles area has been established in the Venice and Mar Vista communities, thus becoming the Neighborhood Justice of Venice-Mar Vista. The sponsor of the NJC is the Los Angeles County Bar Association, which appointed a committee to have direct responsibility for overall policy and management of the project. This committee has been expanded to include people from the community; it is now made up of equal numbers of bar association and community representatives. The committee now

serves as the Board of Directors for the NJC and is very active in its policy-making and advisory functions.

The objectives of the project, as originally stated, are to (1) provide an efficient and effective community forum for the resolution of minor-criminal, quasi-criminal, and civil disputes through conciliation, mediation, or arbitration between parties, (2) provide assistance to community members in defining the true nature of their dispute and referring them to the proper agency where necessary, (3) provide assistance during the hours convenient for the major of working persons and provide bi-lingual mediation, (4) ease the burden of the court system by providing an alternative system for the effective resolution of disputes arising principally from domestic or neighborhood frictions, and (5) attempt to ease community and interpersonal tension by assisting the disputing parties in expeditiously arriving at equitable, reasonable, and just solutions to their interpersonal problems. The Venice-Mar Vista NJC concept, setting, and methods have evolved along the lines of these objectives, resulting in a program which leans toward a community orientation. The project staff and sponsors want the NJC to be viewed as a neighborhood/community program rather than an arm of the criminal justice system. This perspective is not exclusive -- the primary beneficiaries of the NJC are to be the disputants themselves, the community, and the criminal justice system agencies operating in the community.

The NJC target area encompasses the communities of Venice and Mar Vista, which have a total population of 90,000. There is a strong sense of community identification in these bordering neighborhoods and a representative mix of income levels, races, ages, and problems. The ethnic breakdown of the community is roughly 10% black, 10% Asian-American, 30% hispanic, and 50% white. The target area is considered a representative microcosm of Los Angeles County. In keeping with its community orientation, the NJC has been located in a store-front office in a residential area bordering a small business district located in the center of Venice and Mar Vista. It is easily accessible by public transportation, visible, and convenient for community residents. The Center officially opened the week of March 19th, 1978.

The basic criterion for case selection for the NJC is that the dispute or serious problem should be between persons who have a continuing relationship and appear to be resolvable through mediation. The NJC will not attempt

to deal with matters which are serious crimes or where the root problem appears to involve some extended emotional therapy for at least one of the parties. The NJC will accept a variety of minor criminal and civil disputes. Criminal cases evolving from primary relationships or neighborhood altercations which will be considered for mediation include assault, battery, harassment, trespassing/loitering, animal and noise complaints, and petty larceny. Civil disputes to be considered include consumer, landlord/tenant, and domestic relations problems. Mediation is expected to be the principal mode of interpersonal conflict resolution. The use of arbitration will be decided in the next few months by the project Board.

There are six full-time members on the Venice-Mar Vista NJC staff. The Project Director is responsible for the overall management and day-to-day operations of the Center. The Deputy Director is responsible for public relations activities and promoting and maintaining relationships with criminal justice and community agencies. The Associate Director/Office Administrator is responsible for managing the office and also serves as an intake counselor and case processor. Two Intake Counselors work with the Associate Director on case intake, processing, coordination of the mediators, and case scheduling. One of these Intake Counselors with a strong community background is also heavily involved in promotional activities and public relations in the community. The project Secretary is responsible for all clerical and administrative tasks.

The Bar Association committee originally charged with overseeing the project recruited and hired the Project Director. The Project Director in turn recruited and selected the Deputy Director and the two worked together to select the remaining staff members. The initial pool of mediators was recruited from the community via advertisements in newspapers and other posted and public service announcements. The mediators were screened by a thorough process conducted by the project staff and trainers responsible for the mediator's training programs. This process involved the applicant conducting a mock interview and role-play of a mediation session. The 24 mediators selected were chosen for their maturity, interpersonal skills, and community, educational, and occupational backgrounds. The mediators represent the range of income levels and ethnic groups present in the Venice-Mar Vista community.

Early activities. The Venice-Mar Vista NJC staff has devoted much time and effort to publicizing the project in the community. An enormous amount of media coverage has been generated, and many group presentations and one-to-one contacts have been made with community organizations. The project staff has been successful in gaining the attention and interest of a national news magazine and major television network. A block party was held to open the Center and introduce the project to the community residents. Attendance and media coverage was good, and has resulted in many inquiries regarding the NJC.

In addition to actively working to increase community knowledge of the NJC, the project staff has been developing referral arrangements with local community and criminal justice agencies. The staff is working directly with the Venice Police Department officers, and indirectly through the sergeants, and has developed a referral procedure from the police officers to the NJC. A liaison committee between the NJC and the courts has been established; five local judges serve on this committee. The committee is charged with developing a referral relationship between the courts and the Center. Arrangements are also being developed with the prosecutor's office and Hearing Officers Program to encourage referrals to the NJC.

A 70 hour training program was conducted for the mediators and project staff. The majority of the training was conducted by a locally hired training consultant who has worked with the project since its inception, assisting with staff selection and training development. Specific mediation skills were presented by the American Arbitration Association. Early feedback from the mediators indicate that the training was generally well-received.

Summary

Figure II-1 presents an overview of the three Neighborhood Justice Centers. While the three NJCs vary somewhat in terms of sponsor, setting, philosophy, and orientation, they are similar in many respects. If placed on a continuum along with other existing dispute resolution centers, the NJCs would be grouped together somewhere in the middle. For example, existing centers range from a community program completely unaffiliated with the criminal justice system to a center which handles a large number

of "bad check" disputes involving people who do not have an ongoing relationship to a court-affiliated program which handles only felony cases referred directly from the complaint desk. The NJCs will focus on similar kinds of disputes and will process cases in like manner. In summary, while the NJCs are slightly different from each other, when compared to the entire range of dispute resolution programs, the NJCs exhibit a number of similar characteristics. Their major differences occur in their sponsoring organizations and community/criminal justice system orientation. As the projects evolve, their emphases may change considerably before solidifying.

The variety that exists within the Neighborhood Justice Center Pilot Program is beneficial to the evaluation of the dispute resolution process as operated by the NJCs. Similar methods for hearing and processing cases exist within different program structures and contexts. This circumstance produces natural variations which will allow a thorough study of the experimental program.

FIGURE 11-1:
OVERVIEW OF THE NJCs

	Neighborhood Justice Centers		
	Atlanta	Kansas City	Venice-Mar Vista
Grantee	NJC of Atlanta, Inc., a private non-profit corporation	Community Services Dept., City of Kansas City, Mo.	Los Angeles County Bar Association
Policy-making body	Board of Directors	Community Services Dept.	Board of Directors
Advisory body	Advisory Council (to be organized)	Advisory Board	Board of Directors
Anticipated source of referrals	1. Courts-Municipal, State, and Superior 2. Police -- target area precinct 3. Community agencies and residents	1. Prosecutor/Courts -- Municipal, County Magistrate 2. K.C. Police Dept. 3. Community agencies	1. Community agencies 2. Venice Police Dept. 3. Courts/Prosecutor -- Small Claims, Municipal, Hearing Officers Program.
Relationship with courts	Referral agreement, project staff at warrants desks on busiest days.	Formal referral mechanism, project staff located in prosecutor's office.	Informal (developing)
Orientation	Criminal justice system and community	Criminal justice and social service system	Community and criminal justice system
Target area population	67,081	53,278	90,000
Center location	Older house, near business district	Public bank building, central business district	Store-front office in small business and residential area
Staff	Director and four full-time staff	Director and four full-time staff	Director and five full-time staff
Number of mediators	35	34	24
Initial mediator training	40 hours, The Bridge and American Arbitration Association; 8 hours follow-up, The Bridge	50 hours, Institute for Mediation and Conflict Resolution and American Arbitration Association	70 hours, Barbara Biggs, Training Consultant, and American Arbitration Association

III. Evaluation Overview

In developing an evaluation methodology for application to a national field test, it is important that alternatives are available so that the methodology can be adaptive to the developing nature of the experimental project. Thus, the evaluation perspective can determine, to a large extent, the worth of the results that are produced.

IFR's evaluation of the Neighborhood Justice Centers Field Test can be characterized by the following features:

- Decision-making utility. Evaluation research should provide feedback information to program administrators which aids in making both short and long-term policy decisions. In fact if evaluation research does not provide new and relevant input for decisions then it essentially loses its value as evaluation and becomes simply research. The information to be generated by the evaluation of the three NJCs must be useful to LEAA and DOJ. To insure that the results are relevant and useful to decision-makers, IFR will work with key decision-making groups in developing realistic evaluation goals and objectives. This process will insure that evaluation data will have maximum utility for management.
- Participation and feedback. Up until recent years it was felt that the evaluator should be separated from the operational aspects of a program. The theory was that isolation of the evaluation activity would lead to greater objectivity. Currently, however, an increasing number of both program managers and evaluators themselves are supporting the concept of participatory evaluation research. This implies a fuller involvement of the evaluator in program development and the implementation process, and greater use of feedback of results. In formative evaluation of a developing program, an interactive, responsive feedback relationship between the evaluator and program staff is useful. The evaluation process becomes, to a large extent, a sensing feedback device that lets program staff know the consequences of some of their operations, and allows for appropriate corrective action if results so indicate. Thus, in response to this concern, IFR will establish mechanisms to provide rapid data collection, analysis and feedback of results to the Centers' staffs.
- Evaluation Analysts. To insure that program data is collected and fed back to project management as described in the above discussion, local evaluation analysts have been hired by IFR and placed in each of the three NJC project sites. They work on a full-time basis and are responsible for developing, maintaining and extracting data related to project operations and outcomes. They provide that needed link between the National evaluation project and the local realities and constraints under which these

test sites must function. The insights that these Analysts can provide regarding elements of program activities will more than compensate for the resources devoted to this effort.

- Emphasis on implementation and process data. In regard to the point noted above -- the importance of feedback to program administrators -- implementation and process efforts within the Centers will be a major focus of the evaluation effort. Process data can achieve two major purposes: (1) they indicate the degree to which program services are being delivered to the previously identified target groups; and (2) these data generate independent (input) variables for later program impact (outcome) analyses. Because of the developing nature of the programs, a large proportion of the evaluation's resources is devoted to the collection and feedback of process data. This focus is seen as being important, particularly if replications of the concept are anticipated; future NJCs should have detailed information on the problems and successes of the implementation process.

Evaluation Goals and Objectives

As a part of preliminary activity concerning the evaluation of the three NJC sites, program goals and objectives were identified by key program administrators in LEAA's National Institute and DOJ's Office for Improvements in the Administration of Justice, and by the three project staffs (Attachment A). These goals and objectives reflect the combined input of these relevant decision-making groups, and provides a means for relating evaluation objectives to four specific studies that will be conducted during the course of the demonstration program. These four studies include:¹

- Implementation Study. This will include documentation and assessment of the events which occur during the early months of the program. Staff hiring and training as well as development of referral sources will characterize this effort.
- Process Study. This effort will be an assessment of the resolution procedures and initial outcomes, the nature of the target population, and the "flow" of clients to and through the Centers.
- Impact Study. This will be an assessment of outcomes related to impact on the disputants, courts, police and other agencies, as well as the local communities themselves.

¹The studies are described in much greater detail in the next four Chapters of this paper.

- Cost Study. This will be an effort to provide dollar estimates of program costs, and to the extent possible, compare these with the cost of traditional dispute resolution mechanisms such as the courts.

Figure III-1 presents each of the evaluation programs' goals and corresponding objectives cross-tabulated with the four studies outlined above. The purpose of the Figure is to illustrate how each of the goals and objectives are to be covered during the evaluation effort. It is noted that in many cases two or more of the major studies will be used to gather data relevant to any particular goal or objective. In this manner, the studies are seen as being interdependent, with methods and results from one study providing input for another.

Project Schedule

The anticipated project schedule is presented in Figure III-2. It is noted that following preliminary planning and site visitations, the four studies will be conducted, somewhat chronologically, with a great deal of overlap during the study development phases.

The Implementation Study will be completed first and results will describe much of the initial developmental work at each project site. Interim reports for both the Process and Impact Studies will be developed so that feedback of these important sources of information will be available for review by NJC, LEAA and DOJ staffs. Of course, final reports for the Process, Impact, and Cost Studies will reflect accumulated data gathered throughout the duration of the demonstration phase of the field test.

The following four Chapters of the Work Plan describe the Implementation, Process, Impact and Cost Studies respectively. Within the Chapters the objectives of each study are presented along with a research methodology including specific measures to be used in gathering the needed data. In many cases, data collection instruments and forms have been developed and are included as attachments to the Plan.

