

CITIZENS DISPUTE SETTLEMENT PROJECT

OFFICE OF THE CITY ATTORNEY

MINNEAPOLIS, MINNESOTA

EVALUATION REPORT #1

prepared by

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Chapter 1

Introduction

1.1 REPORT OVERVIEW AND ORGANIZATION

This report presents the results of the consultant's initial evaluation of the Citizens Dispute Settlement Project of the City Attorney's Office, Minneapolis, Minnesota. The project began in August, 1976, and at that time the consultant, the Educational and Psychological Development Corporation of Columbus, Ohio, contracted to evaluate the operation of the Citizens Dispute Settlement Project (CDSP) during its first year. This is the first of two evaluation reports to be submitted during 1977. This report includes data gathered between September, 1976, and May, 1977; the second, more extensive report will cover operation of the program through September, 1977.

It is assumed that the reader of this report is basically familiar with the goals and operation of CDSP. The general goal of the project is pre-prosecution diversion of domestic and neighborhood disputes involving a criminal complaint. Diversion is accomplished by participation of the disputants in a Mediation Session; this session is designed to help the parties reach a resolution to their conflict which is equitable and prevents subsequent criminal behavior by either party. The project is thus an alternative to traditional court proceedings, applied predominately to cases involving an alleged battery. Up to the point of this evaluation, approximately 220 cases had been handled by CDSP.

The remainder of this chapter discusses the rationale of the evaluation. Chapter 2 defines the methodology of the evaluation. The procedural characteristics of CDSP are assessed in Chapter 3. Chapter 4 presents a description of the client population of CDSP and an analysis of the incidents leading to participation in CDSP. Chapter 5 evaluates the terms of agreement resulting from clients' participation in CDSP. In Chapter 6 several indicators of program success are discussed and evaluated. In Chapter 7 procedural and substantive recommendations are made based upon a review of the findings in earlier chapters.

1.2 EVALUATION RATIONALE

CDSP is a pre-prosecution diversion program which is similar in its format and goals to programs which have been developed in other cities, such as the Night Prosecutor's Program in Columbus, Ohio. While the success of other projects of this type lends some immediate credibility to the Minneapolis program, it must be noted that there has been little intensive evaluation of such programs to date. One of the difficulties in evaluation of this type of program is the lack of explicit criteria against which to measure program success.

Ideally, a cost/benefit analysis should demonstrate unambiguously whether CDSP is successful. Unfortunately, both relative costs and benefits are difficult to establish. From the perspective of cost, there is little documentation available for the comparative cost of processing through the traditional Criminal Justice System. A thorough analysis of this factor includes not only the immediate costs of actions by the prosecutor, court costs, and incarceration costs, but also the relative costs associated with differential recidivism rates should such occur. Assessing the cost of a diversion program involves not only the direct costs of program operation, but also the "hidden cost" resulting from utilization of tax-funded community resources such as counseling and treatment centers. With regard to the City of Minneapolis, the data upon which such a comparison could be made are not available at this time. Thus the consultant has not chosen to stress cost savings as an advantage of CDSP, even though some programs such as the Night Prosecutor Program have claimed considerable savings.

Similar difficulties are present with regard to benefit assessment. In many cases it is difficult to determine the benefit to the victim, or society as a whole, of traditional processing through the Criminal Justice System. Direct benefit assessment is also difficult for a program such as CDSP. While some explicit goals, such as a reduction in intra-familial violence, may be formulated, it is recognized that the accomplishment of such goals often rests upon the resolution of underlying problems such as alcoholism. Thus a program such as CDSP becomes intimately involved with the provision of human services, an area in which success is difficult to evaluate.

Given these difficulties in evaluation, the consultant has elected to stress CDSP as a different rather than more economical service in comparison to traditional criminal justice process. In this sense CDSP must be evaluated on the basis of the extent to which it supplements traditional methods rather than replaces them. CDSP is thus viewed here as an alternative, adjunctive service of the City Attorney's Office, applied to specific types of case, and pursuing goals on the basis of a logical consideration of the types of case involved. Success may then be gauged by the extent to which these goals are accomplished.

The rationale for the application of CDSP to family and neighborhood complaints is well described in a statement prepared by the project staff (see Citizens Dispute Settlement Project, Minneapolis City Attorney's Office, Walter J. Duffy, Jr., City Attorney; authored by Enga, R.A., Hurd, J.S., and Jackson, J.A.). The following points are excerpted from that statement and provide a basis for evaluation of the success of the program. In domestic and neighborhood disputes a) the victim may be more interested in changing the behavior of the defendant than with punishing the defendant; b) the victim, especially in domestic cases, may suffer from punishment of the defendant through incarceration and/or fine; c) a prosecutor may face grave difficulties in obtaining a conviction in such cases; d) the judicial process, because of the procedural safeguards provided to the defendant, may involve long delays between offense and prosecution, thereby providing minimal protection and assistance to the victim during the period of crisis, and e) the Criminal Justice System, because it entails an adversary proceeding, may be of little benefit in resolving conflict when effective resolution requires changed behavior by both victim and defendant.

These considerations suggest that, programmatically, CDSP should be geared to accomplish the following:

1) Relative to traditional Criminal Justice System processing, CDSP should provide for greater immediacy of intervention and resolution.

2) While CDSP, as a component of the Criminal Justice System, should provide adequate safeguards of the rights of both victim and alleged defendant, a conflict resolution mechanism should be implemented which is a) decriminalized, b) avoids the difficulties of an adversary proceeding, and c) provides the opportunity for specification of behavior change by both victim and defendant.

3) Objective criteria should be established for determining not only who may participate in the program, but also the grounds for termination of program participation.

4) Staff members should be recruited primarily upon the basis of their interpersonal communication skills and abilities to deliver relevant human services.

5) Staff preparation should include familiarization with the operation of the Criminal Justice System and such training as is required in the area of conflict mediation.

6) Appropriate liaison should be established and maintained between the program staff and community resources (e.g., counseling and treatment agencies) providing services relevant to clients' needs and problems.

If the preceding programmatic goals are achieved, the following may be predicted and used as evaluation criteria against which program success may be measured:

1) Agreements reached through participation in CDSP should be more than the simple concurrence by the alleged defendant that he/she will not commit the offense again; agreements should have greater behavioral specificity and should also involve the appropriate commitment to behavior change by the complaining party as well as the alleged offender.

2) From the perspective of the program's clients, participation in CDSP should be viewed favorably as an alternative to court proceeding.

3) Client evaluation of participation in CDSP should not result in a consistently more favorable reaction from either victims or defendants; such a result would indicate program bias and serve as an indicator that a non-adversary proceeding had not been established.

4) Few cases diverted to CDSP should result in referral to court for the original offense leading to program participation.

5) Referral from CDSP for treatment and/or counseling should result in a high level of follow-through and client satisfaction.

6) Participation in CDSP should decrease the rate of commission of new offenses relative to the recidivism rate expected from traditional court processing of cases.

The present report addresses issues (1) through (5). Insufficient data are available at this time to evaluate (6).

Chapter 2

Evaluation Methodology

2.1 INTRODUCTION

This evaluation is based upon a number of sources of information and documentation. In addition to the data sources noted below, a grasp of the operation of CDSP was also obtained through site visits by the consultant in August, 1976, October, 1976, February, 1977, and May, 1977. These site visits were for the purpose of providing consultation in the areas of training and evaluation. The following sections indicate the specific bases for evaluation in different areas and the statistical methods used to analyze data.

2.2 STRUCTURAL EVALUATION

Chapter 3 explores the structure of the program to determine whether the objectives sought by CDSP are feasible, given the operating structure of the program. Apart from data derived from program operation, the consultant examined the logistics of the program - routing of cases, deployment of staff, and definition of staff functions - to determine whether the program's structure is relevant to its stated objectives. In order to accomplish this evaluation goal, the consultant's first-hand experience with the staff of CDSP was assessed along with an analysis of the program's operational format.

2.3 DELINEATION OF CLIENT POPULATION

In order to put the evaluation in perspective, it was necessary to define the client population included in the program. This is accomplished in Chapter 4. The sources of data for this segment of the evaluation included the "Victim-Defendant Data Sheet" (filled out by CDSP Diversion Counselors at the point of client enrollment in CDSP) and the Police Reports included in case files. These data sources permitted description of the client population in terms of such demographic characteristics as age, sex, race, marital status, and employment status. Furthermore, the client population was defined by the type of incident and offense leading to participation in the program.

The basis for this and all subsequent data analysis was a sample of 194 cases enrolled in CDSP between September, 1976, and May, 1977. The 194 cases included all cases which had been enrolled in CDSP during this time period and for which there were completed Victim-Defendant Data Sheets.

Specific items of information were not always available for each case. Consequently, the results presented in subsequent chapters indicate the sample size involved in specific analyses. There was no indication of bias resulting from missing data; that is, it does not seem that the comparisons made on the basis of fewer cases were biased in any consistent fashion. For some items, however, the data were not coded consistently by the staff members of CDSP and these items have been dropped from the analysis. The lack of consistency appears mainly attributable to the fact that some segments of the Victim-Defendant Data Sheet are ambiguously worded. Recommendations are contained in this report for appropriate revision of this form (see Chapter 7).

2.4 CONSEQUENCES OF PROGRAM PARTICIPATION

The immediate consequences of program participation included actions taken by CDSP Diversion Counselors at the point of enrollment and the products of the Mediation Sessions. The data for the description of these consequences was taken from the notes of Diversion Counselors on the Victim-Defendant Data Sheets and from the Contracts drawn up by the Mediators. These actions were coded according to general

categories. Thus the terms of agreement on the Contract between Victim and Defendant were assigned to general categories such as "agrees to make restitution", "agrees to not see other person", etc.

