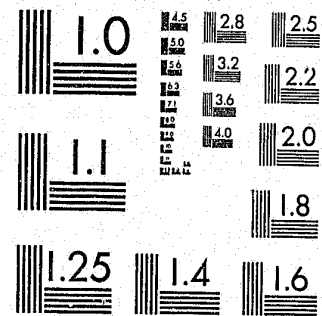


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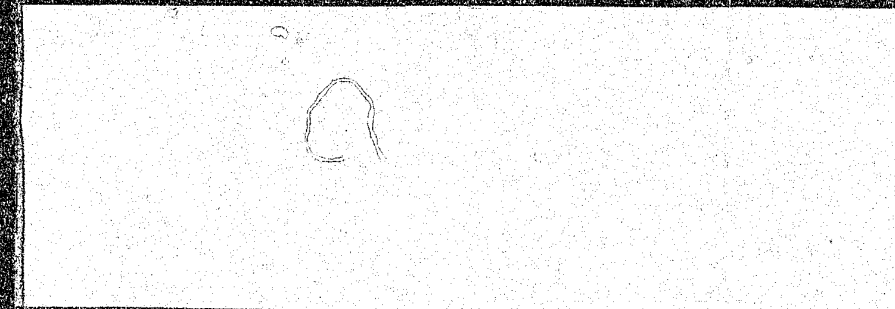
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WASHINGTON STATE'S NEW JUVENILE CODE, I:
IMPLEMENTATION ASSESSMENT DESIGN--HB 371

Submitted to:

National Institute for Juvenile Justice and
Delinquency Prevention
Office of Juvenile Justice and Delinquency
Prevention

By:

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From early July to mid-October 1978, a group under the leadership of Professor Walter Williams at the Institute of Governmental Research undertook the design of an implementation assessment for Washington State's juvenile justice reform law, Substitute House Bill 371.* The project was sponsored by the University's Center for the Assessment of Delinquent Behavior and Its Prevention (CADBIP). For a variety of reasons too complicated to discuss here, it proved impossible to complete the project. But a substantial amount of conceptual work and field research was conducted, generating a number of useful ideas about implementation assessment. The purpose of this note is to report on some of this work.

The Rationale for Implementation Assessment

Analyses of social programs have typically focused on outcomes at the expense of process. With the growth of policy analysis and evaluation in government, the central concern has been demonstrating the success or failure of social programs by comparing their performance with their goals. These outcome evaluations have two serious limitations: they purport to give a summary assessment of program effectiveness, but they seldom describe the process by which programs come to succeed or fail. In addition, information on program outcomes, by itself, does not tell policymakers or administrators what needs to be done to improve program performance.

The purpose of implementation assessment is two-fold: 1) to describe the process by which general statements of intent (policies) are translated into specific administrative actions; and 2) to relate administrative actions to program outcomes. (In other words,

*The legislation will hereafter be referred to as HB 371 or simply 371.

implementation assessment tracks the process of translating policy into practice and clarifies the relationship between administrative actions and program outcomes.

Initial Design Work

The group proposed to break the assessment design into four tasks: 1) legislative history; 2) start-up activities; 3) mapping the delivery system; and 4) outcomes. The product of the work was to be a document that could serve as the basis for a sustained and detailed study of the implementation of HB 371; the group did not propose to conduct the assessment, only to design it. The definition of the four tasks and the logic connecting them is relatively straightforward. Any assessment of implementation must take its point of departure from an understanding of legislative intent. One would not expect to find a clear, unambiguous view of the intent of the law, but it is possible, through interviews and through careful examination of documentary evidence, to construct a detailed statement of what legislative actors had in mind. Passage of legislation is typically followed by administrative activity designed to prepare for the program. In the case of SHB 371, a full year transpired between the enactment of the legislation and the starting-date of the program. A description of the activities during this year is important to understanding how legislative intent was interpreted by administrators and how unanticipated problems were dealt with. The process of implementing the law presumably results in the construction of a service delivery system. A basic inventory

of service providers and a description of their proposed relationship to one another under the new law is essential to understanding how legislative provisions are translated into administrative mechanisms. Finally, all actors in the process--legislators, administrators, and service deliverers--have in mind certain kinds of evidence that would constitute proof of success or failure. These perceptions can be brought together into statements of intended outcomes, or program effects.