Figure III-1:
PROJECT GOALS AND OBJECTIVES

Goals and Objectives	Evaluation Studies			
	Implmntn.	Process	Impact	Cost
A. Establish an effective community mechanism for resolution of citizen disputes	/	✓	✓	✓
1. NJCs used by a cross-section	✓	✓		
2. Favorable cost comparisons				✓
3. Speedy resolutions		✓	✓	
4. Long-lasting resolutions			✓	
5. Beneficial impact on justice system			✓	✓
B. Centers should attract a variety of cases	✓	✓	✓	
1. On-going relationship cases		✓		
2. Criminal justice referrals		✓		
3. Social agency referrals		✓		
4. Self-referrals		✓		
5. Types of case resolution		✓	✓	
6. Social and demographic backgrounds	✓	✓		
C. Contribute to reduction of conflict in community		✓	✓	
1. Quality of justice enhanced			✓	
2. Prevent further violence			✓	
3. Facilitate communication among racial groups			✓	
4. Feel that community is more responsive to needs			✓	
5. Better access to services		✓	✓	
D. Institutionalize the NJC concept	✓	✓	✓	✓
1. Alternative sources of funds		✓	✓	✓
2. Expansion of services		✓		
3. Replicated in other communities			✓	

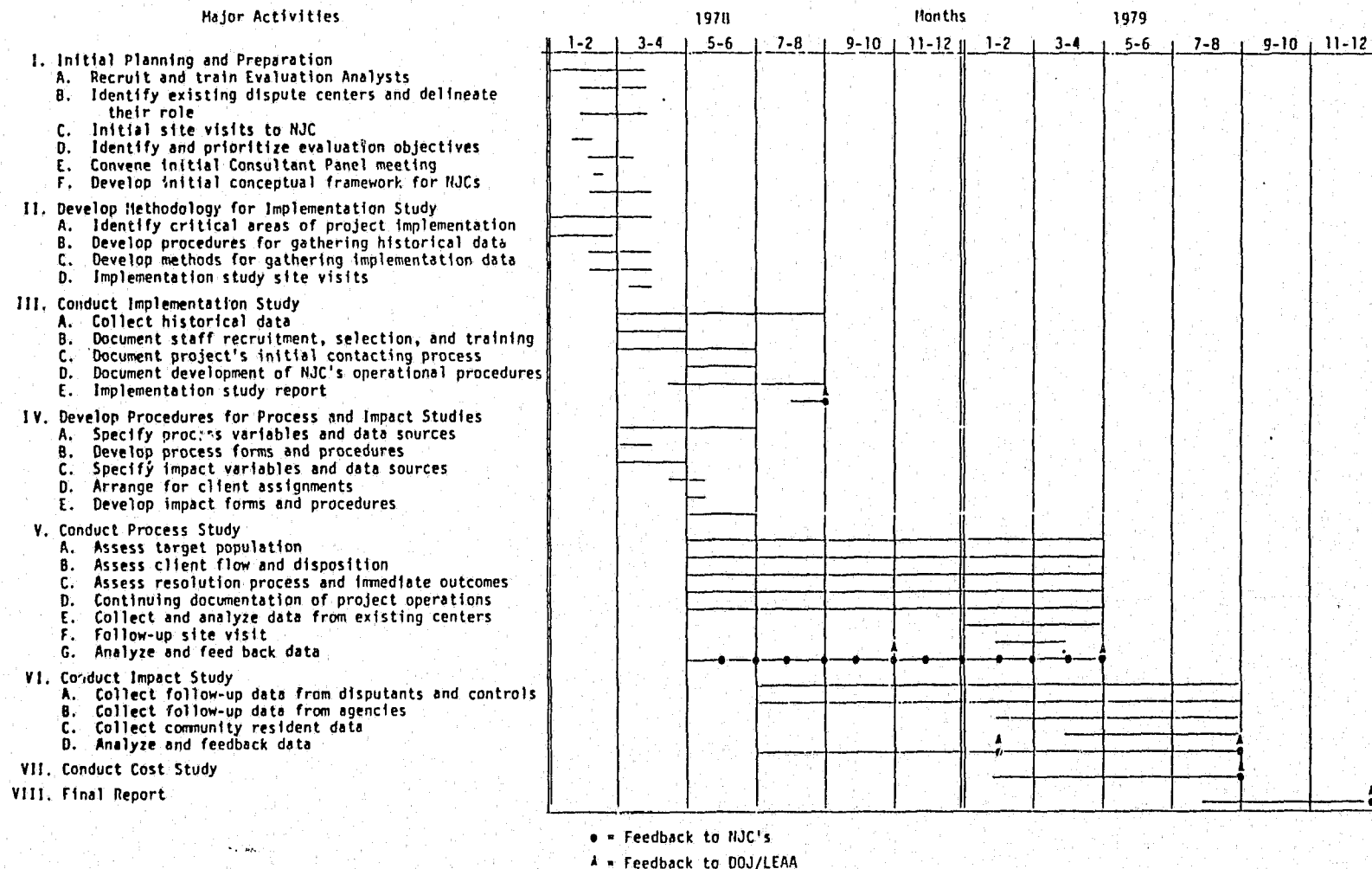
FIGURE III-1:
PROJECT GOALS AND OBJECTIVES
(Cont'd.)

Goals and Objectives	Evaluation Studies			
	Implmnt.	Process	Impact	Cost
4. Develop information on developing an NJC	✓			
5. Develop information on factors leading to implementation	✓			
E. To provide useful information to LEAA and DOJ	✓	✓	✓	✓
F. Favorable response to the NJCs from the community	✓		✓	
1. Favorable public relations program	✓			
2. Residents can distinguish NJC from other functions			✓	
3. NJC to be viewed favorably by courts, police and other community agencies			✓	

FIGURE III-2:

NATIONAL EVALUATION OF THE
NEIGHBORHOOD JUSTICE CENTERS PROGRAM

PROJECT SCHEDULE



V. PROCESS STUDY

Objectives

In light of the overall IFR approach in conducting the evaluation of the three Neighborhood Justice Center pilot programs, the Process Study will be a key feature. The generation of process data can achieve two central purposes; first these data can indicate the degree to which project activities and services are being utilized by the intended target population, and second these data can generate and refine useful input variables for examining later program outcomes.

While much of our evaluation program resources will be earmarked for the "Impact Study" -- an examination of longer-term outcomes -- a large part of the effort will be devoted to the collection and analysis of process information. In turn, these results will be fed back to the projects themselves, so that, if needed, corrective action can be undertaken by the local project director.

The general purposes of the process study will be to 1) assess the dispute resolution procedures and the immediate outcomes of the mediation sessions; 2) identify the target population that participates in the mediation hearings; and 3) examine the movement of disputant clients from the source of referral through the Centers' intake process to final resolution of the case or referral to another agency or program.

More specifically, the Process Study is designed to achieve the following objectives:

1. Identify and analyze the characteristics of the clients coming to the Centers.
2. Identify and analyze the specific types of cases referred to the local Centers.
3. Identify the sources of client referral, including both criminal justice agencies and community/walk-ins.
4. Assess the resolution process by types of cases and client characteristics.
5. Develop data on the immediate outcomes of the dispute resolution meetings by examining both the mediators' and clients' reaction to the process.

6. Examine the immediate reaction to the local Centers from those agencies and organizations referring clients to the program.

General Approach

IFR's general approach in conducting the Process Study is to first establish a common routinized data collection system, and then to develop a uniform feedback process to project management.

In regard to the first issue -- development of a routinized data collection system -- a process will be implemented so that as clients begin to go through the Centers the full variety of types of cases and clients will be identified. After a short period of time a sufficient data base will be developed, and a more refined data collection system can be finalized. It is at this point that each of the three Centers will be gathering client data in a similar manner using common data forms, while at the same time allowing for individual program differences.

Until a refined data collection system has been fully developed, each Center will be gathering intake and client processing data using preliminary forms developed in conjunction with the evaluation project requirements. However, IFR's intention in the evaluation effort is to develop and implement a routinized, and to the extent possible, an automated data collection system so that an initial base of data will be available at the end of the demonstration phase of the program.

The second aspect of IFR's general approach is to develop a feedback mechanism for project management based on analysis of the process data. This feedback system will enable program administrators to better understand their projects in relation to the types of cases referred to the Centers, characteristics of clients, sources of disputant referrals, and immediate effects of the mediation sessions. The feedback data will also be used to assess project achievement in terms of stimulating case referrals from both the criminal justice agencies and the community.

The process by which data and project activity information is fed back to program management also deserves special attention. It will consist of monthly sessions in which each local Evaluation Analyst will meet with the project director and go through the report illustrating specific events, accomplishments, and problem areas.

The following section of this part of the work plan illustrates the specific methodological steps involved in conducting the process study.

Process Study Methodology

The following chart, Figure V-1, illustrates the basic procedures by which data will be collected during the Process Study. As the chart reflects, there will be five major sources of data collection activity. Specific data collection procedures and instruments will be developed to capture this information. These procedures are briefly outlined below:

A. Assess Target Population Characteristics:

1. Since one of the program's primary objectives is to solicit cases from a cross-section of the communities in which they operate, a demographic profile will be generated to reflect the characteristics of the potential clientele for each local NJC. The disputants, upon intake, will be asked to complete an intake form that is designed to record basic demographic information, as well as data concerning the dispute itself. This form along with the mediator summary will be used to develop demographic profiles of the Center's clientele. This data can then be compared with the community profile data to determine whether or not the Center is attracting cases from a cross-section of the community. Attachment F illustrates a sample intake form that could be used by the Centers.
2. An analysis of the types of cases handled by the Centers can be compared with cases being processed through the local courts. Even though court cases will reflect a greater variety than would be expected in the Centers (ranging from traffic ordinance violations to violent felony crimes), a comparison can be made to determine if the Centers are, in fact, handling a segment of cases that are also found in the courts. If results indicate that the same type of cases are found both in the NJCs and in the courts, then it may indicate that the Centers are attracting similar cases.

On the other hand, a finding that the Centers' cases may vary from those normally filed on will not indicate that the project has been unsuccessful in attracting cases. This result may indicate that there was a group of dispute situations that was not being handled in the community -- disputes that could, at some later point, have been pursued through the courts.

B. Sources of Client Referral:

1. The intake process will indicate the source of client referral. In some of the Centers separate procedures will be developed for receiving dispute cases from different sources, such as the police, courts or community. The types of cases by referral sources will be captured so that a profile of case characteristics by source can be developed.

FIGURE V-1:
PROCESS STUDY DATA COLLECTION
PROCEDURES

Study Activities	Data Collection Procedures
<ol style="list-style-type: none"> 1. Assess target population characteristics <ul style="list-style-type: none"> • Disputants • Case Characteristics 2. Sources of Client Referral 3. Client Flow and Disposition of Cases 4. The Dispute Resolution process and short-term outcomes 5. Initial reaction toward the Center from the referral agencies 6. Documentation of program operations 	<p>Demographic profile data of target community</p> <ul style="list-style-type: none"> • Client In-Take Forms and follow-up interviews with disputants will yield demographic data. • Client In-Take Forms and Mediator Summary Sheets. Local Court data on case characteristics. • Client Intake Forms will indicate either criminal justice or community referral. • Data forms to be developed, including a client tracking chart to document primary client events to be handled by the Centers. • Mediator Summary Sheets, agreement forms and direct observation where possible of the mediation sessions. Also, disputant and mediator reaction to the session and the process. • Interviews with those individuals referring clients from the key criminal justice and community organizations. • Maintenance of primary source documents, and a program log to record such activities as additional in-service training events, public relations activities, staff organization and planning functions.

2. Walk-in cases will be of particular interest in that the types of cases received by this method can be contrasted with those from either criminal justice or community organization sources.

C. Client Flow and Disposition:

1. A client tracking chart will be developed which will record where the clients come from, their movement through the Center, and their follow-up disposition. In this manner a continuous updating of client location in the NJC process can be maintained. Illustrated in Attachment G is a Client Tracking Sheet.
2. From a summary of the data gathered using the client tracking charts, a model client flow system can be diagrammed which will represent primary mechanisms for processing disputants through the Centers.

D. The Dispute Resolution Process and Short-Term Outcomes:

1. The dispute resolution process, or mediation sessions, will be the subject of much of the Process Study data collection activity. Both direct and indirect methods will be attempted, with the best procedure being developed after the mediation hearing process at each Center has been developed. The indirect methods will include an analysis of the mediation summary sheets in which the mediators will complete a short summary of what occurred in the hearing. This data can be content-analyzed to determine which procedures are used with specific types of clients or cases. An example of a Mediator Summary Form is presented in Attachment H.
2. More direct methods of collecting data on the mediation process itself will be to directly observe samples of the hearings where possible. In this manner, those processes used by the mediators could be more realistically identified and linked to data concerning the follow-up of the cases to determine if there had been a satisfactory resolution of the dispute.
- 3. A sample of about 20-40 cases in each of the three Centers will be observed in an in-depth manner to better identify those processes taking place in the mediation session, particularly those that might generate "unanticipated effects" within the disputants. Such "effects" might be discovered during an intensive follow-up interview. These results could indicate that while the dispute itself was not resolved, the overall level of tension, or the manner in which one party deals with the other has greatly improved. Only by conducting an in-depth analysis of the mediation process could these unexpected outcomes be identified.
4. For a majority of the cases the mediators and disputants themselves could be interviewed shortly after the mediation session to get

their reaction to the process and resulting agreement, if one was achieved. Contact with the disputant immediately after the session may be difficult and unwanted; rather, a more unobtrusive method, such as a mail-in questionnaire card could be used. Again, the situation at each of the three NJCs will help determine the best procedure to be used for collecting data concerning the dispute resolution process itself.

E. Initial Reaction toward the Centers from the Referral Agencies:

1. Those agencies -- both criminal justice and community -- who are referring disputants to the NJCs will be interviewed to obtain their initial reaction to the Centers and their processes in handling these cases. Interviews will be scheduled with individuals in those agencies who are actually making the referrals. The interview items will cover such topics as number of cases referred to the Centers, reaction to the intake process, reaction to the mediation hearings, reaction to the initial case outcomes (Were they satisfied that the Centers handled the cases in the best manner?).
2. However, the referral agencies will not be contacted until there has been sufficient time to establish a referral process, the disputes have been mediated, and the results fed back to those individuals who made the referrals. In this way, the evaluation process will not interfere with project operations.

F. Documentation of Program Operations:

The Evaluation Analysts in each of the three Centers will continue to document, on a day-to-day basis, the major project activities and significant events. Even though this type of data will be incorporated into the earlier Implementation Study report, maintenance of primary source documents, a program log book, and similar activities will be continued throughout the demonstration phase of the program. This source of information should be useful in developing both the Process and Impact Study reports, and as references for those who would like to reconstruct the historical development of these projects.

G. Analyze and Feedback Data:

1. Analysis process: On-site Analysts will forward all data and completed forms to IFR's Washington Office for preliminary analysis and interpretation. The analyses will include descriptive summary data, relevant cross-tabulations, and classification of narrative data.
2. Feedback procedures: Project directors will receive summaries of relevant process data on a regular basis, at least once a month. Data will be summarized in narrative and tabulated form and sent

to the Analysts for presentation to the directors. Specific questions or data requests from project staff will be addressed as quickly as possible. The Process Study is designed to provide a project staff with up-to-date information in order to direct operations efficiently, resolve problems quickly, and make improvements as necessary.

3. Content of feedback reports: Items to be included in the monthly reports which can be specified now include client characteristics, referrals to and from the NJCs, resolution characteristics, and processes of client flow and case disposition.

Products

The Process Study will yield two primary reports -- in addition to the monthly feedback reports. The first will be an interim report approximately halfway through the demonstration phase of the three NJCs. The interim report will cover the first six months of project operations, and will be a summary of the monthly feedback reports to program management, plus available data on the analysis of client flow, the dispute resolution process, and reactions from the referral agencies. The interim report should be useful in better understanding what goes on in the Centers and what corrective actions have been taken if operational problems have surfaced during the first few months of the program.

The Process Study final report -- to be completed at the end of the Centers' demonstration phase -- will focus on refinement of the client flow model and an examination of the dispute resolution process. The report will identify variables that will be used in conducting the Impact Study by linking them to outcome measures such as disputant satisfaction with the mediation process. In addition, the Process Study final report will note the utility of providing monthly process data feedback to project managers, and record the Centers' staff response to handling such data.