2.5 OUTCOME MEASURES

The assessment of clients' perceptions of their participation in CDSP was made on the basis of follow-up telephone interviews with clients two-weeks and three-months following their Mediation Session. Forms were completed by the interviewer as the structured interview proceeded and the answers to evaluation questions were coded according to the categories on these forms.

Both the two-week and three-month follow-ups were completed inconsistently, partly as a result of difficulties in reaching clients, partly as a result of the staff's failure to consistently monitor the completion of those interviews. The sample sizes involved in comparisons based upon these results were considerably smaller than the total sample of 194 cases, but there was no way to determine that the cases for which interviews were completed constituted a biased sub-sample.

The measurement of success of referral to community agencies for counseling/treatment was to be based upon three sources of data. First, client feedback on the two-week follow-up interview was to be evaluated. Structured questions during this interview were to determine whether clients had made the initial contact with a program to which they had been referred and whether they were currently involved with the program. This data source has been evaluated in the present report. Second, the six-month follow-up interview with clients was to determine the final result of referral, including whether a client participated, for what portion of the referral program, and with what benefit to the client. An insufficient number of such follow-ups had been completed at the time of this report so these data were not evaluated. Finally, feedback from agencies was to have been obtained to determine whether clients had made contact with, participated in, and completed programs to which they had been referred. Again, insufficient data from this source was available at the time of this evaluation.

Case records were used to determine the disposition of individual cases. Cases were categorized in terms of two dimensions - whether the case resulted in a referral to court and the elements determining the decision to refer or not refer a case to court. This permitted the coding of cases in terms of a) whether a referral for a Mediation Session was made, b) whether the clients appeared for the Mediation Session, c) whether a Contract resulted from the session, and d) whether the clients successfully completed their six-month participation in the program without a contract violation resulting in revocation of their participation. Each of these elements was evaluated in terms of the number of cases of each type resulting in referral to court.

2.6 STATISTICAL ANALYSIS

All differences analyzed in this evaluation were treated as qualitative. The majority of the descriptive statistics reported are simply the percentages of cases falling into different categories. Non-parametric inferential statistical tests were employed to test the statistical reliability of obtained differences, and rejection of the null hypothesis was made at the conventional level of $p \leq .05$. The major statistical tests used were the Chi-square and Sign tests.

The original design for this evaluation called for the random selection of 50 to 100 cases which would be processed through court in the traditional manner. This control group was to provide a basis for comparison of the client population of CDSP,

Because of the lower than anticipated number of cases enrolled in CDSP during its first six months of operation, the Project Director decided not to have a control group. Consequently, the comparisons made in this report are either internal to the CDSP population or based upon assumptions about the conventional operation of the Criminal Justice System.

Chapter 3

Procedural And Structural Evaluation Of CDSP

3.1 INTRODUCTION

This chapter examines the operational structure of CDSP to determine whether this structure is consistent with the goals of the project. A number of programmatic objectives was outlined in Chapter 1, and these objectives are discussed next in terms of the formal organization and operation of CDSP.

3.2 IMMEDIACY OF INTERVENTION

From the perspective of crisis intervention, it was noted that the impact of intervention tends to be inversely related to the delay between the crisis-producing event and intervention. Evaluation of CDSP operation from this standpoint may be approached in two ways. First, this topic may be considered in terms of the immediacy of intervention of CDSP, given the identification of an appropriate case. Second, the issue may be examined in terms of whether the current case-finding system is the most appropriate method.

CDSP currently identifies cases following entry into the Criminal Justice System. Cases are initially screened, in most cases, a) when an alleged victim comes to the City Attorney's Office to file a complaint, b) following the arrest of an alleged defendant and while that person is in jail, and c) in conjunction with the pre-trial processing of an alleged defendant. Following case identification and the initial determination that the case is appropriate for CDSP (made by the Diversion Counselor), enrollment into CDSP requires contact with both alleged victim and defendant and the agreement of both to enter the program. After appropriate forms have been signed by both parties the case is eligible for mediation. The Mediation Session is then held approximately one week following enrollment into CDSP.

In those cases where the case has been identified by contact with an arrested party, intervention following the offense is likely to be quite rapid. Intervention may also be rapid when contact comes through the appearance of a complaining party at the City Attorney's Office, but in this type of case there is a potential delay between the alleged offense and entry into the program, and this delay is outside the control of the CDSP.

All things considered, the delay of action of CDSP, once a case has been identified, is fairly short, especially in comparison to traditional processing through the court system. Given the logistics of scheduling appointments and Mediation Sessions, it is difficult to see how the time period could be appreciably shortened.

It is questionable whether the current case-identification procedure is the most effective one possible. Several factors suggest that it is not. From the data reviewed for this report, it is clear that the offense leading to participation in CDSP is often the latest of a series of alleged offenses. This is most plainly true in cases which may be described as involving chronic wife-beating. Furthermore, reports indicate that police involvement tends to occur in earlier incidents than the one for which the alleged defendant was arrested (or for which the complainant seeks to file charges). Thus a representative of the Criminal Justice System is likely to have involvement in many cases prior to the direct involvement of the staff of CDSP. This suggests that direct police referrals to CDSP might result in greater immediacy of impact of CDSP and a greater role for CDSP in crime prevention (see Chapter 7 for a continued discussion of this point).

3.3 PROTECTION OF RIGHTS TO DUE PROCESS

The formal structure of CDSP provides reasonable protection of the rights of both alleged victim and defendant. The provision that participants must sign a Rights' Waiver as an element of their participation and must also sign the Contract resulting from the Mediation Session provides some safeguards, as does the explanation of the program by the Diversion Counselor.

Informally, there is potential abuse of the rights of persons because of the coercive powers available to the staff of CDSP. For example, an alleged victim may be coerced to enter the program by suggesting that if he or she does not, the Prosecutor may decline to take the case. Similarly, an alleged defendant may be coerced to enter CDSP by suggesting that proceeding to court is likely to result in a conviction. There is no total safeguard against such abuse, but it may be minimized by adequate supervision by the staff of the City Attorney's Office and the development of fairly explicit criteria for decision-making by the CDSP staff. In regard to the latter, staff memoranda prepared by the Project Director, R.A. Enga, provide a reasonably explicit set of criteria. It may well be that in the light of the project's experience these criteria will be amended.

The same considerations hold with regard to violations of Contract and the possibility of revocation of participation in CDSP. On the one hand, the rights of the alleged victim may be jeopardized if violations of Contract are permitted without redress. Alternatively, the rights of the alleged defendant may be jeopardized if violations of Contract produce revocation and referral to court without adequate exploration of the factors surrounding the violation. In some cases the decision to revoke participation may necessarily involve a difficult, subjective judgement, but the procedure of conducting a Revocation Hearing at least provides an appropriate formal mechanism for dealing with such cases.

The establishment of "probable cause" and the formal enrollment of participants into the program are important aspects of protecting the rights of citizens participating in CDSP. On the other hand, the concept of "diversion" suggests that cases should be handled at the lowest possible level of the system from which they are to be diverted. It may be useful to establish a second classification of cases which does not require formal enrollment into CDSP. Cases of this type might include those in which probable cause was difficult to establish; those in which a civil complaint was the major element, and those in which favorable reactions from clients indicated that no coercive legal "leverage" is required. In these instances a direct referral to a mediation service might be indicated, reducing clients' involvement with the Criminal Justice System and avoiding unnecessary bureaucratic functioning. Adopting such a course of action might well require redefining the role of the current mediation system.

3.4 CONFLICT - RESOLUTION MECHANISM

The basic conflict-resolution mechanism employed by CDSP is the use of a third-party mediator to assist the disputants in reaching an agreement about their conflict. The extent to which a Mediation Session is de-criminalized and non-adversary clearly depends upon the behavior of the mediator. The establishment of program guidelines and appropriate supervision are clearly required and CDSP has performed well in this regard. Guidelines for mediation have been developed for the staff and staff supervision sessions have been conducted with reasonable regularity since the start of the program.

The formal mediation mechanism itself is well suited to the accomplishment of the program's goals. The goals of de-criminalization and conflict resolution through a non-adversary proceeding are promoted by a) utilizing staff who are not formally members of the Criminal Justice System, b) using mediators who are trained in social service delivery rather than adversary criminal proceeding, and c) conducting Mediation Sessions at the offices of the Urban Coalition rather than at the City Attorney's Office. The format of the Mediation Session also permits appropriate participation by both alleged victim and defendant and the specification of behavior change by both parties.

3.5 STAFFING

In addition to performing program evaluation, the consultant also provided training to the staff of CDSP at the start of the program (August, 1976) and as part of the additional site visits noted in Chapter 1. Training in conflict mediation was provided both for the Diversion Counselors and the Mediators employed by the Urban Coalition. On the basis of this experience, the consultant judges (admittedly, subjectively) that the staff of CDSP were well recruited and well trained for the functions they perform.

An additional subjective judgement is that the two Diversion Counselors, who have primary responsibility for the day-to-day operation of CDSP, have been utilized for too much work extraneous to the project itself. The Diversion Counselors have been used extensively as general case screeners for the City Attorney's Office and this deployment has detracted from their ability to provide continuous supervision and monitoring of case activities.

3.6 LIAISON WITH COMMUNITY RESOURCES

The staff of CDSP has established effective liaison with relevant community agencies, including counseling and alcohol treatment programs. A thorough job has been done in identifying those community resources which provide services relevant to the needs and problems of clients in CDSP. The major difficulty with this aspect of the program to date has been in obtaining feedback from agencies about client participation in their programs. The formal structure for obtaining this feedback has, however, been established.

3.7 PROGRAM FORMS

The forms used by the program and the overall routing of these forms are generally adequate and in accord with recommendations made by the consultant at the start of the program. Sections of the Victim-Defendant Data Sheet are in need of revision (see Chapter 7). The section on "Referral" on the Six-Month Follow-up Form has not been used consistently and its use requires clarification. A new form for overall coordination of case activities has been implemented, thereby remedying one deficit.