The group felt strongly that an assessment design should be based on first-hand data from participants, rather than the group's preconceptions. So our strategy was to develop a series of interview protocols that could be used to gather information from key participants on each of the four major topics (legislative history, start-up activities, delivery system and outcomes). A single protocol was developed for the first two topics and a number of interviews were conducted before the project was abandoned. (See attachments A and B: "371 Fieldwork--Tasks 1 and 2" and "Fieldwork Protocol #1: HB 371.") Some developmental work was done on the third topic--the delivery system--in the form of a series of flow diagrams of service delivery based on the legislations's provisions. (See attachment C: "Notes on Task 3: The Delivery System.") The results of initial interviews are presented in several memoranda prepared by other members of the group involved in the 371 implementation assessment design.

The group's initial design work demonstrated some basic principles that might be of use to others. The first principle is that an assessment has to be based on a fairly thorough understanding of

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legislative intent and program operations. Investing so much effort in fieldwork prior to producing a design might seem inefficient, since the assessment that follows the design will also require extensive fieldwork. We saw pre-design fieldwork as a way of increasing the sharpness of the eventual assessment.

The second principle follows closely from the first: assessments of implementation should be based, to the extent possible, on statements of intent, descriptions of process, and statements of outcomes that come directly from participants. The utility of implementation assessment depends on whether policymakers and administrators find it helpful in understanding immediate, practical problems. If assessments are based on abstract constructs developed by analysts, they are less likely to be useful. Our approach to design put the premium on participant's perceptions of important issues.

Elements of an Assessment Design

Since the development of the design didn't proceed to its conclusion, we have no tangible example of what an implementation assessment might look like. From our initial design work, however, it is possible to sketch some basic elements.

HB 371 is an enormously complex piece of legislation. It removes a substantial number of juveniles from the jurisdiction of the court and provides voluntary access to social services offered by public and private providers. It sets up complex procedures for handling juvenile offenders, including the establishment of diversion units and new sentencing standards. And, perhaps most importantly, it substantially redefines the roles of law enforcement officers, juvenile

court officials, and social service providers in the handling of juvenile problems. The purpose of an implementation assessment would be to provide information on whether changes in procedure and role specified in the legislation have occurred in practice.

In purely methodological terms, the basic element of a design, once legislative intent and the structure of the delivery system were established, would be a sampling framework. This task would require an inventory of all the administrative units involved in implementing the law and some rationale for selecting examples of each for detailed interviewing and observation. A basic map of the delivery system helps in specifying which units should be included. But drawing a sample requires some preliminary understanding of expected sources of variation. In other words, the sample should cover a diverse enough collection of settings to allow for conclusions about variation in implementation. Some sources of variation are readily apparent: rural counties cannot be expected to respond in the same way as cities. Other sources of variation may be much less apparent and would have to be identified by actors close to the implementation process. The objective of the sampling framework would be a set of "cells" describing important sources of variation that would have to be included in the study; the cells would be filled, either randomly or intentionally, with specific sites where interviewing and observation would be conducted.

The other essential element of a design would be a relatively detailed set of questions, organized by role, to be asked of implementors. In each setting in the sample, one would want to interview a cross-section of actors whose behavior is important to the

implementation of the law: law enforcement officers, child welfare caseworkers, private providers, juvenile court personnel, etc. Questions would be constructed both out of the basic prescriptions provided by the legislation and general issues of implementation (e.g., how much and what kind of training were provided?). The result would be a composite picture, for each of the sampled sites, of implementation from the individual's perspective. One could look either at variation site-to-site among people performing the same role or at variation across sites in relationships among actors.

The important general point is that the assessment design should provide a relatively systematic way of drawing conclusions about site-to-site variation and about the problems of specific actors in the implementation process.

Basic Assessment Issues

Following on the methodological issues are some substantive issues that would have to be taken into account:

Compliance vs. Capacity. Our first instinct is to think of implementation strictly as a problem of compliance: is the behavior of implementors consistent with the intent of the legislation? This question is a useful one, but it doesn't exhaust the subject. Any service delivery program relies heavily on the use of discretion by implementors--law enforcement officers, caseworkers, prosecutors, and private providers all are faced with applying general principles to specific cases and their judgment is essential to the success or failure of the law. In addition, the delivery of services depends heavily on resources--training, staff time, competing responsibilities,



etc. Successful implementation, then, is not just a matter of whether implementors are complying but also whether the organization of the delivery system supports or undermines the efforts of implementors to do their job.