IV. IMPLEMENTATION STUDY

Objectives

During the first few months of the project, the NJCs will be going through the developmental stage. Their activities will include locating a facility, recruiting and training staff, establishing relationships with the courts and other elements of the local criminal justice system, developing linkages with community agencies, developing the mechanisms for case flow -- outreach, intake, case assignment and disposition -- and addressing internal organization and management concerns. The data from the Implementation Study will provide an accurate and detailed account of the pitfalls and successes of establishing an NJC, information which will aid later NJCs to develop more rapidly and effectively. In addition, descriptions of the central developmental events may serve as input variables for later impact analysis.

The Implementation Study will begin as the Centers become operational and continue for approximately 4 to 5 months.¹ However, much of the study will be retrospective, attempting to capture the full history and development of the Centers, reaching back as far as one year before disputes are actually heard.

The specific objectives of the Study are the following:

1. To provide a description of the historical and developmental events which preceded the establishment of the Center. This description will include the processes and procedures of grant development and application, the initial contacts with local organizations and agencies, and staff and mediator selection and training.
2. To document outreach activities. Outreach activities will include contacts with potential justice system referral agencies, social service agencies, and public relations activities directed toward the community at large.
3. To describe the development and evolution of Center policy and procedures during the first three months of operation. Activities and policies of the Center will be described as they become established and as they evolve over the first three months of project operations. These descriptions will include broad policy formulations as well as more specific procedures such as staff roles and responsibilities.

¹See Project Schedule in Chapter III, "Evaluation Overview".

Methods

The approach used for the Implementation Study may perhaps be best described as a combination of conventional interview techniques with participant-observation methods. Most of the historical information about how the Center was developed and established will be elicited through interviews with those individuals who participated in, or directly engineered, the development of the Center. Supplementing these techniques will be reports based upon the experiences and observations of the Evaluation Analysts, who will be located in the Center, interacting with the staff virtually every day during the first three months of Center operations. Finally, assessment of training and mediator characteristics will be accomplished through the administration of instruments to the mediators. The major data collection activities will be the following:

A. Interviews with Board members, Sponsors, City Officials: (See Attachment B)

1. Initial grant development; reasons for grant development, process of grant and project formation, including selection of Project Director and Board members.
2. Perspectives on role and purpose of NJC, guiding philosophy on role of NJC.

B. Interviews with LEAA and DOJ Officials:

1. Initial site selection and grant development.
2. Pre-operational assistance and monitoring of grantees.

C. Analyst Observation and Recording:

1. Description of processes and procedures in the Center and how they developed -- intake, screening, and hearing scheduling, etc.
2. Description of staff roles and responsibilities, how they develop or change over time.
3. Perspectives on policy formulations and changes over time.
4. Description and overall assessment of mediator training.
5. Identification of critical incidents which occur during the first three months of project operation, events which are especially favorable or unfavorable.

D. Project Director Interviews: (See Attachment C)

1. Staff and mediator recruitment and selection.
2. Staff and mediator training and technical assistance input -- design, purpose, effects.
3. Assess whether or not voluntary requests for technical assistance are more effective than scheduled programs.
4. Initial contacts with local agencies and organizations -- types of agencies, purpose of contacts, results, etc.
 - Recent and current outreach, PR activities: purpose, type of outreach (personal, media, etc.).
 - Results (at 3-month period) of outreach/PR activities -- relations with agencies, image with public, etc.
5. Initial general orientation, guiding philosophy on role of NJC.
6. Development of case processing procedures -- intake, hearing, referral.

E. Interviews with Center Staff: (See Attachment D)

1. Reactions to staff training experiences, including technical assistance training (URC), mediator training, other in-service training.
2. Perceptions of role and purpose of NJC, reactions to basic structure and processes.
3. Type of staff activities and responsibilities, reactions to assigned tasks.
4. Description of outreach/PR activities in which staff participated, general assessment of success of such efforts.

F. Collection and Analysis of Memos and Documents on Program Development, Policies, and Procedures:

1. Description of processes and procedures in the Center (intake, hearing, referrals, etc.) as contained in memos and documents.
2. Written statements of Center policies and goals.
3. Written agreements with community agencies and organizations.
4. Job descriptions delineating staff duties and responsibilities.

G. Administration of Instruments:

1. Immediate post-training assessment of mediation training through questionnaire administered to trainees.

2. Second post-training assessment of mediation training approximately 60 days after training.
- 3. Identification of mediator characteristics -- background, demographic and personality characteristics -- through administration of measures to mediators. Attachment E describes the procedure that will be utilized in gathering this data, as well as the Biographical Inventory to be used for determining background characteristics.

With the exception of Task B (Interviews with LEAA and DOJ Officials), all the data collection tasks will be performed by the on-site Evaluation Analyst. As interviews are completed, they will be forwarded to IFR's Washington Office for content analysis and interpretation. Questionnaires for training and mediator assessment will be administered by the Analysts and forwarded to Washington.

Analyst observation and recording will be of two types. The Analyst will maintain an observational log of critical incidents, describing in some detail those events which appear especially favorable or unfavorable in terms of Center effectiveness. Entries will be made at least weekly and perhaps daily, depending upon the frequency of incidents. At the end of the three-month period, the logs will be sent to Washington for analysis. Other observation and recording (C-1 through C-4) by Analysts will be conducted toward the end of the three-month period and will be based upon the Analysts' perceptions of Center activities.

Products

The major product of the Study will be a report on the implementation of a Neighborhood Justice Center. This report will be mostly narrative in nature, with little quantification. It will attempt to provide an accurate depiction of how the Center developed and began operations. Such an account, complete with mistakes, wrong moves, innovative successes, etc., should provide future centers with concrete directions and suggestions on how to proceed and what mistakes to avoid. The other significant result of this Study will be an identification of those elements of the Centers which may affect eventual impact; i.e., which may serve as independent variables in a later impact analysis.

VI. IMPACT STUDY

Objectives

Much of IFR's major thrust in conducting the national evaluation of the three Neighborhood Justice Center Field Test Programs will be directed toward measuring project outcomes. Outcomes have been identified as falling into four major categories: (1) impact on the disputants themselves -- both complainants and respondents; (2) impact on the mediators; (3) impact on the courts, police and social service agencies referring clients to the NJCs; and (4) impact on the local communities in which the Centers are located. Together, the evaluation of these three outcome areas constitute the Impact Study.

Process data are intended to indicate the degree to which program activities are being delivered to the appropriate target groups and in addition provide input variables for studying program outcomes. For example, if both civil and criminal matters are handled by the Centers, consequent outcomes of the mediation sessions should reflect differences found between the type of cases processed.

Impact or outcome data on the other hand provide information on the extent to which the program is achieving its previously identified goals and objectives. Also, impact data indicate whether measured outcomes can be attributed to program activities and under which set of circumstances the program is most effective.

Outcome criteria are especially important in measuring a program's degree of success. Frequently, however, the identification of outcome criteria is often done with insufficient thought and preplanning. Often the result of this process is a collection of data elements which are unrealistic and difficult to measure. The eventual variables that are selected for study must reflect the impact of the decision-makers for whom the feedback of results is intended. It is the responsibility of the evaluation staff to insure that the set of final criteria are measurable, reliable, realistic, etc. Thus, in this effort a process of selecting impact criteria has been developed which incorporates input from both expert judgment as well as experience gained in observing field activities of the NJCs in operation.

With this background in mind, the primary objectives of the Impact Study are presented below:

1. Identify the impact on the disputants regarding speed and satisfaction of resolution and prevention of recurrence.
2. Identify what impact the mediation process has on the mediators.
3. Identify the effectiveness of the mediation process by both types of cases submitted and methods of conflict resolution.
4. Assess the impact of the program on the courts and other criminal justice and community agencies by examining the potential for caseload reduction and improved efficiency in operation.
5. Determine the impact on the local communities in which the NJCs operate by assessing the ability of the Centers to attract community referrals and a general level of community awareness and support.

General Approach

The general approach to be utilized in conducting the Impact Study will consist of an ongoing process of data collection, review, analysis, and feedback to both project management and NILECJ program administrators. This feedback process will be based on data that are collected related to specific program goals and objectives developed to reflect the evaluation priorities. These goals and objectives and subsequent measures of program effectiveness will be developed by a process utilizing program decision-makers.

Decision-Theoretic Approach

A procedure for eliciting program goals and objectives is proposed in order to insure that the evaluation of the NJCs produces information that will be useful to decision and policy-makers. This process involves asking relevant NILECJ staff to identify and prioritize potential outcomes of the pilot program. Several methods have been developed to insure that the evaluation results are useful to decision-makers in an agency or program. The Decision-Theoretic, or Multi-Attribute Utilities Method (MAUM) is perhaps the most well known of these approaches.¹ This procedure provides a method for eliciting, quantifying, and prioritizing program goals and objectives of relevant decision-making groups. In addition, it allows for

¹ Edwards, W., Guttentag, M. and Snapper, K. A decision-theoretic approach to evaluation research. In E.L. Struening and M. Guttentag (Eds.), Handbook of Evaluation Research (Vol. 1). Beverly Hills, Calif.: Sage Publications, 1975.

the organization of data collection and analysis of results around those goals. This procedure is one that allows the evaluators to more realistically determine how well a program is measuring up to the decision-makers' expectations by reviewing outcomes across a series of goals that the decision-makers themselves have generated as discussed in Chapter III, "Evaluation Overview".

When an evaluation is being conducted using the decision-theoretic approach, each decision-making group involved in the evaluation is allowed to be explicit about its goals and objectives for the program. These goals are given importance weightings by each group separately, and then used to evaluate program outcomes as they are developed. The procedure allows for frequent feedback so that particular objectives or procedures may be modified as the program continues its operation.

The Neighborhood Justice Centers Field Test Program can be evaluated by identifying each program objective within each major goal. The goals and objectives are then given importance weights by the decision-making groups. The utility of an evaluation outcome (e.g., a resolution of a dispute that is satisfying to the disputants) is the sum of its contributions to the achievement of a major program goal (e.g., to develop an effective community dispute mechanism). Of course, additional objectives or outcomes (e.g., speedier resolutions, lower costs, and court caseload reductions) would also be incorporated within this goal.

The decision-theoretic approach can be used to review, elicit, and prioritize goals and objectives of the NJC pilot program, as viewed by key decision-making groups so that evaluation results will be more beneficial to them. Groups composed of the three project staffs, NILECJ, and OIAJ staffs will be contacted for this activity. Two meetings generally will be required of the staff who will be performing the ratings, although much of the actual ratings can be done on an individual basis. During the first meeting, the general purpose and method of the weighting technique will be explained to the group; and the list of goals and objectives will be developed. During the second meeting, members will be asked to assign weights in the prescribed manner, and the implications of the assigned weights can be discussed. Each group has the option of not having either its goals or weights seen by the other groups, thus the evaluation outcomes for their goals would be feedback directly to them.

As project data are collected, statistical procedures are applied to determine the "utility" of each objective and goal and measures identified to evaluate outcome data. While these exercises can become involved and time consuming when the full Decision-Theoretic system is employed, the option of using this method just to develop and prioritize goals and objectives does not require large amounts of time from the staff members involved in the exercise. Thus, one viable alternative would be to use this methodology for identifying and refining program goals and objectives.

Use of Experimental Designs

A continuing debate in evaluation research concerns the issue of whether or not experimental designs are to serve as a basic structure for evaluating demonstration programs. One feasible way to implement experimental methods is to use them as modular components of a larger evaluation design, selecting the correct designs in situations where they are appropriate. For this reason a "Decision Tree" has been developed which provides a series of decision points which the evaluator may use if experimental and quasi-experimental designs are to be used (See Attachment I). Although the Decision Tree may be used to select an overall design for the evaluation, it is more often used to select a design to help answer one or two evaluation questions. For example, in applying the Decision Tree to the evaluation question regarding whether or not disputants are satisfied with the agreements they reach, a survey of those going through the Centers would be conducted to assess their long-term satisfaction with the process. If we decide that a reasonably equivalent control group (such as those who go to court) can be found, and feasibly measured, we will eventually be led to the non-equivalent control group design. If a control group is not used, we are led to the separate sample pretest-posttest design, a rather powerful design when employed at multiple sites.

It might be noted that we stayed in the more powerful right side of the chart because we can take measures before the NJCs begin operation, but we are kept from the true experimental designs because assignment of NJCs to communities is not random. In selecting designs to answer the impact evaluation questions, it might be desirable to assign dispute cases, or some portion of the cases, randomly to the NJCs or to a non-NJC condition; e.g., posttest-only control group design. Such an experiment

would require full cooperation and assistance from the local criminal justice systems, particularly the prosecutors' offices. Other obstacles to random assignment of cases might be the Centers' desire to obtain as many cases as possible and the extensive screening and assignment work that would be required to implement the random assignment. However, we believe that the programs should consider random assignment of cases, if only for a partial segment of cases in one of the Centers.

A variety of possibilities exists for the implementation of experimental designs as elements in the framework of the overall evaluation design. When the methodology touches program operations, one option is to implement the experiment along with a clear statement of the benefits and disadvantages. The decision about whether to engage in an experiment remains in the hands of the Center staffs and NILECJ. We should also note that to the extent that variable manipulation and randomization are not available, greater responsibility is placed on statistical controls of impact data. Thus, we will make extensive use of the non-experimental analytic methods to link program events to outcomes.

Method

The following chart (Figure VI-1) illustrates the basic procedures by which data will be collected during the course of the Impact Study. As the chart reflects, there will be four major sources of data collection activity, and corresponding data collection processes, measures, and techniques will be developed to gather this information. These processes are outlined briefly below:

A. Assess Impact on Disputants and Mediators:

1. One of the primary measures used for gathering information on those individuals bringing cases to the NJCs will be a follow-up interview. This is expected to take place in two phases, the first within 30 days after completion of the mediation session and the second within three to six months afterward. Individuals will be asked if they are satisfied with the resolution at that point in time and whether the underlying factors which caused the problem have been resolved. If the dispute has flared again, the interviewer will probe for details regarding the circumstances leading to the renewed case. Attachment J illustrates the follow-up interview format.
2. If a cohort sample or control group from the local courts has been identified and an experimental study implemented, they will be followed up as well to assess their long-term satisfaction with the traditional court process.