3.8 SUMMARY

Overall, the structure and format of CDSP are relevant to its stated objectives. While modifications of procedure are likely to result from the continuing experiences of the program, CDSP appears structurally very sound for a first-year program.

Chapter 4

Description of Client Population of CDSP and of Offenses Leading to Program Participation

4.1 INTRODUCTION

This chapter provides a description of the participants in the program - the complaining party (victim) and the alleged offender (defendant). Profiles of victims and defendants are considered separately and also in terms of the relationship between the two. In addition to summarizing characteristics of the persons participating in the program, Chapter 4 also describes the incidents which resulted in participation in the program. The following sections present a narrative description of this information, some of which is summarized in the tables at the end of the chapter.

4.2 VICTIM PROFILE

The "typical" victim participating in the program was a young, Caucasian female who was not married. Over 80% of the victims included in the sample were under the age of 35. Compared to the overall population of Minneapolis, Black and Native American persons were overrepresented in a client population as victims (6% and 2% for Blacks and Native Americans, respectively, in the overall City population; 19.8% and 9.0% for Blacks and Native Americans, respectively, as victims participating in the program; chi-square(1) comparing the relative proportions of Caucasian and non-Caucasian victims to their proportions in the general population = 115.647, $p < .001$). Despite the overrepresentation of non-Caucasians in comparison to the general population, the majority of all victims were Caucasian (71.2%).

Only 24.0% of all victims were married; 37.1% were single, and 38.9% were formerly, but not currently, married. The majority in all categories were women (overall, 81.9% of victims were women and relative to the expected 50% women in the general population this figure is disproportionately high; chi-square(1) = 78.388, $p < .001$).

Approximately half (45.3%) of the victims were employed, and of the remainder who were unemployed (54.6%), 14.0% were unemployed students.

4.3 DEFENDANT PROFILE

The "typical" defendant participating in the program was a young, unmarried male who was about equally likely to be Caucasian or non-Caucasian. Over 72% of the defendants included in the sample were under the age of 35. Defendants were disproportionately males (92.3% male; chi-square(1) relative to expected 50% = 137.664, $p < .001$), and were likely to be single (40.4%) or formerly married (30.4%) rather than currently married (29.2%).

While the majority of all defendants were Caucasian (55.3%), Blacks (34.1%) and Native Americans (10.6%) were disproportionately represented compared to their representation in the overall Minneapolis population (6% and 2%, respectively, for Blacks and Native Americans; chi-square(1) comparing representation of Caucasians and non-Caucasians = 300.290, $p < .001$).

The majority of all defendants were employed (58.9%); of those unemployed (41.1%), 12.3% were unemployed students.

4.4 COMPARISON OF VICTIM AND DEFENDANT PROFILES

The defendant in a case was likely to be older than the victim (sign test; $z = 4.691$, $p < .001$); still there was a high degree of similarity of age in the majority of cases, and 40.2% of the cases found victim and defendant in the same five-year age category (20-24, 25-29, etc.).

Victims were disproportionately females, while defendants were disproportionately males, but both tended to be non-married rather than married. There was a greater likelihood that a defendant would be employed than a victim (chi-square(1) = 5.506, $p < .05$).

As noted above, Blacks and Native Americans were disproportionately represented as both victims and defendants. For females, this disproportionality did not vary between victims and defendants; that is, the disproportional representation of non-Caucasians was about the same (chi-square(1) = 0.350, $p > .10$). On the other hand, for males, non-Caucasians were more disproportionately represented as defendants than as victims (chi-square(1) = 10.130, $p < .005$).

4.5 VICTIM-DEFENDANT RELATIONSHIP

The majority of all cases may be described as "domestic" (70.6%), involving persons currently or formerly involved in a marital/sexual relationship and/or members of the same household. The remaining cases involved various relationships between victim and defendant, including neighbors (10.3%), acquaintances (8.8%) and room-mates (4.1%). Only 4.1% of the cases included in the program involved persons who, prior to the offense, were strangers to each other.

Approximately half of the domestic relationships were of the "boyfriend/girlfriend" type; of those in which marriage had occurred, 58.5% were still married and living together while the remaining 41.5% of the couples were divorced, legally separated or informally separated. These percentages suggest that a high proportion of the cases involved unstable relationships, relationships which had already terminated, or relationships which were about to terminate.

While some domestic relationships were relatively long-term, the majority were not; 57.3% had a duration of 2 years or less at the point of termination of the relationship or entry into CDSP (for intact relationships). Of those relationships which had terminated, the vast majority (82.6%) had terminated one year or less prior to entry into CDSP.

Victims tended almost invariably to be female (97.6%) and defendants almost invariably to be male (97.6%) in domestic disputes. 51% of the victims in non-domestic disputes were males and thus non-domestic victims were proportionally more likely to be males than domestic victims (chi-square(1) = 57.168, $p < .001$); similarly, the defendant was proportionally more likely to be a female (16.3%) in a non-domestic case than in a domestic case (chi-square(1) = 9.088, $p < .01$). Overall, a male victim was more likely to be involved with a male defendant (85.7%) than with a female defendant (14.3%) and this was also true for female victims (male defendant=95.1%; female defendant=4.9%). In non-domestic cases, the sex of the victim was more likely to be the same than to be different from that of the defendant ("same"=63.3%; z (sign test) = 1.714, $p < .05$).

The majority of both domestic (81.9%) and non-domestic (80.6%) cases involved victims and defendants of the same race, and these percentages do not differ significantly (chi-square(1) = 0.410, $p > .10$). Of all inter-racial cases, 54% are accounted for by a single category - "boyfriend/girlfriend" relationships involving a complaint by a Caucasian female against a Black male.

Non-Caucasians tended to be less represented as both victims and defendants in non-domestic cases compared to domestic cases. Victims were Caucasians in 63.8% of the domestic cases but in 83.3% of the non-domestic cases (chi-square(1) = 3.894, $p < .05$). Similarly, defendants were Caucasians in 46.7% of the domestic cases but in 69.4% of the non-domestic cases (chi-square(1) = 4.701, $p < .05$). Thus, while Blacks and Native Americans tended to be disproportionately represented in the CDSP program overall, the disproportionality was much greater for domestic than for non-domestic cases.

4.6 CHEMICAL USAGE - VICTIM AND DEFENDANT

Apart from the demographic characteristics described above, information was also obtained concerning the habitual usage of chemicals (drugs and alcohol) by victims and defendants. Since this information was commonly obtained from the victim rather than from the defendant, the results reported next are probably biased in underrepresenting usage by victims and, perhaps, overrepresenting usage by defendants.

Drug use of all sorts was not indicated with any degree of consistency for either victims or defendants. (It is unlikely that the use of illicit drugs will be confessed to a representative of the City Attorney's Office.) Drug use of all sorts, including infrequent use of marijuana, was indicated for only 4.6% of the victims and 12.9% of the defendants.

Of the victims for whom data were available, 14.2% were described as frequent alcohol users or alcoholics; 47.9% of the defendants were described as frequent alcohol users or alcoholics. Only 6.4% of all victims had had prior treatment of some type for substance abuse, whereas 28.1% of the defendants had received prior treatment. Thus, approximately half of both the victims and defendants having substance abuse problems had received no prior treatment.¹

4.7 PRIOR COUNSELING/TREATMENT - VICTIM AND DEFENDANT

Overall, prior to entry into CDSP, 23.9% of the victims and 25.2% of the defendants had participated in some type of counseling or treatment program. In 6.8% of the cases victim and defendant had participated in a program together.

4.8 CRIMINAL VIOLATIONS INVOLVED IN CASES

By far the most common criminal violation leading to entry into CDSP was the alleged commission of a Simple Assault and Battery (83.3% of all cases). Verbal Threat (Simple Assault) was involved in 75.0% of the cases, and Disorderly Conduct was involved in 29.7% of the cases. Other criminal offenses were involved in a relatively small percentage of the cases (Criminal Destruction of Property - 4.7%; Aggravated Assault - 3.6%; Breach of the Peace - 1.6%; Harrassment - 1.0%; Pandering - 1.0%; and Furnishing False Information to the Police - 0.5%).

In 21.9% of the cases a single criminal element was involved. In 55.2% of the cases there were two criminal violations alleged and in 28.6% of the cases there were three or more violations alleged.

4.9 CIVIL ELEMENTS INVOLVED IN CASES

In addition to the criminal elements noted above, a number of cases involved issues which might be resolved through Civil Court proceedings. Thus 10.0% of the cases involved disputes over child custody or visitation rights; 5.2% of the cases involved disputes involving the destruction of property; and 2.6% of the cases involved disputes over rightful ownership of property.²

¹One of the issues of concern to a project such as CDSP is whether the program serves as a case-finder for social service/treatment programs, and this result, tentative as it is, suggests a positive answer to this question in the area of substance abuse.

²Information about the involvement of such civil issues was available in only some instances and these percentages should be regarded as suggestive rather than definitive.

4.10 POLICE INVOLVEMENT IN INCIDENTS

The police were called at the time of incident leading to CDSP involvement in 79.5% of the cases. (This extensive linkage to CDSP may be made more direct if such a course of action seems beneficial to program functioning.) Prior incidents between victim and defendant involving contact with the police were reported in 19.6% of the cases.

4.11 PRIOR CRIMINAL CHARGES

Charges had been brought by the victim against the defendant in a reported 17.5% of the cases prior to the current offense resulting in entry into CDSP. However, in only 8% of the cases in which previous charges had been brought was a conviction reported (i.e., in only 1.4% of the total cases had there been a prior conviction resulting from a charge brought by the victim against the defendant).

In only 1.5% of the cases was there a report of a prior charge brought by the defendant against the victim, and no convictions were reported for such cases.