Structure vs. Process. Legislators and administrators tend to concentrate primarily on structure rather than the behavior within structure. HB 371 mandates important structural changes: a social service system for handling status offenders, a diversion system for first and minor offenders, for example. Are we to assume that if these structures are in place, the law is successfully implemented? Probably not. The behavior of individuals within the structure has a great deal to do with whether the law accomplishes its intended effects. Law enforcement officers who previously detained juveniles for status offenses when they might have been suspected of more serious offenses should be expected to behave differently under the new law. Case workers, who previously viewed themselves as child advocates, are now expected to behave as family counselors. Diversion units, many of which acted as community social service agencies, are expected to act as adjuncts to the court system. Successful implementation is not just establishment of a delivery system but change in the behavior of individuals within that system.

Reform vs. Incrementalism. How should one expect implementors to respond to a new legislative mandate--by taking their instructions from the law or by adjusting their previous actions to take account of the new requirements? We expect implementors to take reform on its own terms, without regard for the way they did their work prior to the reform. But there are strong reasons why this expectation may

be unrealistic; the law's instructions may not be clear, legislative intent may run counter to strongly-held professional values, and in the short term difficult organizational problems may need to be resolved before changes can be made. Successful implementation is not just following instructions but the adjustment of a prior system to new requirements.

These three statements are all versions of the same problem-- the formal versus the informal aspects of implementation. On the one hand, we expect implementation to proceed in a rational, goal-oriented manner with each person carrying out his or her responsibility in accord with the stated intent of the law. On the other hand, we expect serious problems to arise out of the complex organizational and individual adjustments to a new policy. An assessment should be sufficiently sensitive to the informal aspects of implementation not to view the central problem as simply one of compliance. Assessment should try, for each type of respondent, to define problems in the use of discretion, in the availability of resources, in shifts of behavior, and in the process of adapting old to new. In other words, assessment addresses not only the question of whether legislative prescriptions are followed but also how individuals and organizations adjust to new policy.

ATTACHMENT A

371 Fieldwork--Tasks 1 and 2

Task 1. Legislative History. The purpose of this task is to construct an analytic statement of legislative intent. The final product of this task should provide a chronological narrative of the development of the legislation. But in order to be useful in later analyses of the implementation of 371, it should also address the following issues:

- Conflicting expectations among parties to the legislative process on the purposes and expected effects of the law;
- Major policy issues not resolved in the legislative process (e.g., the division of labor between DSHS and private providers);
- Areas of substantial discretion delegated to administrators (e.g., administrative definition of "crisis intervention"); and
- Outright conflict and inconsistency between legislative provisions that could later create implementation problems.

In other words, we would like to emerge from this phase with a document that records the legislative history of 371 and provides an inventory of actual and potential implementation problems stemming directly from the nature of legislation and the politics of the legislative process.

Interviews for this task should be conducted with representatives of the major constituencies involved in the passage of 371, including: DSHS headquarters personnel, legal services, juvenile court and probation personnel, prosecuting attorneys, police chiefs and sheriffs, youth service organizations, community mental health centers, civil liberties groups, legislative staff people and key legislators. The interviews should provide direct evidence on the motive or interest of the interviewee in 371 (Why did you get involved?); what form their influence took (mobilizing constituency support/opposition, drafting legislative influence, lobbying, etc); specific legislative provisions they can point to as evidence of their influence; their perception of legislative intent (What's the most important single effect of this legislation on the juvenile justice system?); and their perception of the expected effects of the legislation (What specific effects, on institutions and clients, should be examined for evidence of success or failure?).

In addition, there are a number of other issues that should be tracked when they are relevant to the interviewee:

- Did participants have in mind specific operating programs as models for the activities mandated by 371? If so, what were they and what sort of information was available?
- Generally, what sources of information and assistance did the legislature rely on in drafting the bill?
- Did the legislature ever directly consider DSHS's capacity to administer the new authority granted under 371?

Task 2. The Start-Up Year. The purpose of this task is to describe activities undertaken by DSHS between 7/77 and 7/78 to prepare for

the implementation of 371 and to describe the interaction between DSHS and the legislature during this period. Interviews for this task will overlap considerably with those for Task 1: DSHS headquarters personnel, legislative staff, constituencies (especially the youth services group). In these cases the interviews should cover both legislative history and start-up. The major chunk in which there probably will be no overlap will be in the DSHS regions, but here there will be a substantial overlap between interviewing for start-up and interviews for later tasks. This creates problems--for us and the interviewees--that need to be discussed. Basically, the interviews should trace headquarters development of administrative guidelines and policy statements, the regional planning efforts, and the by-play between the legislature, the department, and the constituencies over the interpretation of the legislation.