FIGURE VI-1:
IMPACT STUDY DATA COLLECTION
PROCEDURES

Study Activities	Data Collection Process
<ol style="list-style-type: none"> 1. Assess impact on disputants and mediators. 2. Determine impact of the NJC dispute resolution process. 3. Impact on courts, police and other referring agencies. 	<ul style="list-style-type: none"> • Conduct follow-up interviews to determine short and long-term satisfaction with the agreement. • If feasible, conduct a court cohort or random assignment study to examine differences in perceived outcomes between NJC and Court processed disputants. • Examine resolution of cases by type of case referral, relationship among the disputants and the type of mediation/arbitration that was used. • Examine court caseloads, particularly those similar to the types of cases handled by the Centers. More exactly, examine the impact of NJC dispute resolutions on specific elements of court caseload handling. • From the cohort or random assignment study with the courts, identify similarities and differences in case handling so that cost data can be developed if available (see Cost Study, Chapter VII). • Conduct interviews with those agencies (i.e., police, etc.) and individuals making referrals to the NJCs to determine degree of satisfaction with case handling by the Centers (i.e., whether or not results of cases have been routinely fed back to referral source and other outcome information).

Study Activities	Data Collection Process
<p>4. Assess impact on the local communities in which the Centers operate.</p>	<ul style="list-style-type: none"> ● To the extent feasible, determine what impact, if any, the NJCs have had on those agencies referring disputants to the Centers. Examine the caseloads at specific processing points within those agencies supplying a large number of clients to the Centers. ● Determine the number and type of walk-in or community referral cases and their outcomes in relation to other types of referral. ● Considering available resources, a randomized survey of community residents will be conducted possibly using a random telephone digit dialing technique to determine: (1) general awareness of the NJCs and their function and (2) whether or not residents would submit a case to the Center.

3. In the Process Study it was noted that mediators would complete a mediator summary sheet in which their impressions of the mediation process would be recorded. In addition, a sample of mediators from each Center would be interviewed following the mediation session. In this manner the results of the mediation process on the mediators themselves could be assessed. Whether or not they feel that this is an effective alternative for resolving disputes and their satisfaction with the process will be analyzed.

B. Impact on the NJC Resolution Process:

1. The resolution of cases and the processes used by the Centers to bring about these agreements among disputants will be subjected to an analytical review. Impact data will be studied using outcomes as dependent measures (i.e., disputant satisfaction or referral agency satisfaction) and key process variables such as those identified in the Process Study (i.e., types of cases, sources of referral, mediation techniques, etc.).

If a control or cohort samples are developed in the local courts, then the primary independent variable -- for the purpose of data analysis -- will be NJC vs. non-NJC disputant processing. Thus, results would provide useful insights regarding the types of cases, sources of referral, etc. that the individual Centers are best able to handle.

C. Impact on Courts, Police and Other Referring Agencies:

1. Local courts submitting cases for referral to the Centers will be asked to allow a review of similar cases processed in the traditional manner. Overall caseloads will be monitored periodically; however, it is recognized that these field test projects do not have much potential for significantly reducing cases during the first year of operation. The impact of resolving dispute cases in the Center may indicate that the NJC process is more efficient than the way cases are handled in the courts. Thus, more subtle effects of court case handling will be examined during the field test phase of the NJC program.
2. Providing there will be a court cohort or random assignment study conducted in connection with referrals to the Centers, similarities and differences in case handling will be reviewed so that cost data elements can be extracted. Identification of units of activity such as intake, preliminary hearings, case scheduling, etc., will be performed in order to facilitate cost analysis (see Cost Study, Chapter VII).
3. Interviews will be conducted with individuals from those criminal justice agencies (courts, police, probation, etc.) and other community agencies submitting referrals to the Centers. This information, to be collected during the later phases of the Center's demonstration phase, will include general perceptions of the Centers and their case handling procedures, reasons for referring or not

referring cases, and suggestions for improvements in operations and interagency cooperation. Also, it will be important to note whether or not and in what manner feedback of individual case outcomes was handled and if the procedure provided sufficient information to the referring agency.

4. The impact of the NJCs on local agencies in regard to caseload reduction or improved efficiency of agency operations is expected to be minimal. However, if possible, agency records and statistical reports will be reviewed to assess whether or not case referrals to the Centers have had any noticeable effect.

A more likely outcome might be expected for those cases which have common characteristics for both the Centers and community agencies. Outcome information could be analyzed for similar cases (i.e., domestic disputes) to determine which agency appears to be having more impact in terms of preventing further disputes, or which combination of services provide the most benefit.

D. Impact on the Local Community:

1. One index of community support and cooperation with the NJC concept will be the frequency of cases solicited from the local community. Each of the Centers are operating within the limits of a prescribed target area, with the intention of providing services primarily for residents in those zones. Thus, walk-ins or self-referrals will be of particular interest. The NJCs' role in their local communities has not been defined to any extent, thus to a large degree those local disputants coming to the Centers will help define that relationship.

Walk-ins, or self-referrals, will be followed-up in much the same manner as other cases; however, careful attention will be given to insure that complete data and records are maintained for these disputants. A comparative analysis of agreement outcomes will be conducted between this source of referral and those from the criminal justice community to determine willingness to submit future cases to the Centers.

2. Another more direct method for assessing community reaction and support may be implemented if available resources permit. A representative survey of community attitudes and perceptions of the Centers may be conducted. One means of reducing the costs of such an effort would be to conduct a random sample telephone survey of target neighborhood residents. Interviewers would ask the extent to which residents are aware of the Centers and what their perception of their operations are. This survey would only be conducted, however, if the weighted goals and objectives related to community support and involvement were sufficiently great to warrant the effort.

Products

The results of the Impact Study will be fed back to the Centers, NILECJ, and the Office for Improvements in the Administration of Justice by Interim

and Final Reports. Of importance will be the linkages among process data -- as identified in the Process Study (i.e., program procedures and characteristics, and impact data) so that particular processes and operations can be identified as being more effective than others.

VII. COST STUDY

Objectives

Many demonstration programs are implemented for the purpose of achieving some societal or human service benefit, such as improvements in education, housing, or as in this case, increasing the quality of justice in local neighborhoods. Since the goals of most of these projects are stated in social or behavioral outcome terms, they are traditionally evaluated by social science criteria. Too frequently, cost factors are ignored, or at best, treated with relatively little importance. However, the increasing use of cost factors in program evaluation reflects the recognized value this type of information has in determining the extent to which an experimental project should be considered for further expansion or, perhaps, termination. The issue usually raised is what are the costs associated with the experimental approach as opposed to alternative forms of service.

There are, however, several problems in applying cost analysis to human service programs, and one of the most important is that social science measures of program effectiveness are extremely difficult to relate to dollar values (i.e., what is the dollar value of improved attitudes of residents concerning the quality of justice in their neighborhood?). In addition, it is frequently extremely difficult to identify the relevant units of cost that are needed to isolate relevant input and process variables, and these data generally are not available.

In spite of such difficulties it may be possible to conduct cost analyses of the Neighborhood Justice Centers. Of particular importance will be the units of activity in the Centers that can be isolated and cost figures estimated. In addition, there may be opportunities to aggregate cost units for the major functions of the Centers, such as cost per case, cost per client, etc. However, even in developing these estimates, it is important to note that initial costs of Center operations are more likely to far exceed those at a later date when in all probability many more disputants will be processed at less cost per case. Thus, for this reason the Cost Study will be conducted later in the field test phase of the NJC program. The major point is that while selected cost studies can be

conducted, they must be carefully implemented and include well documented data on which the cost analysis results are based.

- The following objectives have been established for the Cost Study:

1. To the extent possible, identify units of NJC project activities to which cost estimates can be assigned (i.e., cases accepted, cases mediated, or cases where an agreement is reached).
2. Prepare cost analysis data for major components of the NJC program, including such items as cost per type of case referral; and costs related to whether or not an agreement was reached, or if the case was even mediated before becoming inactive.
3. Based on available data, conduct cost comparisons between NJC case processing and court case handling of similar disputes.

Method

The Cost Study is closely linked to the Impact Study since most of the needed identification of units of Center activities for estimating costs will come from the impact results. As a result, the Cost Study will be conducted during the second half of the demonstration phase of the project along with the Impact effort.

In all probability, the Cost Study will primarily involve cost analysis -- a basic assessment and categorization of the operational costs of the Centers. To the extent that cost data are also available from the criminal justice system, some cost comparative analysis may also be conducted, involving comparison of Center costs for dispute resolution vs. the costs of conventional processing. Such a comparison could yield an estimate of savings, or losses, associated with Center case processing.

Cost data from each of the three Centers will be collected and analyzed. The fact that the Centers will have approximately the same organizational structures and funding base should ease the problem of comparisons across Centers. For each Center, we will calculate the cost per case and the cost per mediation hearing. Attempts will also be made to identify Center characteristics and techniques which influence cost. However, teasing out the particular sources of cost differences among the Centers will involve considerable judgmental work, as cost variance will probably be associated with several differences in Center operations.

Comparative cost data from the courts would be valuable in several ways. First, if randomized assignment of cases can be achieved on at least a sub-sample within one Center, comparisons of cost per case would be

legitimate, since any cost differences that are found between the two groups would not be attributable to pre-selection differences in the cases (e.g., the more complex, costly cases being kept within the system). If randomization cannot be accomplished, matching of cases from the Center and the courts on the basis of cost-relevant criteria might also permit valid comparisons between the two groups. However, in conducting cost comparisons between cases which are not drawn from the same referral source it must be recognized that total costs of dispute processing may be increased by the Centers if they are attracting cases which might not otherwise have entered the system or which might have been dismissed at an early stage.

The basic problem is to determine what tenure the Center cases would have had if they, in fact, had gone to court. One could start with cases referred to mediation by the courts. Following referral, a case may not have a hearing set because the respondent or complainant may state that they have resolved the dispute, or as has been noted, the respondent refuses to participate in mediation. The other possibilities are that both parties may agree to participate in mediation, and they either reach an agreement or not. It is likely that only for those cases in the Centers which reach an agreement and would have been settled in the courts that the greatest cost savings might be found. This appears to have merit, since it is those cases (ones where an agreement is achieved) that would have the longest tenure in the courts.

Thus, the focus in the cost study in relation to the court will be on those cases that reach an agreement after mediation. The subsequent costs for these cases will be higher than for those where both parties achieve an agreement on their own prior to the mediation session. Court cases where both parties reach an early agreement are typically dismissed with very little cost involved, or when cases are dropped for other reasons.¹ This procedure assumes, however, that some sort of preliminary review is taken by the court prior to either referral to an NJC or further court action. To the extent that one, two, or all three of the Centers do not operate in this manner -- where referrals are made almost immediately from the court -- then there is greater potential for cost savings even though an agreement may not be achieved.

¹ Many cases, particularly criminal cases, are dropped prior to completion of the judicial process. Documentation for this was noted in: Felony arrests: Their prosecution and disposition in New York City courts. Vera Institute of Justice, 1977.

Finally, it is probable that costs per case will decrease as the Center progresses, bringing more cases into the Center while staff overhead costs remain at the same level (although mediator costs may increase, as they are to be paid on a per-case basis). Thus, it would not be appropriate to project average first year costs of the Center as representative of long-term operating costs.

Products

The Cost Study will be prepared and submitted concurrently with the Final Impact Study report. It will provide estimates of the costs of delivering specific units of service to disputants who either come to or are referred to the Neighborhood Justice Centers. Costs will be developed for the courts as well, where possible, so that comparative analyses may be presented.

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ATTACHMENT A

EVALUATION OF NEIGHBORHOOD JUSTICE CENTERS
GOALS AND OBJECTIVES

Weighting of goals:
Allot 100 points
among Goals A-F.

- A. Goal: To establish an effective community mechanism (NJC) for the relatively inexpensive, expeditious and fair resolution of citizen disputes through the processes of conciliation, mediation, and/or arbitration. The Centers are expected to enhance the quality of justice delivered to the community without diminishing the effectiveness of the existing criminal justice system.

WEIGHT _____

Objectives: (Allot 100 points among the five objectives.)

- _____ 1. The Centers should be accessible to, and utilized by, a cross-section of the community.
- _____ 2. The costs of case dispositions through the Center should compare favorably with the costs of selected existing adjudication procedures.
- _____ 3. The speed of dispute resolution through the Centers should compare favorably with that of selected existing adjudication procedures.
- _____ 4. The Centers should help the disputing parties to agree upon resolutions which are fair, long-lasting, and satisfactory to the disputants.
- _____ 5. The Centers should have a beneficial impact on the ability of the formal justice system (including courts, police and prosecutors) to handle its workload.

- B. Goal: The Centers should attract a variety of civil and criminal dispute cases drawn from different sources in the community and the criminal justice system.

WEIGHT _____

Objectives: (Allot 100 points among the six objectives.)

- _____ 1. The Centers should deal with a variety of interpersonal disputes involving ongoing relationships, including certain types of landlord/tenant disputes and appropriate consumer complaints.
- _____ 2. Dispute cases should be referred from the major components of the justice system, such as the police, prosecutor, and courts.
- _____ 3. Dispute cases should be referred from social service agencies.
- _____ 4. Centers should receive self-referrals from the community.
- _____ 5. The Centers should generate information which indicates the types of cases and forms of dispute resolution which work most effectively.
- _____ 6. The Centers should generate information which helps to determine the social and demographic characteristics of disputants who benefit most from the utilization of the Centers.

C. Goal: To contribute to the reduction of tension and conflict in the community.

WEIGHT _____

Objectives: (Allot 100 points among the five objectives.)

- _____ 1. The Centers should help community residents feel that the quality of justice in the community has been enhanced.
- _____ 2. The Centers should help to prevent the occurrence of serious interpersonal conflicts and assaults in the community by resolving some disputes which may otherwise have led to more serious conflicts.
- _____ 3. The Centers should facilitate communication and understanding among the different social, cultural, and economic segments of the community.

_____ 4. The Centers should help community residents to feel that community institutions are more responsive to their particular needs and problems.

_____ 5. The Centers should help residents gain better access to existing community and governmental services through referrals from the Centers.

D. Goal: To institutionalize the Neighborhood Justice Center concept and procedures.

WEIGHT _____

Objectives: (Allot 100 points among the five objectives.)

_____ 1. The Centers should generate alternative sources of funding for their effort.

_____ 2. The Centers should expand their services beyond the target area.

_____ 3. The concepts and procedures of these Centers should be adopted by other communities.

_____ 4. To provide information on the problems and procedures of developing and implementing an NJC.

_____ 5. The Centers should provide information on the forces and events which contribute to or oppose institutionalization within their communities.

E. Goal: To provide information to the Law Enforcement Assistance Administration and the Department of Justice on the progress and effectiveness of the Centers as this relates to future planning for the expansion of the NJCs and their concept.