4.12 PRIOR OCCURRENCES OF OFFENSE

In 52.6% of the cases it was reported that the offense resulting in entry into CDSP had occurred at least once in the past. In 43% of those cases in which there had been an earlier offense there had been an instance of the offense within the 30 days prior to the offense resulting in CDSP participation. In 22.2% of the total cases it was reported that there had been at least two prior occurrences of the criminal offense.

These data indicate that the alleged criminal act resulting in entry into CDSP was in many cases part of a pattern of assaultive behavior which had an extensive history.

4.13 CHEMICAL USAGE AND INCIDENT

There were no reports of significant effects of drugs other than alcohol in conjunction with the alleged criminal offense leading to entry into CDSP. 22.8% of the victims and 59.3% of the defendants were reported as being affected by alcohol at the time of the incident. For victims, 10.5% were rated as intoxicated, while 42.4% of all defendants were rated as intoxicated at the time of the incident.

4.14 SUMMARY

The preceding sections of this chapter suggest a general profile of a case seen to date by the CDSP staff. The "typical" case was likely to have involved a "domestic" relationship in which the male had allegedly committed a Simple Assault and Battery upon the female. Both partners were likely to be relatively young. They were probably not married; their relationship was unlikely to have lasted a long time and was probably unstable. The couple may have already been separated or in the process of separating. Both victim and defendant were probably of the same race.

The incident which resulted in entry into CDSP was probably not the first of this sort. The battery more than likely occurred during a fight while the male, if not both male and female, was somewhat intoxicated. The police were probably called and either the defendant was arrested at that time or the victim was advised as to the procedure she should follow to file charges against the defendant.

TABLE 4.1 CLIENT PROFILE

FACTOR	LEVEL	% OF CASES	
		VICTIM	DEFENDANT
SEX	TOTAL*	100.0 (193)	100.0 (194)
	MALE	18.1	92.3
	FEMALE	81.9	7.7
AGE (YEARS)	TOTAL	100.1 (167)	100.1 (169)
	19	10.8	4.1
	20-24	31.1	24.8
	25-29	22.8	23.7
	30-34	16.8	19.5
	35-39	10.2	8.9
	40-44	1.8	9.5
	45-49	2.4	2.4
	50-54	1.2	5.9
	55-59	2.4	0.0
	60-64	0.6	0.0
65	0.0	1.2	
RACE	TOTAL	100.0 (177)	100.0 (170)
	CAUCASIAN	71.2	55.3
	BLACK	19.8	34.1
	NATIVE AMERICAN	9.0	10.6
MARITAL STATUS	TOTAL	100.0 (175)	100.0 (178)
	SINGLE	37.1	40.4
	MARRIED	24.0	29.2
	SEPARATED	18.3	19.1
	DIVORCED	18.8	10.7
	WIDOWED	1.8	0.6
EMPLOYMENT STATUS	TOTAL	99.9 (170)	100.0 (158)
	EMPLOYED	45.3	58.9
	UNEMPLOYED	54.6	41.1
	UNEMPLOYED STUDENT	(7.6)	(5.0)

* The TOTAL percentage may not add up to 100.0% due to rounding error. The number in parentheses after the total percentage indicates the total sample size for which the factor is known.

TABLE 4.2 VICTIM-DEFENDANT RELATIONSHIP

TYPE OF RELATIONSHIP	% TOTAL SAMPLE (N=194)
"DOMESTIC"	70.6
<u>MARITAL</u>	33.5
MARRIED -	19.6
SEPARATED - LEGALLY -	2.1
SEPARATED - INFORMALLY -	7.2
DIVORCED -	4.6
"BOYFRIEND/GIRLFRIEND"	30.4
OTHER RELATIVES	6.7
NON-DOMESTIC	29.4
NEIGHBORS	10.2
ACQUAINTANCES	3.8
ROOM-MATES	4.1
STRANGERS	4.1
OTHER	2.1
TOTAL	100.0

Chapter 5

Agreements Resulting From Participation in CDSP

5.1 INTRODUCTION

This chapter summarizes the decisions and agreements reached by clients as a result of their participation in CDSP. This includes agreements reached at the time of entry into the program, possibly as a condition of entry into the program, and agreements reached through the Mediation Session.

5.2 REFERRAL FOR MEDIATION SESSION

Of the 194 cases considered in this sample, 187 (96.4%) were referred for a Mediation Session following enrollment in the program. The remaining seven cases were handled at the level of the City Attorney's Office by a Diversion Counselor and dropped from the program following intake.

5.3 ADDITIONAL ACTIONS AT THE POINT OF INTAKE

At the time of enrollment of both victim and defendant into CDSP a number of actions might be taken as either adjuncts to entry into the program or as pre-conditions to entry into CDSP. The most general adjunctive requirement was that, in cases where appropriate, victim and defendant would avoid contact with each other prior to the Mediation Session.

As pre-conditions to entry into the program, 14.0% of the defendants were referred for immediate treatment or evaluation of chemical dependency. An additional 8.6% were referred for immediate counseling or evaluation of the need for counseling.

Of victims, 2.7% were referred for immediate evaluation or treatment of chemical dependency; 8.6% for immediate counseling or evaluation of the need for counseling; 0.5% for treatment of some other type; and 0.5% for shelter care.

5.4 IMMEDIACY OF PROGRAM ACTION

The enrollment of client and defendant into CDSP was normally accomplished within two days of identification of the case. Mediation Sessions were scheduled approximately one week following intake. Thus the program was generally successful in assuring some immediate action in resolving the conflict between victim and defendant.

5.5 CASES REACHING MEDIATION

In addition to the 3.6 % of the cases handled without referral for mediation, 4.6% of the total cases (6.2% of all cases referred for mediation) were not mediated because of the failure of either victim or defendant or both to appear for the mediation session.

5.6 RESULTS OF MEDIATION SESSION

Of the 175 cases involving a Mediation Session, 147 (84.0%) reached a contract. In 1.4% of these cases the contract was signed by only one of the parties, whereas in the remaining 98.6% of the cases the contract was signed by both parties.

The average contract involved the agreement to 1.30 terms by the victim and 2.32 terms by the defendant. In 35.4% of the cases the number of terms agreed to was the same for victim and defendant; in 4.1% of the cases the victim agreed to more terms than the defendant; in 60.5% of the cases the defendant agreed to more terms than the victim. Overall, defendants agreed to significantly more terms than victims (sign test; $z = 8.410$, $p < .001$).

In 15 cases (10% of all contracts), the only agreement reached was that there would be no more violence between defendant and victim. In these cases, the term was agreed to solely by the defendant in 60% of the contracts and by both victim and defendant in the remaining 40% of such contracts.

The most common terms agreed to by victims concerned the following points: to seek counselling or treatment - 25.3% of the cases reaching a contract; physical separation from defendant - 22.0%; to not harass defendant - 17.3%; no violence against defendant - 16.7%; visitation agreement - 16.0%.

The most common terms agreed to by defendants concerned the following points: no violence against victim - 56.0%; physical separation from victim - 32.0%; to seek counselling or treatment - 32.0%; to not harass victim - 22.7%; visitation agreement - 19.3%; decreased use of drugs and/or alcohol - 16.7%.

The number of terms agreed to by victims and defendants is summarized in Table 5.1. The percentage of victims and defendants agreeing to specific terms is summarized in Table 5.2.

TABLE 5.1 NUMBER OF TERMS IN AGREEMENT BY VICTIM AND DEFENDANT IN CASES WHERE AGREEMENT WAS REACHED

# OF TERMS	% OF CASES	
	VICTIM	DEFENDANT
0	22.3	0.7
1	37.8	27.7
2	29.7	33.8
3	8.1	20.3
4	1.4	12.2
5	0.7	4.7
6	0.0	0.7
TOTAL	99.9 (147)	100.1 (147)

* Total may not add to 100.0% due to rounding error. The number in parentheses is the number of cases reaching a contract.

TABLE 5.2 PERCENTAGE OF VICTIMS AND DEFENDANTS AGREEING TO
SPECIFIC TERMS IN CASES WHERE AGREEMENT WAS REACHED

TERM	% OF CASES	
	VICTIM	DEFENDANT
No violence toward other	16.7	56.0
Physical separation from other	22.0	32.0
Seek counseling/treatment	25.3	32.0
No harassment of other	17.3	22.7
Visitation agreement	16.0	19.3
Decreased use of drugs/alcohol	2.7	16.7
Division of property or agree- ment not to damage property	8.0	11.3
Dissolution of relationship- permanent or temporary	5.3	8.0
Make restitution	0.0	9.3
Check in with CDSP Counselor	3.3	5.0
Pay for damages	1.3	4.7
Pay portion of expenses	0.7	3.3
Leave for cooling off period if explosive situation develops	0.7	2.7
Talk about problems together	2.0	2.0
Look for a job	1.3	1.3
Have second mediation session	1.3	1.3
Drop charges	4.0	0.7
Maintain sexual relationship	0.7	0.0

Chapter 6

Outcome Of Participation In CDSP

6.1 INTRODUCTION

This chapter considers three major areas of evaluation of the outcome of participation in CDSP. Section 6.2 discusses CDSP success as measured by follow-up telephone interviews with the program's clients. Section 6.4 describes the success of the program in diverting cases from the courts. Section 6.3 analyzes the success of CDSP in diverting cases to appropriate treatment/counseling resources.

6.2 CLIENTS' PERCEPTIONS OF THEIR PARTICIPATION IN CDSP

Approximately two weeks, three months, and six months following the Mediation Session, both victim and defendant were interviewed by telephone to assess their views about their participation in CDSP. These follow-up interviews were conducted predominately in those cases where a contract had been negotiated during the Mediation Session; one goal of the follow-up was to determine whether there had been major violations of the contract which might warrant a referral of the case to court.

The two-week and three-month follow-up interviews involved a number of structured questions. The six-month telephone contact was made mainly to notify clients of the termination of their participation in CDSP and to determine whether there was any reason for not successfully terminating the case at this point.