Some specific issues are:

- How did the conflict arise over the division of labor between DSHS and private providers?
- What specific evidence is there of region-to-region variation in the regional planning process? To what extent did the legislation and DSHS's initial planning anticipate this variation? Does it pose problems for implementation?
- What has been the impact of regional advisory groups on planning for 371? Are there any specific effects that regional people can point to as evidence of their influence?
- What has been the role of state-level offices outside of DSHS in planning for 371? LJPO? Any others?

--Do the formal documents generated in the planning process give an accurate reflection of start-up problems? What problems? What problems have emerged that are not discussed in planning documents?

ATTACHMENT B

Fieldwork Protocol #1: HB 371

We have defined four tasks that need to be accomplished prior to the construction of an assessment design: 1) an analysis of legislative intent; 2) a description of legislative and administrative activities during the start-up year, July 1977 through July 1978; 3) an analysis of the delivery system as it now exists and as it is planned; and 4) an inventory of outcomes. This protocol serves as a guide for fieldwork on the first two tasks. A later protocol will be constructed to guide fieldwork on the third task. And results of the first two tasks, plus discussions among ourselves, will serve as the basis for the fourth task.

The purpose of a protocol is to focus, guide and structure questioning. It is not as specific as a questionnaire, but it should be specific enough to provide some degree of consistency in data collection and some degree of reliability among interviewers. The questions and issues outlined below describe areas on which interviewers will focus. They do not necessarily describe the exact form in which questions will be asked of respondents. In some instances, questions will have to be elaborated or specified for particular respondents. It is also clear that questions will arise in the course of interviews which are not anticipated here; the protocol should not prevent collection of data on these questions, but we should keep a running log of new questions as they emerge.

Task 1. Legislative History. The purpose of this task is to construct an analytic statement of legislative intent. The final product of this task should be a chronological narrative of the development of the legislation. In order to be useful in later analyses of the implementation of HB 371, however, it must be more than a simple historical narrative. It must also tell us how the politics of the legislative process and the provisions of the legislation affect the implementation process. In other words, an analysis of legislative intent ought to address at least the following issues:

- Conflicting expectations about the purposes and expected effects of the law;
- Major policy issues not resolved in the legislative process (e.g., the division of labor between DSHS and private providers);
- Provisions in the legislation on which there was substantial disagreement which could re-emerge in the implementation process;
- Areas of substantial discretion delegated to administrators (e.g., administrative definition of "crisis intervention");
- Outright conflict and inconsistency between legislative provisions; and
- Assumptions made about the capacity of administrative agencies to implement legislative provisions.

There are a number of ways to address these issues: asking respondents direct questions, interpreting legislative provisions in light of legislative history, piecing together documentary evidence.

The point is that our discussion of legislative history should be anchored on implementation problems.

Interviews for this task should be conducted with the major actors involved in the passage of HB 371: DSHS headquarters staff, legislative staff, key legislators, legal services, juvenile court personnel, judges, prosecuting attorneys, law enforcement personnel, youth service organizations and other private providers, and civil liberties groups. The interviews should provide direct evidence in the following areas:

Coalition Politics

--Which actors were most influential in shaping the legislation? What form did influence take?--e.g., mobilizing constituency support/opposition, drafting legislative language, providing information, lobbying, etc.? How do the major actors describe their interest in the legislation and their motive for influencing it? Can respondents point to specific provisions of the legislation as evidence of their influence?

--How was the "reform coalition" constructed? Who was active in mediating differences, building support, defusing opposition, etc.? How is the alliance between certainty-of-punishment forces and diversion-treatment forces likely to affect implementation?

Sources of Information

--Did participants have in mind specific operating programs as models for activities mandated by HB 371? If so, what were they and what sort of information was available?

--Were there theoretical arguments (e.g., the Naon paper) or empirical studies that influenced decisions? How were they influential?

Legislative Intent/Expected Outcomes

--What, in the respondent's words, would constitute adequate evidence that the legislation was having its intended effect on families and children? What would the respondents look at first to find out whether the legislation was "working" for its target group?

--What, in the respondent's words, would constitute adequate evidence that administrative agencies and service providers were acting consistently with legislative intent? What things would the respondent look at first to determine if the law was being administered properly?

--What weaknesses in the legislation have been identified since its passage? How have they affected implementation? And how have they constrained implementors? What specific proposed amendments have been developed to deal with these weaknesses?

Administrative Capacity

--What interaction did the legislature have with sub-units of DSHS (BJR and BSS) during the legislative process on the additional administrative load that HB 371 would impose? What evidence was asked for and offered on administrative capacity?

--Did the legislature assemble evidence on the capacity of private providers to respond to HB 371? What information was asked for and offered? From whom did it come?