WEIGHT _____

F. Goal: The key elements of the community -- the residents, the criminal justice agencies, the other major community organizations -- should be aware of and have a positive view of the Neighborhood Justice Center.

WEIGHT _____

Objectives: (Allot 100 points among the three objectives.)

1. To develop an effective public relations component for the NJC which helps residents to be aware of and have a positive view of the NJC.
2. Community residents would be expected to distinguish between the NJC and the existing legal/judicial system.
3. The NJC should be viewed positively by the major community institutions, including the police department, the courts and other relevant agencies and organizations.

ATTACHMENT B

BOARD MEMBERS INTERVIEW FORM

A. Initial grant development

1. What were the reasons for developing a grant application for funding the NJC?
2. How was the initial sponsoring group organized?
3. What was the process involved in writing the grant application? Who researched the information and wrote the proposal?
4. How was the Board of Directors formed? Who decided on the composition of the Board and selected members?
5. Who was responsible for developing the structure and organization of the NJC? Why was this structure chosen?

B. Role and function of the Board

1. What is the role and function of the Board? (For example, does it set policy, serve in an advisory capacity, etc.?)
2. What was the Board's role in hiring the Project Director? What was the recruitment and selection process? How many applicants were considered and what were their general characteristics?
3. Was the Board involved in any of the following? To what extent (describe selection criteria, processes, etc.)?
 - a. Selection of project staff.
 - b. Identification and selection of mediators.
 - c. Identification and selection of target area.
 - d. Location of project site.
4. How many meetings of the Board have been held? What were the topics and purpose of the meetings? Do you feel they were productive?
5. What is the future planned role of the Board? Will it be active? What is the planned schedule for Board meetings?

C. Philosophy on role of the NJC

1. Was there a general orientation or philosophy which guided the development of the structure and operation of the NJC? How was this philosophy formed?

ATTACHMENT C

PROJECT DIRECTOR INTERVIEW FORM

A. Role of Project Director, Board of Directors, and Advisory Councils

1. What is your role in the project? What are your primary responsibilities?
2. What is the role and function of your Board of Directors? How does the Board lend support to you and the project?
3. How were the Board members selected and organized? Who serves on the Board (what is its composition?)?
4. Do you have an Advisory Council? What is its role and function? How were the Advisory Council members selected and organized? What is the composition of the Council?

B. Philosophy on role of the NJC

1. Do you have a general orientation or guiding philosophy on the role of the NJC? Who do you feel the NJC should help (community, individuals, law enforcement personnel, etc.)?
2. How has this philosophy impacted on the operation of the NJC?

C. Staff recruitment and selection

1. What was the process for identifying and recruiting potential staff members? What resources were used--media, personal contacts, community organizations, etc.?
2. What were the general characteristics of the pool of people initially recruited (age, sex, race, education, language, occupation, community involvement)?
3. What processes were used to screen and select the final candidates? What formal and informal selection criteria were followed?
4. If you had the staff recruitment and selection process to do over again, how would you do it? What changes would you make?

D. Mediator recruitment and selection

1. What was the process for identifying and recruiting potential mediators? What resources were used--media, personal contacts, community organizations, etc.?
2. What were the general characteristics of the pool of people initially recruited (age, sex, race, education, language, occupation, community involvement)?

3. What processes were used to screen and select the final candidates? What formal and informal selection criteria were followed?
4. If you had the mediator recruitment and selection process to do over again, how would you do it? What changes would you make?

E. Selection of target area and project site

1. How was the target area identified? What criteria were used?
2. How was the site for the Center chosen? Why?

F. Staff organization and management

1. How is your staff organized (provide an organizational chart, if possible)? Why have you structured your staff to function as it does now? What changes have you made in staff organization? Are there any anticipated changes?
2. How did you decide to assign staff members to particular roles and responsibilities?
3. How do you manage your staff, in terms of direction, lines of authority, and communication flow? Are there implicit or explicit procedures adhered to for staff communication?

G. Staff and mediator training

1. Did your staff receive any pre-service or on-the-job training other than Reno? If so, please describe--who did the training, purpose, content, methods, effects or outcomes.
2. Did you feel the Reno training conference was useful? In what ways?
3. Are there areas in which your staff needs additional training? If so, is future staff training planned? If so, describe.
4. In relation to the training of mediators, why did you choose the particular approach employed?
5. Generally, how would you assess the effects of the training on the mediators? How did they respond to it?
6. For future mediators, would you use the same approach to training? Why or why not?

H. Initial contacts with local agencies and organizations.

1. (Generate a list of agencies the Project Director has contacted, including the following:)

- a. Name and type of agency
- b. Purpose of contact (public relations, referrals, etc.)
- c. Method of contact (telephone, in person, mail, etc.)
- d. Results, both tangible and intangible (referral agreements signed, feelings of goodwill, etc.)

I. Development of procedures

1. How did you develop the procedures for case processing, from screening to referral and follow-up?

ATTACHMENT D

CONTINUED

1 OF 2

PROJECT STAFF INTERVIEW FORM

A. Activities and responsibilities

1. What is your job in the Center? Are you in charge of a particular area of project development or operation (such as community relations or case processing)?
2. Are you satisfied with your personal responsibilities? Are there specific activities you would like to engage in?

B. Perceptions of the NJC

1. What do you feel is the role and purpose of the NJC in your city? Who is it aimed at?
2. Do you feel the role/focus of the NJC should be redirected in any way?
3. Do you think the Center's operating procedures (referral, intake, hearings, etc.) are set up in the best manner possible? How might you change these procedures?

C. Reactions to training experiences

1. Have you had any specific pre-service or on-the-job training other than that offered by URC to all projects (the Reno conference) or the mediation training? If so, what was the content of the training and the methods used (who, when, etc.)?
2. What are your reactions to this training? Was it useful and valuable? Why or why not?
3. Do you feel the URC training conference in Reno was useful and valuable? Why or why not?
4. In what areas would you like additional training?
5. What are your impressions of the training provided for mediators? Do you feel that the approach taken was a good one for training effective mediators? Why or why not?

D. Outreach and public relations activities

1. What has been your participation in outreach and public relations activities for the project? (Which agencies or community groups have you contacted, how, and for what purpose?)
2. How successful do you feel these outreach efforts have been?

ATTACHMENT E

PROPOSAL FOR ASSESSING MEDIATOR CHARACTERISTICS AND EFFECTIVENESS

The Institute For Research plans to conduct a study of mediator characteristics as part of the evaluation and research of the NJC pilot programs. This study was instigated by the interest expressed by the Venice-Mar Vista NJC staff and trainers and research questions raised by the NJC national evaluation. The purpose of the planned study is three-fold:

- (1) To identify personality, vocational interest, and biographical characteristics of effective and ineffective mediators.
- (2) To identify and/or develop selection criteria for applicants for mediator positions in order to better predict future success in mediation.
- (3) To assist in identifying training needs for new and experienced mediators.

The first two objectives listed above are closely related. Personal characteristics will be linked to each mediator's measured effectiveness in conducting a hearing. It is important to stress that this information will not be used to evaluate the current group of NJC mediators. Rather, the results will be used to improve the selection of mediators in the future, as expressed in #2 above. Personal characteristics which appear to be related to effective mediation will be identified through the use of the instruments employed in this study. Applicants which are high on certain dimensions may be selected to serve as mediators. Hopefully, this process will lead to the identification and selection of those people who have the potential for becoming effective mediators.

This study will also provide some assistance in identifying training needs of applicants and experienced mediators. The instruments to be used will lead to the identification of interpersonal areas in which training may be helpful and/or needed, such as the areas of assertiveness and personal control. Both pre-service and on-the-job training needs may be identified.

Approach

The proposed methodology for this study consists of three primary stages: (1) the identification of instruments, (2) the administration of instruments, and (3) the identification of criteria and measures to assess effective and ineffective mediators. The first stage has been nearly completed. Following the suggestions of the Venice-Mar Vista NJC staff and trainers, we have selected the Sixteen Personality Factor Questionnaire (16 PF) and the Strong-Campbell Interest Inventory (SCII) as measures of personality characteristics and vocational interests, respectively. Both are standardized instruments which have been in use for several decades and have been shown to be valid and reliable.

The 16 PF is an objectively scorable test designed to measure sixteen functionally independent and psychologically meaningful dimensions of personality. The primary factors, listed by their polar descriptors are: reserved/outgoing, dull/bright, affected by feelings/emotionally stable, humble/assertive, sober/happy-go-lucky, expedient/conscientious, shy/venturesome, tough-minded/tender-minded, trusting/suspicious, practical/imaginative, forthright/astute, self-assured/apprehensive, conservative/experimenting, group dependent/self-sufficient, undisciplined self-conflict/controlled, and relaxed/tense. The SCII is the current combined-sex edition of the Strong Vocational Interest Blank. The inventory assesses a person's liking and disliking for a wide range of occupations, school subjects, occupational activities, amusements/hobbies, and types of people. An instrument for collecting biographical data is currently being finalized. Either a standardized biographical inventory will be selected for use, or a number of items of interest, such as education, occupation, etc., will be developed to gather the desired information.

The instruments will be administered by the Evaluation Analysts to mediators who have volunteered for the study. Standard procedures for group test administration will be followed, and the instruments should take 60 to 75 minutes to complete. In Venice-Mar Vista, the administration will take place in mid-April, in Kansas City and Atlanta it will occur at the end of April or early May. After administration, the instruments will be scored (the 16 PF will be hand-scored by IFR staff; the SCII will be machine-scored)

and the results will be made available to the individual mediators for their own information if they so desire. Care will be taken to reassure the mediators that these tests will not be used to screen them out of the program. The results will then be filed until the next stage of the study.

Measures of Mediator Effectiveness

Measures for identifying effective mediators will begin to be developed during the next six months. Current plans include investigating two primary ways to assess mediator success, the use of unobtrusive indicators and direct observations and ratings. Unobtrusive indicators include measures such as dropping out of the program and the number of sessions mediated (existing dispute centers tend to use a small core group of mediators often, which may be interpreted as a measure of their effectiveness). Simple indices of successful mediation such as obtaining an agreement and the permanence of the resolution will not be used as an indication of mediator effectiveness, due to the influence of a large number of other intervening factors.

A more direct measure of mediator success is to obtain feedback from the disputants and mediators themselves regarding their view of the success of the mediation process and the skill of the mediator. Mediators may be rated on several dimensions by the disputants, and also by trainers and project staff who are able to observe hearing sessions and other interactions involving the mediators. An initial step has already been taken by one NJC site -- the mediators were informally rated by the trainers and staff after the initial training program (before hearing any cases) and placed in the top, middle, or bottom one-third of the group on the basis of their performance in the training exercises.

Another measurement technique to be explored is the use of a trained expert who would observe one or more hearing sessions and rate the mediator in a number of areas. Measurement of this kind may be the most valid way to assess mediator effectiveness, but is complicated by issues of time, obtrusiveness, confidentiality, etc.

The assessment of the mediator effectiveness is important to this study and to the broader evaluation effort. We will want to investigate the effects mediators have on achieving an agreement between parties and the permanence of the resolution. Disputant satisfaction may be related to

personal and other characteristics of the mediator. We will want to study the differential effects of such things as the race of the mediator and disputants, the number of mediators used per session, and the types and frequency of dispute resolution techniques (such as caucusing) employed by mediators. Assessing mediator effectiveness is a part of evaluating the entire process of mediation.

The criteria and measures for assessing mediator effectiveness will be developed and finalized in six to nine months. It is probable that ratings of effectiveness will be based on multiple criteria and measures. This time period is long enough to allow the mediators to hear a reasonable number of disputes. At the end of this time period, each individual will be rated according to his or her effectiveness as a mediator.

Analysis

Finally, the personal characteristics data of each individual will be correlated with his or her rating of effectiveness. The results will then be analyzed and used to meet the three objectives of the study.

BIOGRAPHICAL INVENTORY

INSTRUCTIONS: Please fill out this form completely.

1. Birthdate: _____
2. Sex: Male/female (circle one)
3. Race/ethnic background: () White () Hispanic
() Black () Other _____
4. Can you speak any language other than English? yes/no.
If yes, which one(s): _____
5. Approximate annual household income: () under \$5000 () \$15,000-19,999
() \$5000-9999 () \$20,000-25,000
() \$10,000-14,999 () over \$25,000
6. Marital status: _____ Number of children living with you: _____
7. Where do you live? () Venice-Mar Vista community
() Other _____
How long have you lived in that area? _____
Do you own or rent your home? own/rent.
8. What is your primary occupation? _____
Are you currently employed? _____ Number of hours per week: _____
Starting with your current or last position, what have been your three most recent jobs?
(1) _____
(2) _____
(3) _____
9. Are you currently, or have you been in the past, involved with any other activities in your community on a volunteer basis? Please list your activities and the approximate number of hours each week you are or were involved:
✓ (Check those in the Venice-Mar Vista area.)
Present: (1) _____ Hours/week _____
(2) _____ Hours/week _____
(3) _____ Hours/week _____
Past: (1) _____ When? _____ Hours/week _____
(2) _____ When? _____ Hours/week _____
(3) _____ When? _____ Hours/week _____

10. Please indicate the extent of your formal education:

☐ Less than high school☐ High School☐ College (undergraduate). Major _____ Degree _____☐ College (graduate). Major _____ Degree _____☐ Professional school. Field _____ Degree _____☐ Trade school. Field _____

Are you currently enrolled in school? yes/no

If yes, what is your educational goal? _____

Number of hours of class per week _____

Have you had any other training or education (especially in the legal field) leading to the acquisition of skills, licenses, certificates, etc.? If so, please list:

11. Are there any other personal, educational, or work experiences in your past that have contributed to your decision to become a mediator? If so, please describe:

12. Have you had any mediation, arbitration, or third party dispute resolution experience prior to this? yes/no. If yes, describe:

Have you had any experience in court as a witness, juror, complainant, respondent, etc.? yes/no. If yes, describe:

13. What is your overall feeling about the quality of life in the Venice-Mar Vista community?

☐ On the rise.☐ Declining.☐ Not changing.