For a variety of reasons it was not always possible to complete the two-week and three-month follow-up interviews with both victim and defendant. Consequently the following analysis of the results of these follow-ups is divided into several sections. First, the overall results for victims and defendants are described. Next, those cases are considered in which follow-up was completed with both victim and defendant at the two-week (and three-month) interval. Finally, in order to examine changes over time, those cases are considered in which both the two-week and three-month follow-ups were completed for victims (and defendants).

6.2.1 TWO-WEEK FOLLOW-UP

During the two-week follow-up interview, clients were asked the following questions:

1. Was the mediation session _____ helpful to you in dealing with the the problems which resulted in your participation in the program?

(Response alternatives supplied for question #1 and also for question #2 were: "not at all", "slightly", "somewhat", "quite", and "extremely".)

2. Are you _____ satisfied with the contract drawn up by the mediator?
3. You and (other party) had agreed that - (contract terms read to client); have there been any violations of the contract by either one of you in two weeks since it was drawn up?

(Response alternatives included "yes", "no", and "not sure" for this and the following items)

4. Are you glad now that you chose to participate in the program rather than having the case go to court?

5. Do you expect (other party) to fulfill his/her part of the contract during the next six months?
6. Do you expect to be able to fulfill your part of the contract during the next six months?

The following tables summarize the results for all victims and defendants with whom the two-week follow-up interview was completed.

TABLE 6.1 TWO-WEEK FOLLOW-UP: HELPFULNESS
OF MEDIATION SESSION

ALTERNATIVE	% RESPONSES	
	VICTIM	DEFENDANT
"not at all"	6.8	13.2
"slightly"	9.4	5.7
"somewhat"	22.2	17.9
"quite"	31.6	31.1
"extremely"	29.9	32.1
TOTAL*	99.9(117)	100.0(106)

*Percentages may not total to 100.0 due to rounding error. The number in parentheses after the total indicates the sample size for the percentages in this and subsequent tables.

These results indicate that over 80% of both victims and defendants felt that the mediation session was at least somewhat helpful with the problems which had resulted in their participation in CDSP.

TABLE 6.2 TWO-WEEK FOLLOW-UP: SATISFACTION
WITH CONTRACT

ALTERNATIVE	% RESPONSES	
	VICTIM	DEFENDANT
"not at all"	6.0	8.8
"slightly"	6.8	6.9
"somewhat"	13.7	14.7
"quite"	27.4	28.4
"extremely"	46.1	41.2
TOTAL	100.0(117)	100.0(102)

These results indicate that over 87% of the victims and over 84% of the defendants were at least somewhat satisfied with the contract drawn up by the mediator.

TABLE 6.3 TWO-WEEK FOLLOW-UP: CONTRACT VIOLATIONS

ALTERNATIVE	% RESPONSES	
	VICTIM	DEFENDANT
"no"	70.9	81.6
"not sure"	6.0	1.0
"yes"	23.1	17.5
TOTAL	100.0 (117)	100.1(103)

These results indicate that 23.1% of the victims and 17.5% of the defendants felt that there had been violations of contracts during the two weeks following the Medication Session. Of those violations reported by clients, 64% for victims and 53% for defendants were classified as "minor" (i.e., not substantive to the contract and not a basis for revocation of program participation). Thus overall for victims a major violation of contract was reported in 7.7% of the cases; for defendants, a major violation was reported in 6.9% of the total cases.

TABLE 6.4 TWO-WEEK FOLLOW UP: IS CLIENT GLAD HE/SHE CHOSE TO PARTICIPATE IN CDSP?

ALTERNATIVE	% RESPONSES	
	VICTIM	DEFENDANT
"yes"	84.2	89.8
"not sure"	10.5	3.7
"no"	5.3	6.5
TOTAL	100.0(114)	100.0(108)

Excluding those who indicated "not sure", 94.1% of the victims and 93.3% of the defendants indicated that they were glad they had chosen to participate in CDSP rather than have their case go to court.

TABLE 6.5 TWO-WEEK FOLLOW-UP: EXPECTATIONS OF FULFILLMENT OF CONTRACT

ITEM	ALTERNATIVE	VICTIM	DEFENDANT
"Expect other to fulfill?"	"yes"	75.4	83.6
	"not sure"	14.9	8.6
	"no"	9.6	7.7
	TOTAL	99.9(114)	99.9(104)
"Expect self to fulfill?"	"yes"	97.3	92.4
	"not sure"	0.0	2.8
	"no"	2.7	4.7
	TOTAL	100.0(112)	99.9(106)

While more than three-fourths of both victims and defendants expected that both they and the other party would fulfill his/her part of the contract, both victims and defendants had greater expectations that they would fulfill their own parts than that the other party would fulfill his/her part. This discrepancy (75.4% for the other and 97.3% for self) was especially great for victims.

6.2.2 THREE-MONTH FOLLOW-UP

The first four questions of the two-week follow-up interview were repeated in the three-month follow-up interview, with the exception that question #3 asked about violations during the three months since the contract was drawn up. In addition to these questions, the three-month interview also asked clients the following questions:

5. Do you expect that your agreements in the contract will continue after this point?

(Response alternatives included "yes", "no", and "not sure".)

6. Are there any other good or bad results which you feel came out of your participation in the program?

Results for question #6 were classified separately in terms of whether a positive or negative result (or both) was cited by the client.

The following tables summarize the results for the three-month follow-up for all victims and defendants with whom the interview was completed.

TABLE 6.6 THREE-MONTH FOLLOW-UP: HELPFULNESS OF MEDIATION SESSION

ALTERNATIVE	% RESPONSES	
	VICTIM	DEFENDANT
"Not at all"	12.9	1.8
"slightly"	9.7	3.6
"somewhat"	14.5	12.5
"quite"	27.4	39.3
"extremely"	35.5	42.8
TOTAL	100.0(62)	100.0(56)

Over 75% of the victims and over 90% of the defendants reported they were at least somewhat helped by the mediation session in dealing with the problems which had resulted in their participation in CDSP.

TABLE 6.7 THREE-MONTH FOLLOW-UP: SATISFACTION WITH CONTRACT

ALTERNATIVE	% RESPONSES	
	VICTIM	DEFENDANT
"not at all"	5.2	3.5
"slightly"	8.6	0.0
"somewhat"	15.5	8.8
"quite"	34.5	43.8
"extremely"	36.2	43.8
TOTAL	100.0(58)	99.9(57)

Over 85% of the victims and over 95% of the defendants were at least somewhat satisfied with the contract drawn up by the mediator.

TABLE 6.8 THREE-MONTH FOLLOW-UP: CONTRACT VIOLATIONS

ALTERNATIVE	% RESPONSES	
	VICTIM	DEFENDANT
"no"	81.0	89.5
"not sure"	1.7	0.0
"yes"	17.2	10.5
TOTAL	99.9(58)	100.0(57)

17.2% of the victims and 10.5% of the defendants responded that there had been contract violations during the three-month period following negotiation of the contract. Reported violations were classified as minor or major (substantive and constituting grounds for contract revocation). In 10.3% of the cases, violations reported by victims were classified as major. In no cases were the violations reported by defendants major.

TABLE 6.9 THREE-MONTH FOLLOW-UP: IS CLIENT GLAD HE/SHE CHOSE TO PARTICIPATE IN CDSP?

ALTERNATIVE	% RESPONSES	
	VICTIM	DEFENDANT
"yes"	82.0	96.7
"not sure"	6.5	1.7
"no"	11.5	1.7
TOTAL	100.0(61)	100.1(59)

Excluding those who indicated "not sure", 87.7% of the victims and 98.3% of the defendants indicated that they were glad they had chosen to participate in CDSP rather than have their case go to court.

TABLE 6.10 THREE-MONTH FOLLOW-UP: IS AGREEMENT EXPECTED TO CONTINUE?

ALTERNATIVE	% RESPONSES	
	VICTIM	DEFENDANT
"yes"	80.0	94.6
"not sure"	10.9	1.8
"no"	9.1	3.6
TOTAL	100.0(55)	100.0(56)

Excluding those who were "not sure", 89.8% of the victims and 93.0% of the defendants felt that the agreement negotiated by them would continue after the three-month period.

TABLE 6.11 THREE-MONTH FOLLOW-UP: OTHER GOOD OR BAD RESULTS FROM PROGRAM PARTICIPATION

ITEM	ALTERNATIVE	% RESPONSES	
		VICTIM	DEFENDANT
"good results"	"yes"	51.8	57.1
	"no"	48.1	42.8
	TOTALS	99.9(54)	99.9(56)
"bad results"	"yes"	7.3	3.6
	"no"	92.7	96.4
	TOTALS	100.0(55)	100.0(56)

A majority of both victims and defendants indicated that, in addition to the specific terms of their participation, additional good results had stemmed from participation in CDSP. On the other hand, only a small minority of victims and defendants indicated that there had been supplementary bad results from program participation.

6.2.3 TWO-WEEK FOLLOW-UP: COMPARISON OF VICTIMS AND DEFENDANTS

In order to determine whether victims and defendants differed in their perception of the results accruing from their participation in CDSP, those cases were considered in which a two-week follow-up was completed with both victim and defendant (N=88). For each item having a response from both victim and defendant, a sign-test was conducted to determine whether victims (or defendants) had responded more

favorably. (The sign test compares the number of differences in each direction to the number which might be expected by chance alone.)

Generally speaking, the responses of victims and defendants were positively correlated. For example, on item #1, which asked whether the mediation session was helpful in resolving the problems which had resulted in participation in CDSP, responses of victims and defendants were positively correlated with $r = .403$ ($p < .001$).

On none of the items was there a significant difference between the ratings of victims and defendants.

Thus there was no basis for concluding that either victims or defendants, as groups, were more or less satisfied with participation in CDSP than the other, although obviously this was true in some individual cases.