--At any point in the legislative process was evidence requested or offered on questions of administrative feasibility--e.g., projected costs of administration, availability of staff, magnitude of training required, experience in other states with similar components, etc.?

Task 2. The Start-Up Year. The purpose of this task is to describe preparation for the implementation of the status offender and diversion provisions of HB 371 between 7/77 and 7/78. This includes both description of administrative activities during this period and documentation of interactions between DSHS, juvenile court personnel, the legislature, and program constituencies. Respondents for this task will overlap considerably with those for Task 1; where this is true, interviews will cover both legislative history and start-up. The following areas represent the central focus of interviews for the start-up year:

DSHS Headquarters Planning/Implementation

--By what process were regulations and administrative definitions developed? Who was responsible for critical decisions translating legislative provisions into administrative guidelines and program specifications? What was the nature of interaction between DSHS and legislative staff on this issue?

--What internal reorganizations were undertaken as a result of HB 371? How were responsibilities assigned for planning and implementation? What shifts in personnel occurred as a result of HB 371? Were there other organizational shifts, changes of personnel, etc., within DSHS that were not connected with the implementation of HB 371 but which nonetheless has some influence on it?

--What sort of advice did DSHS seek from external sources in planning and organizing for HB 371? Who was consulted? What sort of information was requested and provided?

--Who were the major actors within the state government, but outside DSHS, in the planning/implementation activities--e.g., LJPO, OFM, the "Greening Committee," etc.--and what did they do to influence the process?

--What provisions were made by DSHS headquarters staff to develop information sources on the implementation and effects of HB 371?

The Regional Planning Process

--How was planning at the regional level in DSHS initiated? Who was in charge? Who defined the nature of tasks to be accomplished? Who reviewed regional plans?

--Did any administrative issues emerge in the regional planning process that substantially changed DSHS's initial conception of how HB 371 would be administered?

--What specific evidence of region-to-region variation emerges from regional planning documents and interviews with regional personnel? What kind of regional variation was anticipated in the legislation and DSHS's initial planning? Does regional variation pose problems for implementation?

--What has been the effect of regional advisory groups on planning for HB 371?

Relations Between Public and Private Providers

--How did the conflict arise over the division of labor between DSHS and private providers? Who were the critical actors? What were the stakes for DSHS and private non-profit groups?

--How did DSHS initially decide to allocate funds and responsibilities to private groups? Was the RFP preceded by some needs assessment process? How were funding decisions made?

--How did differences in the nature and availability of private providers from one region to another affect planning and implementation?

Overall, the rationale for Task 2 is to assess the role of internal organizational factors--leadership, assignment of responsibility, financial and staff resources, etc.--combined with external political factors--constituency pressure, interaction with legislative staff, advisory process, etc.--to influence the way the legislation moved into the field.

ATTACHMENT C

Notes on Task 3: The Delivery System

The purpose of Task 3 is to determine how the implementation of HB 371 should be studied at the delivery level--that is, at the level where actual decisions are being made about the disposition of individual kids. I suspect there are two ways to approach the task:

--The first is to assume that the legislation contains a prescribed delivery system and that designing an implementation study consists of developing questions that will establish whether components of the delivery system are in place.

--The second is to assume that, since the delivery system was already in place before the law, designing an implementation study consists of developing questions that will determine how services deliverers are adapting their prior behavior to the requirements of the law.

We are probably interested in both approaches. The first is essentially a compliance or systems management approach. The second is a bureaucratic process or conflict and bargaining approach. The first assumes that implementation consists of putting components of the delivery system in place. The second assumes that, at best, implementation consists of marginal adaptations of prior behavior.

In the attached diagrams, I have tried to map the legislation's prescriptions for the delivery system in dependency, diversion and

runaway cases.* I'm not sure I've read the legislation correctly, but at least it's a start. The diagrams attempt to distinguish among mandatory, non-discretionary tasks (rectangles), discretionary tasks (circles), advisory tasks (triangles). I've included references to the legislative provision that authorizes each task--in many cases, the task doesn't make sense unless you read the language that goes with it. It's fairly clear from these diagrams that there is a high degree of discretion in the system, even though the amount of discretion exercised varies widely from one "discretionary" task to the next. One use of the diagrams is to sort out areas where questions can be focused to determine the effect of discretionary behavior on implementation. Another use is to sort out dependencies and working relationships in the system--where is the client dependent on a professional to make the system work? And where is it necessary for professionals in different agencies to coordinate their actions? I haven't done this in any systematic way yet, but perhaps over the next couple of weeks we can concentrate on some of these issues.