Describe your opinion:

14. Why did you want to become a mediator?

ATTACHMENT F

INTAKE FORM

Case No. _____

Date _____

1. Complainant's Name _____

Address _____

Phone No. _____

Best time and number for contact _____

Background Information:

Age _____

Sex 1 ☐ female

2 ☐ Male

Language

1 ☐ Spanish

2 ☐ English

3 ☐ Other _____

Race

1 ☐ black

2 ☐ white

3 ☐ hispanic

4 ☐ other _____

Years as community resident _____

2. Respondent's Name _____

Address _____

Phone No. _____

Best time and number for contact _____

Background Information:

Age _____

Sex 1 ☐ female

2 ☐ Male

Language

1 ☐ Spanish

2 ☐ English

3 ☐ Other _____

Race

1 ☐ black

2 ☐ white

3 ☐ hispanic

4 ☐ other _____

Years as community resident _____

Relationship between parties _____
(specify married, landlord/tenant,
friends, etc.)

Nature of relationship:

(check one)

1 ☐ close

2 ☐ casual

(check one)

1 ☐ ongoing

2 ☐ intermittent

4. Referral source (specify)

1 ☐ courts _____

2 ☐ police _____

3 ☐ social service agency _____

4 ☐ walk-in _____

5 ☐ other _____

If referred from courts or police, provide criminal justice system
information:

Arrest made? 1 ☐ yes 2 ☐ no

Offense charged _____

Case status _____

5. Why have you brought your dispute to the NJC? (What is the motivating
factor?)

6. Describe the nature of the dispute.

ATTACHMENT G

Sample Client Tracking Form

Event*	Date	Remarks
Referral to NJC		
Intake interview		
Signed agreement to mediation: Complainant Respondent		
Notification of hearing: Complainant Respondent		
Mediation session held		
Case settled		
Hearing canceled (no-shows, etc.)		
Second notification of hearing: Complainant Respondent		
Rescheduled hearing		
Case dismissed		
Award agreement signed		
Social service referral made		
Follow-up interview #1		
Follow-up interview #2		

* Entries will depend on specific case processing procedures.

ATTACHMENT H

MEDIATORS' SUMMARY

Case No. _____

Date _____

Time beg. _____

Time end _____

Mediators: _____

Complainant(s) _____

Respondent(s) _____

Others present _____

1. Provide details of the dispute:

a) Description:

b) Underlying causes or factors:

c) Was it an ongoing dispute or a one-time incident?

2. Was a referral made for social service agency (or other) assistance?

Who was referred? _____

To what agency? _____

For what service? _____

Describe need for assistance:

3. Comments and observations on the process of the mediation session. If relevant, include information regarding the use of specific mediation skills (caucusing, private sessions, etc.), the overall success of the session, disputant satisfaction with the process and resolution, and your view of the process and resolution. Generally, what went smoothly and what was problematic?

ATTACHMENT I

DECISION TREE
FOR SELECTION OF
EVALUATION RESEARCH DESIGNS

DRAFT

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DECISION TREE FOR SELECTION OF EVALUATION RESEARCH DESIGNS

Introduction

The purpose of this flow diagram is to serve as a decision aid in selecting the most appropriate research design in given situations. The diagram is constructed using a sequence of questions to which a yes or no answer leads to the choice of a particular research design.

The basic thrust of the diagram is experimental in nature, assuming that the best of all possible worlds for the evaluator-scientist is one in which the true experiment (or a design which closely approximates the true experiment) can be implemented as an evaluation design (Campbell and Stanley, 1963; Cook and Campbell, 1976). We recognize that there exists an influential school of thought in evaluation which severely questions or rejects the experimental methods as an ideal for social program evaluation. Guttentag (1970) is perhaps the chief proponent of this point of view, but it also includes Scriven (1976), Parlett and Hamilton (1976), and to some degree, Cronbach (Cronbach and Furby, 1970; Cronbach, 1976). The common thread which runs through these perspectives is that the experimental methods are seldom appropriate to social program evaluation because the degree of control, variable isolation and manipulation, and precision of measurement required for an experiment is rarely, if ever, attainable in program evaluation. This perspective has considerable merit; indeed, Guttentag's decision-theoretic approach, the social anthropological methods recommended by Parlett and Hamilton, Cronbach's exhortation to account for contextual interactional effects, and other non-experimental views remain important methodological resources for the evaluator. When relatively powerful designs look feasible, such methods may serve as significant, enriching adjuncts to the experimental methods. As one is forced toward weaker designs, the non-experimental methods may serve as valid alternatives.

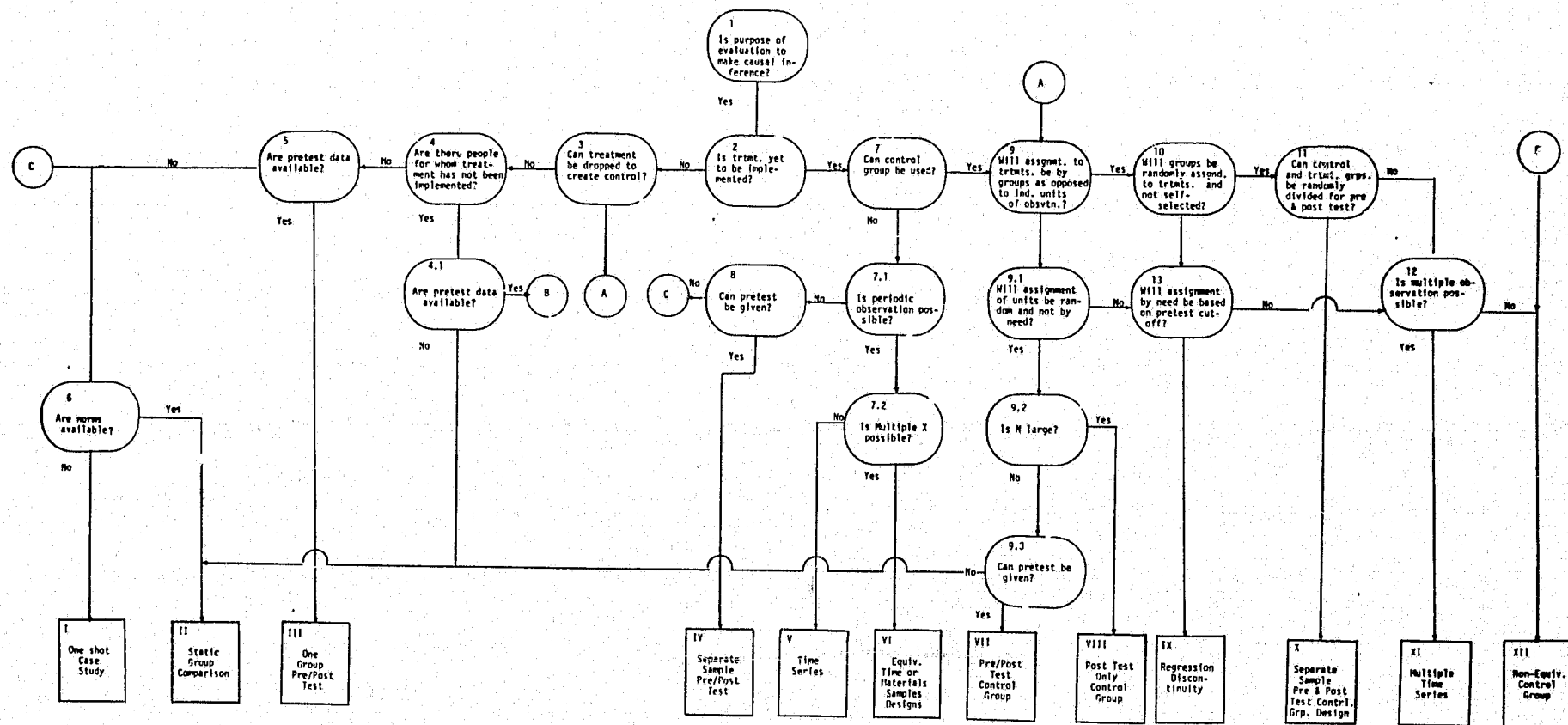
Certainly, to the extent that more descriptive process models are used, particularly for the general regression-based preliminary studies, non-manipulative methods deserve consideration.

Thus, this decision tree should not be construed as representing the universe of potential designs. Rather, it is intended to explicate the series of decisions which the evaluator must make if experimental and quasi-experimental designs are to be used. And although it necessarily touches on issues of sampling and measurement, it does not attempt to address these procedures in any detail. In addition to aiding the initial selection of research designs for any specific evaluation, the decision tree provides a large number of alternative designs should changes occur in particular conditions of variable manipulation, unit assignment, comparison group selection etc. as the evaluation unfolds.

To use the decision aid appropriately, several characteristics of the aid must be noted. First, the user of the aid should understand that the term "treatment" is used in the broad sense. Treatments are inputs (independent variables) which may range from an entire program to policy changes to specific project or staff activities, depending on the type and level of evaluation question being asked. Second, at any decision point in the diagram a "yes" answer is more likely to lead to the more powerful research design than a "no" answer. Power refers to the ability of the research design to support causal inferences and eliminate rival hypotheses. Third, while each decision block requires a yes or no answer, seldom will any of these answers be categorically clear. The reason for this may be more obvious for some decision blocks than others. For example, whether N is "large" depends on several factors -- the size of the population, the size of the effect which one wants to attribute causality from, error of measurement, homogeneity of the population, etc. Less obvious is the fact that the answer to the question of whether units may be randomly assigned to treatments may be equally difficult to answer because of uncertainty regarding several threats to internal validity, e.g., self selection and the diffusion or imitation of treatment in the control group.*

*This threat to internal validity is discussed by Cook and Campbell (1976).

DECISION TREE FOR SELECTION OF EVALUATION RESEARCH DESIGNS



In choosing the most appropriate design one must not be too casual about answering questions positively. It is obviously desirable to have and exercise the control and measurement sophistication which results in positive answers, i.e., research designs which readily provide greater confidence in causal inferences. However, a casual yes to a question which should be no results in misplaced confidence and subtle self deception analogous to a type I error. On the other hand, negative answers and weak research designs do not necessarily reduce confidence in the findings, but simply require that the researcher work harder and consider the potential threats to validity to achieve the same level of confidence otherwise obtainable from the more powerful experimental designs. In this situation he is more susceptible to type II error because rival hypotheses are more difficult to discard.

This point is better made considering the overall purpose of experimental design. The purpose of any experimental design (if we may oversimplify for the moment) is to provide a prediction of what would have happened if the treatment had not been provided. The differences between the observed and predicted occurrences are (subject to the vagaries of error of measurement and chance) assumed to be the effect of which the treatment was the cause. In the more powerful designs the prediction of what would have happened without the treatment is considered more valid than the prediction made from weaker designs. To the extent that the questions in the decision tree are answered realistically the appropriate design will be used and the researcher can trust his analysis within the limitations of the particular design. To the extent that the design chosen is inappropriate the researcher will tend to make either a type I or type II error depending on whether the design used is too strong or too weak.

The point is well illustrated by comparing the static group comparison with the posttest-only control group design. Similar comparisons could be made between other designs but these two provide a contrast which emphasizes the somewhat arbitrary character of experimental designs. The data provided by the two designs are such that a computer could not distinguish between them. Both provide the researcher with an estimate of what happened following a treatment and a prediction

of what might have happened. When we say that the data represent a posttest-only control group design, we are in fact saying that randomization and sample size were sufficient to eliminate a number of threats to internal validity, e.g., selection, history, etc. If randomization and sample size are not sufficient we are more prone to a type I error: attributing a causative effect when in fact our observations were only correlative. Likewise if we decide that the data represent a static-group comparison we would be hesitant to make causal inferences without a number of caveats. If, however, assignment to groups which generated these data closely approximated the random condition and N was sufficiently large, we would be prone to a type II error: refusing to make the causal inference when in fact it should be made.

Description of the Selection Process

To assist the user in the employment of this decision tree the following narrative provides a discussion of the major concepts and processes which are employed at each specific decision point. Discussion initially moves toward the left side of the decision tree, essentially presenting the conditions which lead one to the less powerful designs. Following this, it returns to decision block 7 to discuss the conditions that lead to the more desirable research design.

1. Is the purpose of the evaluation to make causal inference?

This question really has two parts, each of which should be carefully considered before moving through the decision tree. The first part of the question concerns the emphasis which the evaluator places on the ability to make confident causal inferences as opposed to more descriptive, correlative statements about program function. The second related aspect of the question is the degree to which homogeneous treatments or inputs can be identified, some minimal level of homogeneity being required to implement an experimental or quasi-experimental design.

While the physical sciences have concerned themselves with finding necessary and sufficient causes of observable effects, the social and behavioral sciences have had to be content with identifying causes which are necessary but not so sufficient. However, causal inferences which

lack the complete set of necessary and sufficient conditions often have enough value to justify the evaluation. In general, the basis of program evaluation is such that some degree of causal inference is desired along with judgments of value. Social intervention is undertaken to bring about desirable ends. Continued support of the intervention process requires some assurance that not only were the program goals at least partially achieved, but that the achievement derived would not have been realized if the intervention had not been undertaken.

While the goal of causal inference is appropriate to both summative and formative impact evaluations, there may be occasions where purely descriptive evaluations are needed to provide greater specification of variables and to generate hypotheses regarding linkages between program events and outcomes. In such situations, the implementation of an experimental or quasi-experimental design is neither necessary nor desirable.

To the extent that the purpose of an evaluation is to make causal inferences, it is incumbent on the research design to establish the three necessary conditions for causality; namely, (1) the causal event preceeded the treatment, (2) the causal event and effect display some covariation function between them, and (3) there are no other plausible explanations for the effect. The first condition is generally the easiest to establish. This is particularly true when the treatment has not yet been implemented and the sequence of events is controlled by the research design. Even with after-the-fact research, precedence may be self-evident or analytic procedures can be employed to establish the event sequence. One condition which must be achieved if the second and third conditions for causal inference are to be met is the homogeneity of treatments within groups. Lack of homogeneity of treatments effects an increase in error variance which makes any true covariation difficult to establish. Further, heterogeneity of treatments creates construct validity problems which enhances the viability of alternative hypotheses to explain the causal relationships.

A major difficulty in achieving homogeneity is to determine exactly what the treatment is; i.e., what are the specific input variables which we can and wish to evaluate? While the answer would appear obvious, and

often is in the case of carefully conceived laboratory experiments, in the context of social intervention programs the answer is less obvious. Without a good definition of what the treatment is, it is not possible to be certain that every unit receives it in the same way. Defining input variables and maintaining homogeneity of treatments is most difficult in evaluation with naturally occurring treatments as opposed to treatments under experimenter control. Any attempt to define treatment variables in a program evaluation must be cautiously tempered with knowledge of what is possible to evaluate, i.e., what evaluation questions make sense given the natural variability which exists to some degree in any program. The requirement of classical research models that within-group variance be small relative to between-group (Treatment/Control) components is problematic with respect to program evaluations. Guttentag (1970) emphasizes the fact that programs are not variables in the traditional sense. Further, even if more specific inputs are studied, the social context in which they occur interacts with the inputs to threaten both the external and construct validity of the evaluation.