6.2.4 THREE-MONTH FOLLOW-UP: COMPARISON OF VICTIMS AND DEFENDANTS

The same results were obtained here as in the two-week comparisons. For those cases in which follow-up was completed at three months with both victim and defendant ($N=54$), there were no reliable differences between the ratings of victims and defendants.

Considering the results noted in this section and in section 6.2.3, it may be concluded that, over all, defendants and victims did not differ from each other in their ratings of aspects of their participation in CDSP. Furthermore, dissatisfaction by one of the parties was more likely to be accompanied by dissatisfaction of the other, rather than by satisfaction. This conclusion is born out by chi-square tests conducted on the two-week and three-month follow-ups for victims and defendants. These were conducted on items #1 ("helpfulness of mediation session") and #2 ("satisfaction with contract") by comparing victims' and defendants' ratings in a 2-by-2 classification table. Responses for both groups were divided into two groups - high (ratings of "quite" and "extremely") and low (ratings of "not at all", "slightly", and "somewhat"). This comparison measures whether there is association between the responses of victims and defendants; thus a significant result indicates that the ratings of victims and defendants tend to be positively related to each other. The result for three of the four comparisons were significant statistically, while that for the fourth comparison approached statistical significance. For the two-week comparison on item #1, chi-square(1) = 13.712, $p < .001$; for the two-week comparison on item #2, chi-square(1) = 6.798, $p < .05$; for the three-month comparison on item #1, chi-square(1) = 9.969, $p < .01$; and for the three-month comparison on item #2, chi-square(1) = 3.228, $.10 > p > .05$.

6.2.5 VICTIMS: COMPARISON OF TWO-WEEK AND THREE-MONTH FOLLOW-UPS

In order to determine whether there were significant changes in clients' perception of the program over time, the two-week and three-month results were compared for those victims with whom both interviews were completed. The first four items of each follow-up interview were the same for the two-week and three-month follow-ups, thus permitting direct comparison. For none of these items was there any significant difference between the two-week and three-month interviews.

6.2.6. DEFENDANTS: COMPARISON OF TWO-WEEK AND THREE-MONTH FOLLOW UPS

The same comparisons as noted in section 6.2.5 for victims were also made for defendants who had completed both the two-week and three-month follow-ups. A significant difference was obtained for only one comparison, that being question #1 of both interviews. On this item, whether the client found the mediation session to be helpful with the problems which had resulted in participation in CDSP, defendants responded significantly more favorably at three months than they did at two-weeks (sign test; $z = 1.837$, $p < .05$).

The results noted in this section and in section 6.2.5 suggest that overall there was little change in clients' perception of their participation in CDSP between the first follow-up at two weeks and the second follow-up at three months. The single significant result indicated a favorable change over time for defendants.

6.2.7 SUMMARY OF CLIENTS' RATINGS OF CDSP PARTICIPATION

For those clients of CDSP with whom follow-up interviews had been completed at the time of this evaluation, the overall results present a clear and consistent view of clients of their participation in CDSP. Overall ratings of program participation indicate a generally positive response by both victims and defendants. Furthermore, these results did not differ over time (comparing two-week to three-month results), nor did they differ between victims and defendants in a significant manner. Evaluation by victims and defendants tended to be positively, rather than negatively, correlated, indicating that the satisfaction of one was not "bought" with the displeasure of the other. The percentage of victims who reported they were glad they had chosen CDSP rather than having the case go to court is dramatically high, considering that the initial contact by these persons with the City Attorney's Office was for the purpose of pressing a criminal complaint.

6.3 REFERRAL SUCCESS OF CDSP

One of the assumptions of a program which as CDSP is that the mediation process must be supplemented by other types of assistance in certain cases. Specifically, it is recognized that some problems which give rise to the commission of criminal acts are not likely to be resolved simply through the verbal agreement of a participant to change that problem behavior. The most notable problem of this sort is that of alcoholism.

As a consequence of these considerations, one of the measures of success of CDSP is the extent of follow-through on agreements by clients to seek treatment or counseling. It was noted in Chapter 5 (Section 5.5) that 25.3% of the victims and 32.0% of the defendants agreed to participate in treatment and/or counseling programs as part of their participation in CDSP. A complete evaluation of this subject is not possible at this time. Data are not available yet from a large enough sample of cases nor are data available yet from the referral sources used by the staff of CDSP. The following section therefore reports results which are merely suggestive.

Referral for treatment/counseling was indicated for 28 of the victims and 31 of the defendants with whom a two-week follow-up interview was completed. At the time of that interview, 66.7% of the victims and 77.4% of the defendants indicated that they were currently involved in the program. An additional 11.8% of the victims and 12.5% of the defendants indicated that they were not currently involved because the program had not started yet. In a small percentage of the cases the client was not participating because the referral had been inappropriate or because the program had already terminated. The major reason for lack of current participation reported by both victims and defendants who had made contact was that they had found the program inappropriate and had decided not to participate.

It is difficult, without some basis for comparison, to assess the degree of referral success indicated by these findings. One of the goals of the second CDSP evaluation is to perform a more exhaustive analysis of referral outcome based upon a larger sample of cases and the feedback of participating agencies.

6.4 DISPOSITION OF CASES

This section considers the formal disposition of the 194 cases in the sample analyzed for this report. Before presenting these results some definitions of outcome categories are required.

- 1) Successful Completion of CDSP: A case was considered to have successfully completed the CDSP program if the following conditions were fulfilled: a) following enrollment, the case was referred for mediation; b) both parties attended the Mediation Session and reached an agreement which was formalized as a Contract signed by both parties; c) there were no material violations of the Contract during the following six months; and d) the parties were notified of successful completion at the end of the six months. In addition to cases completing (a) through (d), some cases were considered "qualified" successes in that they finished steps (a) through (c) but could not be reached at the conclusion of the six months.
- 2) Pre-prosecution Case Dismissal: While "probable cause" was established in all 194 cases as a precondition to entry into CDSP, failure to complete successfully all phases of the program might still result in a decision by the City Attorney's Office not to prosecute a case. Such a decision might be reached because of a review of the case by the City Attorney's Office or because the victim no longer wished to bring a complaint against the defendant.
- 3) Diversion: All cases included in categories (1) and (2) were considered "diverted", whether they had successfully completed the program or not. Thus the term "diversion" is used here to simply indicate that a case did not result in a court proceeding and does not imply successful completion of CDSP program.
- 4) Referral to Court: Cases were considered as "not diverted" if a court proceeding occurred for the original offense leading to participation in CDSP. (Cases in which a court proceeding resulted from a new offense are noted separately.)

In the discussion which follows disposition percentages were based upon cases which had totally completed program participation and upon some which were still enrolled in the program at the time these data were collected. Projections based upon incompleting cases are so noted.

6.4.1 REFERRAL FOR MEDIATION

Of the 194 cases in the sample, 187 (96.4%) were referred for mediation. The remaining 7 cases (3.6%) were handled at the office level by the CDSP staff and diverted by dropping the case at that point.

6.4.2 PARTICIPATION IN MEDIATION SESSION

Of the 187 cases referred for mediation, 175 (93.6% of those referred; 90.2% of the total sample) cases resulted in a Mediation Session taking place. Of the remaining 12 cases, four involved the breaking of a condition of referral for mediation (2.1% of those referred; 2.1% of the total cases); six involved the failure of the defendant to appear for the Mediation Session (3.2% of those cases referred; 3.1% of the total sample); one case (0.5% of those referred; 0.5% of the total sample) involved the failure of the victim to appear for the Mediation Session; and one case involved the failure of both victim and defendant to appear for the Mediation Session (0.5% of those referred; 0.5% of the total sample).

The dispositions of the total of 12 cases referred for mediation which did not result in a Mediation Session included two dismissals by the City Attorney's Office (for one of the cases in which an entry condition was broken and for the case in which both victim and defendant failed to show for the Mediation Session); the remaining ten cases were all referred to court.

6.4.3 RESULTS OF MEDIATION SESSIONS

Of the 175 cases having a Mediation Session, a Contract was reached in 147 cases (84.0% of the cases having a Mediation Session; 75.8% of the total cases in the sample). In two of these cases, the Contract was signed by only one of the parties (1.4% of the cases reaching a Contract; 1.1% of the cases having a Mediation Session; and 1.0% of the total cases in the sample).

In the 28 cases for which no Contract resulted from the Mediation Session (16.0% of the cases having a Mediation Session; 14.4% of the total cases in the sample), two cases involved parties who stated that they had reached an agreement without the need of a formal Contract. These two cases agreed to participate in the program's follow-up interviews and were still involved. Of the remaining 26 cases in which no Contract was reached, the case was dismissed by the City Attorney's Office in 22 instances and referred to court in the remaining four instances. Thus of those cases in which a Mediation Session was held but no Contract reached, 22 were diverted (11.3% of cases of the total sample) and four were referred to court (15.4% of cases having a Mediation Session but failing to reach a Contract; 2.1% of the total sample).

6.4.4 CASES INVOLVING CONTRACTS

Of the 147 cases involving Contracts, 77 were still enrolled in CDSP at the time of the data collection for this report (52.4% of the cases involving Contracts and 39.7% of the total sample). Of the remaining 70 cases which had terminated involvement with CDSP, 53 (36.0% of the cases involving Contracts; 27.3% of the total cases) were successfully terminated. Of these, 36 were "unqualified" successes (i.e., they had completed the six month period and been so notified) and 17 were "qualified" successes (i.e., they had completed the six month period but were unavailable for notification at that time). The remaining 17 cases (11.6% of the cases involving contracts; 8.8% of the total cases in the sample) involved material violations of Contract. Of these, 10 cases were dismissed by the City Attorney's Office (58.8% of the cases involving Contract violations; 5.2% of the total cases in the sample), and the remaining 7 cases were referred to court (41.2% of the cases involving Contract violations; 3.6% of the total cases in the sample; this group involved a single case in which referral to court was for a new and more serious offense).