What you have when you finish such an analysis is a system management view of implementation--designated responsibilities, relationships, expected effects on clients at various points in the system, all based on a normative view that "success" consists of compliance with legislative prescriptions. It should be clear that this approach conceals at least as much information as it reveals. By focusing on prescribed relationships and activities, it diverts attention away from informal relationships and the effects of patterned behavior. So we ought to be engaged in a comparable exercise

*Editor's note: Dr. Elmore's diagrams are extremely complex. Only the simplest one on diversion is included in this packet.

that reconstructs the delivery system out of participants' descriptions of how they did their work before the law went into effect and how they have adapted to the law. There is no way to do this without talking directly to service providers.

It seems to me that we ought to come away from Task 3 with two sets of information: 1) some aggregate descriptive data on numbers of people, organizations, offices, etc, that can be used to construct a sample for a full-fledged assessment; and 2) a conceptual framework and detailed set of questions that can be used to structure a broad-scale field study of the delivery system. The first can be done probably just by using existing data sources from DSHS--number of ESSO's, number of contracts with private providers in specific areas, number of juvenile court personnel in specific areas, etc. But before we can ask for the numbers we have to have in mind some initial design parameters, and I'm not quite sure yet what they are. Are we carving up the universe in terms of DSHS regions, in terms of counties, or in terms of localities? In other words, what is the appropriate sampling unit and what are its constituent sub-units? My hunch is that we're talking about DSHS regions, but we need to explore it more. If we are talking about regions, then we need a fairly detailed breakdown of ESSO's, private providers, juvenile court personnel, etc., by region.

My hunch is that we can accomplish the second part of Task 3 (framework and questions) by skillfully selecting a very small sample of localities and covering virtually all of the 371 related activities in those areas. For example, we might want to look at one large city, one medium-sized city, and one of the rural counties that is

essentially exempted from the delivery system requirements. The objective would be to talk to people at the delivery level at some length using a very preliminary set of questions and use those interviews to construct a more detailed set. Something like the following set of categories might be used to structure preliminary questioning:

--How did your office prepare for implementation of 371?

This line of questioning would tap not just how training was delivered but also how participants for training were selected, how CIS workers were designated in local DSHS offices (if they were), what kind of administrative directives were issued at various levels, etc.

--What is the current status of 371 implementation in your office?

This line would tap the current division of labor among caseworkers, between child welfare, child protective services, and crisis intervention, working relationships among caseworkers and between DSHS personnel and private providers and juvenile court personnel, etc.

--How is your job different now from what it was pre-371?

This line would tap changes in operating routines both for people whose responsibilities changed as a result of 371 and those who are doing the same job but who are indirectly affected by 371.