Regardless of interactions with social context or local organization, the variability inherent in volunteer programs presents a threat to both the construct validity and statistical validity of any hypothesis test. Construct validity is threatened when program variability is so great that it is not reasonable to expect that the treatment could be replicated; therefore, the treatment is not definable in terms which are generalizable across time or place.

The threat to statistical validity, however, is more pervasive. Variance within programs is likely to be greater than variance between programs (or with a control) not solely because of measurement error or subject heterogeneity, but because the units of observation in a single program are in fact subjected to different treatments to a far greater extent than is normally tolerated within experiments run with different experimenters at different times or places. Cook and Campbell (1976) reflect this problem in two threats to statistical validity, i.e., (1) the reliability of treatment implementation, and (2) random irrelevancies in the experimental setting. Even the most casual inspection of many intervention programs will reveal that both of these threats are often highly

applicable. Random irrelevancies in the program setting is the most problematic threat and in fact brings us back to the earlier question of what is it we wish to evaluate. One man's irrelevancy may be another man's treatment.

Another dimension of this problem is encountered where the cumulative impact of a treatment is to be assessed across all, or a random sample, of a program's projects. Specifically, power is reduced (i.e., type II error is increased) because of additional increases in within-group variance which is mediated by variability associated with social, economic and political factors; and the organization, management and operation of programs in different places. To the extent that each project is a relatively autonomous unit functioning in response to the direction of local sponsorship and the communities needs and resources, a major source of error can be introduced.

Such a situation by definition occurs in summative program evaluations, but may also occur in any other evaluation where multiple projects are sampled either to increase the external validity of the research or to maintain internal validity. The latter case occurs when multiple groups are sampled in order to achieve equivalence of treatment and control groups (Campbell and Stanley Design 13 a).

The issue is basically a matter of the subtle but significant interactions between various methods of maximizing statistical and external validity. External validity is maximized by breadth of sampling across treatments, i.e., heterogeneity of place and therefore treatments is increased. Statistical validity is maximized by achieving equivalence within both control and experimental groups, i.e., homogeneity of treatments is increased. Now it should be obvious, but frequently is not, that the requirements for maximizing external validity and those for maximizing statistical validity are opposed to one another. For example, gains in statistical validity achieved through matching within groups have a negative impact on the generalizability of the research. The issue can be resolved by abdicating in the direction indicated by the causal inference we wish to make, namely in favor of external validity when the emphasis is on descriptive hypotheses. The other alternative is to treat this source of error (i.e., variation in treatment associated

with places and/or time) much like the error attributable to heterogeneity of subjects, i.e., partitioning the within-group error. While partitioning benefits the research by permitting error variance associated with when and where to be removed from the experimental error at no sacrifice to external validity, it does increase the requirements for sample size.

Now there are two ways in which partitioning may be implemented; one might be called nominal, the other categorical. Nominal partitioning is accomplished when a between groups factor^{*} is added to the research design which simply names the specific times and/or places at which the experiment is conducted. Categorical partitioning requires some a priori measurement basis for grouping units of observation according to a profile of dimensions which discriminate among differences in the treatment they receive.

Categorical partitioning is the most useful approach since it enhances the construct validity of the test and provides a basis for formative evaluation. This results because the simple main effects (e.g., the effects of the program in a specific type of community, or the effects of a program with a specific management structure) may be independently evaluated. The evaluation of simple main effects when nominal partitioning is used is meaningless, hence it is only useful as a technique of maximizing statistical and external validity at the cost of increased sample size. Categorical partitioning also maximizes construct validity but in order to employ this procedure, prior research is necessary to identify the relevant dimensions and a procedure for categorizing according to type of volunteers, clients, projects, sponsors, communities, etc.

Before leaving this topic, the reader should be cautioned against a casual conclusion of treatment heterogeneity (i.e., a program is not a variable) simply because programs operate differently across projects in terms of staff activities, services provided, etc. In many instances treatment heterogeneity may not be as great as often appears at first glance. For example, let us imagine the situation in which one wishes to evaluate a counseling program for troubled youth, a program intended

^{*}In ANOVA Terminology, this would be a nested factor when a control group, as opposed to a within groups design, is used.

to reduce adjustment problems such as delinquency, drug abuse, etc. Let us further assume that the counseling program exists in several different sites, but that there is some commonality in counselor characteristics and approach, and in the population served (e.g., low-income, inner-city youth). In practice, the counseling services provided will be somewhat heterogeneous across sites and individuals. with respect to the context and the specific activities of the counselor -- and certainly we would expect particular facets of counseling to have an impact on the adjustment and behavior of the youth. But here is the critical question: Beyond the particular, highly variable facets of the counseling, is there something about this experience -- as it impinges on the youth -- which is common across the mass of youths in the program? If so, the youth counseling experience can qualify as a construct and a variable, one which is nominally heterogeneous, but effectively homogeneous. Of course, one would much prefer empirical evidence from construct validity studies to support this contention. As one moves to variables at a more micro level than the program (e.g., frequency and duration of counseling session), treatment heterogeneity becomes less of a problem.

2. Is the treatment yet to be implemented?

To answer this and subsequent questions properly, we should again emphasize that the term "treatment" includes a variety of variables from policy directives to project activities. The question of whether the particular input has been implemented is critical to the potential for experimental control and the viability of higher order research designs. Consider again the situation where we wish to evaluate the effect of counseling on youth adjustment. If the counseling services have already been implemented, there is less flexibility in choosing a research design than if the action has only been suggested but has not taken place. However, even if a project has already been established, that does not necessarily mean that the treatment has been implemented; i.e., if the treatment is defined as a particular counseling approach which has not yet been instituted or if there are additional clients who are entering the program. If the program or project has been implemented, there remain two possible alternatives which might make the use

of true experimental designs possible. These contingencies are explored in decision blocks 3 and 4.

3. Can treatment be randomly deleted to create a control group?

This question must be addressed by considering many of the same factors relevant to whether or not units can be randomly assigned to treatments. For example, one of the most critical factors will be whether or not people express a preference for treatment or nontreatment. If the treatment has been successful or is thought to be successful, there may not be anyone willing to give up the treatment. One exception might occur if success is not perceived to be beneficial by the experimental unit, as when a criminal justice program increases success in the apprehension of criminals.

Another possibility for this alternative might exist if the supply of materials, funding, etc. which makes the treatment possible decreases below demand so that a cutback in service is required. Also relevant is whether or not experimental units can be spatially separated and inter-unit communication minimized. This is necessary so that the experimental units randomly deleted from the treatment group do not accidentally or purposely continue their exposure to the treatment. For example, people in the nontreatment group may get treatment information from their neighbor or go to a volunteer agency in another area. In general, however, it would seem that moral, ethical, legal and political constraints would make this alternative unlikely.

One other important consideration must be attended to even if random deletion of a treatment is feasible, and that is whether the nontreatment group will really give us the control we want. To answer this question we must carefully reexamine the causal inference we wish to make. Are we interested in predicting what the treatment would do if implemented in new areas, or what effect it did have in the areas where it was already implemented, or what effect termination would have on groups which had already benefited? Given sufficient adaptation time, the random deletion paradigm would obviously be appropriate to the evaluation of treatment termination, but this (while sometimes relevant) is less likely to be the hypothesis of interest. The distinction between hypotheses related to the effects of expansion of the program and

hypotheses concerned with effects of the program as implemented is begging a question discussed at length in decision block 4. For now let us consider whether the random deletion paradigm provides any reasonable estimate of what would happen in the absence of the treatment. To the extent that the effects of the treatment are mediated by learning, physical change, etc. in subjects or groups of subjects, random deletion cannot be expected to produce estimates of what would have happened if the treatment had not been given. This objection is less likely to be relevant if the experimental unit were a specific project with a high turnover of clients. Also, the approach is most viable with treatments whose effects are either transient or reversible.

4. Are there people for whom the treatment has not been implemented?

The intent of this decision block is to explore some alternatives which permit the utilization of a true experiment even though the treatment has been implemented to one degree or another. The term "people" is used generically for the unit of observation, be it client, project, community, etc. There are at least three situations in which one might identify people who have not yet received the treatment. The first situation is one in which a program is expanding, implementing new projects at additional sites or communities. In selecting new projects and sites, one might be able to randomly select and reject qualified sites to produce a true experiment. The second possibility for a true experiment is when a program or project has an incoming flow of clients which exceeds the capacity of the project. Potential clients may be randomly accepted or placed on a waiting list. The usual obstacle to this approach is that human service projects will accept clients on the basis of perceived need. Although the moral and ethnical reasons for a need-based selection of clients are clear, it should be understood that need-based selection should be unalterable only if a rank-ordering of potential clients, formal or informal, on some dimension of need can be accomplished rather accurately. If project staff cannot really identify the relative need of potential clients, a random process of selection is not only attractive for evaluation purposes, it is eminently fair in that it will prevent the operation of bias in the provision of services. The third

possibility exists when the program wishes to try out a new approach in the context of existing projects. The new approach may be a staff training process, a management technique, a new mode of service delivery, or any number of manipulable program inputs. The new approach may be implemented in a randomly selected set of projects, (matching projects prior to randomization if the number of projects is small).

Selection of any of these approaches, however, must be done with care as it can have serious implications for external validity. The fact that the treatment has already been implemented in some areas means that these areas are not available for study within a true or quasi-experimental design. This can present a problem in that the results of a true experiment may not be generalizable to the areas where the treatment was initially implemented. The resolution of this problem must consider the possible existence of any significant difference between the initial and random samples on variables which might interact with treatment. For example, if the initial sample was chosen on the basis of being more poor, less healthy or poorly educated; and a true experiment failed to reject the null hypothesis, one could conclude that it probably would not be worthwhile to fund such a program in any new areas. However, such an experiment would not provide valid information pertaining to whether the program should be continued in the initial sample. Suppose, however, that the initial sample was chosen for purely political reasons and assume that political pressures are uncorrelated with treatment success; the results of a true experiment would then be generalizable to the initial sample. In this situation, however, a true experiment would offer no more external validity than a static group comparison (although internal validity differences remain). The same assumption which reduces the threat to external validity in the true experiment also reduces the threat to the static group comparison.

Thus, although the more "powerful" designs are generally to be sought for their greater internal validity, concerns of external validity make the choice less evident, particularly if the evaluator has reason to believe that non-randomized comparison groups are highly similar.

4.1/5. Are pre-test data available?

If one answers affirmatively to decision block 4, the final major decision is whether or not pretest data are available on experimental and

control groups. If pretest data can be obtained, the non-equivalent control group design can be implemented. This design is somewhat more powerful than the static group comparison, particularly if the pretest data support the similarity of control and experimental groups. If the answer to decision block 4 is negative, then the existence of pretest data lead one to the one-group pretest-posttest design. However, very little is gained by gathering these pretest data, since there remain several sources of invalidity -- history, maturation, etc. Since there are costs involved in collecting pretest data, this design would seem to offer few advantages over its sister pre-experimental designs.

In practice, pretest data are used for four distinct purposes. First, they are used for direct comparisons in within groups designs. Second, they are used in conjunction with randomization to insure pre-treatment equivalence of experimental and comparison groups. A third practice is to use pretests as covariates to neutralize the non-equivalent pretreatment characteristics of experimental and comparison groups. Finally, they are used in the often disputed practice of computing "true" change scores. It is not the intent of this section to review or evaluate the appropriateness or validity of these alternative uses for pretest data. For this purpose the reader is referred to Cronbach and Furby (1970), Tucker, Damian and Messick (1966) and Kenny (1975).

The desirable characteristics of a pretest depend on the intended purpose. The ideal pretest is identical in content to the posttest. However, where prior administration of a test biases (through sensitization or learning) subsequent performance on the test, an alternate form may be needed. Even weaker pretests are used in ex post facto quasi-experimental situations where the most relevant criterion data to be obtained from the posttest are not available from the pretest period.

The least correspondence between the content of the pretest and posttest is needed when the pretest is used to match people in conjunction with randomization. Likewise, in covariance analysis, one can use several pretests which are quite different from the posttest on the theory that each samples a different portion of the same domain and that their additive validities approach that of the perfect pretest. The greatest

need for correspondence between pretest and posttest exists when they are used for direct comparisons or the computation of gain scores.

6. Are norms available?

If norms are not available, one is relegated to a one-shot case study. If they are available, the conditions are created for a form of static group comparison, i.e., we can compare the impact of the treatment to normative data. For example, if in the course of assessing the impact of an elderly assistance program on the community we use a questionnaire on attitudes toward the elderly for which national norms are available, we could compare the attitude scores of our program's community with the national norms. Of course, there are severe flaws in such a comparison. For example, if the community attitudes exceed the national norms, we do not know (1) whether the attitudes have improved or they have deteriorated from some higher level, (2) whether high attitude scores followed the introduction of the program, contributed to its establishment, resulted from some other event, or were never affected at all.

7. Can control or comparison group be used?

This is probably the most complex question in the entire decision diagram. The two major questions concern whether units of observation (the "who") can be assigned to different treatments and whether the time and place (the "when" and "where") of treatment and observation can be equated on relevant dimensions for different treatment groups. Depending upon the specific question or hypothesis to be tested, the control group may receive no treatment or a different level or type of treatment. In either case it is imperative that the groups be kept independent with respect to the treatment (or non-treatment) they are to receive. The requirement for independence of groups with respect to treatments in turn creates problems with equating these groups on the relevant dimensions of place and time. A satisfactory solution to both problems must, therefore, be devised together.

A. Independence of Treatment and Control or Comparison Groups

The first question to be answered in determining whether or not a control group can be used is whether or not anyone can be denied treatment or given an alternative treatment (a problem discussed briefly above).

Cook and Campbell (1976) offer a review of conditions conducive to the use of comparison groups in field research. Each of these conditions can be described as removing one or more of the moral, political and logistical barriers to the differential assignment of units of observation to treatment conditions. For example, moral barriers exist when the treatment is believed by the researcher to have such beneficial effects that withholding treatment is somehow inhumane and against his conscience or professional integrity. Political barriers express themselves in public hostility and liability suits when the public believes the treatment to be beneficial and that they have a legitimate right to it. Logistical barriers are those which exist because the nature of the treatment is such that it cannot be withheld or it is not possible to determine who received it and who did not.