6.4.5 OVERALL DISPOSITIONS

Of the 194 cases considered in this analysis, outcomes were known for 115 at the time of the analysis. Of these cases, 21 (18.3%) were not diverted. Of the 94 cases (81.7%) which were diverted, 53 involved completion of CDSP (56.4% of cases diverted and 46.1% of the total cases with known disposition), and 41 were dismissed by the City Attorney's Office for various reasons (43.6% of the cases diverted and 35.6% of the total cases with known dispositions).

6.4.6 PROJECTION OF DISPOSITIONS

The 77 cases without a final disposition had all passed the point of Contract formulation at the time the data were obtained for this report. Consequently, it was possible to project, based upon the outcome with the completed cases, the likelihood of revoked participation in these cases and the subsequent likelihood that these cases would be referred to court. Of the 70 cases with Contracts having known dispositions, 75.7% involved successful completion of CDSP, 14.3% involved dismissal at the level of the City Attorney's Office, and 10.0% involved referral to court (non-diverted cases).

Projecting to the 77 cases still involved in the program, 58.3 cases were expected to result in successful completion of CDSP, 11 cases were expected to result in dismissal by the City Attorney's Office, and 7.7 cases were expected to result in referral to court.

Based upon these projections, the following result would be expected for the entire sample of 194 cases.

- 1) Successful Completion of CDSP Program: 111.3 cases - 57.4% of the total cases.
- 2) Case Dropped from CDSP Program and Charge Dismissed by City Attorney's Office: 54 cases - 27.8% of the total cases.
- 3) Total cases Diverted (1 + 2): 165.3 cases - 85.2% of the total cases.
- 4) Non-Diverted Cases (Referral to Court): 28.7 cases - 14.8% of the total cases.

6.4.7 COURT DISPOSITIONS

Of the 21 cases which had been referred to court at the time of this data analysis, dispositions were known for 15, the remaining six cases involving pending court activity. In seven of the cases (46.7% of the cases with court dispositions) the charges were dismissed by the court. In an additional three cases (20.0%) the charges were dismissed by the court under the condition that the defendant appropriately take (or refrain from) certain actions as stipulated by the court. In four cases (26.7%) the defendant was found guilty and sentenced, but the sentence was stayed pending the fulfillment of conditions by the defendant. In one case (6.7%) the defendant was found guilty and served part of a 60 day sentence.¹

6.4.8 OUTCOME PREDICTION

At the point of this initial evaluation, the total number of cases referred to court (i.e., not diverted) was too small to permit accurate prediction of outcome based upon information available at the point of intake. That is, the sample of completed cases was not large enough to determine whether such factors as the relationship between the victim and defendant were significantly related to the outcome of program participation. Trends were observed for a number of factors, but the only factor associated with a statistically reliable result was whether the police had been involved in the incident leading to program participation. When the police were involved, 29.4% of the cases resulted in referral to court, whereas only 9.4% of the cases were referred to court when there had been no police involvement (chi-square (1) = 4.085, p .05).

6.4.9 SUMMARY TABLES

The results described above for dispositions of cases are summarized in Tables 6.12 and 6.13.

¹ While appropriate data are not available to determine the relative conviction rate for court referrals following enrollment in CDSP compared to traditional proceedings, some suggestive results were obtained in the course of this evaluation. It was noted that charges had been brought by the victim against the defendant previously in 25 cases. Of these cases, only two reported convictions (8%).

TABLE 6.12 DISPOSITION OF CASES (N=194)

PERCENTAGES*

PHASES OF PROGRAM	# CASES	SUCCESSFUL COMPLETION	DISMISSED BY PROSECUTOR	REFERRED TO COURT	TOTAL
ALL CASES (PROJECTED)	194	(57.4)	(27.8)	(14.8)	100.0
REFERRED FOR MEDIATION	187	49.1	31.5	19.4	96.4
NOT REFERRED FOR MEDIATION	7	-	100.0	-	3.6
MEDIATION SESSION HELD	175	55.2	33.3	11.4	90.2
NO MEDIATION SESSION HELD	12	-	16.7	33.3	6.2
referral condition broken	4	-	25.0	75.0	2.1
failure to appear - defend.	6	-	-	100.0	3.1
failure to appear - victim	1	-	-	100.0	0.5
failure to appear - both	1	-	100.0	-	0.5
CONTRACT REACHED	147	75.7	14.3	10.0	75.8
signed by both parties	145	75.7	14.3	10.0	74.7
signed by only one party	2	-	-	-	1.1
NO CONTRACT REACHED	28	-	84.6	15.4	14.4
CONTRACT - NO VIOLATION	53	100.0	-	-	27.3
CONTRACT - VIOLATION	17	-	58.8	41.2	8.8
CONTRACT - STILL IN PROGRAM	77	-	-	-	39.7

*Percentages given for dispositions, other than projections in "TOTAL" row, are based upon cases which have already completed the program and having final dispositions.

TABLE 6.13 PERCENTAGES OF CASES REACHING A STAGE GIVEN THAT THE PREVIOUS STAGE OF PARTICIPATION WAS REACHED

STAGE OF PROGRAM	# CASES	% THOSE REACHING PREVIOUS STAGE	ALL CASES
ENROLLMENT	194	-	100.0
REFERRAL FOR MEDIATION	187	96.4	96.4
MEDIATION SESSION HELD	175	93.6	90.2
CONTRACT REACHED	147	84.0	75.8
COMPLETION WITHOUT VIOLATION	(53)*	(75.7)	(46.1)

*Percentages for "COMPLETION WITHOUT VIOLATION" are based upon cases with known final outcome, whereas the other percentages are based upon all 194 cases.

Chapter 7

Conclusions and Recommendations

7.1 INTRODUCTION

The final chapter in this report summarizes some of the findings presented in Chapters 3, 5 and 6 in terms of the evaluation criteria noted in Chapter 1. Some recommendations are offered in the light of these conclusions. A general overview of project operation is presented first.

7.2 GENERAL PROJECT OVERVIEW

The overall objective for CDSP, as stated in the original Grant Proposal, was to divert 1000 domestic-complaint cases during the first year of operation of the project. The estimate of 1000 cases eligible for diversion was based upon a survey of staff members of the City Attorney's Office conducted in September and October of 1975. Clearly a much lower number of cases suitable for inclusion in CDSP has been encountered by the project to date. This may hardly be viewed as a program deficiency, since there is no indication that appropriate cases have been excluded.

Because of the lower than anticipated volume of cases, it was possible for the staff of CDSP to contribute in areas outside the immediate scope of CDSP. A general survey of staff activities indicated that, from September, 1976, through May, 1977, a total of 1589 persons was seen by the CDSP staff in their offices or in arraignment. Contact with these persons resulted in the following: a) enrollment of 295 cases in CDSP; b) the issuance 92 complaints; c) the writing of 37 letters to citizens regarding dog, harassment, or loud music complaints; d) 65 referrals to other agencies; and e) the additional advising of 183 persons. This tabulation excludes the numerous telephone contacts made by the staff.

The contribution of the CDSP staff to the overall operation of the City Attorney's Office is commendable. Nonetheless, it is likely that the staff's ability to coordinate the operation of CDSP itself will be undermined if their workload extraneous to CDSP remains high. It is recommended that the overall workload of the CDSP staff be reviewed and priorities set for their continued functioning.

While, as expected, there have been some minor deviations from the original plan, the general operation of CDSP conforms well to the format of the project stated in the original Grant Proposal. In this sense the project may be viewed as successful in establishing its operational procedures according to plan and according to the time-table set forth for program development. Before considering the evaluation criteria stipulated in Chapter 1, two topics noted in the Grant Proposal require mention. The first concerns the role of police officers in making referrals to CDSP; the second topic deals with the types of cases included in the program.

The Grant Proposal noted the possibility of more direct police involvement in making referrals to CDSP. No specific steps have been taken in this direction as of yet, and the consultant recommends that such steps not be taken without careful consideration of the possible consequences. The consultant's reservation about encouraging direct police referrals is based upon the belief that police involvement of the type being considered should be accompanied by general training of officers in the area of crisis and conflict management. (To the best of our knowledge such training has not been implemented for the Minneapolis Police Department.)

A police officer is in a position to provide the most direct crisis intervention and conflict management service to disputants in many domestic and neighborhood quarrels. The provision of such service requires adequate training (e.g., in conflict mediation, referral to community resources, etc.). An appropriately trained officer might legitimately decide that a referral to CDSP was called for (perhaps because only one party was currently present or because of the involvement of intoxication). That is, the well trained officer would look first to his own crisis intervention abilities and secondarily to the use of outside resources. An inadequately trained officer, however, is likely to use referral to CDSP instead of the more effective actions which he might take on his own. This would result in unnecessary insertion of cases into the Criminal Justice System, rather than diversion. Such a referral would also result in delayed intervention.

The second topic noted in the Grant Proposal concerned the possibility of including non-criminal cases in CDSP. To date the program has only involved cases with a legitimate criminal complaint. In the Proposal it was noted that inclusion of non-criminal complaints might be dangerous because CDSP would be offering the program "... in cases where no intervention by the legal system would be justified (p. 6 (C), of the Grant Proposal)." This point is well taken since it might be argued that including such cases inserts into, rather than diverts from, the Criminal Justice System.