--What are the major problems you see currently with the

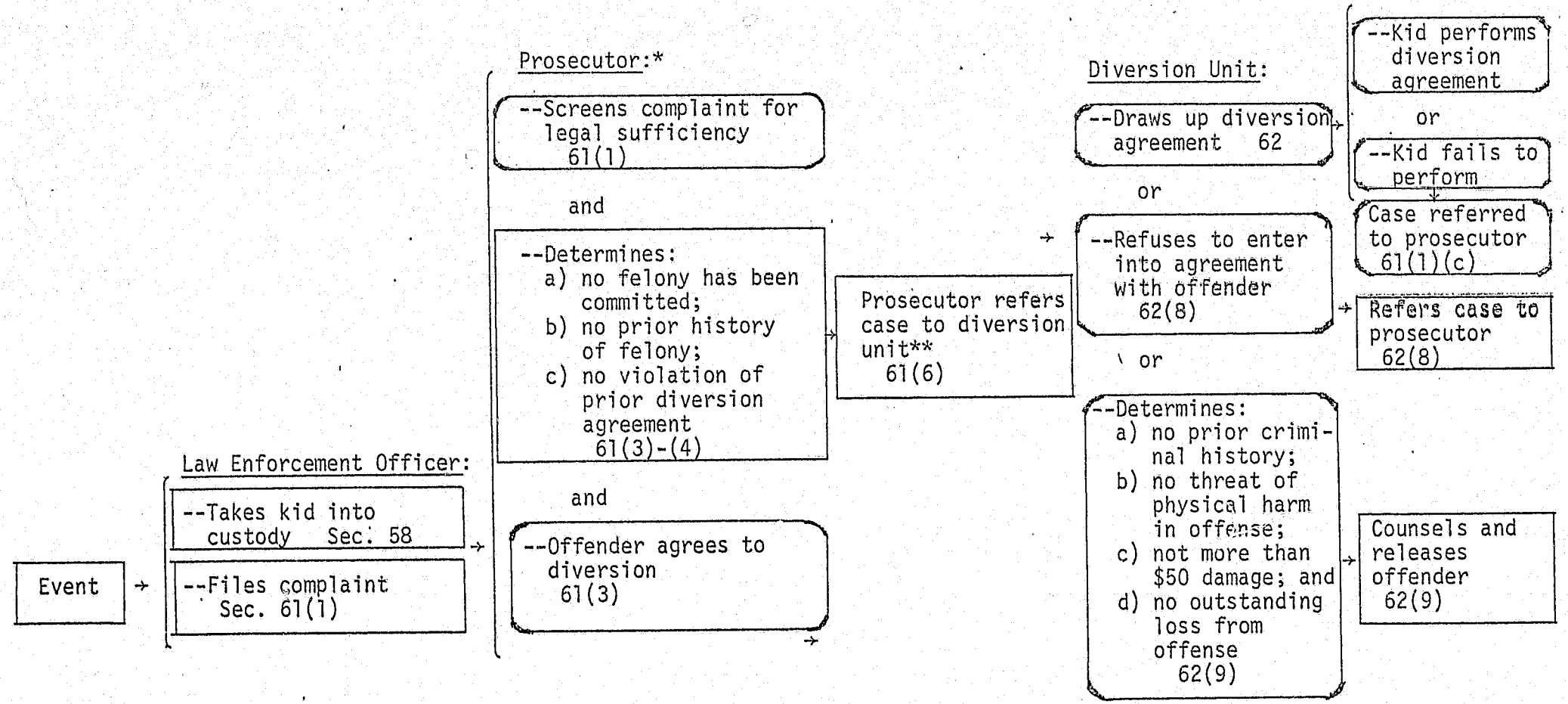
implementation of 371? This ought to be a fairly open-ended line of questioning designed to surface as many delivery-level problems as possible.

--What do you see as the current effect of the law on children and families and what would you expect the effect to be in the

near term? This line would be designed to give us some more information on outcomes as perceived from the delivery level.

I'm sure there are other categories of questions we ought to be asking but I can't think of any more at the moment.

DIVERSION



*NB: Sec. 61(8) and Sec. 63 allow prosecutor to delegate this function to juvenile court counselors.

**For definition of diversion unit, see 56(8)

APPENDIX: BACKGROUND NOTES

by Walter Williams*

On June 10, 1977, the Washington State Legislature passed a new juvenile code (House Bill 371). The legislation was signed into law by Governor Dixie Lee Ray on June 18, 1977 with an effective starting date of July 1, 1978. Attention focused on this legislation because it was viewed as a major move toward some of the newer concepts of treating juveniles within and outside of the formal judiciary system. There was strong feeling that the legislation needed to be looked at closely both in terms of the implementation effort and the program outcomes.

This brief appendix provides background information on one study concerned with the implementation issue, a study which has now yielded five memoranda. As Professor Richard F. Elmore noted at the beginning of the first memoranda:

From early July to mid-October 1978, a group under the leadership of Professor Walter Williams at the Institute of Governmental Research undertook the design of an implementation assessment for Washington State's Juvenile Justice Reform Law.... The project was sponsored by the University's Center for the Assessment of Delinquency and its Prevention (CADBIP). For a variety of reasons too complicated to discuss here, it proved impossible to complete the project. But a substantial amount of conceptual work and field research was conducted, generating a number of useful ideas about implementation assessment.

This appendix seeks to set out the rationale of our efforts to design an implementation assessment, the scope of the reported findings, and the limitations of effort.**

In recent years, there has been a growing body of studies concerned with the issues arising out of efforts to put in place complex social service delivery program legislation or major program modifications. Two factors characterize these implementation studies. The first is the emphasis on the need for a detailed investigation of what happens in the field in the effort to make legislation operational; that is, to convert it to policy. The complex details of field activities are important in investigating correspondence between the directions and procedures specified in legislation and agency regulations and guidelines and what actually results in the field. The second common feature of the implementation studies is a wide scope in looking at the interplay of the

* Walter Williams is Director of Research, Institute of Governmental Research and Professor of Public Affairs, Graduate School of Public Affairs. He also is a co-supervisor of the Evaluation Unit in the Center for the Assessment of Delinquency and its Prevention. He had overall responsibility for the work reported on in this background note.