The following discussion attempts to relate a few of the conditions which circumvent the barriers to finding comparison groups. The nature of the problem is generally such that solutions to the logistical barriers should be found before dealing with the moral and political ones.

When experimental units are spatially isolated. This is the most viable solution to the logistical barriers to treatment independence. To achieve spatial separation of experimental units in volunteer programs it may be necessary to sample geographically different locations for different treatment groups. This is necessitated by the fact that exposure to the treatment requires long durations during which it must be assumed that communication between groups will take place when the experimental units live in the same communities and apartment complexes and perhaps attend the same schools and/or churches. Further, some programs have as an explicit purpose that clients make their friends and neighbors aware (and in some cases do actual referral) of the services available.

When some persons express no preference. This situation is particularly applicable when the control group is to receive a different type of treatment rather than no treatment at all. For example, the research purpose may be to evaluate the effects of hospital vs. in-home assignments, or weekly vs. monthly supervisory meetings, etc. For this situation to be applicable we must be certain that the treatment is such that spatial isolation is not necessary.

B. Equivalence of Time and Place

Since the purpose of a control is to provide an estimate of what might have occurred if the experimental group had not received the treatment, consideration must be given to the potential for interactive effects attributable to testing experimental and control groups at different times and/or places; two dimensions of the experimental situation which are somewhat difficult to equate. When nonequivalent times or places are likely to produce interactive treatment effects, procedures for establishing time/place equivalence must be followed if the control group is to fulfill its function. The alternatives for achieving equivalence among the time and place of experimentation between groups are identical to the alternatives used for obtaining equivalence among the "who" from which the groups are composed; i.e., constancy, matching and randomization.

Constancy. Constancy cannot technically be used to obtain equivalence among the units since by definition this becomes the special case of a within-subjects design where a control group is not available. The technique of constancy, however, is very appropriate to establishing equivalence between groups with respect to the "when" and "where" of the experiment. In double-blind experiments subjects are given either a drug or a placebo at the same time and place and subsequently subjected to the same performance tests. In other studies subjects are subjected to treatment and control conditions separately in the same location but on different occasions (time equivalence established by randomization). Another option is to measure treatment and control subjects in different locations at generally the same time.

Matching and randomization. When either place or time equivalence cannot be obtained by constancy, either matching and/or randomization must be used to obtain equivalence. Akin to the establishment of treatment and control groups, randomization alone is preferable to matching alone. One can trust the laws of chance far more than his own powers of identifying the relevant dimensions which might interact with the treatment. There is, however, probably more cause to be optimistic about our chances for equalizing time and place through matching than there is with regard to equalizing the units of observation, particularly

when these units are human or groups of human subjects. The number of relevant dimensions is generally fewer for time and place and frequently these dimensions can be discarded as irrelevant.

As is the case with the assignment of subjects to treatment conditions the greatest validity is obtained when places and times are matched and units are then randomly assigned. For example, if tiredness is suspected of being correlated with the dependent variable, experimental sessions might be matched with respect to hour of day and then treatments randomly assigned to one of the matched sessions.

7.1. Is periodic observation possible?

If this question is answered negatively, one may still employ the Separate Sample Pretest-Posttest Design if a pretest can be given. This design has high external validity, although it remains weak with regard to sources of internal invalidity such as history, maturation and mortality. In this design, one randomly assigns the time and subgroup on whom the different measures are taken. As an example, let us imagine a situation in which sites are to receive drug abuse counseling projects. In evaluating the program we may randomly assign projects or sites to the pretest or the posttest measurement condition, measuring sites either before or after the treatment has been implemented. This design was used by Cook and Morton (1975) in evaluation of drug education-prevention programs in the Army.

If the periodic observation is possible, the simple time series design or the equivalent time or materials samples designs may be used, depending upon whether multiple treatments can be implemented. These latter designs are most appropriate under conditions in which the treatment can be conveniently applied and withdrawn, and for treatments whose effects are thought to be rather immediate, transient and reversible. It is often difficult to imagine situations within human service project evaluations in which such input manipulation would be feasible, appropriate or acceptable. Consequently, even when multiple inputs are possible, the simple time series design would probably be most desirable. This design gains high marks for internal validity with the important exception of weakness regarding history; i.e., we really have no way of knowing whether an effect noted after implementing the treatment is the result of the treatment or other extraneous variables. However, confidence in causal

attribution is especially influenced by breadth of sampling, variable definition and measurement, and the type of input being evaluated. For example, if major policy changes are implemented (and checked for system-wide compliance) the time series design might well identify significant effects of such changes across several states or regions. If planned implementation of new or demonstration projects can be preceded by several measurements, either direct or unobtrusive archival measures, several aspects of program impact may be assessed. However, to the extent that one collects original data at each observation period (as opposed to reliance on archival data), the time series design can be costly.

9. Will assignment to treatments be by group or individual units of observation?

Depending upon the answer to this question, one moves toward either the true experimental designs or the quasi-experimental designs. But the quasi-experimental designs on this side of the decision tree are very nearly as powerful as the true experimental designs, and because of their ability to separate pretest groups from posttest groups, their external validity may be higher than the true experimental designs. Actually, the major consequence of this decision is not confidence in causal attribution but the expense of conducting the evaluation. For example, the posttest-only control group design requires only one set of observations to be made on the experimental and control groups, whereas the separate-sample pretest-posttest control group design requires two sets of observations on each of the split experimental and control groups, and the multiple time series design requires numerous observations on both experimental and control groups.

In assessing impact on individuals, institutions and communities, the answer to this question would most probably be that control and experimental units are more likely to be groups -- clients or residents of particular institutions, institutional or project staff, and residents of specific neighborhoods or communities. Thus, we can envision a situation in which a treatment is implemented in some sites (projects, neighborhoods, or communities) but not in others.

- 9.1/10. Will assignment of units (individual or group) be random and not by need?

At this stage in the decision process we address the randomization

issue, which determines whether the evaluation design will be a true experiment or something less powerful. There are numerous reasons why randomization is often not employed in program evaluations. In a recent article, Boruch (1976) has compiled a list of 16 reasons commonly given for not engaging in randomized experiments, covering the criticism of infeasibility, limited scope, low practical utility, and ethical problems. While admitting that these reasons are real, his rebuttals persuasively show that the obstacles to randomization are seldom insurmountable. The power of his argument stems mainly from his ability to cite several actual instances in which evaluators were faced with these obstacles and managed to overcome them.

While the possibility of randomization is dependent upon the host of considerations which Boruch discusses, in the final analysis it often rests on the degree of control which a federal or state agency can exercise over the field. If randomization strategies are to succeed, management must be both willing and able to implement projects and/or alter program/project procedures on a random basis, at least at some locations. The feasibility -- and wisdom -- of randomization will probably vary depending upon (1) the level of the treatment being evaluated, and (2) the target group of interest.

Let us first consider the evaluation in which the treatment is the program; i.e., the general evaluation question is: What are the effects of the program on clients, institutions/agencies, neighborhoods and communities? It may be feasible to randomly select communities, neighborhoods, or institutions/agencies from a pool of those requesting projects for implementation of a project, using the unselected sites as controls. Given the typical modus operandi in the field (even though there are certainly exceptions), it is difficult to envision this situation occurring on a large scale for most programs. The most probable opportunity would be identification of control and experimental sections or neighborhoods in a city or a sample of cities in which projects would (or would not) be implemented. However, such an evaluation would, of necessity, be more oriented toward formative evaluation, at least in the beginning. It is often unlikely that clients in need could be randomly assigned to projects/non-projects, except possibly in demonstration

programs, with the exceptions discussed above.

9.2. Is N large?

This question is, of course, a relative one which involves not only the number of subjects but also the anticipated variability of the dependent measure, the strength of the treatment, and the expected size of the correlation within groups of before and after measures of the dependent measure. If one anticipates strong treatment effects, low variability on the dependent measure, and a low correlation between pretest and posttest measures within groups, a total N of 100 may be large. If such conditions are not present, an N of 500 may be "small". To the extent that N is judged to be "small" (in light of the above conditions), a pretest-posttest design would be preferable to the posttest-only design in that it enables one to obtain more information -- statistical power -- than would be true for the posttest-only design. On the other hand, the disadvantages of the pretest-posttest design are that it is more costly, the pretest can sensitize subjects to the forthcoming treatment, and the pretest can affect performance on the posttest.

In conducting evaluations of many human service/intervention programs the answer to this question is often effectively negative, not only because of the presence of the error-inducing conditions, but because randomization can be done in only some small segment of the program's sites or projects, greatly reducing the available units of observation. Thus, as the realities of the field and the threat of a Type 2 error loom larger in the mind of the evaluator, he will most often choose to retreat to the safety of the pretest-posttest design. However, Nunnally (1975) urges us not to retreat too quickly. He contends that if one has the resources required to conduct pretests as well as posttests (or to conduct more elaborate designs like the Solomon four-group), it would be better to allocate the resources to increasing the N (if possible). If sufficient N can be found, not to employ the posttest-only design would be "as foolish as the individual with a chronic ailment who bought only half of the medicine prescribed for his illness so that he could pay for many visits to the doctor's office in order to learn in precise

detail about his deteriorating condition".

11. Can control and treatment groups be randomly divided for pretests and posttests?

An affirmative answer to this question leads one to the powerful, but rather expensive Separate-Sample Pretest-Posttest Control Group design. In this design, two levels of randomization are employed. First groups are randomly assigned to treatment or control conditions, then within treatment and control groups, individuals (or other units) are randomly assigned to receive a pretest or a posttest. If this design can be expanded to a number of sites, its internal validity matches that of the true experiments, and its external validity surpasses them. If the resources are available, this design is the appropriate one to employ in conducting planned variation impact studies where one cannot deny treatment on an individual basis but can do so on a project or site basis. For example, if an agency intends to implement new projects at selected sites, there may be the opportunity to randomly select or reject organizations from among qualified applicants at the selected sites, then randomly assign recipients of services (or no services) to the pretest or posttest condition. Or if an agency wishes to implement a specific managerial or policy change in existing projects on an experimental basis, this design could be used.

12. Is multiple observation possible?

A negative answer to this question leads one to the Non-Equivalent Control Group design. The central argument in defense of the Static Group Comparison holds for this design (indeed, it is strengthened): To the extent that the groups are similar, even though they are not randomly assigned, the results will approach a true experiment. This design carries the added advantage of permitting one to assess this similarity through pretests and, if different on some attribute, permitting the evaluator to make covariance adjustments.

If multiple observations are possible, one can expand the basic Non-Equivalent Control Group Design into a Multiple Time Series Design. This design offers excellent internal validity but is weak with respect to external validity. It controls for selection-maturation differences,

which would show up in the pre-treatment observations of the two groups. However, this design is largely dependent upon the use of routinely collected archival measures or data which are periodically collected by the project or agency being evaluated. It is unlikely that resources would permit such a large number of measurement sessions (at least three before and three after treatment for each group -- a minimum of 12) on an ad hoc basis.

13. Will assignment be based upon pretest cut-off?

If the assignment procedure is such that everyone on one side of a cut-off score receives the treatment and everyone on the other side does not, the regression discontinuity designs are the appropriate ones for use. Actually, these designs are possible wherever units or individuals can be ordered along some quantifiable dimension which is systematically related to treatment assignment; e.g., a dimension of need such as health status or income. What is required is a sharp cutoff point on the decision-criterion dimension and several other qualitatively similar analytic cutoffs above and below the decision cut-off point. Often this latter condition is not met because administrators will choose the N best (or neediest) candidates for assignment to treatment, providing the decision cutoff point, but failing to provide analogous decision points above and below. What could be done -- if possible -- is for administrator (or relevant decisionmaker) to rank or rate the candidates, assigning the top N candidates to treatment but also providing the rest of the points above and below this decision point. It is necessary, however, that one be able to rate or rank the candidates on the dimension of interest. But if such a ranking or rating is not possible, the evaluator is in a strong position, logically and morally, to argue for total random assignment.

The regression-discontinuity design is a substitute for a true experiment which regards all individuals falling around the cut-off point as "tied" and assigns half of them to treatment, half to control by means of a tie-breaking randomization. Based upon this notion, the regression discontinuity design produces a plot of the regression of posttest on pretest scores done separately for treatment and non-treatment groups.

If there is no-difference at the decision-point intercept, then the tie-breaking experiment should show no difference. In the cases where the tie breakers would show an effect, there should be a detectable, abrupt discontinuity in the regression line.

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ATTACHMENT J

SAMPLE SHORT-TERM FOLLOW-UP
INTERVIEW FORM

Disputant's Name _____

Case No. _____

Phone Nos. (H) _____ (W) _____

Date of Interview _____

Dates and times of attempted contact:

Conducted by _____

1. _____
2. _____
3. _____
4. _____

1. How satisfied are you with the agreement?

- ____ Very satisfied
- ____ Somewhat satisfied
- ____ Neutral or mixed feelings
- ____ Somewhat unsatisfied
- ____ Very unsatisfied

Why are you satisfied or dissatisfied with the agreement?

2. Is the other party upholding the terms of the agreement?

If not, what would you like done?

3. Do you feel that the underlying factors of the dispute have been resolved?

4. How satisfied are you with the process of mediation as conducted by the NJC?

- ☐ Very satisfied
- ☐ Somewhat satisfied
- ☐ Neutral or mixed feelings
- ☐ Somewhat unsatisfied
- ☐ Very unsatisfied

Comments: (In what way?)

5. What was your reaction to the mediator(s)?

How would you rate the mediator(s) in the following areas:
(Interviewer should note comments and attempt to rate the mediator(s) in the four areas with the following scale:
5=Very high, 4=High, 3=Average, 2=Low, 1=Very low.

- ☐ Fairness
- ☐ Attentiveness to your viewpoint
- ☐ Impartiality
- ☐ Skill in Mediation

Comments:

6. If your agreement broke down or a new problem occurred, would you bring your dispute back to the NJC?

Why or why not?

7. What did you like about the NJC and the mediation hearing?

What did you dislike?

8. (Interviewer should check to see if a social service or other referral was made. If so, ask #8.)

How satisfied were you with the service you received from the agency you were referred to by the NJC?

- ☐ Very satisfied
- ☐ Somewhat satisfied
- ☐ Neutral or mixed feelings
- ☐ Somewhat unsatisfied
- ☐ Very unsatisfied

Comments:

Thank you for your cooperation. We would like to contact you again in a few months for your further reactions to your experience with the Kansas City Neighborhood Justice Center.

END