It is recommended that various mechanisms be considered for providing service in cases which do not involve a criminal complaint and in those in which a criminal element is minor or difficult to establish. There is little doubt that the City Attorney's Office has legitimate involvement with such cases from the standpoint of crime prevention. A case without probable cause may still be a prelude to the commission of a serious battery; similarly, violence often erupts over the settlement of a civil matter. The main issue seems to be determining the role of the City Attorney's Office, and especially that of CDSP as a sub-unit of that Office. A potential role for CDSP in this type of case might be that of referral rather than direct involvement. This would be possible if the role of the staff of mediators employed by the Urban Coalition were broadened. This or a comparable body might function as a general conflict-mediation service which received referrals from CDSP and other sources. Movement in this direction might pave the way not only for providing service to a broader range of cases; in addition, this type of development might lead to the operation of affiliated CDSP's on a County-wide or Metropolitan-area-wide basis.

7.3 EVALUATION CONCLUSIONS

A set of programmatic objectives was listed in Chapter 1. These objectives concerned the formal structure of CDSP, i.e., whether this structure was suited to the stated goals of the program. In chapter 3 it was concluded that the program format was indeed appropriate to these goals. The final section of Chapter 1 listed some evaluation criteria as a set of results which would be predicted on the basis of the goals of CDSP. These criteria are considered next in terms of the results described in Chapters 5 and 6.

7.3.1 BEHAVIORAL SPECIFICITY OF AGREEMENTS

The first suggested criterion was that agreements reached by participants in CDSP should be behaviorally specific, should involve more than the simple agreement not to commit the alleged offense again, and should involve the commitment to behavior change by both victim and defendant. In general this objective seems to have been met.

It was noted in Chapter 5 that 10% of the Contracts involved only the agreement not to re-commit the offense. Thus in 90% of the cases some agreement was reached which included additional behavior change by defendant, victim, or both. A review of the terms of Contracts also indicated that agreements were fairly specific. That is, the agreements involved specific behavior (e.g., to make restitution or to avoid contact) rather than vague terms which would be unlikely to have significant impact (e.g., to get along better).

Overall, the results of agreements appear to meet the criterion set forth in Chapter 1. One area worth consideration is whether to permit a Contract which simply involves the agreement not to commit the offense. It is programmatically questionable whether such a contract is adequate. On the other hand, there was no indication that such Contracts resulted in a greater rate of Contract violations than more detailed Contracts. It is recommended that a policy decision be reached governing the minimal terms required for a completed Contract.

7.3.2 PERCEPTION OF CDSP AS AN ALTERNATIVE TO COURT

The second evaluation criterion listed in Chapter 1 stipulated that clients should view participation in CDSP favorably as an alternative to court proceeding. While it was expected that this would be so for defendants, there was some question as to whether victims would reach the same conclusion. The results presented in Chapter 6 support the conclusion that both victims and defendants were generally glad that they had chosen to participate in CDSP.

Of those who responded affirmatively or negatively (i.e., excluding those who were not sure), 94.1% of the victims and 93.3% of the defendants indicated during the two-week follow-up interview that they were glad they had chosen to participate in CDSP. Comparable percentages for the three-month follow-up were 87.7% for victims and 98.3% for defendants. It may be concluded that the vast majority of all persons participating in the program were pleased with the choice they had made.

7.3.3 EVALUATION OF BIAS

The third evaluation criterion listed in Chapter 1 stated that participation in CDSP should not result in a consistently more favorable reaction from either victims or defendants. It was noted that such a result, if obtained, would indicate that CDSP had not been successful in establishing a non-adversary proceeding which dealt equitably with both parties. The results presented in Chapter 5 included the finding that defendants agreed to significantly more terms than victims in the formulation of the Contracts. This result would seem to suggest bias, but the results obtained from follow-up interviews (reported in Chapter 6) did not support such a conclusion. Overall, both victims and defendants rated their participation in CDSP favorably, and there were no significant differences in these ratings, either at two weeks or at three months. It may be concluded that, from the perspective of the clients of CDSP, there was no consistent bias in the program in favor of either victims or defendants.

7.3.4 REFERRALS TO COURT

Criterion number four listed in Chapter 1 concerned the rate of diversion achieved by CDSP. Overall, a diversion rate of 85.2% was projected for the sample of cases included in this evaluation. This included diversion from court proceeding based upon successful completion of the program (57.4%) and based upon the decision to dismiss the case without a court proceeding (27.8%). If we consider only those cases which reach the stage of formalizing a Contract, these percentages are somewhat "improved". For participants reaching a Contract

diversion from court occurred 90% of the time. This 90% includes 75.7% successful participations in CDSP and 14.3% dismissals of cases.

The notion of a "high" level of successful diversion is somewhat arbitrary. The diversion rate obtained for the sample in this evaluation appears "respectably" high, but it may be still useful to ask whether this rate is acceptably high. If it is not, it may be necessary to re-define the criteria for a referral to court. Presumably a greater percentage of cases could be diverted if the criteria for inclusion in CDSP were made less stringent. This might be accomplished by having several re-scheduled Mediation Sessions in the event that both parties do not attend the first session (or the second, etc.). Contract violations might also be reviewed such that a greater proportion of cases involving violations were retained by the program (e.g., through a new Mediation Session). The difficulty with broadening the inclusion criteria is that some of the impact of the program may be lost thereby, and the potential for program abuse by clients may increase. It is recommended that policies be reviewed concerning the criteria now used to determine whether to refer a case to court.

7.3.5 ADDITIONAL CRITERIA

The fifth and sixth evaluation criteria noted in Chapter 1 concerned; respectively, the success of referral from CDSP to community treatment services and the success of CDSP in decreasing recidivism. The data available at the time of this evaluation did not permit definitive evaluation of CDSP against either criterion.

The only data available on referrals for treatment and/or counseling were obtained from the two-week follow-up interviews. While these data indicated that about 70% of those referred had made contact with the referral program, there was no basis for judging the accuracy of these reports. Similarly, no data were available to determine whether clients completed participation in programs to which they were referred. In order to evaluate fully this aspect of the program, two categories of information are required. First, it is necessary to complete a reasonably large number of six-month follow-up interviews with persons who were referred for treatment/counseling. Second, feedback must be obtained for these cases from the agencies and received the referrals, so that client feedback may be corroborated (and qualified) by the perceptions of the agency personnel. It is recommended that agency feedback be actively sought for those cases involving referral since referral success will be impossible to gauge accurately without this feedback.

The segment of the six-month follow-up form dealing with referral was not consistently used by the CDSP staff in completing these follow-up interviews. It appears that the section was not always completed and, when it was completed, was sometimes used to assess clients reactions to participation in CDSP rather than to participation in referral program. That is, there seems to be some confusion among the staff members doing follow-up interviews over the purpose of this section. It is suggested that either the form be revised to make its purpose more self-evident or that staff members be more carefully instructed in the use of this section of the form.

The calculation of relative recidivism rate requires information about clients of CDSP in comparison to cases processed through the court system. Because of the decision not to include a sample of control (non-diverted) cases randomly selected from cases eligible to participate in CDSP, it is unlikely that a true relative recidivism rate can be calculated. It may still be possible to determine the absolute recidivism rate for CDSP cases and to evaluate the acceptability of this rate.

This topic will be addressed more fully in the second evaluation report; at that time a large enough sample of completed cases should be available to permit a reasonably precise analysis.

7.4 PROCEDURAL REVISIONS

The Victim-Defendant Data Sheet contains some sections which were not filled out consistently by the staff; It also failed to include space for certain information. It is recommended that this form be revised in terms of the following considerations:

1. Space should be provided for listing (separately) the dates of intake for victim and defendant.
2. Space should be provided for listing the sex of the victim and the defendant.
3. It should be noted whether information on the sheet was obtained from the victim, the defendant, or from both.
4. The section on "Dependents" should note the circumstances under which this information should be entered (i.e., whether the section is to be used only when there are dependents of both victim and defendant); this section should also include space for indicating that dependents are in joint custody of victim and defendant.
5. Under "Relationship History" space should be provided to indicate an offense other than a battery and the questions about the history of the offense should stipulate the particular offense in question; alternatively, this space should be reserved for battery only.
6. The section on "Police Involvement" requires clarification; it is not clear, for example, whether "Called by Others" refers to the present incident or past incidents, nor is it clear what is to be rated under "Prior Incidents".
7. It is not clear whether the information provided under "Criminal Charges" is simply the product of the victim's testimony or whether the charges noted have been corroborated; if corroboration has been obtained through a check of files, this should be so noted.
8. The section on "Chemical Usage/Violence" does not appear to have been filled out consistently. There may be ambiguity here concerning whether the person's state of intoxication, or the contribution of that state to the commission of the offense, is being rated. This should be clarified.
9. The section on "Social Agency Contact" should indicate the date of the most recent contact with the agency.
10. Space should be allocated on the form (or some other form) for specification of actions taken at the time of the enrollment in CDSP. This information is now separately available on the participation agreements signed by clients; this may be sufficient, but, for the purpose of monitoring compliance with these agreements, it may be appropriate to list these terms in summary form on the Victim-Defendant Data Sheet..

11. Space should be allocated for indicating the completion of each phase of the program by clients. A check-list could be easily constructed to fulfill this purpose.

The two-week and three-month follow-up forms are generally adequate. A modification which is required is the provision of space to indicate whether the form is being completed with the victim or the defendant.

The six-month follow-up, as noted earlier, should include clarifying instructions for the use of the section on referral. In addition, this form should provide space for indicating whether the interview was completed with the victim or the defendant. For cross-reference purposes, and also simply to insure that forms do not get misplaced, a space should be provided on all forms for the case number.

It is recommended that the six-month follow-up form also contain some items duplicating those on the three-month and two-week forms. It is specifically suggested that question #2 (satisfaction with the contract) and question #4 (satisfaction with CDSP as an alternative to court) be asked.

7.5 FINAL CONCLUSIONS

For a first-year project, CDSP, in the consultant's view, has done quite well. The program has been successful in achieving its operational phase quickly and effectively. While there will undoubtedly be modifications in program operation as the program matures, the overall results of this evaluation suggest that the staff of CDSP is to be commended for having done an excellent job during the first nine months of the program.



END