**For a discussion of implementation assessments, see Walter Williams, "Implementation Analysis and Assessment" in Walter Williams and Richard F. Elmore (editors), Social Program Implementation, Academic Press, 1976, pp. 267-292.

various political, technical, organizational (bureaucratic), and socio-economic factors that impinge on the effort to put a decision in place.

If there is one thing that we have learned from the implementation studies it is the importance of "past" factors in shaping what happens during the implementation. Such factors include the development of the legislation itself (particularly what gets labeled "legislative intent"); the programs and organizational structures in place prior to the effective date of the legislation; actions taken by organizations charged with implementation to get ready to put a new or modified program in place; and the expectations various concerned parties had about the legislation and the efforts to put it in place. The Institute of Governmental Research effort was intended to focus on these and other factors.

The study group was under my general direction. Professor Elmore took major responsibility for conceptual design. Betty Jane Narver, who had supervised Institute interviews in the past, provided general guidance and coordination for the interviews in this study. Laura Kennedy and Anne Carlson had the major responsibilities in this study for the field interviews, background research, and the writing up of these efforts.

As a means of ordering our study efforts, we distinguished four different periods:

Period 1: The pre-legislative period before the start of the January 1977 legislative session where HB 371 was passed.

Period 2: The legislative session running from January through June 1977.

Period 3: The planning year running through June 30, 1978.

Period 4: The startup period beginning on July 1, 1978.

Most of our efforts focused on the first three periods. Decisions by the Law Enforcement Assistance Agency to consider a request by the state of Washington for a major assessment of HB 371 presented a host of problems that prevented us from doing extensive interviewing during the startup period.

Let me discuss each memorandum briefly. In Memorandum 1 entitled "Implementation Assessment Design: HB 371," Professor Elmore develops a conceptual framework including the kinds of questions to be addressed in a full scale implementation assessment. Professor Elmore's design guided the background research and the interviews reported in the other four memoranda.

In Memorandum 2 entitled "An Analysis of Public Documents: The Pre-Legislative and Legislative Periods," Ms. Kennedy critiqued public documents to investigate what programs and procedures were in place and what ideas might have shaped legislative intent. The paper starts from the assumption that the reader is not familiar in detail either with previous legal history on juvenile justice or the Washington State juvenile justice system and provides useful summaries in some of those areas as well as detailed discussions of certain major documents leading up to the legislation itself.

In Memorandum 3 entitled "Planning for the Implementation of HB 371: A Summary Relating to Status Offenders, July 1, 1977-July 1, 1978," Ms. Carlson reviewed Department of Social and Health Services (DSHS) documents to see how that agency was preparing for the implementation of HB 371 during the planning year. In this paper Ms. Carlson was concerned both with what was actually done and the attitudes of DSHS staff toward the new legislation. To some extent, she supplemented the written documents with interviews of people directly concerned with the planning year.

Memorandum 4 entitled "Contracting Out for Crisis Intervention Services under HB 371" by Anne Carlson is an extended attempt to look at one important aspect of the implementation effort. In this paper Ms. Carlson is relying more on interviews focusing mainly on the planning year but also to some extent on the early startup period to try to get some perspective on how much DSHS used private, nonprofit agencies for crisis intervention services.

In Memorandum 5 entitled "Legislative Intent: A Summary of the Interview Data," Laura Kennedy drawing exclusively on interviews takes questions developed by Professor Elmore in his design memorandum and sees how much our interviews can be used to answer them. As she points out clearly in the memorandum, this is a highly speculative effort because the curtailment of the project prevented us from verifying much of the information. The paper has been prepared because it may provide some suggestive leads to those who would pursue a study of the HB 371 implementation.

The limits of the evidence base for the memoranda should be stressed. The main problem as already indicated is that the study had to be curtailed before the kinds of verification efforts the study team considered needed. There is an additional factor to be mentioned. All interviews were confidential. People's names are not used; nor can interview protocols be made available since this would violate commitments to confidentiality. So our findings, especially those based on interviews, need to be used carefully. This is why we have reported our findings in what are labeled memoranda. We do feel, despite all the limitations, that the memos provide useful insights generally for people with a continuing concern for juvenile justice issues. But their main function is to aid those who would do further research and analysis on HB 371, and not to serve as definitive documents.

I would close with the observation that I hope an extended effort will be made to assess the implementation of HB 371. But those who come to study the implementation of HB 371 should be warned that much perishable information, particularly concerning the early startup period where a number of views were undoubtedly formed, may have been lost forever. Let us be clear that any implementation assessment started now will have major problems because of beginning so late in the process. These memoranda may prove to be of help in that regard.

END